

## CITY PLANS PANEL

THURSDAY, 3RD SEPTEMBER, 2015

**PRESENT:** Councillor J McKenna in the Chair

Councillors P Gruen, R Procter,  
D Blackburn, S Hamilton, G Latty,  
T Leadley, N Walshaw, M Ingham, A Khan,  
K Ritchie and E Taylor

### 32 Chair's opening remarks

The Chair welcomed everyone to the meeting and asked Members and Officers to introduce themselves. The Chair extended a warm welcome to Councillor Procter's daughter, who was sitting in on this meeting

### 33 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests

### 34 Apologies for Absence

Apologies for absence were received from Councillor Campbell

### 35 Minutes

**RESOLVED** - That the minutes of the City Plans Panel meeting held on 13<sup>th</sup> August 2015 be approved subject to the amendment of minute 26, which related to an amendment to minute 18 of the City Plans Panel meeting held on 23<sup>rd</sup> July 2015, as follows:

- 'how the 5 year land supply had been arrived at with reference to the Housing Market Characteristic Areas' to be amended to read ' how the 5 year land supply had been arrived at with/without reference to the Housing Market Characteristic Areas'

### 36 Application 14/02521/FU - The Site remediation works including demolition of existing buildings, removal of hard standing, extraction of coal, removal of mine shafts and other below ground structures and reinstatement of ground at Former Vickers Factory - Manston Lane LS15

Further to minute 11 of the City Plans Panel meeting held on 26<sup>th</sup> June 2014, where Panel considered a position statement on site remediation works, including the extraction of coal, demolition of existing buildings, removal of hard standing, mine shafts and other below ground structures and

reinstatement of ground at the Former Vickers Factory, Members considered a further report of the Chief Planning Officer setting out the formal application Plans, photographs and graphics were displayed at the meeting. A Members site visit had taken place earlier in the day

The East Deputy Area Planning Manager provided an overview of the site and its relationship to several other strategic developments including Thorpe Park, Green Park, the Northern Quadrant of the East Leeds Extension and The Limes and former Optare site, housing sites close to the site which were under construction but where some parts of the approved development could not take place until the Manston Lane Link Road (MLLR) had been constructed. In terms of the proposals for a residential development on the former Vickers Factory, two current applications remained to be determined (the older of which was likely to be withdrawn). A further position statement on the later application was expected to be presented to Panel shortly

Details of the works required to deal with the Great Crested Newts on the site were outlined to Members and the latest timescale for when the MLLR would be open was provided, this being that work would start in the second quarter of 2016 with a 12 month contract for construction, meaning that the road should be complete in the second quarter of 2017

The Minerals, Waste and Contaminated Land Manager presented the application and for context and information for Members showed a series of photographs which illustrated examples of various stages of coal extraction works which had occurred on development sites in the City and the wider region

Members were informed of the extent of site remediation works which would be necessary and which would include the demolition of the former Vickers Factory, breaking up the concrete from the factory floor and substantial areas around the building and site, reuse and removal of concrete together with the removal of numerous buried structures and mineshafts on the site

The methodology for the site remediation works - which would commence at the west of the site and move towards the east - and the coal extraction process were outlined to Panel

The level of representations - 2700 - which had been received when the application was advertised in May 2014 was noted with the main concern being the proposed access route. Panel in considering the position statement on the proposals had been clear that the proposed route was unacceptable and that the MLLR once open, should be used. The applicant had taken on board these comments and had now decided to delay the necessary site remediation works until the MLLR had been provided

In terms of representations, further objections had been received, including one from the local MP, the details of this being summarised for Members

Details of the likely noise nuisance, particularly for those residents of The Limes, were outlined to Members together with details of the proposed method statement; the mitigation measures to be provided and the guidance on noise from mineral working which allowed for a period of 8 weeks for higher sound levels. Whilst it was clear that noise nuisance would impact particularly on those residents of The Limes who lived closest to the site, Members were informed that the applicant had advised the works which

would create the highest noise levels would be done quickly, possibly within three weeks

The Minerals, Waste and Contaminated Land Manager stressed that as this was a minerals application, planning conditions could be attached to all activities on site, however if the coal was not being removed the concrete removal would form part of the residential application, as such, the minerals application afforded the LPA more control

A slide showing the list of reports and information which had been submitted with the application was outlined for Members' information

Details of the Community Benefit Fund were provided, with a sum of 25p per tonne being proposed by the applicant, which could yield around £35,000 to fund local community projects. As the applicant had yet to sign a Unilateral Undertaking for this, Members were asked that the recommendation be amended to defer and delegate the application to the Chief Planning Officer

Minor amendments were proposed to conditions relating to condition 12 – relating to a condition survey of the highway prior to commencement to be clear that it relates to roads outside the site and condition 19 relating to dust to include all potential dust generation on site including mounds and moving equipment as well as from roads and circulation

Prior to the public speaking on the application, the Chair invited the local MP, Mr Burgon, who was in attendance, to confirm that the summary of his representation was correct. Mr Burgon stated that he and local residents were insistent that no work should occur until the MLLR was in place

In view of the level of representations which had been received, on this occasion the Chair allowed a period of 5 minutes for the objector to address the Panel with the same amount of time being allowed for the applicant's representations

The Panel heard from the Chair of the Cross Gates Watch Residents Association who outlined concerns about the application which included:

- local objections had been ignored
- the application breached regulations
- the timescales for completion of the works were unrealistic and that conditions 1 and 14 were not compatible
- the 5m buffer zone to The Limes was too small
- that concerns raised by the Environmental Protection Team had been ignored
- critical conditions had been omitted, particularly relating to child safety
- the lack of a flood risk assessment or conditions to address possible flooding
- lack of regard to possible buried munitions within the site and accompanying conditions to address this in the event the area had to be evacuated if munitions were discovered
- that remediation options had not been fully considered and that the removal of the coal was unnecessary and undesirable
- the absence of an Environmental Impact Assessment

Reference was also made to expert professional advice which had

been obtained to support some of these concerns, however the Chair of the organisation declined to provide the names of those who had given professional advice without having their prior agreement to this information being provided

Through questions from the Panel further information was provided on details from the Lithos report and the issue of possible munitions buried on the site. The Panel established that the munitions factory at the time of an explosion in 1916, was not on the same site as the former Vickers factory which was proposed for demolition, however the Chair of the Cross Gates Watch Residents Association was of the view that munitions could have been dispersed around the site, particularly where emergencies had occurred

The Panel then heard representations from the applicant's agent who addressed Members and provided information which included:

- the amount of information which had been provided in support of the application
- that the proposed method of working had been prepared by an experienced company
- that work on the site would not be progressed until the MLLR was operational
- the impact of the works on residents of The Limes and 10 Ethel Jackson Avenue; the mitigation measures proposed and the timescales for the most noisy works, with these being within the timescales set out in guidance
- the buffer zone which was considered to be appropriate to the scheme which was not a stand-alone minerals site
- protection of trees and replacement planting
- the need to ensure a stable development platform for the proposed housing application

Through questions from the Panel to the applicant's agent and their development team who were in attendance, further information was provided relating to:

- the prevention of dust dispersal; how this would be managed and the tried and tested mitigation measures which were proposed Reference was made to recent incident which had occurred during the demolition of a building close to the City Centre with Panel being informed that this had been caused by inadequate plant, with prosecution action now being taken by the Council as a result
- that some steel enforced concrete was present on the site but that further investigations would be needed to assess the extent of this
- that the possibility of migration of grouting from The Limes into the site would not be known until excavation works had reached the necessary levels to ascertain this
- the hours of operation which would be 07.30 – 18.30 Monday to Friday and to 12.30 on Saturdays but the hours for the coal extraction this would be 08.00 – 16.00 Monday to Friday and none on Saturday

- regarding protection for residents on The Limes, the first 15m of concrete would be removed which would take three days, with an acoustic fence then being erected temporarily before it was then sited on the bund. In terms of the provision of a buffer zone, beyond that being proposed, this would not protect local residents from the noisiest elements of the breaking up of the concrete
- that residents of the The Limes were aware that housing development would be continued on the site adjacent to the current estate; that the application being considered had been submitted in 2014 and that it was likely to have shown up in a title search
- the possibility of compensation for residents of the The Limes. Members were informed on behalf of the applicant that compensation could be considered for those immediate neighbours for those days where higher noise levels occurred during remediation and coal removal, however it was not reasonable to compensate people for living next to a housing development site
- details of how other contaminants would be dealt with
- land stability issues. The applicant's representative stated that Officers were satisfied with conditions on this matter and that monitoring would be included to enable any remedial action to be taken. Furthermore the box cuts would be open for a period of 2-3 weeks which would also enable any issues relating to land stability to be resolved as quickly as possible. On the issue of compensation this would be a matter for the land owner to address and could be part of the household insurance

Members then questioned Officers on elements of the application, which included:

- the mitigation measures to The Limes with Members being informed that a 2m high bund and 2m high acoustic fence was being proposed; that to increase the height of the bund would require more material and that the effort of creating a higher bund and removing it once the works were completed became a significant factor in itself. The proposals would blank out the ground storey of the affected dwellings, with the direct line of noise remaining only to the bedrooms of the properties, with work ceasing in the evenings
- predicted noise levels. The Minerals, Waste and Contaminated Land Manager advised that all reports which had been submitted with the application were from quality companies and consultants; that predicted noise levels were assessed with reference to methodologies; British Standards and computer modelling; that condition no.20 required the submission of noise reports and that if noise levels were considered not to be in accordance with the agreed levels, the LPA would be able to require the cessation of works and further mitigation measures to be taken

- the level of objections received to the application, that 24 additional representations had been made directly to a Ward Member and whether sufficient value had been given to the weight and volume of these objections by Officers and that a clearer breakdown of the issues contained in the objections and how these had been addressed should have been set out in the submitted report. The Head of Planning Services accepted that there had been few applications which had attracted more representations; that the Panel consideration had gone into considerable detail on a range of issues and that whilst there were some conditions to be reworded, the impression should not be given to the local community that their concerns and comments had not been considered
- the Community Benefit Fund and the need for Ward Members to be involved in this

Members then discussed the application with the following key issues being raised:

- the controversial nature of the application and that the applicant's willingness to accept the Panel's previous views about the access route was welcomed, however there was a need to consider the conditions relating to this and the timescale for commencement of works to ensure that no work commence prior to the MLLR being operational
- the hours of operation with one Member expressing concern at proposed week-end working and that works should not commence before 09.00 during the week
- the need for further discussions to take place with Ward Members on the proposed working hours at the site; the compensation arrangements for residents; information on jobs and skills arising from the development and further information on the Community Benefit Fund, with a mechanism in place relating to the amount which would be provided to ensure the best possible outcome was achieved to maximise the benefits to the community of enduring the work associated with the extraction of coal on the site
- the importance of the Council's Building Inspectors carrying out the building inspections and associated monitoring
- concerns that the applicant's agent was not aware of the extent of the steel mesh reinforced concrete on the site which would be more difficult to deal with
- the boundary to The Limes which was critical and concerns that covering this by household insurance was not sufficient and that this issue should be clarified prior to works commencing to safeguard residents who could be affected in the future

The Head of Planning Services suggested that condition no.1 be reworded to state 'No development shall take place until the Manston Lane Link Road has been constructed. The development hereby permitted shall be begun within 2 (or 3) years after the completion of the Manston Lane Link Road'. In terms of the hours, vehicle movements; compensatory arrangements; rewording of condition no.19 relating to dust to include all the

dust generated on the site, these could be looked at, together with further safeguards around the monitoring and discussions relating to jobs and skills, the establishment of a Community Benefit Fund in consultation with Ward Members, and survey work of adjoining houses on The Limes prior to work starting, if Panel was in agreement

An amendment to the recommendation in the submitted report to defer and delegate the application to the Chief Planning Officer subject to the conditions set out in the submitted report and the amendments to the conditions now made and subject to discussions with Ward Members on the range of issues outlined above by the Head of Planning Services was moved and seconded

**RESOLVED** - To defer and delegate the application to the Chief Planning Officer subject to conditions, including amended conditions as proposed and subject to further discussions with Ward Members on the range of issues as outlined by the Head of Planning Services

### **37 Chair's closing remarks**

The Chair announced that this had been Max Rathmell's - the Minerals, Waste and Contaminated Land Manager - last meeting as he was to retire from the Council after 40 years of service

He paid tribute to Max for all his hard work and referred to Max's deep understanding of his specialist area and his keenness for enforcement matters. The work he undertook at St Aidan's was just one example of his detailed approach with a dragline being purchased which was now a visitor attraction. Max's helpfulness to Members was also referred to

The Head of Planning Services also put on record his thanks for all the work Max had undertaken in Leeds and beyond, especially the restoration works at a variety of locations around the City and for his work which had led to the adoption of the Natural Resources and Waste Local Plan

In responding, Max Rathmell stated that he had enjoyed his time in Leeds and had been able to require people to improve the natural environment through minerals work

All Members wished him a long and happy retirement

### **38 Date and Time of Next Meeting**

Thursday 24<sup>th</sup> September 2015 at 1.30pm in the Civic Hall, Leeds