

## COMMITTEE REPORT

**Date:** 12 May 2016                      **Ward:** Rural West York  
**Team:** Major and                      **Parish:** Parish Of Rufforth With  
                    Commercial Team                      Knapton

**Reference:** 16/00635/FUL  
**Application at:** Yorwaste Harewood Whin Tinker Lane Rufforth York  
**For:** Variation of condition 1 (removal by 31 December 2017) of  
                    planning permission 12/01378/FUL for compost pad extension to  
                    allow retention and continued use until 31st December 2030  
**By:** Yorwaste Ltd  
**Application Type:** Full Application  
**Target Date:** 27 May 2016  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 Harewood Whin comprises a 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 was granted in 2003. Planning permission has previously been given ref:-12/01378/FUL to extend the life of the composting operation at the site to December 2017. The current proposal seeks the retention of the existing concrete composting pad with extension to the north of the recycling building at the north western edge of the site to handle the throughput of green waste material suitable for composting until 31st December 2030.

### 2.0 POLICY CONTEXT

2.1 RSS:- The general extent of the York Green Belt is defined within saved Yorkshire and Humber RSS Policies YH9C and Y1C as such Central Government Policy in respect of Green Belts as outlined in the National Planning Policy Framework applies.

2.2 Central Government Planning Policy as outlined in paragraph 87 of the National Planning Policy Framework indicates that inappropriate development within the Green Belt is by definition harmful to the Green Belt and should not therefore be approved other than in very special circumstances. Paragraph 88 establishes the weight to be given to a submitted case to establish "very special circumstances". This clearly argues that when considering a planning application Local Planning Authorities should ensure that substantial weight should be given to any harm to the Green Belt. "Very special circumstances" will not be held to exist unless the

potential harm by reason of inappropriateness and any other harm are outweighed by other considerations.

## STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN (2005 4th SET OF CHANGES):-

2.3 The York Development Control Local Plan (4th Set of Changes) was approved for Development Control purposes in April 2005; its policies remain material considerations in respect of Development Management decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

## STATUS OF THE EMERGING LOCAL PLAN:-

2.4 The (Emerging) Publication Draft York Local Plan (2014) is currently not progressing through its statutory consultation. At the present early stage in the statutory process the emerging Local Plan policies carry only limited weight. Where relevant and in accordance with the terms of the National Planning Policy Framework. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

## **3.0 CONSULTATIONS**

### INTERNAL:-

3.1 Public Protection raises no objection to the proposal.

### EXTERNAL:-

3.2 The Environment Agency raises no objection to the proposal.

3.3 Rufforth with Knapton Parish Council raises no objection in principle to the proposal but wishes to see any development within the site restricted to the existing built foot print within the centre of the site and the access to the B1224 Wetherby Road re-designed to lessen the amenity risk of vehicles accessing the site travelling via Rufforth village.

## **4.0 APPRAISAL**

### KEY CONSIDERATIONS:-

#### 4.1 KEY CONSIDERATIONS INCLUDE:-

- \* Impact upon the openness and purposes of designation of the York Green Belt;
- \* Impact upon the residential amenity of neighbouring properties.

## PLANNING POLICY CONTEXT:-

4.2 GREEN BELT:- Central Government Planning Policy as outlined in paragraphs 79 to 90 of the National Planning Policy Framework identifies Green Belts as being characterised by their openness and permanence. New built development is automatically taken to be inappropriate and therefore harmful to the Green Belt unless it comes within one of a number of excepted categories. Other development may only be permitted where a case for "very special circumstances" has been forthcoming. Paragraph 88 of the National Planning Policy Framework indicates that "very special circumstances" will only be held to exist where potential harm to the Green Belt and any other harm are clearly outweighed by other considerations.

4.3 WASTE PLANNING:- Central Government Planning Policy in respect of Waste Planning as outlined in the National Planning Policy Statement for Waste (October 2014) paragraph 4 urges Local Planning Authorities to give significant weight to the need to co-locate waste management facilities wherever possible and to have clear regard to the proximity principle so that waste facilities are located as close as possible to the areas where the waste is generated.

4.4 AMENITY:- Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework "Core Principles" urges Local Planning Authorities to give significant weight to the need to provide and safeguard a good standard of amenity for all new and existing occupiers of land and buildings.

## IMPACT UPON THE OPENNESS AND PURPOSES OF DESIGNATION OF THE YORK GREEN BELT:-

4.5 Central Government planning policy as outlined in paragraph 90 of the National Planning Policy Framework indicates that certain engineering operations are not inappropriate within the Green Belt providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The proposal envisages the continuing use of the existing concrete composting pad with associated extension some 6,910 sq metres in area up until December 2030. The pad is used to store and turn compostable materials in linear masses or windrows for periods of 6 to 12 weeks at a time to make compost. The size of the pad allows for the processing of a maximum of 70,000 tonnes of material which would meet current expectations of demand over the application period. The pad is centrally located within the built footprint of the site directly to the north of the site office and the Materials Recycling Facility. As such it does not impact upon the open character and purposes of designation of the Green Belt and therefore complies with the requirements of paragraph 90 of the NPPF.

## IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES:-

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4.6 The composting operation is subject to a regularly reviewed odour management plan which was conditioned as part of the previous planning permission. The plan controls receipt and management of material, the regime of turning and treating the material to contain potential odours and provides for site monitoring and complaint resolution. The height and content of material are strictly controlled with the waste shredded and mixed at the earliest opportunity upon receipt. Levels of heat and moisture are also regularly monitored in order to effectively programme the regular turning of the material to prevent anaerobic conditions becoming established with the consequent capacity for odour nuisance taking place. The operation is also at the same time regulated by an Environment Agency Environmental Permit. Since the present odour monitoring and control regime has been in place occurrence of odour pollution instances has been minimal and it is felt that the residential amenity of neighbouring properties would not be adversely affected by the continued use of the pad. The proposal is therefore felt to be acceptable in terms of its impact upon residential amenity.

## **5.0 CONCLUSION**

5.1 The existing composting pad has not exceeded its 70,000 tonne capacity during the period of operation and there has been no material change in planning circumstances over that period. The odour management plan has also been effective in dealing with the management of the composting process and any potential sources of nuisance.

5.2 The proposed retention of the compost pad would comply with the requirements of paragraph 90 of the National Planning Policy Framework and would not give rise to any harm to the open character of the Green Belt. As such the proposal is felt to be acceptable in Green Belt terms and it is therefore recommended that a further temporary permission be given until 31st December 2030.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

1 The hard-standing hereby authorised shall be removed by 31st December 2030 and the site reinstated to its previous condition 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 the openness and purposes of designation of the York Green Belt in accordance with paragraphs 89 and 90 of the National Planning Policy Framework.

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

Drawing Refs:- HAR-PLOO-YO852-010; HAR-PLOO-YO627-001 1. Date Stamped 13th March 2009

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

3 The odour management scheme for the pad hereby authorised, dated October 2010 and approved on 14th March 2011 shall be reviewed on a yearly basis to ensure that the development has been undertaken in accordance with the submitted and approved details and associated monitoring procedure. The 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. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH**

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) and having taken account of all relevant national guidance and local policies including imposition of appropriate conditions, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

### **2. ODOUR MANAGEMENT PLAN:-**

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 plane shall be implemented from the date of approval, unless otherwise agreed in writing by the Local Planning Authority.

**Contact details:**

**Author:** Erik Matthews Development Management Officer

**Tel No:** 01904 551416