

MEETING	PLANNING COMMITTEE
DATE	20 JANUARY 2011
PRESENT	COUNCILLORS R WATSON (CHAIR FOR AGENDA ITEMS 1, 2, 3, 4A, 4B, 4C, 4F AND 4G), AYRE, BOYCE, D'AGORNE, FIRTH, FUNNELL, GALVIN, HYMAN, MERRETT (VICE-CHAIR IN THE CHAIR FOR AGENDA ITEMS 4D AND 4E), MOORE, MORLEY, REID, SIMPSON-LAING, B WATSON, WISEMAN AND KING (SUB FOR CLLR HORTON)
APOLOGIES	COUNCILLOR HORTON

### 29. INSPECTION OF SITES

Site	Reason for Visit	Members Attend
Infinity Ltd, 88-96 Walmgate, York (10/02542/FULM and 10/02543/CAC)	To enable Members to view the site in relation to the Conservation Area, highway issues, surrounding properties and objections received.	Cllrs R Watson, Merrett, Morley, Reid, B Watson
Proposed Development at Nestle South, Haxby Road, York (10/01955/OUTM, 10/01960/FULM, 10/02157/LBC)	To enable Members to view the site in view of the range and complexity of the development.	Cllrs R Watson, Merrett, Morley, Reid, B Watson

### 30. DECLARATIONS OF INTEREST

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

Councillor D'Agorne declared personal non prejudicial interests in relation to Plans Items 4a, 4b and 4c (Nestle South, Haxby Road, York 10/01955/OUTM, 10/01960/FULM, 10/02157/LBC) as a member of the City Car Club, the York Cycling Campaign and the Cyclists' Touring Club, in Plans Items 4d and 4e (88-96 Walmgate, York 10/02542/FULM, 10/02543/CAC) as a member of the Green Party and in Plans Item 4g (Harewood Whin Landfill Site, Tinker Lane, Rufforth 07/02914/FULM) as a member of the York Environment Forum.

Councillor Merrett declared a personal non prejudicial interest in relation to Plans Items 4a, 4b and 4c (Nestle South, Haxby Road, York 10/01955/OUTM, 10/01960/FULM, 10/02157/LBC) as a

member of the York Environment Forum, Honorary Member of the Cyclists, Touring Club, a member of York Cycle Campaign and a member of the Cycling England Board.

Councillor Reid declared a personal prejudicial interest in relation to Plans Item 4g (Harewood Whin Landfill Site, Tinker Lane, Rufforth 07/02914/FULM) as the Council's representative on Yorwaste and left the room and took no part in the voting or discussion on the application.

Cllr R Watson declared a personal prejudicial interest in relation to Plans Items 4d and 4e (88-96 Walmgate, York 10/02542/FULM, 10/02543/CAC) as his firm undertook legal work in relation to the purchase of the site and vacated the Chair. He left the meeting and took no part in the voting or discussion on the applications.

### **31. MINUTES**

RESOLVED: That the minutes of the last meeting of the Planning Committee held on 16 December 2010 be approved and signed by the Chair as a correct record.

### **32. PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

### **33. PLANS LIST**

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

#### **33a Proposed Development at Nestle South, Haxby Road, York (10/01955/OUTM)**

Consideration was given to an outline application, submitted by Nestle UK Ltd, for a mixed use development including residential, live/work, residential student accommodation, offices, retail, café, assisted living, community centre, gymnasium, crèche, and associated car parking, landscaping, highway infrastructure and other ancillary works.

Officers referred to the three different types of applications under consideration at the meeting for the Nestle site, the first in outline for a mixed use development and access in line with the previously agreed masterplan together with an indicative layout for the remainder of the site, the second a full application for the retained buildings and the final application for listed building consent.

Officers circulated an update in relation to the applications which included details of the following issues (copy of the full update is attached as an Annex to the online agenda):

- Details of the various aspects of the draft Section 106 Agreement which formed part of the proposals under consideration, including:
  - Public Art
  - Sport and recreation
  - Sustrans path
  - Affordable housing
  - Contribution towards education provision
  - Community Use Agreement
  - Recording and analysis of air quality
  - Open Space and Woodland Construction Management and Maintenance Plan
  - Assisted Living Management Plan
  - Marketing Plan
  - Sustainable transport contributions
  - Traffic Regulation Orders
- Submission of an Environmental Impact Assessment and the need to add this to the Officers recommended reasons for approval.
- Receipt of an additional letter of objection from a local resident.
- Update to Paragraph 3.48, page 22 - comments of the Conservation Area Advisory Panel confirming that they raised no new issues to the proposed revisions.
- Additional condition relating to the provision of washing and changing facilities for office staff to promote bicycle use
- An additional condition regarding the creation of a pedestrian refuge for the crossing of Haxby Road.
- Details of amendments to the following suggested conditions:
  - Condition 2 – Plan revisions
  - Condition 11 – Internal noise level wording redrafted so as to be more precise
  - Condition 37 – Car parking/spaces wording redrafted so as to be more precise
  - Condition 39 – Connection to the Sustrans path, recommended for deletion as this was covered in the Section 106 Agreement.

Representations were then received from a representative of the York Civic Trust who confirmed that he welcomed the proposals which followed the previously agreed master plan. He stated that he hoped the property mix would be adhered to as there was a need for family homes in the city. Much thought had been given to the scheme as the scale of the proposals contrasted well with surrounding development and the family homes had been improved with the provision of defensible open space which was supported. Their only concerns related to the Joseph Rowntree Library and its subsequent conversion, the number of student parking spaces and the penthouse appeared dominant and required setting back.

A Nestle Director made representations in support of the scheme which he confirmed had been prepared in accordance with the Council's brief. He went on to explain the concepts behind the proposals which would regenerate an important city site building on the heritage of Joseph Rowntree.

Member went on to discuss the proposals in more detail and in particular they questioned a number of aspects including:

- The inclusion of allotment sites in the S106 agreement and proposals for the existing adjacent allotments.
- Request for an extension of the lease of the sports pitches/facilities on Haxby Road beyond the 25 years already offered. Confirmation by the applicants that a 99 year lease would be offered.
- Possibility of requiring additional money in the S106 to improve the cycle route into the city to assist less confident cyclists. Officers confirmed that the highway works already proposed were considered sufficient and proportionate to the development.
- In relation to the environmental agenda it was felt that this development should be an exemplar from the sustainability point of view. Questioned why a community heating system had not been progressed for the site. Confirmed that this was more a concern for the landowners rather than the developers.
- Questioned why the authority were not insisting on more than 10% of the expected energy demand being provided for through on-site renewables as 10% was only the minimum requirement.
- With the removal of the rear alleyways from the Design Code questioned waste/recycling and collection issues.
- Proposed Traffic Regulation Order contribution towards waiting restrictions. Confirmation that this contribution at the reserved matters stage would also ensure a low speed environment on the site.
- Flexibility was required with the proposed 40/60 housing split.
- Minimum road widths required to ensure emergency/refuse vehicle access. Confirmation that road widths could be specified at the detailed design stage.
- In answer to a question regarding traffic issues in the area confirmation that there were no proposals to provide a link road through the site between Haxby Road and Wigginton Road.
- Queuing traffic in the vicinity of Crichton Avenue Bridge and York Hospital and the possible provision of a slip road. Officers confirmation that a number of alternative options had been examined however the only feasible access had been that included in the application.
- Concerns that the on site open space provision should provide useable space for all ages.
- Future management of open spaces.
- Service charge concerns. The applicants detailed the various service charge options.
- Maintenance of northern and southern buffer zones.

- Confirmation that site fencing was proposed between the site and stray land as requested by the Police Architectural Liaison Officer.
- Need to ensure appropriate funding for provision of community facility. Officers confirmed that this was not part of the planning brief and that the outline application would only provide indicative land uses.

The Council's legal representative confirmed that it would be inappropriate to seek to renegotiate Section 106 agreement contributions at the meeting. She stated that the contributions to be included within the agreement had only been negotiated by officers on an arms length basis following detailed negotiations between officers and the applicants.

Following further lengthy discussion it was moved by Councillor Merrett and seconded by Councillor D'Agorne that further consideration of the application be deferred for one month to allow Officers to discuss the inclusion of the under mentioned issues in the Section 106 agreement:

- Contribution for the provision of a community facility subject to a local study showing this was necessary.
- Prior to commencement of the development an independent study shall be carried out to assess the viability of utilising the existing heat and power system which operates within the Nestle factory site or a stand alone heating plant.
- In order to prevent displacement parking the developers be required to finance residents parking schemes, if needs demand as a result of the development in the next 5/10 year period.
- To overcome safety issues Officers be requested to examine the Wigginton Road highway arrangements and bus shelter locations.

On being put to the vote this motion was lost. Following further discussion it was

**RESOLVED:** That the application be approved subject to the conditions set out in the report and the following amended and additional conditions and a Section 106 agreement:

**Amended Condition 2:** Prior to the commencement of building works, reserved matters applications with fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) appearance
- b) landscaping;
- c) layout; and
- d) scale

Such reserved matters applications shall comply with the general design principles set out in the following documents:

- Revised Design Code received by CYC 18/01/11

- Revised Parameters Plan 5541 AL(OP)200 A received by CYC 31/12/10
- Revised Illustrative Landscape Layout 930/08 Rev L received by CYC 24/12/10
- Revised Illustrative Sections for Buffer Planting Along Northern Boundary 0930-14 received by CYC 24/12/10
- Revised Illustrative Landscape Central Boulevard received by CYC 24/12/10
- Revised Site Sections B,B - 5541 AL(OP)202 D, Sections C, D - AL(OP)203 D, Sections E, F - AL(OP)204 D, and G, H - AL(OP)205 C all received by CYC 07/12/10

The development shall be carried out in accordance with the approved details.

**Amended Condition 11:** The internal noise level within all residential accommodation (including student accommodation and assisted living units) shall not exceed 30 dB LAeq (8 hour) and 45dB LAm<sub>ax</sub> inside bedrooms at night (23:00 - 07:00 hrs ) and 35 dB LAeq (16 hour) in all other habitable rooms during the day (07:00 - 23:00 hrs). Should any works be required to achieve the required maximum noise levels, details of the attenuation works shall be submitted to and approved in writing by the Local Planning Authority. These noise levels stated shall be observed with all windows shut and any means of artificial ventilation in operation. No residential accommodation shall be occupied until the approved attenuation works, if required, have been installed in complete accordance with the approved details.

**Amended Condition 37:** The operation and management of the car parking on each phase of the development shall be undertaken in accordance with a car park management scheme for that phase, which shall be submitted to and approved in writing by the LPA prior to that phase of the development being brought into use. The car park management plan shall include, where appropriate, the following details:

- how many spaces are allocated to the use
- how car parking spaces within that use would be allocated
- where the car parking spaces are located
- how the car parking would be managed and enforced
- the procedures to be put in place as students move in and out of the premises

The approved scheme shall be implemented in complete accordance with the approved details and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

**Removal of Condition 39:** Access to the Sustrans cycle path had already been covered within the Draft S106 Agreement.

**Additional Condition:** Washing and changing facilities shall be provided within all B1 Office Accommodation, these facilities shall be accessible by all persons employed within the premises. Details shall be submitted to and approved in writing by the Local Planning Authority and the facilities shall be provided in accordance with the

approved details prior to first use of the office accommodation and thereafter retained.

**Additional Condition:** The development hereby permitted shall not come into use until the pedestrian refuge on Haxby Road has been carried out in accordance with drawing EU00431\_SK12 rev E.

List of items for inclusion within the **Section 106 Agreement:**

- i) Affordable Housing at 25% to be linked to the Council's viability assessment.
- ii) A contribution towards education provision, sum to be calculated prior to occupation of the first residential unit.
- iii) A Community Use Agreement and lease for the sports pitches to the north of the factory site along both sides of Haxby Road and a one off £50,000 sum towards off-site sports pitch/facilities upgrading, with a 99 year lease.
- iv) An agreement to connect the site to the Sustrans path to the south, to thin out existing overgrown landscaping and to plant new low maintenance landscaping where appropriate, to illuminate the new access route, and to provide seating adjacent to the Sustrans track which would match the seating provided within the Nestle South site (as detailed below)
  - To create a pedestrian and cycle friendly link between the south of the site and the Sustrans path. Location and details to be agreed with the Local Planning Authority.
  - The submission of a landscaping plan to be agreed with the Local Planning Authority. The plan shall include details of the thinning out of some areas of green landscaping to the south of Nestle South in order to create a more open and light environment for users and to facilitate a greater level of natural surveillance of the path. Low maintenance additional planting would be provided where appropriate in order to improve the appearance and quality of the path thus encouraging its use.
  - To install a bench on/next to the Sustrans path which shall be the same specification as those used within the Nestle South site in order to 'tie' the areas together.
  - To agree a lighting scheme so that the access point from the Sustrans path to the Nestle South site is sufficiently illuminated to encourage use.
- v) A commuted sum of £80,000 towards Public Art
- vi) Recording and analysis of Air Quality
- vii) Open Space and Woodland Construction Management and Maintenance Plan
- viii) Assisted Living management plan
- ix) A marketing plan to promote the site to knowledge based industries
- x) Sustainable transport contributions including:
  - a) The choice of either a free cycle or 6-month bus pass to first occupiers of the residential units.
  - b) Contribution towards the provision of a car club on the site, including drive time and membership for residents
  - c) Contribution towards the provision of CCTV in the vicinity of the site access junctions on Haxby Road and Wiggington Road

- d) Contribution towards the provision and/or improvement of bus stops on Haxby Rd/Wiggington Rd and within the site. The stops are to include kassel kerbs, shelters and real time (BLISS) displays
  - e) Contribution towards the provision of an intelligent bollard within the site to restrict traffic travelling through the site
  - f) Funding to pump prime the provision of a bus route through the development
  - g) A Travel Plan.
- xi) Traffic Regulation Orders such as a contribution towards the promotion/amendment of waiting restrictions in the vicinity of the site, the creation of a residents parking scheme on the site, and further restrictions to ensure that surrounding residential areas and highways are not disadvantaged by on-street parking

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to:-

- Principle of Development
- Transport and Parking
- Design and Visual Amenity
- Sustainability
- Flood Risk and Drainage
- Open Space
- Crime Prevention
- Ecology
- Residential Amenity
- Land Contamination
- Environmental Issues

As such the proposal complies with relevant policies contained within the Council's Development Control Local Plan (2005), the Nestle South Development Brief, and national guidance contained within PPS and PPG's.

### **33b Proposed Development at Nestle South, Haxby Road, York (10/01960/FULM)**

Members considered a major full application, submitted by Nestle UK Limited, for the conversion and alteration of retained buildings within Nestle South, including the creation of an additional storey, for a mix of uses incorporating residential, live/work, residential student accommodation, office, retail, café, and associated landscaping, roads and car parking.

Officers circulated an update which detailed (copy of the full update is attached as an Annex to the online agenda):

- Recommendation to read 'Approve subject to Section 106 Agreement'.
- Replace Condition 2 with updated list of plans/documents.



- Condition 31 relating to car parking management plan, redrafted so as to be more precise.
- Additional condition, relating to the provision of washing and changing facilities within the office accommodation.
- Additional condition, relating to the design and dimensions of the passenger lifts to be able to accommodate people with bicycles.

Members confirmed that there were minimal changes proposed to the building thereby retaining its character and important features whilst providing a number of mixed uses. They also expressed support for the conversion of the Library into a community café and the enhancement of the area with landscaping.

RESOLVED: That the application be approved subject a Section 106 agreement (as per the outline application), the conditions listed in the report and the following amended and additional conditions:

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

- Revised Proposed Elevations Building 66-67-2 plan number AL(CA)209 G received by CYC 14/01/11
- Revised Proposed Elevations Building 66-67-2 The New Elements plan number AL(CA)214 B received by CYC 14/01/11
- Revised Proposed Masterplan plan number AL(CA)201 D received by CYC 14/01/11
- Revised Proposed Plans Building 66-67-2 Ground + First plan number AL(CA)206 F received by CYC 14/01/11
- Revised Proposed Plans Building 66-67-2 Floors 2-5 Floor 6 plan number AL(CA)207 E received by CYC 14/01/11
- Detailed Design for Haxby Road Frontage plan number 930-23A received by CYC 24/12/10
- Revised Proposed Sections Building 66-67-2 Section A plan number AL(CA)210 F, Section B plan Number AL(CA)211 F, and Section C plan number AL(CA)212 E all received by CYC 14/01/11.

**Amended Condition 31:** The operation and management of the car parking on each phase of the development shall be undertaken in accordance with a car park management scheme for that phase, which shall be submitted to and approved in writing by the LPA prior to that phase of the development being brought into use. The car park management plan shall include, where appropriate, the following details:

- how many spaces are allocated to the use
- how car parking spaces within that use would be allocated
- where the car parking spaces are located
- how the car parking would be managed and enforced
- the procedures to be put in place as students move in and out of the premises

The approved scheme shall be implemented in complete accordance with the approved details and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

**Additional Condition:** Details shall be submitted to and approved in writing by the Local Planning Authority of the washing and changing facilities to be provided within the B1 Office Accommodation hereby approved. The washing and changing facilities shall be accessible by all persons employed within the premises and shall be provided in accordance with the approved details prior to first use of the office accommodation and thereafter retained.

**Additional Condition:** Details shall be submitted to and approved in writing by the Local Planning Authority of the design and dimensions of the passenger lifts to be installed. The lifts shall be suitable for use by people with bicycles. The lifts shall be installed in accordance with the approved details prior to the first occupation of the residential accommodation.

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to:-

- Principle of Development
- Design and Impact on the Conservation Area
- Community Open Space/Play Area
- Highways
- Sustainability
- Flood Risk and Drainage
- Crime Prevention
- Ecology
- Noise
- Air Quality
- Environmental Issues

As such the proposal complies with relevant policies contained within the Council's Development Control Local Plan (2005), the Nestle South Development Brief, and national guidance contained within PPS and PPG's.

**33c Nestle Rowntree, Haxby Road, York YO31 8XY  
(10/02157/LBC)**

Consideration was given to a Listed Building Consent application, submitted by Nestle UK Ltd, for the demolition of buildings 51 and 52 and the reinstatement of the building fabric of buildings 66-67 and 76 (Joseph Rowntree Library).

**RESOLVED:** That approval be granted subject to the conditions set out in the report.

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular

reference to the character, appearance, and setting of the listed building. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan.

**33d Infinity Ltd, 88-96 Walmgate, York YO1 9TL  
(10/02542/FULM)**

Members considered a major full application, submitted by S Harrison Developments Ltd and Sojourn Hotels, for the erection of a 4 storey building to form a 102 bedroom hotel.

Officers updated with the following information:

- Additional condition required to ensure that adequate facilities were included for the treatment and extraction of cooking odours.
- Revised plans were displayed which detailed the addition of decorative railings and the incorporation of brickwork columns to divide the glazing on the frontage.
- Comments of the Green Party in relation to the strengthening of the proposals for sustainable building and renewables and coach parking.
- Officers confirmation that a coach could undertake a 3 point turn manoeuvre on Hurst's Yard/Percy's Lane. There was also sufficient room for a coach to load/unload on the Walmgate frontage whilst leaving sufficient space for a bus to pass.
- Confirmation that a Traffic Regulation Order contribution would be required to amend waiting restrictions in Percy's Lane to enable servicing of the hotel to take place.

Representations in support of the application were then received from the applicants agent. He pointed out that this would not be a budget hotel but run by a new operator from the United States, rejuvenating the Walmgate area and creating up to 40 jobs. The design was sympathetic to the Conservation Area and as the main hotel business would be accommodation this would assist in boosting the local economy.

Members questioned and commented on a number of aspects of the proposals including:

- Need to provide 2 dedicated disabled parking spaces for hotel guests.
- Staff parking issues with late shifts eg motorcycles.
- Archaeological survey work and possible incorporation of any findings in the building.
- Recycling facilities.
- Management plan for the servicing of arrivals and departures.

Officers confirmed that they would take members comments on board in relation to disabled parking when drawing up the traffic regulation orders in the area.

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

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

Floor plans  
D -201D - ground floor plan  
202C - 1st floor  
203B - 2nd floor  
204B - 3rd floor  
205B - roof

D – 302C -large scale elevations  
Elevation drawings D-401D, 402D, 403E, 404D

**Additional Condition:** Prior to occupation of the development a servicing strategy detailing how deliveries and coach arrivals and departures from the site will be managed shall be submitted to and approved in writing by the Local Planning Authority. The development shall operate in accordance with the approved details thereafter unless otherwise agreed in writing by the Local Planning Authority.

**Additional Condition:** There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to the Local Planning Authority for written approval. Once approved it shall be installed and fully operational before the proposed use first opens, and appropriately maintained thereafter.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the setting of nearby listed buildings, the character and appearance of the conservation area, amenity, highway safety, archaeology and flood risk.

As such the proposal complies with national policy established in PPS1, PPS4 and PPS5 and Policies SP7A, SP7B, GP1, GP3, GP4A, HE2, HE3, HE10, T4, E3B and V3 of the City of York Development Control Local Plan.

**33e Infinity Ltd, 88-96 Walmgate, York YO1 9TL  
(10/02543/CAC)**

Members considered a Conservation Area consent, submitted by Mr Chris Hale, for the demolition of buildings in the conservation area in connection with the proposed redevelopment of the site.

Following discussion it was

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the conservation area. As such the proposal complies with PPS5: Planning for the Historic Environment and Policy HE5 of the City of York Development Control Local Plan.

**33f Hungate Development Site, Hungate, York  
(10/02646/FULM)**

Members considered a major full application, submitted by Hungate (York) Regeneration Ltd, for the conversion of 7 no. townhouses (unit numbers 22, 23, 24, 25, 26, 47 and 48) to 14 no. duplex apartments within Phase 1 of the Hungate redevelopment scheme.

Officers updated with the following information:

- An additional condition was required regarding windows in the new units.
- Confirmation that the overall scheme content of 720 units and the associated agreed affordable housing provision for the site as a whole would remain.
- There would also be no changes to the contributions in the previously approved Section 106 agreement.

Representations in support of the application were received from the applicants Planning Consultant. He referred to change in the economic climate since the outline scheme had gained approval 5 years ago. He pointed out that 21 of the 28 townhouse were still unoccupied and to the extensive marketing of the properties already undertaken. In answer to members comments he confirmed the popularity of the 3 bedroom properties and to the flexibility that would be required on the schemes four further phases.

Members referred to a number of issues including proposals for sound proofing between the properties and to concerns regarding the amenity levels and room size of the existing townhouses.

Following further discussion it was

RESOLVED: That the application be approved subject to a Section 106 agreement, the conditions set out in the report and the following additional condition:

Notwithstanding the submitted plans, full details of the new window units which incorporate the opaque glazing panel shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to: the design of the development, mix of house types /number of units and parking provision.

As such the proposal complies with Policies GP1, HE2 and H3C of the City of York Local Plan Deposit Draft.

**33g Harewood Whin Landfill Site, Tinker Lane, Rufforth, York YO23 3RR (07/02914/FULM)**

Consideration was given to a full application, submitted by Yorwaste Ltd, for the construction of 2 no. concrete pads totalling 25,800m<sup>2</sup>, site roadways and drainage system including underground storage tanks, for use as a green waste composting and waste wood recycling facility.

Officers circulated an update on the application, which detailed the following (a full copy of the update has been attached as an annex to the agenda for the meeting):

- The Committee had previously approved this application, subject to the removal of the Environment Agencies objection. Confirmation that this objection had now been removed.
- The following concerns had been raised by members, residents, the Parish Council and local Member of Parliament:
  - Lack of overall strategy for the site.
  - Potential impact on the local surface water drainage pattern.
  - Lack of provision for renewable energy generation.
  - Use of recycled aggregate and the amount of embedded energy used in the construction process.
  - The scheme could lead to an increase in compostable material over and above the existing situation at the site.
  - Impact on the openness of the Green Belt.
  - Outstanding matter in relation to public rights of way from the Section 106 Agreement.
- Recommended addition of an informative to Condition 20 in relation to an odour management scheme for the site.
- Amendment of Condition 21 to read “noise management protocol scheme”.
- Amendment of Condition 4 to add “including semi-mature specimens wherever practicable”.
- Confirmation that Rufforth Parish Councils letter, previously circulated to members, referred to a separate application for the site to be considered by the West and Centre Sub-Committee.

Representations were received from a local resident expressing concerns at the lack of communication by Yorwaste, with the Parish Council and local residents. He also referred to a number of outstanding Section 106 conditions and to the 14 incremental

variations and alterations received for the site. He asked members to recommend a formal review of the site and its use.

Representations were also received from a member of Rufforth Parish Council who expressed a number of concerns including that their objections to the scheme still remained. They pointed out that they believed Yorwaste had failed to argue the case for very special circumstances and requested the Committee to delay a decision to enable the developers to produce a master plan for the site.

A representative of Yorwaste confirmed that an Environmental Impact Assessment (EIA) had been submitted with the original application and that the present application had also been accompanied by an EIA which had considered the development's potential impact in respect of visual impact, noise etc. He explained that the existing facility was now too small for purpose and that the new pads would enable the compost to be regularly turned to reduce the potential for odour from the site.

Councillor Gillies referred to several outstanding issues at the Harewood Whin site and to resident's main objections being the lack of an overall strategy for the site. He pointed out the number of separate applications made by the developers and to proposals for the Allerton Park site with additional vehicles being routed through Rufforth village. He asked the Committee to request the applicants to submit an overall development brief for the site and for them to undertake full consultation with the City of York Council, adjacent Parish Councils and the Drainage Board.

The Council's legal representative confirmed that there were no formal legal or policy requirements for the developers to prepare a master plan or development brief for the site. Officers went on to confirm that priority would be given to enforcement issues relating to the site but that this was separate to the application under consideration.

Members made a number of comments in relation to the proposals including:

- Need for a condition to control the proportion of demolition aggregate used in the construction of the pads. The applicants confirmed that this would be covered at the civil engineering detailed design stage.
- Confirmation received that the Sustrans cycle route adjacent to the site would be safeguarded.
- Confirmation that there had been no material change in policy or site circumstances since approval of the original application.
- Further details in relation to the removal of hedgerows and landscaping proposals.
- Request for detailed figures for future green waste.

- Additional traffic would make roads in the vicinity less attractive to sustainable transport and for the need to provide cyclists with an alternative route.

The Chair confirmed that he hoped the applicant would take note of the Parish Council and resident's comments and make presentations to all neighbouring Parish Councils on their proposals for the site. Officers also confirmed that further discussions would be undertaken with Yorwaste in relation to undertaking some preparatory work and safeguarding of the Sustrans cycle route.

**RESOLVED:** That the application be approved subject to the conditions set out in the report and to the following amended and conditions:

**Amended Condition 4:** Prior to the commencement of development on site, a detailed landscaping plan, showing the number, species, height and position of all trees and hedging including semi-mature specimens wherever practicable, shall be submitted to and approved in writing by the Local Planning Authority.

**Additional Informative to Condition 20:** The odour management scheme should be developed in line with the DEFRA guidance document Good Practice and Regulatory Guidance on Composting and Odour Control for Local Authorities Appendix C.

**Amended Condition 21:** The noise management protocol scheme shall be reviewed 1 year after the first use of the development. This review must be submitted in writing with any amendments to the noise management protocol scheme to the Local Planning Authority for written approval.

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the designated green belt, environmental issues, drainage and traffic. As such the proposal complies with PPG2, PPS7, PPS10 and Policies SP2, SP3, GP4a, GB1, GB14, MW5 and MW1 of the City of York Development Control Draft Local Plan.

R WATSON, Chair

[The meeting started at 4.30 pm and finished at 7.40 pm].