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| MEETING | WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE  |
| DATE    | 19 NOVEMBER 2009  |
| PRESENT | COUNCILLORS HORTON (CHAIR),<br>SUE GALLOWAY (VICE-CHAIR), CRISP,<br>STEVE GALLOWAY, GALVIN, GILLIES, REID,<br>SUNDERLAND AND B WATSON |

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### 30. INSPECTION OF SITES

The following site was inspected before the meeting.

| Site                                      | Attended by  | Reason for Visit  |
|---|--|---|
| St George's Hotel,<br>6 St George's Place | Councillors Crisp,<br>Gillies, Horton, Reid<br>and Brian Watson. | As objections had been<br>received and the officer<br>recommendation was<br>for approval. |

### 31. 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 Reid declared a personal and prejudicial interest in Plans items 4b (Harewood Whin Landfill Site, Tinker Lane, Rufforth (09/00460/FUL)) and 4c (Harewood Whin, Tinker Lane Rufforth (09/01589/FUL)) as the Council's representative on Yorwaste. She left the room for these items and took no part in the debate or voting on the applications.

### 32. MINUTES

RESOLVED: That the minutes of the meetings of the West and City Centre Area Planning Sub Committee held on 17 September and 22 October 2009 be approved and signed by the Chair as a correct record.

### 33. 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.

## **34. 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.

### **34a St George's Hotel, 6 St George's Place, York, YO24 1DR (09/01514/FUL)**

Members considered a full application, received from Mrs C Livingston, for the demolition of an existing garage and the erection of a single storey detached annex, a single storey detached store to the rear and the extension of the car parking area.

Officers updated that they had received an email from a resident of Moorgarth Avenue. The resident raised concerns at the close proximity of the proposed annex and they reiterated their objections in relation to noise and loss of privacy.

Representations were received from three neighbours in objection to the application. The first confirmed that he had lived in his property adjacent to the site for 50 years during which time he had seen a number of conversions of outbuildings in the vicinity of the site. He felt that the scale of these proposals constituted backfilling and would set a precedent. The second neighbour stated that the development would affect the openness of his garden and affect his enjoyment and privacy. The third resident from Moorgarth Avenue, at the rear of the site, confirmed his neighbour's objections to the scheme. He also referred to the level of noise, which would emanate from the site both during and after construction.

Representations were received from the applicant's agent in support of the application. He confirmed that he had worked with the Planning Officers to amend the design of the property to reduce any overlooking or loss of privacy that would harmfully affect adjacent properties. He stated that the development would be low level, single aspect and environmentally friendly with a green roof and with as much green space as possible being retained.

Members questioned the height of the site boundary wall and whether the additional accommodation would be tied to the hotel use.

Certain Members expressed concern at the proposal to erect a bungalow as a separate dwelling in the rear garden of the property. They felt that this could set a precedent, as this was no longer an annex to the hotel but a 2-bedroom bungalow.

Cllr B Watson then moved and Cllr Reid seconded that the application be refused on the grounds of overdevelopment of the site and as inappropriate development in the Conservation Area. 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. <sup>1</sup>.

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 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. "

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales.

MM

**34b Harewood Whin Landfill Site Tinker Lane Rufforth York YO23 3RR (09/00460/FUL)**

Members considered a full application from Yorwaste Ltd (Mr Mark Hall) for the retention of the existing compost pad extension.

Officers reminded the Sub-Committee that this application had been deferred at their July meeting to examine whether there was a need to undertake a formal Environmental Impact Assessment (EIA) under Schedule 2 of the 1999 Town and Country Planning Act and to consider further concerns in respect of the volume of green waste passing through the site. Officers confirmed that a screening exercise had been undertaken to determine whether an EIA was required. It was the opinion of both Planning and Environmental Protection Unit Officers that the environmental impact of the temporary extension was not materially different from the existing operation and that a formal EIA was not required. It was confirmed

that additional conditions had been incorporated into the report to prevent nuisance being caused to local residents.

Representations were received from a representative of Rufforth and Knapton Parish Council in objection to the application. He confirmed that since the earlier deferral of this application the Parish Council had visited the Environment Agency and contacted the Planning Department regarding their concerns. He stated that they had grave concerns that the compost pad extension was too small and that the environmental impact of such a massive composting facility had not been properly dealt with. He went on to request Members to include conditions in any approval which:

- restricted the capacity of the pad to 5,000 tonnes to comply with the existing license;
- required an Environmental Statement for current and proposed operations;
- asked that green waste suppliers from outside the area made their own arrangements for composting and
- asked Yorwaste to produce projections of their green waste including areas of origin and disposal.

Representations were then received from the applicant in support of the application. He pointed out that this application was for an extension to an existing compost pad for a temporary period pending completion of the new facility at the southern edge of the site. He confirmed that an odour management scheme had been prepared but pointed out that it was difficult to accurately forecast the volumes of green waste that would pass through the site, as there was a high variance throughout the year.

The Local Member expressed concern that the need to undertake an EIA was based on individual applications rather than assessment of the overall site. He pointed out that there had been a material change to what had been envisaged for this site when permission was originally granted and he asked for further safeguards for residents.

In answer to Members questions an Officer of the Environmental Protection Unit confirmed that the odour management scheme would control any odour from the green waste and that a condition to this effect had been included in the conditions.

It was then moved by Cllr B Watson and seconded by Cllr Gillies that permission be granted for the compost pad extension for a 2 year period subject to a limitation of 70,000 tonnes, per year, being put on the amount of green waste processed at the site. On being put to the vote this motion was lost.

It was then

**RESOLVED:** That the application be approved subject to the imposition of conditions listed in the report.<sup>1</sup>

**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 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'.

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales.

MM

**34c Harewood Whin Tinker Lane Rufforth York YO23 3RR (09/01589/FUL)**

Members considered a full application from Yorwaste Ltd (Mr Mark Hall) for the 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 the period of operation.

Officers circulated details of Conditions 9 and 10 as issued under the original Planning Application 08/002426/FULM:

9. Notwithstanding the application details hereby approved the biomass power plant shall remain ancillary to the waste disposal activity currently taking place at the site under planning permission 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 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: 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.

Officers also confirmed that, as this proposal was considered to be inappropriate development in the Green Belt under PPG2, the applicant had put forward “very special circumstances” to justify the location of the proposal within the Green Belt.

Representations were received from a representative of Rufforth Parish Council who confirmed that the Parish Council were not against this proposal. He reminded the Sub-Committee that the Parish Council wished to see the end of waste related activities on the site by 2017 and the restoration of the site with an agreed landscaping scheme.

Representations were received from the applicant in support of the application. He confirmed that the modification of these conditions was to allow for the operation of the plant to continue for a further 10 years from it’s commissioning and to allow for the delivery of fuel to the site from outside sources. He stated that the number of vehicle movements to the site would be less environmentally damaging than that taking place at present.

Members stated that rather than receiving applications piecemeal for the site that it would be useful if the applicants could provide an outline of their future proposals. They also questioned whether a commissioning date should form part of any approval.

Following further discussion it was

**RESOLVED:** That the application be approved subject to the imposition of the conditions listed in the report and to the Assistant Director (Planning and Sustainable Development), in consultation with the Chair and Vice Chair, being delegated authority to agree and incorporate the commissioning date of the development in the decision notice.<sup>1</sup>

**REASON:** 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'.

Action Required

1. Following agreement and inclusion of a commissioning date in the decision notice, issue the notice and include on the weekly planning decision list within the agreed timescales.

MM

Councillor D Horton, Chair

[The meeting started at 3.00 pm and finished at 4.35 pm].

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