
MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	15 JANUARY 2009
PRESENT	COUNCILLORS HORTON (CHAIR), SUE GALLOWAY (VICE-CHAIR), CRISP, GALVIN, GILLIES, LOOKER, REID, SUNDERLAND AND MOORE (SUBSTITUTE)
APOLOGIES	COUNCILLOR STEVE GALLOWAY

47. INSPECTION OF SITES

The following sites were inspected before the meeting

Site	Attended by	Reason for Visit
146 Foxwood Lane	Cllrs Horton, Sue Galloway, Gillies, Galvin, Crisp and Looker and Reid.	As an objection had been received and the recommendation was to approve.
Harewood Whin, Tinker Lane, Rufforth	Cllrs Horton, Sue Galloway, Gillies, Galvin, Crisp and Looker.	As objections had been received and the recommendation was to approve.

48. 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 Reid declared a personal and prejudicial interest in Plans Item 5d (Harewood Whin, Tinker Lane, Rufforth) as she is the Council's representative on Yorwaste who are the applicants. She left the room and took no part in the discussion or decision thereon and had taken no part in the visit to the site.

49. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the Press and Public be excluded from the meeting during consideration of the annexes to agenda item 6 (Enforcement Cases Update) (Minute 53 refers) on the grounds that they contain information classed as exempt under paragraph 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. This information, if disclosed to the public, would reveal that

the authority proposes to give, under any enactment, a notice under or by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment.

50. MINUTES

RESOLVED: That the minutes of the meeting held on 18 December 2008 be approved and signed by the Chair.

51. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

52. PLANS LIST

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

52a 146 Foxwood Lane York YO24 3LT (07/00652/FUL)

Members considered a full application from Mick Calam for a single storey flat roof rear extension, and the raising in height of the existing rear extension (amendment to approved permission 06/00944/FUL)

RESOLVED: That the application be approved without conditions.

REASON: The proposal would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the dwelling and the locality. As such, the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan (2005); national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development"; and supplementary design guidance contained in the City of York's "A guide to extensions and alterations to private dwelling houses".

52b All Saints Church North Street York (05/00097/CAC)

Members considered an application for conservation area consent from the Parochial Church Council of All Saints Church for the demolition of the church hall in the conservation area.

The Planning Officer advised Members they were awaiting revised architect's drawings for the housing development planning permission, which had been sought under 05/00048/FUL (Agenda item 5c) and requested deferring consideration of this application in order that the applications for demolition and planning permission could be considered at the same meeting.

RESOLVED: That consideration of this application be deferred to a future meeting.

REASON: In order that amended architects drawings could be produced.

52c All Saints Church North Street York (05/00048/FUL)

Members considered a full application from the Parochial Church Council of All Saints Church for the erection of three dwellings to replace the existing church hall, the erection of an extension to the vestry and the installation of lockable gates at two locations in All Saints Lane.

The Planning Officer advised Members that the architects were in the process of drawing up revised plans, which would reduce the level of the roof adjacent to the neighbouring property and requested deferring consideration of this application until these revised drawings were available.

RESOLVED: That consideration of this application be deferred to a future meeting.

REASON: In order that amended architects drawings could be produced.

52d Harewood Whin Tinker Lane Rufforth York YO23 3RR (08/02426/FULM)

Members considered a major full application (13 weeks) from Yorwaste Heat and Power Ltd for the erection of a building to house a biomass power plant with chimney stack with external cooling plant (resubmission)

The Planning Officer circulated a series of e-mails received from Hessay Parish Council, Upper Poppleton Parish Council and Nether Poppleton Parish Council, which raised concerns about the environmental impact of the proposals.

He clarified that the completion date referred to in Condition 4 to Planning Permission 00/02689/FUL is 12 May 2017 and not 12 May 2013. He also advised that the final sentence in paragraph 4.4 of the committee report should therefore be amended to read “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 *waste disposal site which currently operates with the benefit of a permission expiring in 2017.*”

He also reported that Condition 10 should be amended to read “In the event of the Biomass Power Plant permanently ceasing to operate, or in the event of landfilling operations at Harewood Whin ceasing, all plant, associated structures and buildings shall be removed from the site and the land shall be restored in accordance with the previously approved Scheme of Restoration for the Harewood Whin Site. (Reason: To safeguard the character of the site in the interest of visual amenity and to secure compliance with York Development Control Local Plan Policy GB1) Members suggested that a time limit be imposed on the removal and restoration and officers agreed that this could be added to the condition.

Members raised the issue that Nether Poppleton, Upper Poppleton and Hessay parish councils had not been consulted regarding the application and officers explained that this was because the Harewood Whin Site fell solely within the Rufforth with Knapton Parish Council boundary and not any other parishes.

Members also discussed whether an Environmental Impact Assessment (EIA) should have been undertaken and officers explained the rules governing EIAs and advised Members that this type of development was classified as a Schedule 2 development and did not fall within the criteria which required a EIA to be undertaken.

Representations were received from the Chairman of the York and Selby Branch of the Campaign to Protect Rural England (CPRE) in objection to the application. He raised concerns over potential pollution from burning wood, which had been painted or treated with preservatives. He also stated that the report contained no information on contaminants produced through the furnace process or whether there was any intention to return ash to the land.

Further representations, in objection to the application, were heard from a local resident who was also a member of the York Environmental Forum. He advised Members that he was also representing Wheatlands Educational Community Woodland and circulated information about this. He advised Members that he lived close to the site and also had a commercial property in the vicinity. He explained that he didn't accept that surrounding parishes should not have been consulted on the application and stated that Yorwaste's record was poor in relation to methane and water pollution and rubbish collecting on the ring road. He believed the application being granted could lead to health concerns and would impact on community woodland. He stated that at the application site, landscaping

had not been done well, the cycle track was not yet complete and there were insufficient trees to absorb the pollution.

Representations were also received from a local resident of Rufforth in objection to the application. He raised concerns that if this application was granted, Harewood Whin could become a permanent site, and the original intention to landscape the site when the landfill operation was complete would not go ahead. He raised a question over the quantity of timber required and whether this would increase HGV traffic to site through the need to bring more timber onto the site. He also raised the issue of pollution and recommended an EIA to determine whether timber treated with preservative and paint was safe to burn. He also raised the question of whether the plant would need to be relocated on the site in order to maximise use of available energy.

In response to a query from Members regarding current air quality in the area, the representor explained that it was dependent on the prevailing wind but that sometimes there was an appalling stench, which, in the past had been of a chemical nature but more recently composting nature.

Representations were also received from the Director of the Land Development Practice representing Rufforth with Knapton Parish Council. He was of the opinion that an EIA should have been a requirement. He stated that there was insufficient information in the report on which to base a decision, no specific assessment of emissions from the chimney stack and issues over the height of the chimney stack.

Representations were heard from the consultant representing Yorwaste in favour of the application. He answered Members concerns in relation to specific issues, which had been raised and made the following points:

- Due to existing waste management activities already on site, there would be no need for extra deliveries to the site
- The proposed technology had been recommended by Environment Agency as the best available.
- Wood would be shredded in the current wood stock pile area before entering the plant
- Potential pollutants from chimney stack would be monitored by way of a constant emissions monitor on the stack, which would take readings at regular intervals.
- Ash would be regularly tested and could be sent to landfill or used in blockwork aggregates.
- The site would be permitted to burn painted but not treated timber – treated timber is deemed hazardous waste and would not be allowed on the site

Councillor Galvin moved and Councillor Moore seconded a motion to defer the application. On being put to the vote this motion was lost.

RESOLVED: That the application be approved after referral to the Secretary of State subject to the conditions listed in the report and the amended condition listed below.

Amended Condition 10

In the event of the Biomass Power Plant permanently ceasing to operate or in the event of landfilling operations at Harewood Whin ceasing, all plant, associated structures and buildings shall be removed from the site and the land shall be restored in accordance with the previously approved scheme of restoration for the Harewood Whin Site within six months of the cessation of operations.

Reason for amended condition 10: 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.

REASON:

The proposal, subject to the conditions listed in the report and the amended condition 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 and the national policies contained within PPG2 "Green Belts" PPS10 "Planning for Sustainable Waste Management" and PPS23 "Planning and Pollution Control".

53. 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 4.50 pm].