



Notice of meeting of

West & City Centre Area Planning Sub-Committee

To: Councillors Horton (Chair), Sue Galloway (Vice-Chair), Crisp, Steve Galloway, Galvin, Gillies, Reid, Sunderland and B Watson

Date: Thursday, 19 November 2009

Time: 3.00 pm

Venue: The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00am on Wednesday 19th November at St Georges Hotel, St Georges Place. No bus will be arranged for Members.

1. Declarations of Interest

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

2. Minutes (Pages 5 - 28)

To approve and sign the minutes of the meetings of the West & City Centre Area Planning Sub-Committee held on 17 September 2009 and 22 October 2009.

3. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the working day before the meeting, in this case **5pm on Wednesday 18 November 2009**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

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

4. Plans List

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

a) St Georges Hotel, 6 St Georges Place, York, YO24 1DR (09/01514/FUL) (Pages 29 - 44)

Demolition of existing garage and erection of single storey detached annex. Single storey detached store to rear. Extension of car parking area ***[Micklegate Ward] [Site Visit]***

b) Harewood Whin Landfill Site Tinker Lane Rufforth York YO23 3RR (09/00460/FUL) (Pages 45 - 54)

Retention of Existing Compost Pad Extension ***[Rural West York Ward]***

c) Harewood Whin Tinker Lane Rufforth York YO23 3RR (09/01589/FUL) (Pages 55 - 74)

Variation of conditions 9 and 10 of planning application 08/002426/FULM to allow the delivery of fuel to the Bioflame plant and to extend period of operation ***[Rural West York Ward]***

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

Democracy Officers:

Name: Catherine Clarke and Louise Cook (job share)

Contact Details:

- Telephone – (01904) 551031
- E-mail – catherine.clarke@york.gov.uk and louise.cook@york.gov.uk

(If contacting us by e-mail, please send to both democracy officers named above)

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.

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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.**

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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 Decision Session) 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;
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- Public libraries get copies of **all** public agenda/reports.

WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE

SITE VISITS

Wednesday 18 November 2009

There will be no bus for this visit

TIME (Approx)	SITE	ITEM
11.00	St George's Hotel, 6 St George's Place	4a

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City of York Council

Committee Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	17 SEPTEMBER 2009
PRESENT	COUNCILLORS HORTON (CHAIR), SUE GALLOWAY (VICE-CHAIR), CRISP, STEVE GALLOWAY, GALVIN, GILLIES, REID, SUNDERLAND AND B WATSON
IN ATTENDANCE	COUNCILLOR AYRE

18. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
Library, Museum Street	Councillors Crisp, Sue Galloway, Horton and B Watson.	In order to assist Members in determining the application.
Millthorpe School, Nunthorpe Avenue	Councillors Crisp, Sue Galloway, Horton and B Watson.	At the request of Councillor Merrett, to assess the impact of the application.
3 Acomb Road	Councillors Crisp, Sue Galloway, Horton and B Watson.	As objections had been received and the officer recommendation is to approve.
12 St Aubyn's Place	Councillors Crisp, Sue Galloway, Horton and B Watson.	As objections had been received and the officer recommendation is to approve.

19. DECLARATIONS OF INTEREST

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

Councillor Sunderland declared a personal and prejudicial interest in Plans item 4a (12 St Aubyn's Place) as she knew the objector very well. She left the room for this item and took no part in the debate or voting on this application.

20. MINUTES

RESOLVED: That the Minutes of the West and City Centre Area Planning Sub Committee meeting on 20 August 2009 be approved and signed by the Chair as a correct record.

21. PUBLIC PARTICIPATION

There were no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

22. PLANS LIST

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

22a 12 St Aubyn's Place York YO24 1EQ (09/01328/FUL)

Members considered a full application from Mr and Mrs Reuben Barratt for a single storey rear extension, with a covered patio area.

Sketches of the proposed extension were circulated to Members of the Committee.

Representations were received from a neighbour in objection to the application. Her son addressed the meeting on her behalf. He explained that his mother had lived at the property for 25 years but that it was currently rented out on a short term lease. He explained that the fence already created a tunnel effect and that the close proximity and height of the proposed extension would cause further loss of light and increase the existing tunnel effect.

Representations were also received from the applicant in support of the application. He advised Members that the house currently had an uneven split between available space on the ground and first floors due to integral garage and he would like to extend the property to provide a utility room and playroom to meet the needs of his growing family. He stated that the line of roof of the proposed extension would be in line with existing fence so only a small amount of the extension would be seen above the fence from the neighbouring property.

Members remarked that the proposed extension was an exciting and innovative design which, given the topography of land, would make good use of varying height levels of plot. They agreed that the use of glazing was practical in allowing light in. They acknowledged that there could be a small element of light reduction to the neighbour's plot but did not believe

this would have a particularly detrimental impact as the extension was only just above the line of the fence.

RESOLVED: That the application be approved subject to the conditions listed in the report.¹

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the residential amenity of neighbours or the impact upon the streetscene. As such the proposal complies with Policies H7 and GP1 of the City of York Local Plan Deposit Draft and City of York Supplementary Planning Guidance to Householders (Approved March 2001).

Action Required

1. To issue the decision notice and include on the weekly planning decision list within agreed timescales. SS

22b 35 Wentworth Road York YO24 1DG (09/01491/FUL)

Members considered a full application from Mr Tony Dennis for a single storey rear extension.

RESOLVED: That the application be approved subject to the conditions listed in the report.¹

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the appearance of the dwelling and residential amenity. As such the proposal complies with Policies GP1 and H7 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

Action Required

1. To issue the decision notice and include on the weekly planning decision list within agreed timescales. SS

22c Library, Museum Street - General Regulations (Reg3) (9/00841/GRG3)

Members considered a General Regulations (Reg3) application from Ms Fiona Williams, City of York Council, for part change of use to include a café.

RESOLVED: That the application be approved following a decision by the Secretary of State subject to the conditions listed in the report.¹

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the character and appearance of the Historic Core Conservation Area, impact upon the historic character and integrity of the Listed Building and impact upon the viability of other cafes and food outlets in the vicinity. As such the proposal complies with Policies HE3, HE4 and S6 of the City of York Development Control Local Plan.

Action Required

1. To issue the decision notice and include on the weekly SS
planning decision list within agreed timescales.

22d Library Museum Street York YO1 7DS (09/00842/LBC)

Members considered an application for Listed Building Consent (LBC) by Ms Fiona Williams, City of York Council for internal alterations and refurbishment.

Officers advised the Committee that they had been contacted by the Chairman of the Conservation Area Advisory Panel (CAAP) requesting that consideration of this application be deferred on the basis that the Panel were due to discuss the application at their meeting in October.

Officers advised that the Authority's Conservation Officer had requested two additional conditions, the first requiring samples of the construction materials to be used in the access ramp and staircase handrails to the ground floor foyer to be submitted and approved and the second, for a detailed photographic record of the library interior be submitted and approved before any work commences.

They also reported that the wording of Condition 3 had been amended slightly.

Members noted that the intention was for the redundant library shelving to be placed in storage and requested that the Authority investigate options for reusing the shelving within the Council as an alternative to putting it into storage.

RESOLVED: That the application be approved following a decision by the Secretary of State subject to the conditions listed in the report and the amended and additional conditions and informative listed below.¹

Amended Condition 3

Notwithstanding the application details hereby approved, full details including height, location, decoration and structural members of the glazed screen to separate the cafe area from the children's

library shall be submitted to and approved in writing by the Local Planning Authority before work on site commences. Work shall thenceforth be undertaken in strict accordance with the details hereby approved.

Reason: To secure the historic character and integrity of the Listed Building and to secure compliance with Policy HE4 of the York Development Control Local Plan

Additional Condition 9

Samples of the construction materials to be used in the access ramp and staircase handrails to the ground floor foyer shall be submitted to and approved in writing by the Local Planning Authority before work on site commences. Work shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason: To safeguard the historic character and integrity of the Listed Building and to secure compliance with Policy HE4 of the York Development Control Local Plan.

Additional Condition 10

A detailed photographic record of the library interior in accordance with a written specification to be submitted to and approved in writing by the Local Planning Authority shall be undertaken prior to work commencing on site. A copy of the resulting report shall thenceforth be submitted to the Local Planning Authority.

Reason: To safeguard the historic character and integrity of the Listed Building and to secure compliance with Policy HE4 of the York Development Control Local Plan.

Informative:

The shelving and bookcases which are surplus to requirements and are to be removed from the library, should, if at all possible, be reused by the Learning Culture & Children's Services Directorate either at the Museum Street library, another Council library or given to another Directorate to use if required.

REASON:

The proposal, subject to the conditions listed in the report and the amended and additional conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to details of the proposed suspended ceiling panels, removal of fixed timber shelving, provision of handrails to the entrance ramp and staircase accessing the first

floor, glazed entrance screen and exposure of original flooring. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan and Central Government advice on Listed Building Control outlined in PPG 15 "Planning and the Historic Environment".

Action Required

1. To issue the decision notice and include on the weekly planning decision list within agreed timescales. SS

**22e Millthorpe School Nunthorpe Avenue York YO23 1PF
(08/02056/GRG3)**

Members considered a General Regulations (Reg3) application from Millthorpe School for the erection of 2.9m high weld meshed material fencing to the tennis court (retrospective).

RESOLVED: That the application be approved subject to the condition listed in the report.¹

REASON: The revised proposal, subject to the condition listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to visual impact and the impact upon residential amenity . As such the proposal complies with Policy GP1 of the City of York Development Control Local Plan and PPS 1 'Delivering Sustainable Development'.

Action Required

1. To issue the decision notice and include on the weekly planning decision list within agreed timescales. SS

**22f Park Farm Foss Field Lane Acaster Malbis York YO23 2XA
(09/01353/FUL)**

Members considered a full application from Mr Richard Blacker for a first story pitched roof side extension.

Officers advised Members that the applicant had built a ground floor extension under permitted development rights after his original application for a two storey side extension had been refused and a subsequent appeal against the decision dismissed by the Planning Inspectorate.

Representations were received from the applicant in support of the application. He advised Members that his daughter and son-in-law were due to return to England after having lived abroad and would be living with them therefore they required an additional bathroom. He confirmed that it would not add to the footprint of the existing dwelling. He reminded Members that the dwelling was a farmhouse used to retain land in

agriculture and was well screened and a distance away from neighbours and roads.

Some Members were minded to approve the application as this was a working farm, which was helping to keep the countryside and green belt alive, and the development would not impact on neighbours but would ensure that he could continue as a dairy farmer.

However Members were also mindful that the site was within the green belt and they noted the Inspector's reasons for refusing the appeal, taking into account that these included the size of the footprint which had now been build as a single storey element under permitted development rights.

RESOLVED: That the application be refused. ¹

REASON: The application site is within the Green Belt. Supporting text to policy GB4 of the City of York Draft Local Plan (incorporating 4th set of changes) approved April 2005, states that extensions within the Green Belt should not cause undue visual intrusion and should be small in scale compared to the original dwelling. The proposed extension by virtue of its volume and height, in conjunction with existing additions, the footprint of the original dwelling having already been extended in excess of 50%, would be a disproportionate addition that would harm the openness of the Green Belt and would be contrary to City of York Council Supplementary Planning Guidance to Householders (dated March 2001); policies GB1 and GB4 of the City of York Draft Local Plan and Central Government Guidance contained in Planning Policy Guidance 2 "Green Belts"

Action Required

1. To issue the decision notice and include on the weekly SS
planning decision list within agreed timescales.

22g 3 Acomb Road York YO24 4EN (09/01382/FUL)

Members considered a full application from Mr M Altin for the variation of condition 1 of permission 05/01917/FUL to extend the opening hours of the cafe from 07:00 - 16:00 hours Monday to Saturday, to 07:00 - 23:00 Sunday to Thursday and 07:00 - 24:00 on Friday and Saturday.

Officers drew members attention to the Police Architectural Liaison Officer's comments which had been included in the report.

Representations were received from the agent in support of the application. He advised members that the intention was to bring the operating regime in line with other premises. He stated that he had noted the comments of the Police Architectural Liaison Officer and agreed with the suggestion of the Environmental Protection Unit (EPU) for a 24 month

trial period but requested clarification on this issue as planning officers had suggested a 12 month trial period.

Officers confirmed that the EPU has suggested a two year temporary permission in order that the impact on residential amenity could be monitored but that Members could change this if they wished and that generally a one year period would be suggested.

Councillor Galvin moved and Councillor Gillies seconded a motion to approve the application for a temporary period of 2 years. On being put to the vote, this motion was lost.

RESOLVED: That the application be approved for a temporary period of 1 year subject to the conditions listed in the report.¹

REASON: Temporary permission is granted for a trial period to assess the impact on amenity, the conditions listed above seek to prevent undue harm to interests of acknowledged importance, with particular reference to residential amenity and highway safety. As such the proposal complies with Policies S6 and GP1 of the City of York Development Control Local Plan.

Action Required

1. To issue the decision notice and include on the weekly planning decision list within agreed timescales. SS

22h 34 St Mary's York YO30 7DD (09/01535/FUL)

Members considered a full application by Mr Daniel Rose for the erection of a garage (resubmission)

Officers updated the Committee on further objections and responses that had been received since the agenda had been published. They advised that Highways Network Management had raised no objections to the application.

They also advised that 5 further objections had been received including St Mary's Conservation Group and the owner of no 35, making the following points:-

- Garage building intrusive due to alien orientation, scale and volume, Does not respect the context and established openness between the houses and the railway line.
- The character of an area derives not only from its building but their layout and space around. This scheme is over development and detrimental to character of the conservation area (in particular its linear layout of houses and openness) This has already been affected by allowing the applicant and neighbour to have larger garages (in footprint) The garages referred to behind the houses fronting Bootham (in the applicant's statement do not

form part of the St Mary's corridor , the form part of the cartilages of the houses on Bootham.

- The garage would be too large and dominate the plot. Its prominence would be noticeable in particular when trees are not in leaf.
- Development of this site has failed to take into account sustainability or ecology and has lead to a disappointing scheme.
- Harm to amenity and setting of no 35.
- The use of playroom is seen as dubious and there is concern the garage could become a separate dwelling. Could not the room be accommodated in the new house given its size.
- It should be enough that the occupants of this house have a garage, a facility that many residents in the street do not have the benefit of.

Objections from owner of no 35.

1. "Any increase to the height of the building already approved is not required for the original intention of domestic outbuildings. It is clear that the last application and this application are attempts to completely alter the intended use of the building.
2. The main house already projects further than the building line of our property affecting the outlook from our property's rear windows which are main living rooms for tenants.
3. The Inspector appointed to consider an appeal against a previous application to build flats on the site advised that any new building should be sympathetic to the site, which is in a conservation area, and the setting of the neighbouring listed building.
4. Any further increase to the size of this building is overdevelopment for the size and setting of this site.

In summary, the new building is a considerable increase in height compared to the original plan and the approved amendment, which was widely known at the time to be a precursor increasing the footprint prior to the following two applications to increase the height.

Even if vehicle access to the garage is possible, it is clear that the proposed building is far larger than required to shelter a car and provide a reasonable small amount of extra storage. Instead, the application is an attempt to provide a reasonable small amount of extra storage. Instead the application is an attempt to provide residential accommodation even further beyond the existing building line. Therefore I request that the application is rejected and that the council take particular care to ensure that the letter of explanation is full and comprehensive. "

Representations were received from the applicant and his architect in support of the application.

The Applicant explained that he had bought no 34 St Mary's eighteen months previously with planning permission already granted and they had put great care and effort into ensuring that the design and materials used would enhance the street scene. Planning permission had already been granted for a garage and this application was to raise the height of the garage by just over 1 metre in order to provide a playspace. He confirmed they were not creating a granny flat and would be happy to accept a condition to cover this.

The Architect addressed the Committee and acknowledged that this was a contentious application due to the importance of the conservation area and the neighbouring listed building. He referred to the photographs which had been circulated to Members which showed several views of the property. With reference to the final photo, taken at 3 in the afternoon, he stated that it was the building itself which casts a shadow over the back of no 35 and the garage extension would not worsen this. He voiced concerns that paragraphs 4.14 and 4.15 of the report contradicted each other.

Members sought clarification on the increase in height of the garage and officers provided the requested information.

Members discussed the photographs which showed the existing garages nearby and the car park and discussed whether the increase in the height of the garage would improve or destroy the outlook. Officers advised Members that the Conservation Officer's view was that although it would not spoil the view from the street, it would have a harmful impact on the view from and openness of the surrounding gardens.

Councillor Gillies moved and Councillor Galvin seconded a motion to approve the application. On being put to the vote, the motion was lost.

RESOLVED: That the application be refused. ¹

REASON: The proposed garage due to its location, size and height, and considering the building line of the host dwelling, would significantly detract from the openness of the rear gardens/space behind the buildings on the northwest side of St Mary's. This open vista forms part of the historic character of the area and makes a positive contribution to both the character and appearance of the conservation area and the setting of no.35 St Mary's, which is a grade II listed building.

The proposal is therefore contrary to national planning policy contained in PPG15 which requires development proposals to at least maintain the character and appearance of conservation areas, and advises that the quality of such areas is dependent not only upon the quality of buildings, but also includes other considerations including, the historic layout of property boundaries and thoroughfares, character and materials, scaling and detailing of contemporary buildings, and vistas along streets and between buildings. The proposal also conflicts with policies GP1, HE2, HE3, HE4 and H7 of the City of York Local Plan.

The proposed garage building would have a detrimental impact on the living conditions of no.35 as it would be overbearing and over dominant, due to its location, size and height. As such the proposal is

contrary to policies GP1 and H7 of the City of York Local Plan.

Action Required

1. To issue the decision notice and include on the weekly planning decision list within agreed timescales. SS

23. APPEALS REPORT

The Head of Development Control presented a report which informed Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 12-month and 3-month periods to 31st July 2009 and provided a summary of the salient points from appeals determined in the 3-month period.

He reported that since the end of July 2009 a further 7 appeals had been determined by the Planning Inspectorate. He advised Members that 6 of these had been dismissed and 1 part allowed.

He asked Members for suggestions on how the report could be improved. Members advised that it would be useful to include a breakdown of appeals performance to show which appeals were the result of officer decisions which were the result of Member decisions. They also requested information on where costs had been awarded.

- RESOLVED:
- (i) That the report be noted
 - (ii) That the format and content of the report be approved taking into account the above suggestions
 - (iii) That, in future, reports be received on a 6 monthly basis or 3 monthly if this is resolved by the Main Planning Committee.

REASON: So that Members can continue to be apprised of appeal decisions within the City of York Council area and be informed of the planning issues surrounding each case for future reference in determining planning applications.

Councillor D Horton, Chair
[The meeting started at 3.00 pm and finished at 4.35 pm].

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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	22 OCTOBER 2009
PRESENT	COUNCILLORS HORTON (CHAIR), SUE GALLOWAY (VICE-CHAIR), STEVE GALLOWAY, GALVIN, GILLIES, REID, MOORE (AS A SUBSTITUTE FOR CLLR SUNDERLAND) AND BOWGETT (AS A SUBSTITUTE FOR CLLR CRISP)
APOLOGIES	COUNCILLORS CRISP AND SUNDERLAND

24. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
10 Melander Close	Councillors Galvin, Gillies, Horton, Reid and Brian Watson.	As objections had been received and the officer recommendation is to approve.
The Artful Dodger, 47-51 Micklegate	Councillors Galvin, Gillies, Horton and Brian Watson.	In order to assist Members in determining the application
9-11 Low Ousegate	Councillors Galvin, Gillies, Horton and Brian Watson.	As objections had been received and the officer recommendation is to approve.
Mooring C, South Esplanade	Councillors Galvin, Gillies, Horton and Brian Watson.	As objections had been received and the officer recommendation is to approve

25. DECLARATIONS OF INTEREST

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

Councillors Galvin, Horton and Brian Watson declared a personal and prejudicial interest in agenda item 4c (Racecourse, Racecourse Road, Knavesmire) as they all receive complimentary season tickets for race meetings. They all left the room for this item and took no part in the debate or vote on this application.

Councillor Gillies declared a personal interest in agenda item 4c (Racecourse, Racecourse Road, Knavesmire) as he has received a complimentary season tickets for race meetings in the past but does not presently.

26. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That Members of the Press and Public be excluded from the meeting during consideration of Annex A to agenda item 5 on the grounds that it contains information that if disclosed to the public, would reveal that the Authority proposes to give, under any enactment or notice by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment. This information is classed as exempt under Paragraphs 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

27. PUBLIC PARTICIPATION

There were no registrations to speak under the Council's Public Participation Scheme.

28. PLANS LIST

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

28a Land To The North Of 10 Melander Close York (09/01349/FUL)

Members considered a full application from TAGA Homes Ltd for the erection of 2 two-storey detached dwellings with carports (resubmission)

Officers advised Members of a correction to the report and stated that seven neighbour objections had been received instead of the six as noted in the report.

They stated that a further objection had been received from Councillor Tracey Simpson-Laing, Ward Member for Acomb. Her grounds for objection were as follows:

- "The massing and proximity of the proposed houses in relation to adjacent bungalows resulting in a domineering development with a

loss of light and privacy to neighbours. Allowing a separation below 21m sets an unhealthy precedent.

- Damage to the hedge. The comments of the Tree Officer should take precedence, should the development go ahead the car port should be removed to allow 6m distance between any construction and the hedge with a consequent change to the wording of condition 6.
- Drainage – the application should not have been referred to sub-committee without drainage details”

A letter detailing her concerns in full had been circulated to all Members of the Committee in advance of the meeting, as she was unable to attend the meeting to speak herself.

Objections had also been received from a neighbour in Carnoustie Close on the following grounds.

- Past land use – land is contaminated – an independent survey and process for remedial action is required
- Drainage – soakaways have not been shown to be feasible, connection to the surface water sewer should be made if capacity exists.
- An as-built survey should be undertaken to verify finished road height.

In respect of drainage, Officers advised that surface water would drain to the surface water sewer instead of soakaways.

Officers advised that condition 2 should be amended to “Proposed site layout – Revised H Date stamped 19/10/2009” and that Condition 5 should be amended to add class E (garden buildings and structures) and refer to tree and hedgerow protection in the reason for the condition. Furthermore, an additional condition was advised to cover construction and demolition or refurbishment works and ancillary operations including deliveries to the site and despatch from the site.

Representations were received from a gentleman who spoke on behalf of his mother, a close neighbour and residents of Carnoustie Close and Lochrin Place. He drew Members attention to the following concerns

- the height level of the site in relation to surrounding properties
- the scale of the proposed development and overbearing effect on neighbours’ properties
- loss of amenity for residents

Representations were also received from the agent in support of the application. He raised the following issues.

- Liaison had taken place with planning officers to resolve previously identified issues and a sensible compromise had been reached
- The application site is a Brownfield site which takes precedence for development over Greenfield sites
- Site is of adequate size and density of development is suitable
- Trees do not overhang the site and the hedge will remain in position
- Car port is of light construction and will not impact on hedge or trees
- Careful consideration has been given to the design of houses

- There is no issue of overlooking

Representations were also heard from the Chairman of the Acomb Planning Panel in objection to the application. He advised Members that the Panel would like to see this piece of land developed but raised the following concerns about the proposed development:

- the proposed houses do not fit in with the character of existing neighbouring properties
- Houses would overlook bungalows in Carnoustie Place and gardens in Melander Close
- Loss of sunlight to neighbouring properties
- Possibility that carports may be converted into garages in future
- Query whether previous use of builders yard shed for pine stripping had been taken into consideration.

Members asked for further information on light issues and considered a copy of the light assessment which had been produced which indicated that shadow that would be cast was from existing trees not buildings.

RESOLVED: That the application be approved subject to the conditions listed in the report and the amended and additional conditions below. 1

Amended Condition 2

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

- (i) Proposed plans and elevations - T/17/03/ST09 Revision G received 26/08/2009
- (ii) Proposed site layout - T/17/02/ST09 Revision H received 19/10/2009

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.

Amended Condition 5

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C or E of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents and tree and hedgerow protection the Local Planning Authority considers that it should

exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

Additional Condition 21

All construction and demolition or refurbishment works and ancillary operations, including deliveries to the site and despatch from the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and Bank Holidays.

Reason: To safeguard the amenities of local residents

REASON: The proposal, subject to the conditions listed in the report and the amended and additional conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the locality, highway safety. As such, the proposal complies with policies GP1, GP10, GP15a, H3c, H4a, H5a, L1c and T4 of the City of York Local Plan Deposit Draft and the Council's Interim Planning Statement: Sustainable Design and Construction; national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development " and Planning Policy Statement 3 " Housing.

Action Required

1. To issue the decision notice and include on the weekly MM planning decision list within agreed timescales.

28b Artful Dodger 47-51 Micklegate York YO1 6LJ (09/01655/LBC)

Members considered an application for Listed Building Consent from Mr Mark Allinson for internal alterations including a new staircase, toilets and replacement windows.

Representations were received from an agent acting on behalf of the owner of 45 Micklegate in objection to the application. He advised that his client wished to raise the issue of works previously undertaken at the property and voice the opinion that the applicant should reinstate the original layout before any further work began. He advised that his client was in possession of floor plans and plans from the Land Registry detailing the original layout and, based on these documents, was of the view that he owned a small part of the application site. He asked that the applicant be challenged on the validity of the certificate, included with the original application form, which stated that he was the owner of the full site.

Members asked for clarification on the piece of land in question and the agent advised that it was a cupboard which had previously been a void. In response to a query from Members, officers confirmed that the application could be determined without needing to know the ownership of the land and that the purpose of the certificate was in order that any other landowners could be informed of any development and in this case the neighbour was fully aware of the application.

Representations were also received from the applicant in support of his application. He stated that the intention of the development was to bring into use a derelict part of the building. He advised that all period features would be restored including fireplaces and cornicing, that the staircase would use an existing opening and that all changes could be reversed in future if necessary.

In respect of work which had already been carried out in the property, the applicant advised that he had been visited when he had originally bought the property and had understood that a lot of work would not require consent but that the replacement windows would need planning permission. In response to queries from Members, the applicant provided further information regarding the staircase, false ceiling, windows and intended use of room.

Officers voiced their concerns that the applicant had removed much of the historic fabric and changed the historic floor plan of the existing building when alternatives had been available. The Conservation Officer advised that when dealing with a listed building it was important to consider restoration of the whole internal character of the building. Members discussed the issues which had been raised.

RESOLVED: That the application be refused. ¹

REASON: (i) The removal of the internal walls and doors from the first floor, the sealing of the existing ceiling within the rear first floor room and the insertion of a staircase between the ground floor bar area and the first floor, together with the proposed insertion of double glazed units within the existing first floor windows within the Micklegate street elevation harm the special character and visual appearance of the Listed Building contrary to the terms of Policy HE4 of the York Development Control Local Plan together with Central Government advice on Listed Building Control outlined in PPG15 Paragraphs 3.12 and 3.13 and Paragraph 3 to the associated Annex C "Guidance on Alterations to Listed Buildings".

(ii) The internal works proposed and previously undertaken to create a first floor conference/function room have not been adequately justified as being desirable or necessary in terms of their impact upon the special character and appearance of the Listed Building in accordance with the requirements of

Central Government advice on Listed Building Control outlined in PPG 15 "Planning and the Historic Environment" paragraph 3.4.

Action Required

1. To issue the decision notice and include on the weekly MM
planning decision list within agreed timescales.

**28c Racecourse Racecourse Road Knavesmire York YO23 1EJ
(09/01635/FUL)**

Members considered a full application from York Knavesmire LLP for alterations to the Melrose Stand including an extension to the screened area, the provision of a lift and external housing and a low level balcony.

Councillor Sue Galloway took the Chair for this item.

Officers reported that Micklegate Planning Panel had no objections to the application.

Members discussed the need for more cycle storage at the racecourse and noted that that this would enhance the stand for conference and functions and not just at race meetings.

RESOLVED: That the application be approved subject to the conditions listed in the report.¹

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the function and amenity of the Green Belt, visual amenity, and the effect on the character and appearance on Conservation Area No.10. As such the proposal complies with policies GP1, GB1, GB10, HE3 and SP2 of the City of York Draft Local Plan-Incorporating the Proposed 4th Set of Changes; and national planning guidance contained in Planning Policy Guidance Note No. 2 " Green Belts ".

Action Required

1. To issue the decision notice and include on the weekly MM
planning decision list within agreed timescales.

28d Mooring C South Esplanade York (09/01691/FUL)

Members considered a full application from Mr Brian Clarke for the siting of a replacement floating pontoon/jetty on the east bank of the River Ouse between Ouse bridge and Skeldergate Bridge, at South Esplanade.

Officers updated Members on further responses which had been received. They advised that the Environment Agency had raised no objections providing the new pontoon was of a similar scale to the previous moorings and would therefore not impede the flow within the river and that the applicant must ensure that the boat and pontoon are securely fixed to the bank side to ensure they do not become a hazard in times of flooding. Officers also noted that the Engineering Consultancy (Drainage) had raised no objections and that the Guildhall Planning Panel did not object but commented that that the sites needed clearing and tidying up and repairs needed to be carried out.

Officers reported that three further letters had have been received from residents of Friars Terrace and South Esplanade raising the following additional points:

- The claim in the Design and Access statement that the floating pontoon was of a similar size and appearance to the previous one is untrue. It is twice the width and longer. Gates and ramps are duplicated. It could be made less obtrusive by removing one of the entrances and its associated ramp and handrails and painting the steelwork black.
- The pontoon is attracting youths who sit on it in the early hours causing litter, noise and disturbance. It is also dangerous for people to sit there.

Members asked for clarification on the effect of flooding on the pontoons and officers advised that they rise with the flood water to a certain point then become submerged. Officers also advised that the increased length of the mooring was not apparent from the esplanade and Members noted that this increased length allowed 2 entrances and ramps for wheelchair access.

RESOLVED: That the application be approved subject to the conditions listed in the report.¹

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the Central Historic Core Conservation Area and residential amenity. As such the proposal complies with Policies GP1, HE2, HE3, L4 and V1 of the City of York Development Control Local Plan.

Action Required

1. To issue the decision notice and include on the weekly planning decision list within agreed timescales. MM

28e Old Orleans 9-11 Low Ousegate York YO1 9QX (09/01697/FUL)

Members considered an application from Tesco Stores Ltd for a replacement shopfront, air condensing unit and replacement air conditioning unit.

A copy of a letter from the Development and Planning Partnership (DPP) in support of the application had been circulated to Members at the start of the meeting.

In respect of further consultation responses, Officers reported that the Planning Panel supported the application. They also advised Members that the Environmental Protection Unit were satisfied that the air-conditioning units would, based on the information provided, not cause noise disturbance but asked that the hours of opening and times of deliveries be restricted to protect the amenity of surrounding residents.

Officers also advised that comments received from the occupant of 15 King's Staith made the following points.

- Plant location keeps it out of sight and it would not pose a noise nuisance.
- Can the boarded up window on King Street be re-installed?
- Would not want waste to be stored on King Street.
- Deliveries will block the highway. Also could lead to vehicles reversing out from King St. onto Nessgate/Clifford St. which would affect highway safety.
- Flats on King St. would suffer noise disturbance from deliveries.

Officers reported that they would expect waste to be kept inside the building, not outside, except when for collection and advised that Highway Network Management have agreed with Tesco that servicing would be from Low Ousegate side between 05:00 & 06:00.

RESOLVED: That the application be approved subject to the conditions listed in the report.¹

REASON: The proposal, subject to the conditions listed in the report, would, due to the design of the shopfront and materials proposed and the location and specification of the plant, not cause undue harm to interests of acknowledged importance, with particular reference to the special historic interest of the listed building, the character and appearance of the conservation area and amenity.

As such the proposal complies with Policies GP1, GP16, GP18, HE2, HE3, and HE4 of the City of York Development Control Local Plan.

Action Required

1. To issue the decision notice and include on the weekly planning decision list within agreed timescales. MM

28f Old Orleans 9-11 Low Ousegate York YO1 9QX (09/01700/LBC)

Members considered an application for Listed Building Consent from Tesco Stores Ltd for internal and external alterations to form a retail store, including an external condenser, replacement air conditioning units and an internal lift.

Officers provided an update to Members. They advised that paragraphs 4.4 and 4.7 which refer to the shopfront, internal partitions and a raised floor incorrectly state that these date from the C19 whereas in fact these are 20th Century additions.

They advised that Condition 4, as detailed in the report, asks for a full structural survey. They informed Members that the applicants have asked that information only be supplied/required regarding the works proposed in the application, i.e. the works to the façade, strengthening of floors and works to supporting beams. Officers advised that they were agreeable to this, however if further structural work was required, as is alluded to in the applicants structural surveys carried out to date, then it is likely these works would require a fresh application for listed building consent. They therefore advised that Condition 4 should be amended accordingly.

Officers also suggested a separate condition to cover repair works (items c and d of condition 4 as detailed in the report).

In respect of further consultation responses, Officers reported that the Planning Panel supported the application. They also advised Members that the Environmental Protection Unit were satisfied that the air-conditioning units would, based on the information provided, not cause noise disturbance but asked that the hours of opening and times of deliveries be restricted to protect the amenity of surrounding residents.

Officers also advised that comments received from occupant of 15 King's Staith made the following points.

- Plant location keeps it out of sight and it would not pose a noise nuisance.
- Can the boarded up window on King Street be re-installed?
- Would not want waste to be stored on King Street.
- Deliveries will block the highway. Also could lead to vehicles reversing out from King St. onto Nessgate/Clifford St. which would affect highway safety.
- Flats on King St. would suffer noise disturbance from deliveries.#

Officers reported that they would expect waste to be kept inside the building, not outside, except when for collection and advised that Highway Network Management have agreed with Tesco that servicing would be from Low Ousegate side between 05:00 & 06:00.

RESOLVED: That the application be approved subject to the conditions listed in the report and the amended and additional conditions listed below. ¹

Amended Condition 4

Prior to any such development commencing a methodology (including justification for the proposed approach) and schedule of works of the following works shall be submitted to and approved in writing by the Local Planning Authority:

- a) Strengthening and tying in works to Low Ousegate facade.
- b) Strengthening works to floors.
- c) Works to supporting beams.

Reason: To protect the special historic interest of the listed building.

New Condition 5

Prior to such development commencing the repair works listed below shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

- a) Schedule of window repairs; no windows shall be replaced except where agreed.
- b) Specification and extent of works for repairs to lime plaster, including replacement of laths, to be agreed in writing prior to commencement.

Reason: To protect the special historic interest of the listed building.

Additional Condition 6

No internal timbers shall be replaced unless justification and proposals are supplied to and agreed in writing by the Local Planning Authority prior to works commencing.

Reason: To protect the special historic interest of the listed building.

REASON: The proposal, due to the design and materials of the proposed shopfront, location of the plant and nature of the internal works, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the special historic interest of the listed building. As such the proposal complies

with Policy HE4 of the City of York
Development Control Local Plan.

Action Required

1. To issue the decision notice and include on the weekly MM
planning decision list within agreed timescales.

29. ENFORCEMENT CASES UPDATE

Members considered a report which provided them with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

RESOLVED: That the report be noted.

REASON: To update Members on the number of outstanding enforcement cases within the Sub-Committee area.

Councillor D Horton, Chair

[The meeting started at 3.00 pm and finished at 5.25 pm].

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Micklegate
Date: 19 November 2009 **Parish:** Micklegate Planning Panel

Reference: 09/01514/FUL
Application at: St Georges Hotel 6 St Georges Place York YO24 1DR
For: Demolition of existing garage and erection of single storey detached annex. Single storey detached store to rear. Extension of car parking area
By: Mrs C Livingstone
Application Type: Full Application
Target Date: 7 October 2009

1.0 PROPOSAL

1.1 This application seeks planning permission for development at the rear of St Georges Hotel, 6 St George's Place that includes a single storey residential annex, a new store, an extended hotel car parking area, and the demolition of an existing garage.

CONTEXT

1.2 The property is situated within the Tadcaster Road Conservation Area. This conservation area is a linear conservation area following the old York to London Road past the Knavesmire as far as Dringhouses. The area broadens in several places, one of which is St George's Place which is a late Victorian/Edwardian suburban extension to the city. The road is a cul-de-sac of substantial detached and semi-detached houses to a variety of designs and sharing a similar building line close to the road. The building plots to the north of the street are over 50 metres long and the rear gardens have now matured. No. 6 St George's Place is in use as a small hotel although the majority of properties in the street are still in use as dwellings. The rear garden contains a mature silver birch tree, a not fully developed ash tree, and a mature plum tree in the middle of the rear garden.

PROPOSAL

1.3 The proposals seek to introduce a small dwelling into the rear of the plot which is surrounded on two sides by high brick walls. It is intended that the single storey detached annex would be used as accommodation for either the hotel owner/ staff or as lettable accommodation associated with the existing hotel business when not occupied by the owner or staff members. The proposed dwellinghouse would be single storey, single aspect, occupying the width of the garden whilst avoiding damage to existing mature trees in the middle of the garden. The new residential building would have a sedum roof, the elevations would be faced in timber cladding, it would be 2.9 m high to flat roof level, would incorporate two flat roof velux skylights and two flat roof sunpipes that project above roof level, and its windows and doors would be constructed in grey uPVC.

1.4 A new brick built store/workshop would be introduced close to the east boundary, to replace an uncharacteristic monopitched roofed garage/ shed, which would be demolished to improve vehicular circulation at the rear of the site for the hotel use. Access to the rear of the property is restricted by the proximity of the existing garage to a fire escape on the rear elevation. Initial plans proposed that the hardstanding area would be increased in size across the site, and would accommodate a further four cars on a new permeable surface in addition to the existing four spaces on the rear forecourt immediately adjacent to the hotel. Revised plans reduce the parking provision to 5 spaces laid out on the existing tarmac area. The proposed replacement store would be pulled further from the eastern boundary into the garden area. It would be constructed in brick with a duo-pitched roof of clay pantiles and would store furniture for the hotel and garden equipment.

1.5 A further statement has been received from the owner of the business that has operated the family- run hotel from the site for 19 years that raises the following points in support of the application. The annex accommodation is required as the present business is run with her son and daughter-in-law, and another son is wishing to join the business. The annex would allow him to live on site to provide 24 hour cover. The applicant also considers that the proposal would allow a small business to develop during tough economic times benefiting the economy of York. It would of limited size as a single storey structure, well designed with "soft " and green sedum roof, would be less intrusive than some neighbouring outbuildings, and would not be unsightly or harmful to the character of the area. It would offer more privacy and security and be a barrier to noise for the property that abuts the rear boundary.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Tadcaster Road 0034

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

2.2 Policies:

CYHE2

Development in historic locations

CYGP15

Protection from flooding

CYGP1

Design

CYH4A

Housing Windfalls

CYH5A

Residential Density

CYGP4

Environmental sustainability

CYNE1

Trees, woodlands, hedgerows

3.0 CONSULTATIONS

INTERNAL

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT-

3.1 The Natural Environment Section (Landscape Officer) - considers that the provision of services for the development could probably be accommodated (with a minor amendment without damage to the trees, the silver birch is worthy of a Tree Preservation Order, and two other significant trees could be retained without harming the development. Concerned about the loss of garden space for more parking but revised plans delete parking on the garden area and re-site the store to reduce the impact on the green side boundary. Services have been realigned to avoid tree roots and previous objections are removed subject to conditions that require landscaping to compensate for the loss of some small trees and protect the existing trees during development.

3.2 The Conservation Architect - The original proposals would result in a significant decrease in garden area and loss of a mature green boundary; would be uncharacteristic of the conservation area. Other conversions of outbuildings appear to be contemporary with their main building and this would create an unwelcome precedent. Concerned about the proximity of the annex on nearby trees and neighbours.

HIGHWAY NETWORK MANAGEMENT-

3.3 No objections subject to a condition that requires vehicular surface areas to be appropriately drained

DRAINAGE-

3.4 Objected to the initial development as insufficient information was provided by the developer to determine the potential impact existing drainage systems. The Drainage Section has no objections to the revised proposals subject to conditions.

EXTERNAL

MICKLEGATE PLANNING PANEL-

3.5 No objections but comment on the proximity of the development and resulting increase in height of development near to the party wall as it would affect abutting neighbours.

PUBLICITY-

3.6 The application was publicised by site notice, press notice and letters of neighbour notification. Seven representations have been received that raise the following objections-

- opposed to the precedent of building and infilling in rear gardens of large imposing house as would erode, ruin residential character of area and would be overdevelopment. Existing size of garden is appropriate to dwelling size and there would be inadequate private amenity space for the two properties
- unnecessary development of annex; does not meet a housing need
- adverse impact on adjacent properties; neighbours kitchen garden by mass of residential unit, store would affect boundary shrubs
- unsympathetic design of residential unit; low, wide rectangular facade would be stark, functional, and unsympathetic to architecture of existing buildings; cedar cladding and flat roof out of place in the area; impact of the roof structures on the neighbours at the rear of the site; opposed to use of upvc materials for aesthetic and environmental reasons.
- proposed residential unit would not enhance the conservation area; result in the loss of green space and trees, and green spaces between houses; unwelcome precedent in the area; character of the area would be eroded.
- would result in intensification of commercial use of the building at the detriment to the residential character of the building and the area
- dangerous precedent, no recent similar new build developments; largely use existing ancillary buildings / conversions
- contrary to advice from English Heritage in " Buildings at Risk "
- no objections to the proposed store or proposed parking areas
- proposed siting would be too close to objector's property; deface current outlook, devalue property
- disturbance from construction work

4.0 APPRAISAL

4.1 Key issues

- Principle of the proposed use
- Visual impact- design, conservation area and natural environment
- Residential amenity
- Sustainability
- Car parking, Highway Safety
- Flood risk

NATIONAL PLANNING GUIDANCE-

4.2 PLANNING POLICY STATEMENT 3; HOUSING states that the planning system should deliver high quality housing that is well designed and built to a high standard. Development should be distinctive, maintain character and make efficient and effective use of land. Paragraph 36 advises that Government's policy is to ensure that housing is developed in suitable locations by making effective use of land. The priority sites to develop are given as previously developed land, in particular vacant and derelict sites and buildings.

4.3 PLANNING POLICY GUIDANCE NOTE NO.15 " Planning and the Historic Environment " seeks to ensure that the special characteristics of listed buildings and conservation areas are not adversely affected by inappropriate advertisements.

4.4 PLANNING POLICY STATEMENT 1: 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.

LOCAL PLAN POLICIES

4.5 POLICY GP1 of the Draft Local Plan seeks to achieve a standard of design that will secure an attractive environment and safeguard or enhance the environment. In particular, development proposals will be expected to be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, using building materials appropriate to the character of the area.

4.6 Within any designated conservation area, the City Council, when determining planning applications, is under a statutory duty to consider the desirability of preserving or enhancing the character or appearance of the area. This duty is reflected in POLICY HE2 of the Development Control Local Plan, which 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. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks, and other townscape elements which contribute to the character and appearance of the area. The written statement that accompanies Policy HE2 states that design of new development should avoid superficial, confused or pale reflections of the existing built environment and that high quality contemporary designs which respect the historic context will be encouraged.

4.7 POLICYH4a of the local plan relates to new housing development. It states that proposals for land not already allocated on the proposals map will be granted permission where: the site is within the urban area and is vacant, underused or it involves infilling, redevelopment or conversion of existing buildings; the site has good accessibility to jobs, shops and services; and it is of an appropriate scale and density to surrounding development and it would not have a detrimental impact on existing landscape features.

4.8 POLICY H5a of the Local Plan advises that the scale and design of proposed residential developments should be compatible with the character of the surrounding area and must not harm local amenity

4.9 POLICY GP4a requires all new developments to have regard to the principles of sustainable development.

4.10 POLICY GP15a seeks to achieve flood protection.

4.11 POLICY NE1 seeks to ensure that development proposals would not result in the loss of trees or areas that are of landscape, amenity, nature conservation or historical value.

ASSESSMENT

PRINCIPLE OF THE PROPOSED USES

4.4 The proposed development at the rear of the property would affect an existing car park at the rear of the hotel, result in the loss of a garage, and introduce new uses in the form of a store and an ancillary residential unit.

Garage/ Store-

4.5 The proposed demolition of the existing garage would improve vehicular access to the rear garden and the improved access without affecting the existing uses in the rear garden or neighbouring uses. Similarly, the proposed store would be an acceptable land use in a garden context. It was intended that the new car parking area and store would be sited on the grassed area but this proposal was dropped following concern about the detrimental impact of the loss of garden space on the setting of the property and the green character of the conservation area. The revised car parking layout and new store is now sited within the existing tarmac forecourt without extending onto the lawned area and would be acceptable.

Residential annex-

4.6 The main change in the rear garden would result from the additional of the proposed ancillary residential unit at the rear of the building. Many representations from the occupiers of neighbouring properties raise concern about the introduction of an additional residential use at the rear of the property. The properties in this part of St George's Place are large, detached residential properties in substantial gardens, and many have smaller outbuildings in their rear gardens close to side boundaries, in a variety of building forms. These outbuildings are generally used as ancillary domestic outbuildings but an additional dwelling has been created at the rear of No.10 St George's Place in a conversion of a former coach house/outbuilding contemporary with the main building. It is also noted that part of the rear garden at No. 21 St Georges Place has been developed as a new dwelling. This application would differ as it would introduce a new residential use in a new structure within a rear garden that would be ancillary to the commercial use of the main dwelling. Whilst the scale and facilities of the proposed building take the form of a separate two bedroom dwelling that would be capable of independent occupation from the main dwelling to the rear of this plot, the applicant would expect the Local Planning Authority to impose a condition

on any permission that would tie its ancillary use to the main property. The applicant has justified for the ancillary unit on commercial operational grounds that would appear to demonstrate the need for the development.

4.7 In principle , there would be no adverse implications of a subsidiary rear annex building on the established land uses in the area. Although the annex would be ancillary, Policy H4a of the Local Plan would offer further support for new housing development on a site within the urban area that involves infilling provided it is of an appropriate scale and density to surrounding development and it would not have a detrimental impact on existing landscape features.

4.8 Despite the concern from neighbours, there would be no precedent for further commercial ancillary accommodation in rear gardens as there are no other similar commercial uses nearby.

VISUAL IMPACT/ IMPACT ON THE CONSERVATION AREA/ NATURAL ENVIRONMENT

Initial scheme-

4.9 It was considered that the initial proposals would have had a significant adverse impact on the rear yard and garden area used by both the resident family and residents of the hotel. They were designed to avoid the significant trees on the site, and the combination of the proposed annex, the car-parking, and the large shed reduced the garden area to less than a third of the overall site area. This would have been significantly lower than the gardens of other similar buildings sharing this side of the street (including the neighbours at either side) and would have affected the attractive mature green east boundary. It was therefore concluded that the local planning authority could not support the form and the level of the initial development proposals that were so uncharacteristic and damaging to the amenity of this part of the conservation area.

Revised scheme-

4.10 In the revised scheme, the car parking/ store proposals do not extend beyond the existing tarmac forecourt area on to the grassed area. This part of the proposal would not be readily visible from public views as it is sited immediately behind the main building and is well screened by mature vegetation at the rear of the property. The agent has re-sited the store further from the eastern boundary to avoid affecting mature boundary treatment. The design, scale, massing, materials and revised location of the new store would be acceptable and would not harm any site characteristics that would detract from the amenity and character of the conservation area in accordance with Policy HE2 of the Local Plan.

4.11 The proposed ancillary accommodation would be sited along the high brick wall of the rear boundary approximately 32 m from the rear elevation of the building and would not adversely affect the setting of the main dwelling. The structure would have a site footprint of approximately 97 squ.m in an overall site area of 858 squ. m (existing house footprint is 151 squ.m) and would not overdevelop the site or conflict with density policy H5 of the local plan. It is intended that the central grassed area would be shared and the proposed unit would add to the residential character on the site without

harming the character of the main building. The proposed unit would barely be visible from the street or from neighbouring property as it would be sited at the rear of the garden and screened by the mature boundary treatment on the site and high boundary walls. The agent has indicated that existing gates to the drive that restrict views into the site when closed would be retained. In the wider character of the conservation area, a reasonable level of garden area would be retained that would maintain the green character of the site; revised plans ensure that the mature boundary treatment and the significant trees on the site would be unaffected by the proposals; and the sedum roof of the structure would soften its visual impact.

Tree Impact-

4.12 The revised proposals overcome the concerns of the Council's landscape officer. The deletion of the proposed parking area and revised shed location would ensure that the existing garden area would be retained and the services have been realigned to avoid existing tree roots. The existing Birch and Cherry Plum (annotated as Copper beech on the submitted plans) are compatible with the use of the development. It is considered that the planting in the garden should be improved to compliment the development and to compensate for the loss of some small trees (Holly, Apple, and conifer) and general shrubbery that would result from the new building. Conditions could be imposed on any permission to require additional landscaping and protect existing tree roots on the site.

4.13 The proposed ancillary building would be visually subservient to the main dwelling and the structure has been kept to a low level design, single aspect, with external materials that support its contemporary design within a green setting. Concerns have been raised about its appearance being stark, functional, unsympathetic with no visual merit. There are no objections to the architectural merits of the modern design of the structure, its features or its materials. It aims to respect the site features and local environment in a different way that may appear incongruous. However, as the site is very secluded and there is a variety of styles of outbuildings in the locality, it is considered, on balance, that the proposed structure would not detrimentally harm the character and amenity of the conservation area such that it would be contrary to Policy HE2 of the Local Plan and planning permission to be refused.

IMPACT ON NEIGHBOURING PROPERTY

Moorgarth Avenue-

4.14 The proposed annex would result in a building along the rear boundary with two properties on Moorgarth Avenue (Nos. 3 and 5). The occupiers of both properties have expressed concern about the proximity of the residential annex and any resulting impact of outlook, loss of privacy and security, and the impact of noise. The roof of the annex would be approximately 3 metres high and would extend 0.5m above the rear boundary wall. This increase in mass along the boundary would be located to the south of the dwellings on Moorgarth Avenue and would have some impact on their shorter gardens and the outlook and living condition of the occupiers. This small increase in walling would not result in a mass that would greatly overshadow the neighbouring gardens. On balance it is considered that the increase in height along

the rear boundary would not be unduly dominant or cause excessive overshadowing contrary to Policy GP1 of the Local Plan.

4.15 It is reasonable to assume that the annex could result in noise disturbance at the rear boundary of the site that could potentially affect the occupiers of the abutting properties at No. 3 and 5 Moorgarth whose dwellings would be approximately 10 metres from the proposed annex. The annex would have its own rear elevation in addition to the existing boundary wall and all openings in the building would be to the garden with the exception of the high level sunpipes and the rooflights. It is unlikely that there would be an excessive level of noise breakout from the annex that would be harmful to the enjoyment of the immediate gardens or any living conditions of the neighbours.

St. George's Place-

4.16 The scheme has been designed to ensure that the properties on St George's Place would not be harmfully affected by overlooking, overshadowing, or loss of privacy. The design of the annex includes sun pipes and rooflights but surrounding properties would not experience overlooking or loss of privacy. The garden of No. 8 would not be materially overshadowed by the low level mass of the store and annex buildings.

SUSTAINABILITY

4.17 The agent has included a sustainability statement which indicates that the applicants are keen to incorporate energy efficient measures and the proposed annex would have a sedum roof so as to add to the bio-diversity of the site. A condition could be applied to any permission that would require this element of the proposal to meet the Code for Sustainable Homes level 3 and require that the annex provides 5% on site renewables in accordance with the Interim Planning Statement. This would comply with the requirements of GP4a of the Local Plan and the Interim Planning Statement (IPS) on Sustainable Design and Construction.

CAR PARKING/ HIGHWAY SAFETY

4.18 Highway Network Management has no objections to the revised car park layout or annex development. The suggested maximum car parking for the 10 bedroom hotel use in the city would require 4.5 spaces based on 2 resident staff. The provision of 5 off- site car parking spaces would not be an over-provision.

FLOOD RISK

4.19 The application site is located in low risk Flood Zone 1 and should not suffer from river flooding. Policy GP15a of the Local Plan requires that the proposal demonstrates any flood risk will be appropriately managed with the minimum environmental effect and ensure that the site can be developed, serviced and occupied safely. The use of sustainable drainage to reduce surface water run-off is encouraged and discharges from the development should not exceed the capacity of existing/proposed receiving sewers.

4.20 The applicant has now provided sufficient information that allows the local planning authority to determine the potential impact of the proposal on the existing drainage systems. Further investigations are required to ascertain what method will be used and the Council's Drainage and Structures Section considers that either method of dealing with surface water run-off would be acceptable and recommend an appropriate condition for planning permission if granted.

5.0 CONCLUSION

5.1 On balance it is considered that the proposals at the rear of No. 6 St. George's Place would accord with local and national planning policy and would not materially harm the character and amenity of the conservation area, the local environment, the reasonable living conditions of the neighbours, drainage and highway safety. An acceptable sustainable development could be achieved subject to appropriate conditions. On balance it is recommended that planning permission is granted subject to conditions ensuring the satisfactory implementation of the scheme.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing No. 105B, Received 5 October 2009

Drawing No. 106, Received 11 August 2009

Drawing No. 107, Received 11 August 2009

Drawing No. 108, Received 11 August 2009

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.

3 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A,B,C,D and E of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of appearance and character of the conservation area and given the shared hotel and residential use of outside garden area, the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2008

4 No development shall take place until there has been submitted and approved

in writing by the Local Planning Authority a detailed landscape scheme which shall include the species, stock size, and position of trees, shrubs and other plants. This scheme shall include three new trees in the rear garden. It 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, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing. Any works to existing trees that are protected by a tree preservation order (TPO) or are in a conservation area are subject to the normal procedures of local authority approval and notification respectively, within and beyond this five year period.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site, in the interests of perpetuating suitable tree cover which is integral to the amenity of the development and conservation area.

5 Before the commencement of development, including site clearance, the importing of materials, and/or any excavations, a method statement regarding protection measures for the existing trees in the rear garden shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include the following: details and locations of protective fencing to BS 5837 to be shown on a plan to create exclusion zones; phasing of works; site access during clearance/preparation/construction; type of machinery/vehicles to be used (including excavators, delivery and collection lorries, and arrangements for loading/off-loading); parking arrangements for site vehicles and storage of materials.

The fenced off exclusion zones shall be respected at all times during operations associated with the development. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles, mixing of cement, disposing of washings, fuel storage, new service runs, et al.

Reason: To ensure protection of existing trees before, during and after development which are within a conservation area and/or make a significant contribution to the amenity of the area and/or development.

6 The proposed additional accommodation shall only be occupied and used in conjunction with the hotel use of 6 St. George's Place, and shall not be used as an independent residential unit.

Reason: The Local Planning Authority considers the proposed annex has not been designed with separate amenities, access and facilities and the result of which may be unsuitable as a self contained dwelling, may have an adverse impact on the occupants of both the main dwelling and the additional accommodation, or may have a significant adverse impact on the character and amenity of the conservation area.

7 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Details to include the following information to determine the potential impact the

proposals may have on the existing drainage systems.

a) Existing and proposed surfacing should be specified.

b) Details to include calculations (catchment areas) and invert levels of the existing surface water system should be provided together with details to include calculations and invert levels of the proposals for the new development. This will enable the impact of the proposals on the downstream watercourse to be assessed.

c) The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum, to ensure that there will not be any detriment to the drainage of existing properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

d) Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

e) The proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, carried out in winter - to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself.

f) If the above soakaway proves to be unsuitable then in accordance with PPS25 and in agreement with the Environment Agency / IDB, peak run-off from brown-field sites must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site to comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk) and local plan policy GP15.

8 HWAY9 Vehicle areas surfaced

9 VISQ8 Samples of exterior materials to be app

10 The development hereby approved shall be constructed to at least Level 3*** of the Code for Sustainable Homes (CSH) standard. A formal Post Construction stage assessment, by a licensed CSH assessor, is to be carried out and a formal Post Construction stage certificate shall be submitted to the LPA prior to occupation of the building. Should the development fail to achieve level 3*** of the Code a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve level 3 of the code. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning'

Reason: In the interests of achieving a sustainable development in accordance with

the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction'

11 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority, to demonstrate how the development will provide from on-site renewable energy sources, 5% of the developments predicted energy requirements. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development and a written letter from the installer of the technology, post build, verifying the installation has been installed should also be submitted to the Local Planning Authority. The site thereafter must be maintained to the required level of generation'.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction'

12 No walls or fences shall be erected to sub-divide the rear garden.

Reason: In order to protect the open character of the garden that contributes to the general character and amenity of this part of the Tadcaster Road conservation 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:

- Principle of the proposed uses
- Visual impact- design, conservation area and natural environment
- Residential amenity
- Sustainability
- Car parking, Highway Safety
- Flood risk

As such, the proposal complies with Policies GP1, GP4a, GP15, HE2, NE1, H4a, H5a, of the City of York Development Control Local Plan; and national planning advice contained within Planning Policy Statement 1 "Delivering Sustainable Development;" Planning Policy Statement 3 "Housing;" and Planning Policy Guidance Note No.15 " Planning and the Historic Environment. "

Contact details:

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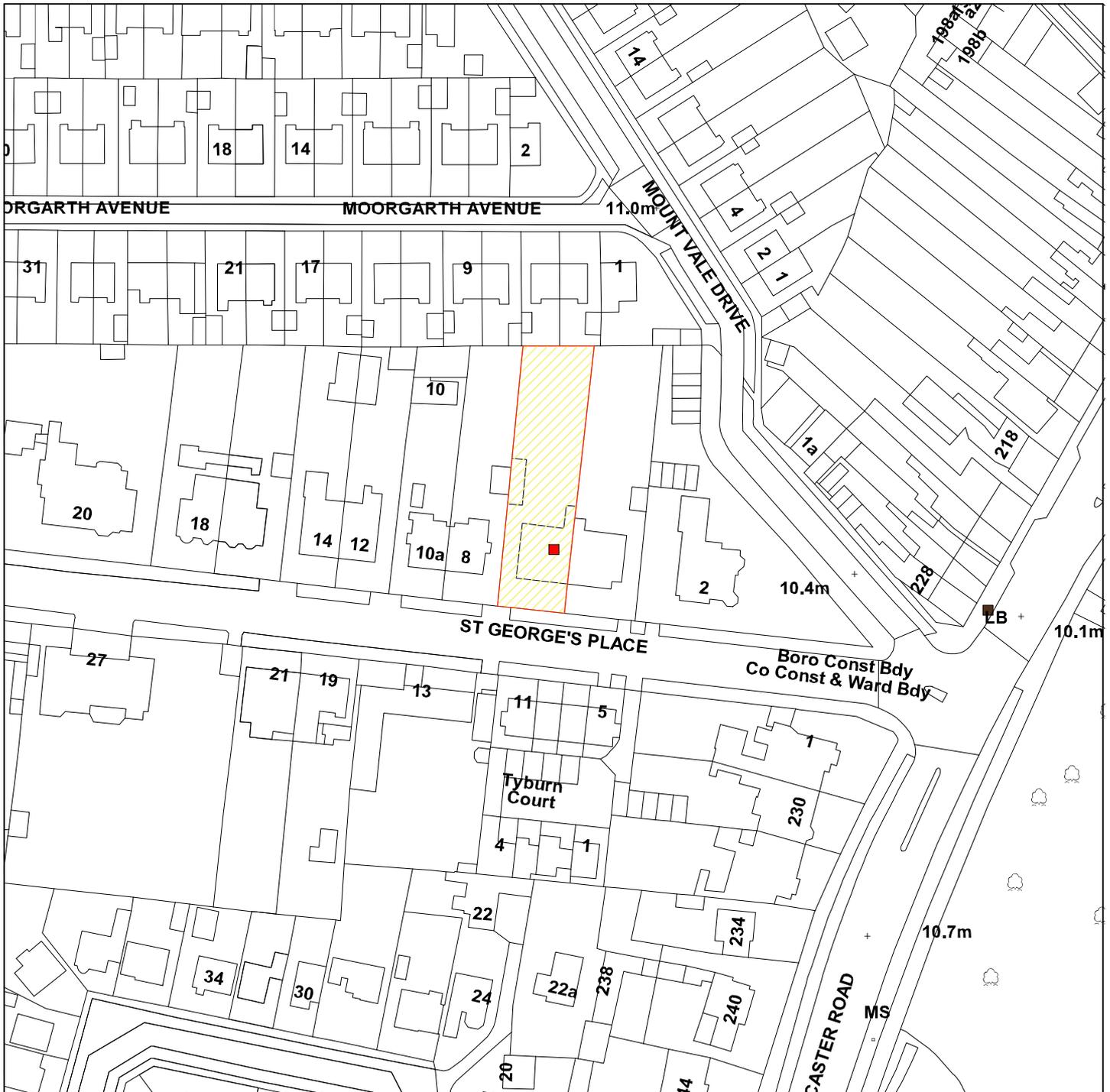
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St Georges Hotel, 6 St Georges Place

09/01514/FUL



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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application Site
Date	05 November 2009
SLA Number	Not set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Rural West York
Date: 19 November 2009 **Parish:** Parish Of Rufforth With Knapton

Reference: 09/00460/FUL
Application at: Harewood Whin Landfill Site Tinker Lane Rufforth York YO23 3RR
For: Retention of Existing Compost Pad Extension.
By: Yorwaste Ltd (Mr Mark Hall)
Application Type: Full Application
Target Date: 12 May 2009

1.0 PROPOSAL

1.1 Harewood Whin comprises a substantial waste disposal by landfill operation located in an area of open countryside within the designated York Green Belt to the west of the City Centre. The site, which also encompasses a range of recycling and green waste composting activities, operates under a series of permissions dating back from the mid 1980s, the current principal permission being given in 2003. A proposal was submitted in late 2007 to construct a composting area comprising three concrete pads at the southern edge of the complex but a decision has not been issued on this proposal due to an outstanding unresolved objection from the Environment Agency in relation to bio-aerosols. The current proposal envisages the retention of an extension to the existing concrete composting pad to the north of the recycling building at the north western edge of the site to handle the current throughput of green waste material suitable for composting whilst the issues surrounding bio-aerosols in relation to the application site at the southern edge of the complex are resolved.

1.2 The application was previously deferred from consideration at the 16th July Committee for consideration of the need to undertake a formal Environmental Impact Assessment under Schedule 2 of the 1999 Town and Country Planning (Environmental Assessment) Regulations and to further consider concerns received in respect of the total volume of green waste passed through the site. Further clarification in respect of both matters was subsequently sought and incorporated into the recommendation.

2.0 POLICY CONTEXT**2.1 Development Plan Allocation**

Air safeguarding : Air Field safeguarding 0175

Contaminated Land :

City Boundary : York City Boundary 0001

DC Area Teams : West Area 000

2.2 Policies:

CYGB1

Development within the Green Belt

CYMW5

Landfill/landraising - considered on merits

3.0 CONSULTATIONS

INTERNAL:

3.1 Highway Network Management raise no objection to the proposal;

3.2 Structures and Drainage Consultancy raise concerns in respect of the lack of information relating to drainage of the application site submitted with the application;

3.3 Environmental Protection Unit express some concern with respect to the proposal on the grounds of the impact of odours and bio aerosols generated by the composting activity. They suggest that in view of the level of complaint being received in relation to composting activity at the site that a change be seriously considered to the method of working at the site to one incorporating forced aeration in line with the recommendations of the DEFRA Good Practice and Regulatory Guidance on Composting and Odour Control for Local Authorities(2009).This is justified on the basis of the need to follow the "precautionary principle" as outlined in PPS 23 "Planning and Pollution Control". Conditions attached to any approval should be used to ensure that the applicant uses an intensive method of odour abatement with suitable management controls.

EXTERNAL:

3.4 Marston Moor Internal Drainage Board were consulted with regard to the proposal on 25th March 2009. No response has been forthcoming.

3.5 Rufforth with Knapton Parish Council object to the proposal on the grounds that the work has been undertaken in advance of planning permission being granted ; the environmental safeguards put forward for the composting proposal at the southern edge of the site would not be put into place noise, smell and bioaerosol nuisance for nearby residents would significantly increase and the proposal would facilitate a substantial increase in industrial activity on what is a Green Belt location. They furthermore request that an appropriate Screening exercise be undertaken to determine the need or otherwise for a formal Environmental Impact Assessment in relation to the proposal and they draw attention to perceived discrepancies in the quoted figures for volumes of green waste processed through the site. Concern is also expressed in relation to the proximity principle and the reception of green waste material from outside of the immediate area.

3.6 One letter of objection has been received on the grounds that work has been undertaken in advance of planning permission being given.

4.0 APPRAISAL

4.1 KEY CONSIDERATIONS INCLUDE:

Impact of the proposal on the open character and purposes of designation of the York Green Belt;

Impact of the proposal upon the amenity of neighbouring properties by virtue of noise and traffic generation and the generation of bio aerosols;

Proximity Principle;

Impact of the proposal on the surrounding pattern of surface water drainage;

Retrospective nature of the application;

Need for Formal Environmental Impact Assessment;

Volumes of Green Waste Processed.

GREEN BELT POLICY:

4.2 Policy GB1 of the York Development Control Local Plan sets a firm policy presumption in favour of development which would not by virtue of its scale, location or design conflict with the open character or purposes of designation of the York Green Belt and is for an appropriate Green Belt use including limited infilling or re-development of existing major developed sites and other essential engineering works including waste disposal. The current proposal seeks to regularise the expansion of the existing hard-surfaced compost pad by some 3455 sq metres. The composting operation lies within the restored section of the site towards its north western edge north of the existing re-cycling building. The existing compost pad has been expanded to the west and south on a level section of the site. It is sheltered in long and short distance views from outside of the site by the existing green waste stock pile and preparation area and the surrounding topography of the restored tip area.

4.3 The proposal involves the modest expansion of the existing composting operation to more effectively handle the existing through-put of green waste through the site. Some 59,536 tonnes of green waste are currently being processed at the facility based upon figures up to 31 Dec 2008, of which some 16,453 tonnes were from the City of York Council area. By reason of its location within the site and the nature of the development as a modest expansion of the existing developed footprint it would not have an adverse impact upon the open character or purposes of designation of the York Green Belt. As a limited waste disposal operation the proposal would constitute appropriate Green Belt development within the terms of the Draft Local Plan policy. As such the proposal complies with the terms of Policy GB1 of the York Development Control Local Plan. Strategy place particular emphasis upon the need to provide an adequate range of sites to deal with the various types of waste arising in close proximity to the source area. The current proposal would secure the fulfilment of those criteria.

IMPACT UPON AMENITY OF NEIGHBOURING PROPERTIES:

4.4 Policy MW5 of the York Development Control Local Plan sets a firm policy framework for the consideration of waste management facilities requiring a range of considerations to be taken into account. These include the need for the facility, its proposed location, its impact on adjoining land uses and the duration of the proposal, the proximity principle whereby waste is disposed of as close as possible to where it is produced and appropriate measures are taken to minimise the environmental impact of visual intrusion, noise, dust, odour and wind blown material. The current proposal envisages the extension of the existing open air composting pad to accommodate the increasing volume of green waste passing through the site whilst the concerns surrounding the proposed green waste composting facility at the southern edge of the site are resolved.

4.5 The composting process involves the shredding of the received green waste into smaller particles and its open air storage in moist regularly turned piles or windrows lying on a hard concrete surface. The length of the process takes on average 6 to 12 weeks. Regular sifting of the material is intended to tackle the problem of anaerobic conditions occurring with resultant smell nuisance to surrounding properties. A major reason advanced in justification of the proposal is the need to create a larger hard surfaced area to reduce the risk of the composted material becoming anaerobic and as result a hazard to amenity through the production of bio aerosols. This is seen as an increasing risk as a consequence of the increasing quantities of green waste suitable for composting recovered in the York area. Concerns remain in respect of the generation of odour through the composting process, however the Environmental Protection Unit has suggested a series of detailed conditions that would bring the issue of odour and bio-aerosol generation under control. This would involve a modification to the mode of working according to the precautionary principle outlined in PPS 23 " Planning and Pollution Control", to bring the process in line with current best practise outlined in the DEFRA Good Practise and Regulatory Guidance on Composting and Odour Control for Local Authorities (2009). Particular attention has been drawn to a property within 250 metres to the north as identified receptor. The characteristics of receptors for the purpose of monitoring odour or bio aerosols suggest some element of residential use however we are not aware of any in that area.

4.6 In terms of noise generation, the process would not involve any greater degree of intensity of operation or additional machinery, as a consequence there would not be any significant impact upon amenity through noise as a result of the proposal. As the proposal would simply result in the more efficient processing of material already received at the site there would only be a negligible impact upon traffic generation. Subject to the issue of odour control being conditioned as part of any permission then the proposal would comply with Policy MW5 of the York Development Control Local Plan.

PROXIMITY PRINCIPLE

4.7 The proximity principle underlies much of the principles behind planning for waste related facilities and is set out in York Development Control Local Plan Policy MW5. Concern has been expressed in relation to the reception of material from outside of the immediately area, specifically from the north eastern section of the

Leeds conurbation. This however need not necessarily break the proximity principle as Harewood Whin in many cases remains the most appropriate facility to handle the waste. In any case the volume of material received from out with the immediate geographical area does not form a materially significant proportion of the overall total.

IMPACT OF THE PROPOSAL ON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE:

4.8 Concerns have been expressed in relation to the impact of the proposal on the local pattern of surface water drainage associated with the site. The applicant has confirmed that any surface water arising from the proposal must be treated as polluted leachate in accordance with their operating consents from the Environment Agency. All such discharges are directed to the on-site leachate treatment plant and then discharged in the normal way to the foul sewer in accordance with the site operating permit from Yorkshire Water Services.

RETROSPECTIVE NATURE OF THE PROPOSAL:

4.9 The construction of the compost pad extension had been substantially completed by the time the planning application was submitted for determination. The applicant has submitted a written statement to justify this indicating that the construction of the proposal had become urgent in order to handle the anticipated sharp rise in domestic green waste during the months of May and June. To leave the pad unchanged in area would in their opinion put them at risk of enforcement action or possible prosecution by the Environment Agency as a result of increased odour nuisance because of the difficulty of managing the composting process over such a small area. They furthermore draw attention to the fact that the extension is only required for a temporary period whilst the issues surrounding the proposed enlarged composting area towards the southern area of the site are resolved. Central Government advice in respect of dealing with planning applications for retrospective development requires that they be considered by the Local Planning Authority in the same fashion as applications submitted in the usual way for development to be undertaken in the future. The planning system should not of itself be used punitively to punish those who have constructed otherwise acceptable development in advance of gaining planning permission.

NEED FOR FORMAL ENVIRONMENTAL IMPACT ASSESSMENT:

4.10 The proposal as an installation for the disposal of non-hazardous waste falls short of the criteria for requiring Environmental Impact Assessment under Schedule 1 of the 1999 Town and Country Planning (Assessment of Environmental Effects) Regulations. The indicative criteria for projects requiring Assessment under Schedule 2 suggests a threshold figure of 50,000 of material as being more likely to require formal Assessment. The current proposal relates to a temporary expansion of an existing operation to handle materials presently arriving at the site whilst a more permanent solution involving the establishment of three composting pads at the southern edge of the site is finally resolved. Doe Circular No 02/99 "Environmental Impact Assessment" does specifically address the issue of expansion of existing development and counsels the need to examine environmental impact in the context of the effects of the existing development. The key environmental impacts of the existing operation are felt to be noise and odour. The

environmental impact of the temporary extension is not felt to be materially different from the existing operation and conditions establishing suitable safeguards have been recommended. As a consequence a formal Environmental Impact Assessment under Schedule 2 of the Regulations has not been requested.

VOLUMES OF GREEN WASTE PROCESSED:

4.11 Information supplied to the Authority suggests that some 59,536 tonnes of green waste are processed via the existing composting operation. The application details allow for a possible expansion of the volume of material to a maximum of 70,000 tonnes per annum. The theoretical maximum utilisation of the pad as extended would amount to 88,000 tonnes. However the applicant has indicated that the figure of 70,000 tonnes would at no time be exceeded and the requirement of draft condition 3 for a comprehensive raw material delivery plan would work to ensure throughput of Green Waste remaining at reasonable levels.

5.0 CONCLUSION

5.1 Harewood Whin comprises a substantial waste disposal by landfill operation with ancillary composting and re-cycling activity located within the designated York Green Belt to the west of the City Centre. The proposal which has been substantially completed envisages the construction of a 3455 sq metre extension to the existing composting pad to handle the increasing volumes of green waste passing through the site. Permission is sought for a temporary period of the order of three years whilst concerns surrounding the longer term proposal for three composting pads at the southern edge of the site are resolved. Concerns have also been expressed in relation to odour/bio aerosol generation relating to the current proposal, however the extension is intended to secure the more efficient operation of the composting process, with the use of appropriate conditions as suggested by Environmental Protection Unit then the issue of odour and bio aerosol generation can be dealt with, with minimal impact upon amenity. Any approval would furthermore be conditioned to secure the minimisation of odour nuisance. In terms of its impact upon the open character and purposes of designation of the Green Belt the proposal would represent a modest increase of the existing built footprint supporting existing activities at the site. On balance the proposal would have little material impact upon the amenity of neighbouring properties and approval is therefore recommended.

6.0 RECOMMENDATION: Approve

1 The hard-standing shall be removed by 17th June 2012 unless prior to that date a renewal of the permission shall have been granted in writing by the Local Planning Authority.

Reason: The applicant has requested a consent on a temporary basis and to secure compliance with Green Belt Policy outlined in York Development Control Local Plan Policy GB1.

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

HAR-PLOO-YO852-010; HAR-PLOO-YO627-001 I. Date Stamped 13th March 2009

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

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

3 An odour management scheme, incorporating an Intensive Method of Compost Management using forced aeration or other suitable method shall be submitted to the Local Planning Authority for written approval within two months of the date of this permission. The requirements contained in the approved odour management scheme shall be implemented prior to the use hereby permitted and adhered to thereafter. The odour management scheme must be developed in line with the DEFRA guidance document Good Practice and Regulatory Guidance on Composting and Odour Control for Local Authorities Appendix C.

Reason: To protect the amenity of nearby residents from odour and to secure compliance with Policy MW5 of the York Development Control Local Plan.

Informative:

It is recommended that the developer consults the Local Planning Authority when developing the odour management scheme and should include:

- An agreed method of predicting the amount of green waste that shall be brought on to site;
- Contingency plans to divert unexpected levels of green waste to other sites;
- Detail each step of the process, indicate where odour emissions could be released and show that the applicant has applied BAT (Best Available Techniques) to reduce the odour at each and every stage;
- A systematic review system of the odour management scheme to include , both routine reviews and reviews where unforeseen circumstances have led to increased odour emissions;
- A comprehensive raw material delivery plan.

4 The odour management scheme shall be reviewed on a yearly basis to ensure that the development has been undertaken in accordance with the details approved under Condition 3. This review must be submitted in writing along with any amendments to the odour management scheme to the Local Planning Authority for written approval, once approved these changes shall be implemented immediately and works/operations shall be undertaken in accordance with the approved details at all times.

Reason: To protect the amenity of nearby residents from odour and to secure compliance with Policy MW5 of the York Development Control Local Plan.

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 impact of the proposal on the open character and

purposes of designation of the York Green Belt, the impact of the proposal upon the residential amenity of nearby properties by virtue of odour/bio aerosol, noise and traffic generation, the proximity principle, impact of the proposal on the local surface water drainage pattern and the retrospective nature of the development. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GB1 and MW5 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

ODOUR MANAGEMENT PLAN

2. If the developer is notified by the Local Planning Authority that the composting activities are giving rise to odour at any residential site boundary which is likely to amount to a loss of amenity, a revision of the odour management plan shall be submitted to the Local Planning Authority for written approval within a timescale to be notified by the Local Planning Authority, this revised odour management plan shall be implemented from the date of approval, unless otherwise agreed in writing by the Local Planning Authority.

Contact details:

Author: Erik Matthews Development Control Officer

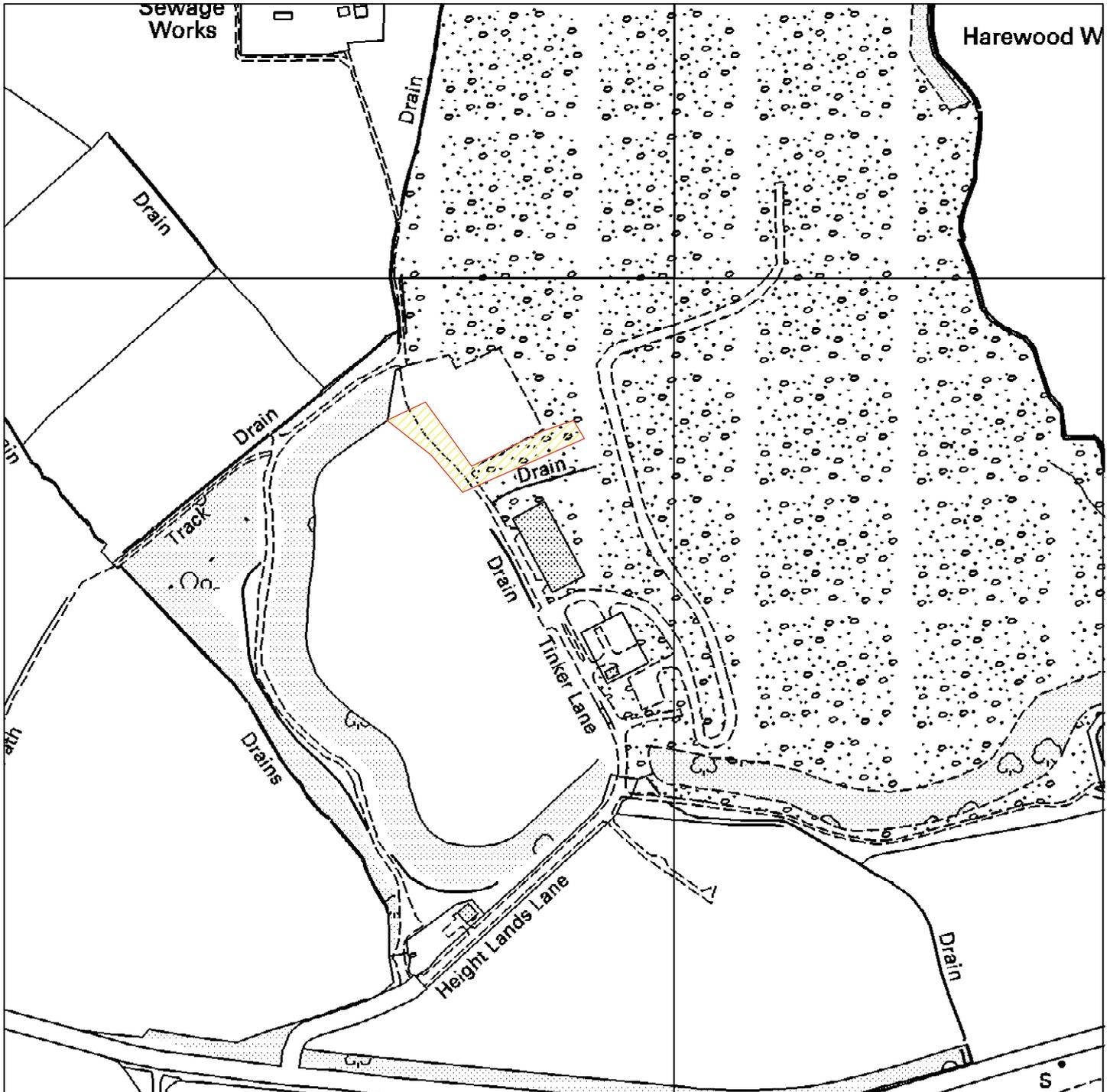
Tel No: 01904 551416

Harewood Whin Landfill Site

09/00460/FUL



GIS by ESRI (UK)



Scale : 1:5000

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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application Site
Date	05 November 2009
SLA Number	Not set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Rural West York
Date: 19 November 2009 **Parish:** Parish Of Rufforth With Knapton

Reference: 09/01589/FUL
Application at: Harewood Whin Tinker Lane Rufforth York YO23 3RR
For: Variation of conditions 9 and 10 of planning application 08/002426/FULM to allow the delivery of fuel to the Bioflame plant and to extend period of operation
By: Yorwaste Ltd (Mr Mark Hall)
Application Type: Full Application
Target Date: 5 November 2009

1.0 PROPOSAL

1.1 Harewood Whin comprises a substantial waste disposal by landfill operation working via a series of planning permissions dating back to the early 1980s It lies within the designated York Green Belt to the west of the City Centre.

1.2 Planning permission was granted for erection of a small scale biomass power plant housed within a steel clad warehouse on 25th February 2009. Permission was given subject to conditions (9 and 10) restricting the plant to being solely ancillary to the waste disposal activities currently taking place at the site with no dedicated deliveries of fuel and requiring the cessation of activity at the plant and its removal within six months of the cessation of operations. The current application seeks planning permission for the overall scheme, subject to conditions 9 and 10 being modified to allow for operation of the plant to continue for a minimum of ten years from commissioning notwithstanding the status of waste disposal activities at the site at the time, together with the delivery of fuel to the site from outside sources in the event of waste disposal activities otherwise ceasing at the site. There has been no change in planning circumstances appertaining to the site since the initial determination. This report considers the material considerations specifically relating to Conditions 9 and 10 and a copy of the original report in relation to the scheme is appended herewith as an appendix.

1.3 The power plant would be constructed within a steel clad warehouse 30 metres wide, 84 metres long, and 12.3 metres high. Associated with it would be a stack 16.2 metres high together with cooling plant at ground level 8.4 metres long by 3.1 metres high. The proposed power plant would use low-grade waste wood currently sent to landfill as a fuel, with the electricity generated transmitted to the National Grid by underground cable. It is anticipated that approximately 30,000 tonnes of low-grade waste wood would be used to generate 2.5 MW/he of electricity for export to the National Grid per annum.

1.4 The application site lies directly to the north of the materials recycling building within the "restored area" towards the western edge of the overall site. The proposal has previously been subject to a formal Screening Request made under the 1999 Town and Country Planning (Environmental Impact Assessment) Regulations. A decision was previously reached that a formal Environmental Impact Assessment was

not required. In the absence of any material change in circumstances it is felt that a formal Environmental Impact Assessment in relation to the proposal should not now be required. The proposal is subject to regulation in terms of its Environmental Impacts via the Environmental Permit system deriving from the EU Directive on Integrated Pollution, Prevention and Control issued by the Environment Agency.

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

2.2 Policies:

CYMW5
Landfill/land raising - considered on merits

CYGB1
Development within the Green Belt

CYGB11
Employment devt outside settlement limits

CYGP4A
Sustainability

CYGP4B
Air Quality

CYGP5
Renewable energy

3.0 CONSULTATIONS

INTERNAL:-

3.1 Highway Network Management raise no objection to the proposal;

3.2 Design, Conservation and Sustainable Development raise no objection to the proposal;

3.3 City Development raise no objection to the proposal;

3.4 York Consultancy:- Structures and Drainage raise no objection to the proposal;

3.5 Environmental Protection Unit raise no objection in principle to the variation of the conditions subject to additional conditions being appended to any revised approval restricting dedicated deliveries of fuel to the biomass boiler in advance of the cessation

of other waste related activities at the site and restricting the number and type of delivery vehicles entering the site.

EXTERNAL:-

3.6 The Environment Agency raise no objection to permission being given with conditions 9 and 10 being amended;

3.7 North Yorkshire Fire and Rescue Service raise no objection to the proposal.

3.8 Rufforth and Knapton Parish Council raise no objection in principle to the proposal but wish to see the cessation of other waste related activities by 2017 as intimated in the operating planning permission for the overall site, the preparation of a full EIA on the basis of the overall size of the site, the processing of biomass fuel sourced off site elsewhere and the imposition of a strict time limit on operating the biomass plant.

4.0 APPRAISAL

4.1 KEY CONSIDERATIONS:-

A range of key considerations including impact on the designated York Green Belt, visual impact of the proposed stack on the surrounding open countryside, and the contribution of the proposal to reducing the level of waste materials disposed to landfill were considered in relation to the original application ref: 08/02426/FULM. A copy of the report is included as an appendix for information. Of particular relevance to consideration of the current application are:

- * Impact upon the designated York Green Belt and the need to demonstrate "very special circumstances" for the plant's location; and
- * Impact of deliveries of fuel to the site in terms of traffic volumes and levels of emissions.

GREEN BELT ISSUES:

4.2 Policy GB1 of the York Development Control Local Plan sets a firm policy framework restricting new development within the designated York Green Belt to those matters which by their scale, location and design would not detract from the open character of the Green Belt, would not conflict with the purposes of including land within the Green Belt and would not prejudice the setting and special character of York and are for a number of specific purposes including limited infilling and re-development of major developed sites and highway works or other essential engineering operations including waste disposal. It should be noted that waste disposal is not Listed as an appropriate Green Belt use within Central Government planning policy outlined in PPG2 "Green Belts", as such the proposal must automatically be considered as inappropriate development within the Green Belt.

4.3 PPG2 "Green Belts" sets down a requirement to demonstrate "very special circumstances" in order to out-weigh the usual presumption against inappropriate development in Green Belt areas. The supporting statement accompanying the initial application identified the removal of up to 30,000 tonnes of low grade waste wood per annum from land filling at Harewood Whin as contributing significantly to meeting the targets set down in the Regional Spatial Strategy for Yorkshire and the Humber for provision of energy by renewable means. Other renewable energy projects such as

wind turbines would be demonstrably harmful to the Green Belt in terms of their impact upon openness. By modifying conditions 9 and 10 to lessen the extent of the link between the proposal and the associated waste disposal activity at the site it may be argued that an industrial type activity constituting inappropriate development would become established in the Green Belt. In order to overcome this inappropriateness "very special circumstances" must be clearly demonstrated.

4.4 In terms of modifying condition 10 the principle has already been established that the plant would benefit from "very special circumstances" over a period of 7 years whilst the overall site remains in operation as a waste disposal facility in its current form. The application has been submitted on the basis that the 7 year period has been insufficient to secure finance for the project. It is your officer's opinion that the need to meet Central Government derived renewable energy targets in as environmentally sensitive fashion as practicable amounts to sufficient "very special circumstances" to justify amending condition 10 to allow for the plant to operate over a ten year rather than a 7 year period as previously conditioned. The importation of pre-prepared biomass fuel over the latter part of the ten year period would not outweigh the identified "very special circumstances" and would not act as a precedent for other industrial type activities within the Green Belt. The applicant has requested that the ten year period be taken from the date of commissioning of the plant and this would be acceptable in planning terms.

TRAFFIC IMPACT

4.5 In relation to the current application concern has been raised in respect of the impact of vehicle movements carrying biomass fuel on air quality levels. The applicant has confirmed that in order to operate the plant at the required output a total of 10 vehicle movements to and from the site would be required, in contrast to the total of 210 currently going to and from the site in conjunction with waste processing activities. Material impact upon the amenity of properties in the local area would thus be significantly less than that taking place currently as a result of traffic accessing the waste disposal operations. Conditions have been suggested in to cover total traffic movements and the type and age of vehicle used. These would not in my opinion be reasonable and would not comply with the statutory tests in respect of Conditions set down in DoE Circular 11/95 "The Use of Conditions in Planning Permissions".

5.0 CONCLUSION

5.1 Harewood Whin comprises a substantial waste disposal by landfill operation within the designated Green Belt to the west of York operating under a series of permissions dating back to the early 1980s.

5.2 The proposal which was initially given permission on 25th February 2009 envisages erection of a biomass power plant within a 12.3 metre high warehousing building with an approximately 16 metre high stack to produce approximately 2.5 MWe of electricity per annum for export to the National Grid using approximately 30,000 tonnes of low grade waste wood deemed unsuitable for recycling or re-use and currently sent to landfill. Condition 9 and 10 of planning permission 08/02426/FULM restrict operation of the proposal to being ancillary to the main waste disposal operation, forbidding delivery of biomass fuel from outside of the site without the express permission of the Local Planning Authority. In the event of landfill operations

ceasing the plant was to be dismantled and the site restored within six months. With the current operational planning permission for the site 00/02689/FUL ceasing in 2017 the applicant has indicated difficulties in accessing appropriate finance to establish the plant in view of the level of uncertainty surrounding the long term future of the site. By amending the conditions the plant could continue in operation for a brief period on the basis of imported fuel whilst the long term future of the wider waste disposal operation is resolved. The applicant has indicated that they are willing to consider a ten year permission from the date of commissioning of the plant. This would be acceptable in terms of minimising impact upon the open character of the Green Belt and securing the long term restoration of the site in accordance with the terms of the operating permission for the site as a whole.

5.3 The proposal is considered to be inappropriate development in the Green Belt under PPG2. The capacity for diversion of waste wood from land fill in some quantity with the associated creation of renewable energy capacity has been identified by the applicant as "very special circumstances" justifying the location of the proposal within the Green Belt. . In terms of the current application for planning permission subject to conditions 9 and 10 being varied, the provision of renewable energy generation capacity in a less environmentally damaging fashion than other methods amounts to further "very special circumstances" in favour of location of the development within the Green Belt. The consequence of not granting a permission with the conditions amended in accordance with the application would be that the scheme would not be implemented and there would be further pressure towards other less environmentally sensitive means of renewable energy generation within the local area. On balance the proposal would not have a significant adverse impact upon the amenity of the local area and approval is therefore recommended.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

1181-01/A Sheets 1 to 4 and 1181-01/A Sheet 5 Date Stamped 16th October 2008

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

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

3 VISQ8 Samples of exterior materials to be app

4 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with those approved details. These details to include:

- i)The proposed drainage layout showing foul and surface water connection to the existing sewer;
- ii) Details of the surface water attenuation system to achieve the 94.8 cubic metres of storage volume required and the position and details of the flow control manhole

limiting the proposed discharge to a maximum of 47.3 litres per second.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and to ensure that proper provision is made to secure the existing drainage.

5 Piling or other foundation designs using invasive methods shall not be permitted other than with the express consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in strict accordance with the approved details.

Reason: To protect controlled waters.

6 Prior to the first operation of the building and plant hereby authorised, the developer shall submit in writing a formal BREEAM assessment or equivalent, or the Design and Procurement stages for the building and plant hereby approved. All assessments shall be followed by a BREEAM Post Construction review to be submitted after construction at a time to be agreed in writing by the Local Planning Authority. All assessments shall confirm the minimum " Very Good" rating, or equivalent, anticipated in the preliminary BREEAM assessment submitted with the application , and to be agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainable development , in accordance with the requirements of Policy GP4a) of the York Development Control Local Plan and the Council's Planning Guidance Interim Planning Statement on Sustainable Design and Construction.

7 The height of the stack associated with the biomass plant hereby authorised shall not exceed the 16.204 metres specified on approved application drawing 1181-01/A(Sheet 4).

Reason: To safeguard the visual amenity of the area and to secure compliance with Policy GB1 of the York Development Control Local Plan

8 Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent legislation revoking or re-enacting that Order, no fixed plant or machinery, buildings, structures or private ways, shall be erected, extended, installed or replaced at the site, other than those expressly authorised by this permission without the prior written approval of the Local Planning Authority.

Reason:- To safeguard the character of the site in the interests of visual amenity and to secure compliance with Policy GB1 of the York Development Control Local Plan.

9 No dedicated deliveries of biomass fuel to the site shall take place until such time as land fill operations at the site cease and there is no longer an ability to process waste wood arising on site. Prior to the commencement of dedicated deliveries of biomass fuel to the site the Local Planning Authority shall be notified in writing.

Reason: To protect local air quality and to secure compliance with Policy GP4b) of the

York Development Control Local Plan.

10 Within seven days of the commissioning (export of electricity to the National Grid) of the plant hereby approved, notice shall be given in writing to the Local Planning Authority of the date of commissioning. Unless otherwise agreed in writing by the Local Planning Authority the development hereby authorised shall cease no later than 10 years from the formally notified date of commissioning . All plant and buildings shall thenceforth be removed and the site restored in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the character of the site in the interests of visual amenity and to secure compliance with York Development Control Local Plan Policy GB1

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 impact upon the open character and purposes of designation of the Green Belt, impact of the proposed chimney stack on the visual amenity of the adjoining countryside, impact of the proposal on air quality and emission levels in the in the surrounding areas, cumulative impact upon amenity taken together with other activities taking place at the site, impact upon traffic volumes using the surrounding road network, impact upon the level of waste materials disposed to landfill and the contribution of the proposal to meeting energy need from sustainable sources.. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies MW5 , GB1, of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

2. DEMOLITION AND CONSTRUCTION

i) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08:00 to 18:00
Saturday 09:00 to 13:00
Not at all on Sundays and Bank Holidays.

ii) 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".

iii) 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.

iv) 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.

v) 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.

vi) There shall be no bonfires on site.

3. ENVIRONMENTAL PERMITTING REGULATIONS 2007

The development will require an Environmental Permit under the Environmental Permitting Regulations 2007. The applicant is strongly advised to contact the Environmental Management Section of the Environment Agency to discuss the necessary requirements of the Permit.

4. ABSTRACTION LICENCE

If it is intended to abstract more than 20 cubic metres of water per day from a surface water source (e.g. stream or drain) or from underground strata (via borehole or well) for any particular purpose then an abstraction licence will be required from the Environment Agency. There is no guarantee that a licence will be granted as this is dependent on available water resources and existing use rights.

5. WATER RESOURCES ACT 1991

The Water Resources Act 1991, S85 makes it an offence to cause or knowingly permit poisonous, noxious or polluting matter to enter controlled waters unless you are in possession of a discharge consent or other relevant permit. Controlled waters include all water below the surface of the ground. This legislation is not restricted to any listed substances. Discharge consents under the WRA 1991 constitute authorisations for the purposes of the Groundwater Regulations provided the relevant conditions have been applied.

Contact details:

Author: Erik Matthews Development Control Officer
Tel No: 01904 551416

Annexes

Annex 1 Copy of report for original application for erection of building to house biomass power plant with chimney stack with external cooling plant (resubmission) – determined by West and City Centre Area Planning Sub Committee on 15 Jan 2009.

COMMITTEE REPORT

Committee:	West/Centre Area	Ward:	Rural West York
Date:	15 January 2009	Parish:	Parish Of Rufforth With Knapton

Reference: 08/02426/FULM
Application at: Harewood Whin Tinker Lane Rufforth York YO23 3RR
For: Erection of building to house biomass power plant with chimney stack with external cooling plant (resubmission)
By: Yorwaste Heat And Power Ltd.
Application Type: Major Full Application (13 weeks)
Target Date: 16 January 2009

1.0 PROPOSAL

1.1

Harewood Whin comprises a substantial waste disposal by landfill operation working via a series of planning permissions dating back to the early 1980s. It lies within the designated York Green Belt to the west of York City Centre. The current proposal envisages the erection of a small scale biomass power plant housed within a new steel clad building some 22 metres wide, 30 metres long and 12.3 metres high. Associated with it would be a stack some 16.2 metres high together with a ground level cooling plant some 8.4 metres long by 3.1 metres high. The proposed power plant would use low grade waste wood currently land-filled as a fuel, with the electricity thus generated transmitted to the National Grid by underground cable. It is anticipated that approximately 30,000 tonnes of low grade waste wood per annum would be used to generate 2.5MW/yr of electricity for export to the grid per annum. The application site lies directly to the north of the materials recycling building within the "restored area" towards the western edge of the overall site. The application comprises a revised re-submission of an earlier proposal ref:08/01742/FULM. The earlier proposal was subject to a Screening Request in relation to the 1999 Town and Country Planning (Environmental Impact Assessment) Regulations. A decision was reached that on balance one was not required. The proposal is also subject to regulation in terms of its Environmental Impacts via the Environmental Permit system deriving from the EU Directive on Integrated Pollution, Prevention and Control issued by the Environment Agency.

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

2.2 Policies:

CYMW5

Landfill/landraising - considered on merits

CYGB1

Development within the Green Belt

CYGB11

Employment devt outside settlement limits

CYGP4A

Sustainability

CYGP4B

Air Quality

CYGP5

Renewable energy

3.0 CONSULTATIONS

INTERNAL:-

3.1 Highway Network Management raise no objection to the proposal.

3.2 The City's Drainage and Engineering Consultancy raise no objections to the proposal.

3.3 Urban Design, Conservation and Sustainable Development raise no objections to the proposal subject to any permission being conditioned to achieve BREEAM standard Very Good in terms of its construction and operation..

3.4 City Development raise no objection to the proposal subject to the authority being satisfied that appropriate technologies were being adopted to process the waste wood and that BREEAM standard Very Good can be achieved in relation to the development in its entirety.

3.5 Environmental Protection Unit raise no objection to the proposal subject to a satisfactory outcome being forthcoming to the Environmental Permit application for the proposal to the Environment Agency.

EXTERNAL:-

3.6 York Gliding Club were consulted in respect of the proposal on 21st October 2008. No response has been forthcoming.

3.7 York and North Yorkshire Fire Authority were consulted in respect of the proposal on 21st October 2008. No response has been forthcoming.

3.8 Marston Moor Internal Drainage Board raise no objection to the proposal providing surface water drainage is directed via a sustainable system.

3.9 The Environment Agency raise no objection to the proposal .

3.10 Rufforth Parish Council represented by the Land and Development Practise object to the proposal on the grounds of the lack of a formally submitted Environmental Impact Assessment, specifically concern is expressed in relation to the lack of information covering the impact of the proposal on air quality, the cumulative impact of locating the proposal within an active land fill waste disposal site and the lack of information in relation to the means of transmitting the electricity generated to the national grid.

3.11 York and Selby Branch of the CPRE object to the proposal on the grounds that heavy metals and other contaminants may be released into the atmosphere as a result of the proposed process.

3.12 Six letters of objection have been received in respect of the proposal. The following is a summary of their contents:

- i) Concern at the impact of the proposal on the open character and purposes of designation of the York Green Belt;
- ii) Concern that the proposal would increase existing problems of smells and wind blown litter for adjoining residents;
- iii) Concern that the proposal would exacerbate existing problems of heavy traffic associated with the site;
- iv) Concern that the proposal would extend the life of the landfill operation indefinitely;
- v) Concern that the proposal would act as a precedent for further expansion of the site;
- vi) Concern at the visual impact of the proposed plant chimney;
- vii) Concern that the development has not been subject to Environmental Impact Assessment under Schedule 2 of the Environmental Impact Assessment Regulations;
- viii) Concern at the lack of information regarding the treatment of contaminated wood at the site;
- ix) Concern at the possible cumulative impact of the proposal taken together with the composting operation previously applied for.

4.0 APPRAISAL

4.1 KEY CONSIDERATIONS:-

- _ Impact of the proposal on the open character and purposes of designation of the York Green Belt;
- _ Visual impact of the proposed chimney stack on the amenity of the surrounding open countryside;
- _ Impact of the proposal on air quality and emission levels in the surrounding area;
- _ Cumulative impact of the proposal taken together with other activities taking place at the waste disposal site;

- _ Impact of the proposal on volumes of heavy traffic accessing and egressing from the site;
- _ Contribution of the proposal to reducing the level of waste materials being disposed of to landfill;
- _ Contribution of the proposal to meeting energy needs from sustainable sources;
- _ Environmental Impact Assessment;
- _ Sustainability.

4.2 GREEN BELT ISSUES:-

Policy GB1 of the York Development Control Local Plan sets a firm policy framework restricting new development within the designated York Green Belt to those matters which by their scale, location and design would not detract from the open character of the Green Belt, would not conflict with the purposes of including land within the Green Belt and would not prejudice the setting and special character of York and are for a number of specific purposes including limited infilling and re-development of major developed sites and highway works or other essential engineering operations including waste disposal. The current proposal envisages the erection of a biomass boiler to process waste wood currently landfilled into electricity for export to the national grid. The boiler would be housed within a 12.3 metre high warehouse building together with a chimney stack approximately 16 metres high. This would be located directly to the north of the existing re-cycling building and to the north west of the site as a whole, sheltered in long and short distance views from outside of the site by the topography of the restored landfill areas. PPG 2 "Green Belts" sets down a requirement to demonstrate "very special circumstances" in order to over-ride the usual presumption against inappropriate development in Green Belt areas. The supporting statement accompanying the application identifies the removal of up to 30,000 tonnes of low grade waste wood per annum from landfilling at Harewood Whin as contributing significantly to meeting the targets set down in the Regional Spatial Strategy for Yorkshire and the Humber for provision of energy by renewable means. Other renewable energy projects such as wind turbines would be more demonstrably harmful to the Green Belt in terms of their visual impact. Use of low grade waste wood as a source of energy by combustion would also result in its removal up the waste hierarchy defined in PPG 10 "Planning for Sustainable Waste Management" resulting in significant net reductions in greenhouse gas emissions by substituting for energy produced from non-renewable sources. On balance this may be taken as "very special circumstances" justifying location of the plant in the Green Belt, however this is dependent upon the operation of the plant being linked to the active operation of the waste disposal site which currently operates with the benefit of a permission expiring in 2013.

4.3 VISUAL IMPACT OF THE STACK:-

The proposal incorporates a stack standing proud of the ridge of the plant housing building by approximately four metres. This is to enable the stack to house the apparatus required to remove potential pollutants from the smoke plume arising from the process and is based upon the experience of the applicant company in relation to other sites. The stack height as specified would as a result of the surrounding relief and topography have a minimal impact upon the open character of the Green Belt and the visual amenity of the wider surrounding countryside. However the exact height of the stack would be determined as a result of the Environmental Permit process

regulated by the Environment Agency. A stack height significantly in excess of that specified within the application details would adversely impact upon the wider visual amenity of the surrounding landscape and the open character of the Green Belt requiring restriction of the height by condition on any permission .

4.4 AIR QUALITY AND EMISSION LEVELS:-

Policy GP4b) of the York Development Control Local Plan sets a requirement for developments outside of the Air Quality Management Area to assess their air quality where there would be significant emissions to the air from sources other than traffic. The current proposal is also subject to the requirement to obtain an Environmental Permit under the Environmental Permitting Regulations 2007 regulated by the Environment Agency. This requires that subject developments, through a full air quality impact assessment must demonstrate that the requirements of the Waste Incineration Directive are fully complied with and that the development would not pose a risk to local air quality objectives. Permitted Developments are then subject to regular air quality monitoring the results of which are made available to the local Environmental Health Authority. The issue of potential heavy metal contamination would also be dealt with in this way. Both PPS10 and PPS23 " Planning and Pollution Control" strongly discourage local planning authorities from duplicating controls present in the Environmental Permitting Process. PPS 23 states that " the planning department should not concern themselves with the control of process emissions which are a matter for the pollution control authorities" and PPS 10 states that " the planning and pollution control regimes are separate but complimentary.....Waste planning authorities should work on the assumption that the relevant pollution control regime would be properly applied and enforced". Assuming that the pollution control regime is properly and rigorously applied as outlined then a refusal of planning permission on air quality grounds would therefore not be tenable and the terms of the Draft Local Plan Policy would be complied with. The applicant has furthermore indicated that wood subject to treatment with water resistant resins which are a potential source of atmospheric pollution such as fence panels, railway sleepers and telegraph poles would not be treated within the proposed plant. Furthermore as the proposal is designed to treat waste already arriving at the site existing problems of smells and wind blown litter would not be exacerbated by the proposal.

4.5 CUMULATIVE IMPACT:-

Policy MW5 of the York Development Control Local Plan sets a firm policy framework for the development of waste management facilities indicating that they will be examined on their own individual merits and the characteristics of the site taking into account the need for the facility, its proposed location, impact upon adjoining land uses, the proximity principle (where waste is disposed of as close as possible to where it is produced) and proposed measures to minimise any environmental impacts. Harewood Whin comprises a waste disposal site to land fill with a number of ancillary activities, operating under a series of permissions dating back to the early 1980s. Other activities taking place at the site include the sorting of materials for re-cycling, controlled combustion of landfill gas to generate electricity and small scale composting of organic materials. The proposal to incinerate low grade waste wood to produce electricity to supply to the grid as an alternative to landfill would complement existing waste minimisation activities at the site. There is no evidence that the proposal would exacerbate the environmental impact of existing activities at the site to such an extent as to justify a refusal of permission for the current proposal. No precedent

would either be set for the location of other similar activities at the site or the longer term extension of the whole waste disposal operation. The larger scale composting application which came before the Committee in early 2008 is still the subject of an outstanding objection from the Environment Agency and should not be treated as a material consideration in relation to the current application.

4.6 TRAFFIC IMPACT:-

The proposal aims to deal with low grade waste wood brought on to the site as part of normal domestic and commercial waste collection activities. There would be no delivery of wood to Harewood Whin specifically as a fuel to the proposed plant, it would be processing wood already delivered to the site as part of mixed loads of waste. As a consequence there would not be a material impact upon the level of traffic movements arising from the proposal.

4.7 REDUCTION OF WASTE TO LANDFILL:-

The proposal envisages the removal of some 30,000 tonnes of low grade waste wood currently landfilled from the "waste stream". In Annex C to PPS 10 "Planning for Sustainable Waste Management" a waste hierarchy is laid out with reuse of materials at the head and final disposal at the base. The current proposal would result in low grade waste wood being brought up the waste hierarchy from disposal to recovery of value via energy generation. Policy GP5 of the York Development Control Local Plan sets a firm policy presumption in favour of the development of renewable energy facilities providing there is no significant adverse effect on the existing landscape or air quality. As submitted the proposal would not have an adverse impact upon the local landscape and the requirement for an Environmental Permit would deal with any significant potential adverse impact upon air quality. The current proposal would also contribute significantly to the reduction in volumes of waste being sent to landfill in accordance with the Waste Strategy for England 2007 and the York and North Yorkshire Municipal Waste Strategy 2006.

4.8 CONTRIBUTION TO RENEWABLE ENERGY GENERATION:-

The Regional Spatial Strategy for Yorkshire and the Humber (RSS) 2008 sets out target figures for the generation of energy from renewable sources by 2010 and 2021. These are broken down on a sub-regional basis for the North Yorkshire area as a whole at 209MW by 2010 and 428MW by 2021 with the further breakdown for York being 11MW by 2010 and 31MW by 2021. Given its very special characteristics the capacity of York to deliver such levels especially in terms of wind energy is very limited. The current proposal would contribute to the delivery of approximately 25% of the target for York for 2010. The waste wood to be used in the proposed biomass plant would also be eligible for Renewable Obligations Credits under the Renewable Obligations Order.

4.9 ENVIRONMENTAL IMPACT ASSESSMENT:-

The proposal as an energy from non-hazardous waste plant falls short of the criteria for requiring Environmental Impact Assessment under Schedule 1 of the 1999 Town and Country Planning (Assessment of Environmental Effects) Regulations. In view of the nature and scale of the proposal and the requirement for a separate Environmental Permit authorisation a formal Environmental Impact Assessment was not requested under Schedule 2 in relation to the development. That does not however imply that

Environmental Information has not been forthcoming and has not been given due weight in arriving at a recommendation.

4.10 SUSTAINABILITY:-

Policy GP4a) of the York Development Control Local Plan sets a firm policy requirement for new larger scale developments requiring the applicant by means of the submission of a Sustainability Statement to demonstrate how sustainable principles have been integrated into the design of the development and to aim for the achievement of a BREEAM "very good "rating in respect of the development as completed. This the applicant has undertaken to do.

5.0 CONCLUSION

5.1

Harewood Whin comprises a substantial waste disposal by land fill operation within the designated Green Belt to the west of York City Centre operating under a series of permissions dating back to the early 1980s. The proposal envisages the erection of a biomass power plant within a 12.3 metre high warehousing building with an approximately 16 metre high stack to produce approximately of 2.5 MWe of Electricity per annum for export to the National Grid using approximately 30,000 tonnes of low grade waste wood deemed unsuitable for recycling or re-use and presently sent to land- fill. The development is also subject to the requirement for an Environmental Permit under the Environmental Permitting Regulations in respect of pollution control. The capacity for diversion of waste wood from land fill in some quantity with the associated creation of renewable energy capacity has been identified by the applicant as "very special circumstances" justifying the location of the proposal within the Green Belt and this it broadly equates to. However the stack height may vary in the light of the necessary material required for the Environmental Permit process with consequent impacts upon the open character of the Green Belt, any permission should therefore be conditioned to restrict the stack height to that applied for in the application details. On balance the proposal would not have a significant adverse impact upon the amenity of the local area and approval is therefore recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

1181-01/A Sheets 1to 4 and 1181-01/A Sheet 5 Date Stamped 16th October 2008.

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

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

3 VISQ8 Samples of exterior materials to be app

4 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with those approved details. The details to include:

- i) The proposed drainage layout showing foul and surface water connection to the existing sewer;
- ii) Details of the surface water attenuation system to achieve the 94.8 metres of storage volume required and position and details of flow control manhole limiting the proposed discharge to a maximum of 47.3 litres per second.

Reason:

So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and to ensure that proper provision is made to secure the existing drainage.

5 Piling or any other foundation designs using invasive methods shall not be permitted other than with the express consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in strict accordance with the approved details.

Reason:

To protect controlled waters.

6 Prior to the first operation of the building and plant hereby authorised, the developer shall submit in writing a formal BREEAM assessment or equivalent, for the Design and Procurement stages for the building and plant hereby approved. All assessments shall be followed by a BREEAM Post Construction review to be submitted after construction at a time to be agreed in writing by the Local Planning Authority. All assessments shall confirm the minimum "Very Good" rating, or equivalent, anticipated in the preliminary BREEAM assessment submitted with the application, and be agreed to in writing by the Local Planning Authority.

Reason:

In the interests of sustainable development, in accordance with the requirements of Policy GP4a) of the York Development Control Local Plan and the Council's Planning Guidance Interim Planning Statement (IPS) on Sustainable Design and Construction.

7 The height of the stack associated with the biomass plant hereby authorised shall not exceed the 16.204 metres specified on approved application drawing 1181-01/A (Sheet 4).

Reason:

To safeguard the visual amenity of the area and to secure compliance with Policy GB1 of the York Development Control Local Plan.

8 Notwithstanding the provisions of Schedule 2 of the Town and Country

Planning (General Permitted Development) Order 1995, or any subsequent legislation revoking or re-enacting that Order, no fixed plant or machinery, buildings, structures or private ways, shall be erected, extended, installed or replaced at the site, other than those expressly authorised by this permission without the prior written approval of the Local Planning Authority.

Reason:-

To safeguard the character of the site in the interest of visual amenity and to secure compliance with Policy GB1 of the York Development Control Local Plan.

9 Notwithstanding the application details hereby approved the biomass power plant shall remain solely ancillary to the waste disposal activity currently taking place at the site under planning permission ref:00/02689/FUL and no dedicated deliveries of fuel for the plant shall take place without the prior written authorisation of the Local Planning Authority.

Reason:

To safeguard the character and amenity of the York Green Belt and to secure compliance with Policy GP1 of the York Development Control Local Plan.

10 In the event of the Biomass Plant and Associated Structures no longer being operationally required or after a period of 5 years from the date of this permission, whichever is the sooner, the plant and associated structures shall be dismantled and the site reinstated to its previous appearance.

Reason:-

To safeguard the character of the site in the interests of visual amenity and to secure compliance with York Development Control Local Plan Policy GB1.

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 impact upon the open character and purposes of designation of the Green Belt, impact of the proposed chimney stack on the visual amenity of the adjoining countryside, impact of the proposal on air quality and emission levels in the surrounding areas, cumulative impact upon amenity taken together with other activities taking place at the site, impact upon traffic volumes using the surrounding road network, impact upon the level of waste materials disposed to landfill and the contribution of the proposal to meeting energy need from sustainable sources. As such the proposal complies with Policies MW5, GB1, GB11, GP4a), GP4b) and GP5 of the City of York Local Plan Deposit Draft.

2. i) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08:00 to 18:00

Saturday 09:00 to 13:00
Not at all on Sundays and Bank Holidays.

ii) 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".

iii) 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.

iv) 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.

v) 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.

vi) There shall be no bonfires on site.

3. The development will require an Environmental Permit under the Environmental Permitting Regulations 2007. The applicant is strongly advised to contact the Environmental Management Section of the Environment Agency to discuss the necessary requirements of the Permit.

4. If it is intended to abstract more than 20 cubic metres of water per day from a surface water source (e.g. stream or drain) or from underground strata (via borehole or well) for any particular purpose then an abstraction licence will be required from the Environment Agency. There is no guarantee that a licence will be granted as this is dependent on available water resources and existing protected rights.

5. The Water Resources Act 1991, S85 makes it an offence to cause or knowingly permit poisonous, noxious or polluting matter to enter controlled waters unless you are in possession of a discharge consent or other relevant permit. Controlled waters include all water below the surface of the ground. This legislation is not restricted to any listed substances. Discharge consents issued under the WRA 1991 constitute authorisations for the purposes of the Groundwater Regulations provided the relevant conditions have been applied.

Contact details:

Author: Erik Matthews Development Control Officer

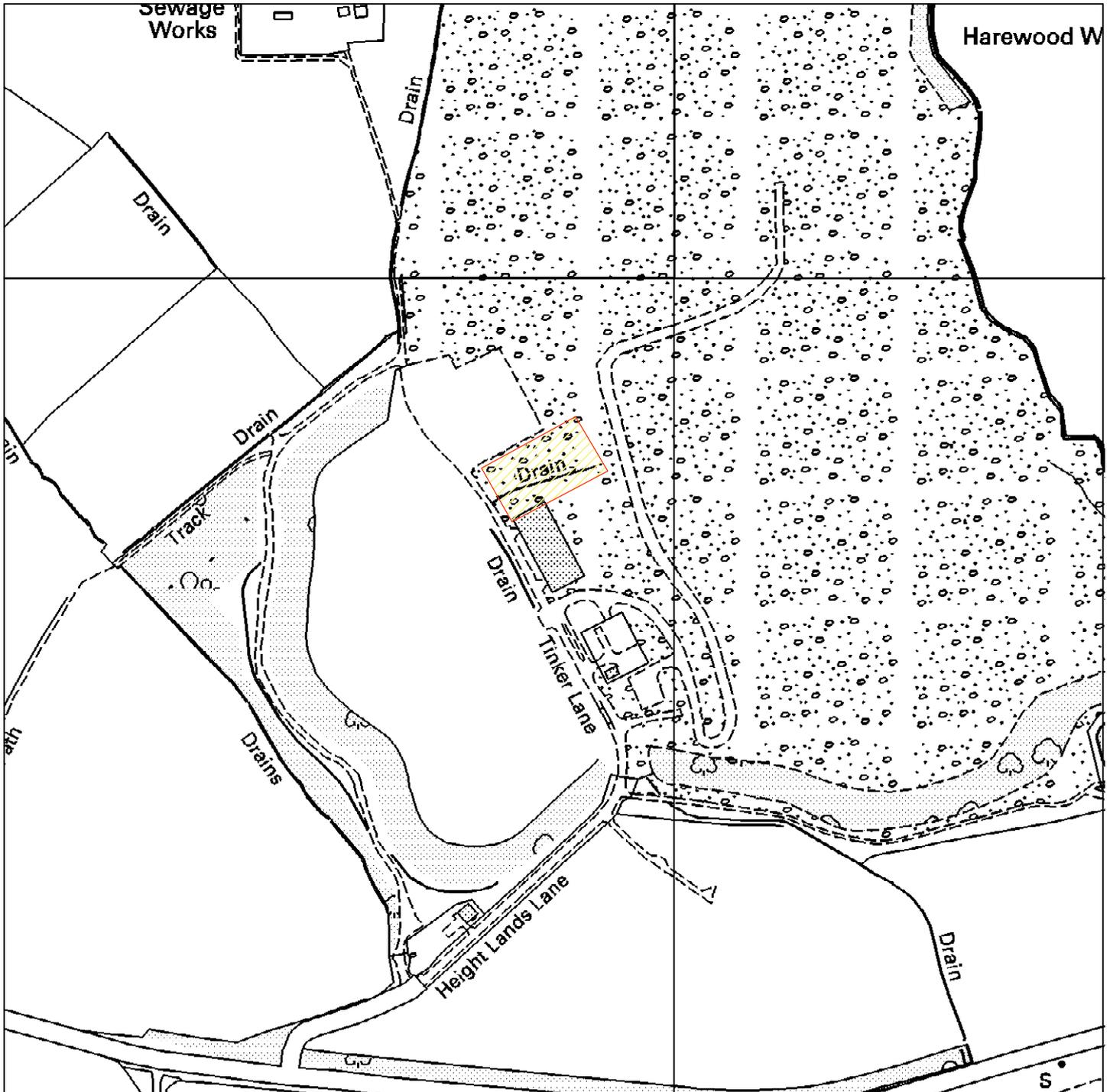
Tel No: 01904 551416

Harewood Whin Landfill Site

09/01589/FUL



GIS by ESRI (UK)



Scale : 1:5000

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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application Site
Date	05 November 2009
SLA Number	Not set

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