
Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 3 July 2014

Subject: Planning application 13/02604/FU: Changes to existing materials recycling facility, extension to waste transfer building (no increase in annual waste throughput), two storey extension to offices and amended site layout with additional landscaping at St. Bernard's Mill, Gildersome

APPLICANT
Associated Waste
Management Ltd

DATE VALID
19 June 2013

TARGET DATE
31 July 2014

Electoral Wards Affected:

**Morley North
Farnley & Wortley**

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION:

Approve subject to the conditions as set out in Appendix 1 to this report

1.0 INTRODUCTION:

- 1.1 This application is being presented to Panel following the resolution to defer the determination of the application at the Plans Panel meeting of 29 May 2014. The reason for this was that late information had been received from MAS Consultants on behalf of a local resident. It was resolved by Panel that the decision on the application be deferred to the next meeting to allow further consideration of the late information submitted.
- 1.2 The MAS representation is fully considered within this report. The conditions proposed to be attached to the planning permission should permission be granted are

listed in full within Appendix 1 to this report. The Chief Legal Officer has been consulted and confirms that the conditions are acceptable.

- 1.3 The report to Plans Panel dated 29 May is included as Appendix 2 to this report.

2.0 MAS CONSULTANTS' ADVICE TO THE COUNCIL (16 JANUARY 2014):

- 2.1 MAS Consultants were employed by the Council to assist in formulating Environmental Health's consultee response to the application. In their response dated 16 January 2014, MAS concluded the following:

"In conclusion, there are some additional points to be included and discussed in both the NMP [Noise Management Plan] and OMP [Odour Management Plan]. In terms of noise, there are no additional planning conditions recommended over and above the standard fixed plant condition and requirement for a NMP to control noise emissions that cannot be controlled through passive measures. It is recommended that an appropriately worded planning condition that allows the local planning authority to require the approval of the noise and odour management plans along with a review mechanism independent of the Environment Agency.

The effectiveness of the odour abatement plant and management controls is more difficult to quantify. In the event that the proposed filtration plant is not fully effective, the use of alternative technologies ought to be explored such as ozone injection.

There is a history of odour complaint but it is recognised that the current plant is ineffective in controlling odour emissions from the MRF and the fines bays that are open to air. The proposals do indicate an improvement to odour emission however the effectiveness of both the physical and management controls can only fully be determined once installed and operating. Overall the proposal should be considered a planning gain, particularly if it succeeds in reducing odour impact.

There is recognition in both the OMP and NMP that they are documents that require periodic review in the event of changes in plant, operation and following incidents or complaints. This could be further regulated through the planning system of control."

- 2.2 The recommendations refer to a standard noise condition and for the site to work in accordance with the Noise Management Plan. Both these recommendations are incorporated within the schedule of recommended conditions at the beginning of this report. It is noted that MAS also suggest that reviews of the Odour Management Plan and Noise Management Plan could be regulated through the planning system. Both these Management Plans have been formally approved by the Environment Agency.

Review of Noise Management Plan and Odour Management Plan

- 2.3 The point raised by MAS in relation to the provision of a review facility for the NMP and OMP has been further considered by officers. Pollution control issues at this site are a matter for the Environment Agency to regulate. The conditions of a planning permission should not normally seek to duplicate the role of the Environment Agency. However, it is considered that such a review mechanism could be applied in this case but that it should rely upon the advice of the Environment Agency as to the acceptability of any revisions to the documents. Conditions have therefore been proposed which would require the operators to work in accordance with the Noise Management Plan and Odour Management Plan that have already been approved by the Environment Agency and also in accordance with any subsequent revision to the Plans approved by the Council in consultation with the Environment Agency.

- 2.4 It is therefore considered that the recommendations of MAS and the Council's Environmental Health Department have been comprehensively applied through the conditions proposed. There are also conditions included over and above those recommended by MAS and Environmental Health to secure specific mitigation, such as limiting where vehicles are permitted to park, restricting times for the acceptance of municipal waste (not after 1600 on Fridays and not at all on Saturdays), tonnage limits, hours of operation, waste types etc.

3.0 MAS CONSULTANTS' ADVICE TO OBJECTOR (28 MAY 2014):

- 3.1 A further letter from MAS Consultants, commissioned this time by the occupiers of Rooms Farm, was circulated to officers and Members on the morning of the 29 May 2014 Plans Panel. The letter presents several contrary observations to their earlier advice to the Council. These include references, amongst others, to:

- The level of control exercised by the Authorities;
- References to Article 8 of the Human Rights Convention;
- The Council's complicity in using the site;
- The deficiency of the Odour Management Plan.

- 3.2 Members are asked to note that the Environment Agency are also statutory consultees for this application. They do not object to the application and indeed suggest that even without the extended building, the site could operate to an acceptable standard subject to appropriate management.

- 3.3 The Environment Agency have confirmed that the site would continue to be subject to the Environmental Permitting regime. Officers from both the Environment Agency and the Council regularly visit the site to monitor its operation closely. The equipment and mitigation measures (such as the air filtration system, fast shutting doors, improved management practices and air curtains) installed in 2013 have resulted in a very significant improvement of the environment at the site. In the MAS letter of 28 May 2014, it is suggested that the controls will fail. However, this is an unsubstantiated assertion and officers consider that there is no evidence to support this view.

Odour Management Plan

- 3.4 Through the approval of the Odour Management Plan, the Environment Agency, as regulators for the site, have confirmed that the mitigation and management procedures set out within the Odour Management Plan address the potential for odour and adherence to these will allow the site to operate to an acceptable standard. The control over this rests with the Environment Agency under the Environmental Permitting regime.
- 3.5 It is noted that, as confirmed at the 29 May 2014 Panel, the Environment Agency use the application site as a national example of excellence in terms of practice. The Environment Agency will continue to require the operators to review the OMP periodically and make refinements where required.
- 3.6 The letter dated 28 May 2014 from MAS suggests that "the storage and handling of organic / putrescible waste material outside controlled air environment buildings should not be permitted". Members are asked to note that there is a specific condition proposed to prevent this taking place:

Other than recycled inert aggregates stored within the bays as shown on the approved plan reference L09/5062/041 Rev C, there shall be no loading, unloading, processing or storage of any materials outside of the materials recycling building.

Review of Proposed Schedule of Conditions

- 3.7 Since Members considered this application at the 29 May 2014 Plans Panel, officers have further considered the concerns raised by the objectors and Members and have proposed a number of additional restrictive conditions should permission be granted.
- 3.8 The Council fully recognises and has taken into account the concerns of the objectors. A schedule of proposed conditions is set out within Appendix 1 which it is considered would result in very significant improvements in terms of overall planning control at the site. The implementation of the scheme would also secure the provision of detailed mitigation measures and result in the minimisation of potential for any future unacceptable off-site impact from the site operations.
- 3.9 The Council's Legal Officer has been consulted on the proposed schedule of conditions and has confirmed that they are acceptable. The Environment Agency have also reviewed the conditions.

Article 8 of the Human Rights Act

- 3.10 Article 8 of the European Convention on Human Rights prohibits public authorities from interfering with an individual's right to his private and family life, his home and his correspondence unless it is in accordance with law or is necessary for a number of wider public interest reasons such as the protection of rights and freedoms of others.
- 3.11 Whilst in principle an individual's article 8 rights might be transgressed by permitting this application, there are general public interest reasons which justify breaching individual rights in this case, protecting the right and freedoms of others, as well as economic well-being and health.
- 3.12 Moreover, in this case, the Council considers that the application represents an improved situation, and so the Council does not consider that the development as proposed interferes with those rights in the first place. There are therefore no human rights reasons under article 8 to refuse this application.

4.0 SUMMARY AND CONCLUSIONS:

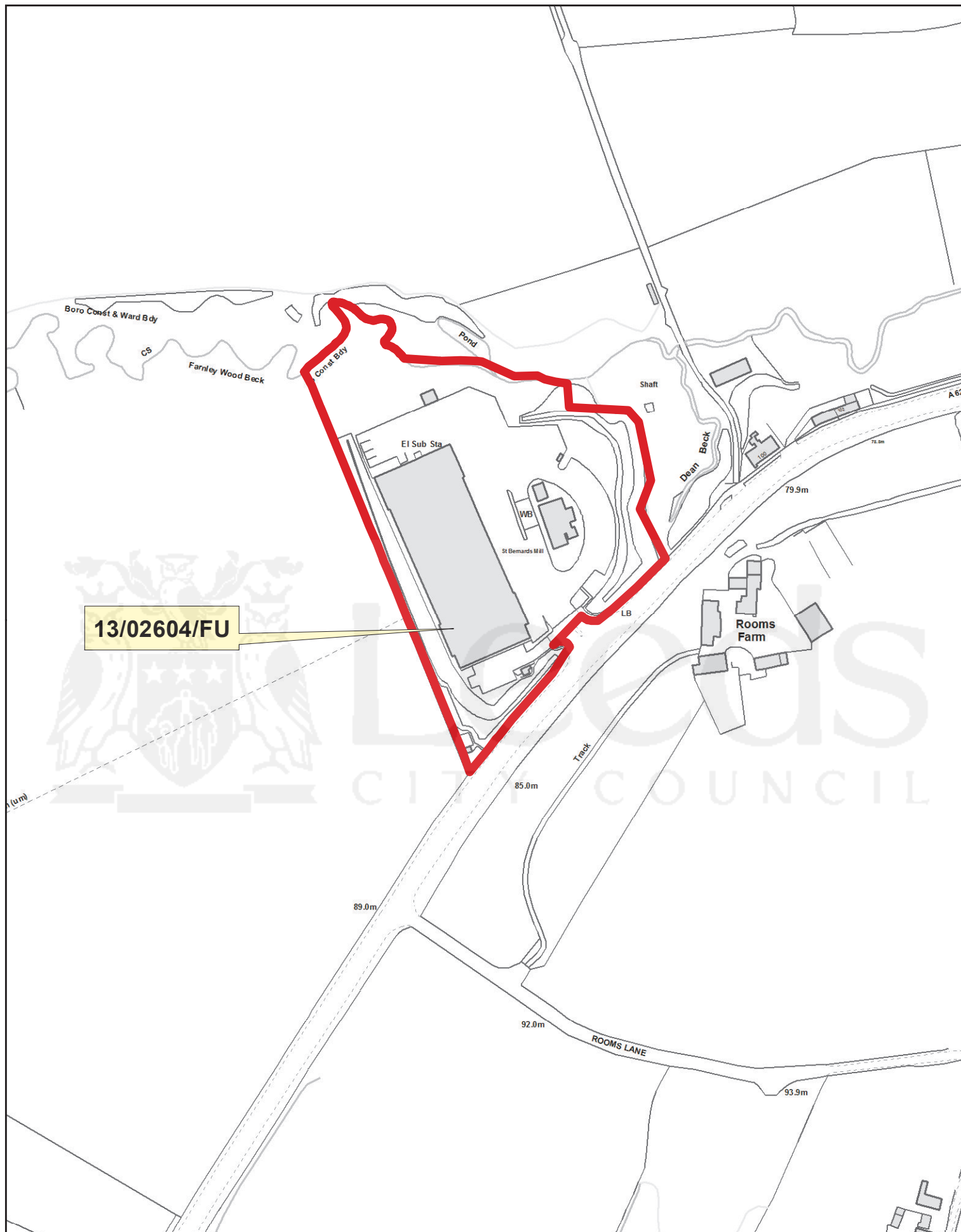
- 4.1 There are various minerals and waste sites within Leeds operating in close proximity to residential properties. The majority of these sites operate with little or no complaint. It is considered that as long as all such sites are operated to an acceptable standard and that mitigation measures are in place, then there should be no resultant unacceptable impact upon the living conditions of occupiers of nearby dwellings. This site should be no exception. If the management procedures or mitigation measures fail then the Environment Agency have considerable powers of regulation for such a scenario.
- 4.2 Throughout the consideration of this application and following detailed feedback and comments raised by Members and objectors at the 29 May Plans Panel, officers have reviewed the proposed schedule of conditions and have incorporated comprehensive mitigation requirements and restrictive controls to the permission. The full conditions are set out within Appendix 1. Examples of additional controls over the operation that would be secured through the approval of this application include:

- comprehensive Odour and Noise Management Plans;
- no external storage, processing, loading or unloading of materials other than recycled inert aggregates stored within the approved bays;
- requirement to have constructed the extension to the building in full within 24 months (this principle of this requirement has been agreed with the applicants);
- clarification of waste types (to allow inert and non-hazardous waste only);
- a limit on the annual tonnage of waste accepted at the site to 200,000 tonnes. Of this, a maximum of 150,000 tonnes is permitted to be of municipal type waste (for comparison, this is similar to the tonnage of municipal type waste received at the site during the last 12 months);
- no municipal or putrescible waste to be accepted on Saturdays or after 1600 hrs on Fridays;
- only one of the main front elevation vehicle access doors to be allowed to be open at any one time;
- requirement to adhere to circulation and holding areas for different types of vehicles;
- limit on the number of vehicles allowed to queue at the weighbridge;
- no reversing alarms other than those emitting white noise;
- a limit on the use of the roadsweeper to a maximum of 45 minutes within any 4 hour period;
- areas defined where the storage of plant or vehicles is not permitted;
- formal complaints procedure;
- submission of details of waste throughput each year.

- 4.3 In summary, the proposed application incorporates the minor ‘as-built’ changes to the scheme originally approved, a 3m extension to the rear of the office building and also to extend the recycling building in order to relocate the baling storage area and allow all storage bays, the baling operation, fuel tanks, steam cleaner unit and transformer to be fully enclosed. Whilst addressing the inconsistencies with the scheme as originally approved, the scheme’s principal aim is to ensure that any potential for odour and noise from the operations at the site are fully mitigated.
- 4.4 The proposals are not considered to be inappropriate development within the Green Belt and as the site is a safeguarded waste management facility within the adopted development plan, the principle of the development is acceptable.
- 4.5 It is considered that no unacceptable impacts would arise from the proposals, nor would the scheme result in any additional throughput of waste. The scheme has been submitted to enable further mitigation measures to be employed at the site to ensure that the management of the site continues to improve and is robust over the longer term.
- 4.6 The schedule of conditions proposed is extensive and provides control over the development in terms of requiring appropriate mitigation measures to be employed and also places restrictions upon the operation such as hours of operation, capacity of the site, types of waste permitted etc.
- 4.7 In conclusion, it is considered that the proposal does not conflict with any relevant policies and is considered to be in accordance with the development plan. There are no other material considerations that would outweigh local or national planning policy and therefore it is recommended that the application be approved, subject to conditions.

5.0 BACKGROUND PAPERS:

- 5.1 Application file and previous report from South and West Plans Panel – 29 May 2014.



SOUTH AND WEST PLANS PANEL

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SCALE : 1/2500



APPENDIX 1

1. Approved Plans and Documents

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Application Form date stamped 19 June 2013;
Location Plan ref L09/5062/01 dated May 2013;
Existing Site Plan ref L09/5062/041 Rev C dated January 2014;
Floor Plan of Existing Waste Transfer Station ref L09/5062/42 Rev A dated June 2013;
Elevations of Existing Waste Transfer Station ref L09/5062/43 Rev B dated January 2014;
Existing Ground Floor Plan ref L09/5062/44 dated April 2013;
Existing First Floor Plan ref L09/5062/45 dated April 2013;
Existing Elevations ref L09/5062/46 dated April 2013;
Proposed Site Plan ref L09/5062/47 Rev F dated March 2014;
Proposed Plans (Waste Transfer Station) ref L09/5062/48 Rev E dated March 2014;
Proposed Office Ground Floor Plan ref L09/5062/49 dated April 2013;
Proposed Office First Floor Plan ref L09/5062/50 dated April 2013;
Proposed Office Elevations ref L09/5062/51 Rev A dated June 2013;
Proposed Elevations (Waste Transfer Station) ref L09/5062/52 Rev B dated March 2014;
Proposed Plans (Waste Transfer Station) L09/5062/53 Rev A dated March 2014;
Traffic Manoeuvring Plan – HGVs to baling area ref L09/5062/54 Rev A dated March 2014;
Traffic Manoeuvring Plan – Refuse wagons unloading in main hall ref L09/5062/55 Rev A dated March 2014;
Traffic Manoeuvring Plan – HGVs unloading in main hall ref L09/5062/56 Rev A dated March 2014;
TP Dock Seal Details ref Series TP 1001 – TP 1003 Cushion Seals;
26 - Frontage Bund Detail dated 15 December 2010;
29 Rev A – Outfall Detail dated 1 March 2011;
08011/02 Rev C - Junction Improvement Details dated January 2009;
Correspondence from FWS ref 1496/CF dated 29 October 2010;
External Lighting Details dated 21 October 2010;
External Lighting Plan dated 8 December 2010;
Phase II Contamination Audit and Remediation Statement dated July 2009;
Correspondence from Fennel Green and Bates dated 5 October 2009;
Supplementary Remediation Statement dated September 2010;
Remediation Statement ref L09/5062 dated November 2013;
Foul Manhole Schedule Rev A;
Supporting Planning Statement Revision B ref L09/5062 date stamped 21 October 2013;
Combined Transport Statement and Travel Plan Framework ref 758 / May 2013;
Travel Plan ref 758 / October 2013;
Noise Management Plan and Acoustic Report ref J2136-R2 dated 22 November 2013;
Odour Management Plan dated 3 October 2013;
Dust Statement ref L09/5062 dated May 2013;
Design and Access Statement ref L09/5062 dated April 2013;
Existing and Proposed Landscaping ref L09/5062 dated May 2013;

Flood Risk Assessment Report ref Final Rev0 May 2013;
Environment Management System ref AWM/SBM/WP01 Version B dated May 2013;
Statement regarding presence of coal dated June 2013;
Assessment of As-Built Changes ref L09/5062 dated June 2013;
Sustainability Statement ref L09/5062 dated May 2013;
Correspondence ref L09/5062/RL/RL/5-24 dated 17 October 2013;
Correspondence ref L09/5062/RL/RL/5-26 dated 17 October 2013;

and in accordance with the following conditions which shall in all cases take precedence.

For the avoidance of doubt and to ensure that the development is carried out fully in accordance with the approved plans.

2. Availability of Approved Documents and Plans

A copy of this planning permission and all documents and plans approved or subsequently approved in accordance with it shall be kept at the site, made known to the person responsible for operations on the site, and kept available for inspection during working hours.

To ensure site personnel are aware of the conditions of the planning permission.

3. Landscaping Scheme

Within three months of the date of this permission, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Waste Planning Authority. These details shall include:

- (a) proposed finished levels and/or contours (including details of any bunds);
- (b) means of enclosure (including materials and positioning);
- (c) car parking layouts;
- (d) other vehicle and pedestrian access and circulation areas;
- (e) hard surfaced areas;
- (f) minor artefacts and structures (e.g. refuse or other storage units, signs, lighting etc.);
- (g) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.);
- (h) planting plans;
- (i) written specifications (including cultivation and other operations associated with plant and grass establishment);
- (j) schedules of plants noting species, planting sizes and proposed numbers/densities;
- (k) maintenance programme and;
- (l) implementation programme.

Landscaping proposals must also incorporate areas of rough grassland to provide foraging habitat for barn owls. The development shall be carried out in accordance with the approved scheme.

To deliver a high quality landscape and planting scheme and to make the site suitable for use in accordance with policies LD1, N24, N25 and GP5 of the Leeds

Unitary Development Plan Review (2006) and LAND 1 and LAND 2 of the Natural Resources and Waste Local Plan (2013).

4. Landscape Management Plan

Within three months of the date of this permission, a landscape management plan detailing management responsibilities and maintenance schedules (operations and timings) shall have been submitted to and approved by the Waste Planning Authority. The landscape management plan shall cover the period of the occupation of the site and shall provide for the replacement of planting in the event of failure of or damage to planting. Any amendments to the landscape management plan shall be agreed in writing with the Waste Planning Authority. The development shall be carried out in accordance with the approved scheme.

To ensure the provision of a high quality landscape and planting scheme and to make the site suitable for use in accordance with policies LD1, N24, N25 and GP5 of the Leeds Unitary Development Plan Review (2006) and LAND 1 and LAND 2 of the Natural Resources and Waste Local Plan (2013).

5. Details of Boundary Treatment

Within three months of the date of this permission, details of the position, design, materials and type of all walls (including retaining walls) and/or fences or permanent boundary treatment, whether or not shown to be erected on the approved plans, shall have been submitted to and approved in writing by the Waste Planning Authority. Such walls, fences and boundary treatment shall be erected in accordance with the approved details, before the land/buildings to which they relate are occupied, and shall thereafter be retained and shall not be altered or removed without the written consent of the Waste Planning Authority.

To ensure the use of suitable materials in the construction of the development and maintenance in the interests of visual amenity and the living conditions of occupiers of nearby property in accordance with policies BD5, N12 and N13 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

6. Building Materials

Notwithstanding any details shown on the approved plans or described within the approved documents, the erection of buildings or structures hereby permitted shall not commence until details and samples of the external materials to be used in their construction, including details of finishes, colours and treatment, have been submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out in accordance with the approved details. Thereafter the materials used on the external parts of the buildings shall be maintained as approved.

To ensure the use of suitable materials in the construction of the development and maintenance in the interests of visual amenity and the living conditions of occupiers of nearby property in accordance with policies BD5, N12 and N13 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

7. Lighting Scheme

Notwithstanding the approved details, within 3 months of the date of this permission a detailed Lighting Scheme shall have been submitted to and approved in writing by the Waste Planning Authority. The submitted scheme shall include the following details:

- a) hours of use of external lighting on the site and internal lighting that would be visible externally;
- b) the exact location and specification of any external lighting;
- c) the specification including height for any fixed or mobile structures;
- d) the intensity of the lights;
- e) a plan of the site showing proposed lux levels and the identification of areas to be illuminated and any measures to prevent light spilling onto areas outside the approved site;
- f) measures such as shrouding to minimise disturbance through glare.

The lighting scheme shall be implemented in accordance with the approved details and thereafter retained throughout the lifetime of the development.

In the interests of the living conditions of occupiers of nearby property in accordance with policies BD14 and GP5 of the Leeds Unitary Development Plan Review (2006).

8. Cycle and Motorcycle Parking Facilities

Notwithstanding the approved details, within three months of the date of this permission full details of cycle/motorcycle parking and facilities shall have been submitted to and approved in writing by the Waste Planning Authority. The development shall not be occupied until the approved cycle/motorcycle parking and facilities have been provided. The facilities shall thereafter be retained for the lifetime of the development.

In order to meet the aims of adopted Leeds UDP Review (2006) policy T2 and T7A.

9. Additional Vehicle Parking and Turning Areas

Within three months of the date of this permission a plan showing details of all vehicle parking and turning areas shall have been submitted to and approved in writing by the Waste Planning Authority. The approved plan shall be implemented and parking made available for use prior to occupation of the extended development. The parking shall be retained for the lifetime of the development.

To ensure the free and safe use of the highway in accordance with adopted Leeds UDP Review (2006) policy T2 and T24.

10. Drainage Facilities

Within three months of the date of this permission details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, shall have been submitted to and approved by the Waste Planning Authority. The development shall be carried out in accordance with the approved details.

In the interests of sustainable and proper drainage of the site in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and WATER 6 and 7 and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

11. Wheel Cleaning Facilities

Within three months of the date of this permission details of the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved shall have been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be implemented in accordance with the approved details and thereafter retained throughout the lifetime of the development.

To ensure the free and safe use of the highway in accordance with adopted Leeds UDP Review (2006) policy T2 and T24.

12. Details of Docking System

Prior to the commencement of the construction of the extension to the materials recycling building full details of the docking system to be installed on the vehicular door shall have been submitted to and approved in writing by the Waste Planning Authority. The approved details shall be implemented prior to use of the system and shall be retained for the lifetime of the development.

In the interests of protecting the living conditions of occupants of nearby property and to avoid pollution in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

13. Dust Management Plan

The development hereby permitted shall be operated in accordance with the Dust Statement reference L09/5062 dated May 2013.

In the interests of protecting the living conditions of occupants of nearby property in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

14. Noise Management Plan

The development hereby permitted shall be operated in accordance with the Noise Management Plan and Acoustic Report reference J2136-R2 dated 22 November 2013 or any subsequent revision to the Noise Management Plan and Acoustic Report submitted to and approved in writing by the Waste Planning Authority in consultation with the Environment Agency.

In the interests of protecting the living conditions of occupants of nearby property in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

15. Odour Management Plan

The development hereby permitted shall be operated in accordance with the approved Odour Management Plan dated 3 October 2013 or any subsequent

revision to the Odour Management Plan submitted to and approved in writing by the Waste Planning Authority in consultation with the Environment Agency.

In the interests of protecting the living conditions of occupants of nearby property in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

16. Environmental Management System

The development hereby permitted shall be operated in accordance with the Environment Management System report reference AWM/SBM/WP01 Version B dated May 2013 or any subsequent revision to the Environment Management System report approved by the Environment Agency.

In the interests of protecting the living conditions of occupants of nearby property in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

17. Protection of Sewer

Unless otherwise approved in writing by the Waste Planning Authority, no construction of buildings or other structures shall take place until measures to divert, formally close, or formally enter into a sewer build over agreement have been implemented in accordance with details that have been submitted to and approved by the Waste Planning Authority. The development shall be carried out in accordance with the approved details.

In the interests of sustainable and proper drainage of the site in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and WATER 6 and 7 and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

18. Drainage Facilities

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

In the interests of sustainable and proper drainage of the site in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and WATER 6 and 7 and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

19. No Piped Discharge of Surface Water

Unless otherwise approved in writing by the Waste Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and neither of the extended buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

20. Permitted Operational Hours

There shall be no operations at the site other than between the hours of 0730 and 1830 Monday to Friday and between 0800 and 1300 on Saturday.

In the interests of protecting the living conditions of occupants of nearby property in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

21. No Operations on Sundays or Public Holidays

There shall be no operations at all on Sundays, Bank Holidays, Public Holidays, Christmas Day or Good Friday.

In the interests of protecting the living conditions of occupants of nearby property in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

22. No External Storage of Materials

Other than recycled inert aggregates stored within the bays as shown on the approved plan reference L09/5062/041 Rev C dated January 2014, there shall be no loading, unloading, processing or storage of any materials outside of the materials recycling building.

In the interests of protecting the living conditions of occupants of nearby property and to avoid pollution in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

23. Timescale for Completion of Extension to MRF

The extension to the materials recycling building hereby approved shall have been fully constructed and completed within 24 months of the date of this permission.

In the interests of protecting the living conditions of occupants of nearby property and to avoid pollution in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

24. Permitted Waste Types

No waste materials other than non-hazardous or inert waste shall be accepted at the site. Any other waste materials inadvertently accepted at the site shall be immediately quarantined in a sealed container and removed from the site within 7 days.

In the interests of controlling the type of waste consigned to the facility, in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

25. Capacity of the Materials Recycling Facility

No more than 200,000 tonnes of waste shall be accepted at the site in any calendar year. Of this, no more than 150,000 tonnes of municipal waste shall be accepted at the site in any calendar year.

In the interests of controlling the number of Heavy Goods Vehicle (a vehicle which has a weight exceeding 7.5 tonnes) movements and type and amount of waste

consigned to the facility in order to minimise the potential for odour, in accordance with policies GP5 and T2 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

26. Additional Mitigation Measures

No municipal or putrescible waste shall be accepted at the site after 1600 hours on Fridays or at any time on Saturdays.

In the interests of protecting the living conditions of occupants of nearby property in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

27. Handling of Waste and Recyclable Materials

No waste materials shall be imported to the site and no waste or materials shall be exported from the site other than in vehicles which are either fully enclosed, sheeted or netted.

To minimise potential for windblown litter and dust escape and protect local amenity in accordance with policy GP5 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

28. Control over Opening of MRF Access Doors

Except in the case of emergencies, only one of vehicular access doors 1, 2 or 3 as shown on approved plan reference L09/5062/52 Rev B dated March 2014, shall be open at any one time. All doors to the materials recycling building shall be kept closed at all times other than when needed for access. All pedestrian and vehicular access doors of the materials recycling building shall be kept closed at all times outside the permitted operational hours.

In the interests of protecting the living conditions of occupants of nearby property and to avoid pollution in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

29. Circulation Areas

All vehicles transporting waste materials, whether empty or loaded, shall follow the approved internal routes as shown on plans L09/5062/54 Rev A dated March 2014, L09/5062/55 Rev A dated March 2014 and L09/5062/56 Rev A dated March 2014.

To provide adequate circulation and parking facilities and ensure the free and safe use of the highway in accordance with adopted Leeds UDP Review (2006) policy T2.

30. No Waste to be Burned

No waste material shall be burned within the boundary of the site.

In the interests of avoiding pollution in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

31. HGV Parking and Queuing

Refuse wagons shall only be permitted to queue or park within the area identified as 'turning circle and refuse wagon queuing area' as shown on approved plan reference L09/5062/47 Rev F dated March 2014. No refuse wagons shall be permitted to park or queue elsewhere within the site except for within the materials recycling building or when utilising the weighbridge. All other wagons shall only queue or park within the area identified as 'HGV holding area' as shown on approved plan reference L09/5062/47 Rev F dated March 2014, within the materials recycling building or when utilising the weighbridge.

In the interests of protecting the living conditions of occupants of nearby property in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

32. Vehicles Queuing at Weighbridge

Except in the case of emergencies, no more than 2 vehicles shall queue in each direction at the weighbridge at any one time. Any additional vehicles arriving at or departing from the site shall be directed to the specific holding / queuing areas as shown on approved plan reference L09/5062/47 Rev F dated March 2014.

In the interests of protecting the living conditions of occupants of nearby property in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

33. Noise from Plant and Machinery

Plant and machinery operated at the site shall limit noise to a level at least 5dBA below the existing background noise level (L90) when measured at the nearest noise sensitive premises with the measurements and assessment made in accordance with BS4142:1997.

In the interests of protecting the living conditions of occupants of nearby property in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

34. Reversing Alarms

No reversing alarms shall be permitted to operate at the site other than those emitting solely white noise.

In the interests of protecting the living conditions of occupants of nearby property in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

35. Use of Roadsweeper

Except in the case of emergencies, the roadsweeping / cleansing vehicle shall not be used continuously for periods in excess of 45 minutes in any 4 hour period.

In the interests of protecting the living conditions of occupants of nearby property in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

36. Storage of Plant

No plant, machinery or vehicles shall be parked or stored within the cross hatched area shown as 'keep clear' on approved plan reference L09/5062/47 Rev F dated March 2014.

In the interests of visual amenity and to protect the living conditions of occupants of nearby property in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

37. Travel Plan Monitoring

Notwithstanding the approved Travel Plan reference 758 dated October 2013, before either the extended office building or extended materials recycling building hereby approved is brought into use, the provisions of the plan, which shall also include procedures for monitoring the uptake of alternative modes of travel and provide evidence of compliance shall be submitted to and approved in writing by the Waste Planning Authority and thereafter operated in accordance with the approved timescales.

To reduce reliance on the private car and promote the use of alternative modes of transport in accordance with the principles of Sustainable Transport.

38. Lighting

No lighting fitment shall be installed on the site in such a way that the source of light shines directly towards nearby residential properties or the adjacent highway.

To minimise the potential for glare in the interests of the living conditions of occupiers of nearby property and to safeguard the free and safe flow of vehicular traffic in accordance with policy GP5 of the Leeds Unitary Development Plan Review (2006).

39. Highway Works

The highway works as shown on plan 08011/02 Rev C incorporating the recommendations of the Safety Audit dated January 2009, shall be retained for the lifetime of the development.

In the interests of highway safety.

40. Planting Aftercare

If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Waste Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Waste Planning Authority.

To ensure maintenance of a healthy landscape scheme, in accordance with adopted Leeds UDP Review (2006) policies GP5 and LD1.

41. Monitoring Schedule

By the 31 January of each year, details of the types and tonnages of waste accepted at the site for the previous calendar year shall have been submitted to the Waste Planning Authority.

In accordance with the monitoring of Leeds Natural Resources and Waste Local Plan (2013).

42. Complaints Procedure

Within 48 hours of the operator of the site receiving any direct complaint relating to noise, dust, litter, odour or other amenity related matters the site operator shall notify the Waste Planning Authority in writing and include the following information:

- a) the nature of the complaint;
- b) date and time of the complaint being received;
- c) the details of the complainant;
- d) any actions that have been taken or are to be taken by the applicant (or successor in title or operator) to resolve the complaint, if founded;
- e) details of any agencies or companies involved in the resolution of the complaint;
- f) timeframe(s) for any future mitigation action and / or monitoring to ensure that the complaint does not re-occur; and
- g) results of any investigation and / or any monitoring undertaken.

To secure the investigation of any complaints in the interests of the living conditions of occupiers of nearby property and the environment in accordance with policy GP5 of the Leeds Unitary Development Plan Review (2006) and WASTE 9 of the Natural Resources and Waste Local Plan (2013).

43. Contaminated Land – Unexpected Contamination

The Waste Planning Authority shall be notified in writing immediately where unexpected significant contamination is encountered during any development works and operations in the affected part of the site shall cease.

Where remediation of unexpected significant contamination is considered by the Waste Planning Authority to be necessary, a Remediation Statement shall be submitted to and approved in writing by the Waste Planning Authority prior to the recommencement of development on the affected part of the site. The Remediation Statement shall include a programme for all remediation works and for the provision of verification information.

Remediation works shall be carried out in accordance with the approved Remediation Statement. On completion of those works, the Verification Report(s) shall be submitted to the Waste Planning Authority in accordance with the approved programme. The site or phase of a site shall not be brought into use until such time as all necessary verification information has been approved in writing by the Waste Planning Authority.

To enable the Waste Planning Authority to ensure that unexpected contamination at the site will be addressed appropriately and that the development will be suitable for use in accordance with policies GP5 of the Leeds Unitary Development Plan Review (2006) and LAND 1 of the Natural Resources and Waste Local Plan (2013).



Originator:	Clive Saul
Tel:	0113 2478159

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 29 May 2014

Subject: Planning application 13/02604/FU: Changes to existing materials recycling facility, extension to waste transfer building (no increase in annual waste throughput), two storey extension to offices and amended site layout with additional landscaping at St. Bernard's Mill, Gildersome

APPLICANT

Associated Waste
Management Ltd

DATE VALID

19 June 2013

TARGET DATE

31 July 2014

Electoral Wards Affected:

**Morley North
Farnley & Wortley**

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION:

Approve in principle and defer and delegate for determination by the Chief Planning Officer, subject to the following conditions and any others that may be deemed necessary:

- 1** Approved plans and documents (to include references to schemes previously approved via discharges of condition submissions)
- 2** Landscaping and maintenance scheme (to include all existing and proposed areas)
- 3** Extension to waste recycling building to have been completed within 24 months of date of permission
- 4** Dust management plan (including review facility)
- 5** Noise management plan (including review facility)

- 6 Odour management plan (including review facility)**
- 7 Submission of details and samples of all external building materials**
- 8 No more than 200,000 tonnes of waste to be accepted at the site in any calendar year**
- 9 Submission of details of volume of waste received at site during previous calendar year by end of January**
- 10 No construction of buildings or other structures to take place until measures to divert, formally close, or formally enter into a sewer build over agreement have been implemented in accordance with details to be submitted**
- 11 Site to be developed with separate systems of drainage for foul and surface water on and off site**
- 12 Within 3 months to submit details of foul and surface water drainage, including details of any balancing works and off-site works**
- 13 No piped discharge of surface water from the development prior to the completion of the surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works**
- 14 Submission of details of scheme to prevent mud / dirt being tracked onto public highway**
- 15 Submission of details of cycle and motorcycle facilities (notwithstanding the approved plans)**
- 16 Submission of details of additional car parking**
- 17 No operations other than between the hours of 0730 and 1830 Monday to Friday and between 0800 and 1300 on Saturday**
- 18 No municipal or putrescible waste to be accepted at the site after 1600 on Fridays or at any time on Saturdays. No malodorous waste to be accepted at the site at any time.**
- 19 No operations at all on Sundays, Bank Holidays, Public Holidays, Christmas Day or Good Friday**
- 20 Roadsweeper allowed to operate 1000 – 1500 (Monday to Friday) and 1000 – 1300 (Saturday).**
- 21 Roadsweeper not to be used continuously for periods of more than 45 minutes**
- 22 Doors to recycling building to be kept closed at all times other than when access required**
- 23 Refuse collection vehicles to queue only within area as shown on approved plans**

- | | |
|----|---|
| 24 | Other HGVs to queue only within area as shown on approved plans |
| 25 | All HGVs to follow circulation routes on approved plans |
| 26 | No plant or machinery or vehicles shall be parked within the area shown as no parking on the approved plans |
| 27 | No more than 2 HGVs shall queue in each direction at the weighbridge at any time. Any additional vehicles arriving or departing the site shall be directed to the specific holding / queueing areas as shown on the approved plans |
| 28 | No reversing alarms to be used at the site other than those emitting white noise |
| 29 | Surface water discharges from the site to the Farnley Beck watercourse shall be subject to balancing of flows to 'Greenfield' rates of run off (i.e. 5 l/s/ha) |
| 30 | LPA to be notified in writing immediately if unexpected significant contamination is encountered |
| 31 | The site shall be developed with separate systems of drainage for foul and surface water on and off site |
| 32 | No unloading, loading, processing or storage to take place outside of the waste transfer building |
| 33 | All open-top loaded wagons arriving at and leaving the site shall be sheeted or netted |
| 34 | No waste material shall be burnt within the boundary of the site |
| 35 | No lighting fitment shall be installed on the site in such a way that the source of light is directly visible from nearby residential properties or is a hazard to users of adjoining or nearby highways |
| 36 | No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters |
| 37 | Any liquid storage tanks should be located within a bund with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks |

1.0 INTRODUCTION:

- 1.1 This application is being presented to Panel following a request from Councillor Gettings. This follows a position statement presented at the 6 March 2014 South & West Plans Panel where feedback was sought from Members on a number of issues. Members carried out a comprehensive visit to the site prior to the consideration of the position statement. Members also visited the grounds of the nearest property to the site, Rooms Farm.

- 1.2 Members were supportive of the proposals during the consideration of the position statement but due to the nature of the application, Members requested that an officer from the Environment Agency be invited to attend the panel meeting to answer any environmental or permit related queries.
- 1.3 The proposal is for changes to the layout of the existing development and extensions to the Materials Recycling Facility (MRF) building and office building at the former St Bernard's Mill site on Gelderd Road, Gildersome. No extension to the curtilage or waste throughput of the site is proposed.
- 1.4 Since the site originally became operational towards the end of 2011, there have been complaints of odour and noise, principally from residents living at Rooms Farm, a property to the south-east of the site, on the south side of the A62, Gelderd Road.
- 1.5 The planning permission and Environmental Permit allow a wide variety of types of waste to be processed at the site and so there is the potential for odour to be released from the operation (particularly from mixed municipal waste streams) if robust mitigation measures are not in place and if management of the site is not of an appropriate standard.
- 1.6 There have also been issues with Refuse Derived Fuel (RDF) bales and scrap metals (and previously small fractions of residual waste – "fines") being stored and loaded outside the main waste recycling building.
- 1.7 The operators of the site, Associated Waste Management (AWM), have sought to address these issues by redesigning various elements of the site and improving the site management, including the introduction of an internal air cleaning system, air curtains around the main doors, fast opening and shutting roller doors, relocating the main HGV holding area to the far corner of the site, fully cleaning the site out before closing down at the weekend, purchasing a quieter roadsweeper, reducing the use of the fork lift externally and relocating the majority of the external storage to within the building.
- 1.8 Despite the above actions, an element of storage remains outside the far end of the main building – that of scrap metal. The scrap metal waste stream includes cans that have previously contained food and therefore have the potential to cause odour due to the organic element within the waste. This is contrary to a condition imposed on the current permission which prohibits the storage of any materials outside except for recycled aggregates. The applicants have suggested that there is no feasible solution to accommodate this material within the main building. The applicants have recently taken action to enclose one of the bays to mitigate any odour issues from this area of the site as a temporary measure whilst this application is considered. A retrospective planning application is currently under consideration for the temporary retention of the enclosure (ref 13/04917/FU). The remaining bays are now kept empty.
- 1.8 The Environment Agency issued a Regulation 37 Enforcement Notice to the applicants on 30 September 2013. The Notice was to suspend the site's ability to accept mixed municipal waste and other odour producing wastes from the 17 October 2013. On 4 October 2013 the Notice was withdrawn (following legal representation from AWM) and re-issued with effect from 31 October 2013. The actions required to lift the suspension were unchanged. The steps required in the Notice to remove the risk of pollution were met by AWM on 25 October 2013. The Notice was then withdrawn.

- 1.9 The applicants wish to implement a comprehensive, long term solution by constructing an extension to the building which would house the materials previously stored outside and would also incorporate the baling area and storage of the Refuse Derived Fuel (RDF) bales which are currently stored and loaded towards the front of the site. The extension would also house the existing fuel tanks, steam clean unit and transformer that are currently located within the yard. Finally, the applicants propose to extend the office building towards the rear of the site to allow the existing portacabin style structures at the site to be removed.
- 1.10 The applicants also wish to address changes to the approved plans where elements of the site have not been built strictly in accordance with those plans – for example, the detailed office design and landscaping areas. However, the development as built is predominantly in accordance with the approved plans.

2.0 PROPOSAL:

- 2.1 The proposal comprises the following:-
- Extension to waste recycling building (23.5m x 40m);
 - Area to accommodate fuel tanks, archive, steam cleaner etc. (8.5m x 7.5m);
 - Extension to office block (3.9m x 12.9m);
 - Changes to approved office design;
 - Changes to HGV holding area;
 - Minor changes to site layout (areas of kerbing, manoeuvring areas);
 - Changes to and additional landscaping areas.
- 2.2 The applicants stress that the proposals will not result in the intensification of the use of the site or any increased waste throughput. The extensions to the buildings are required to re-house existing operations or cabins and to re-locate the RDF baling operation. The design of both proposed extensions to the buildings would complement that of the existing structures.
- 2.3 The site directly employs 91 staff and has operational hours of 0730 – 1830 (Monday to Friday) and 0800 – 1300 (Saturdays). The operation has an annual waste throughput of up to 200,000 tonnes.
- 2.4 Following the presentation of the position statement at the 6th March 2014 panel, the applicants were requested to provide further information and analysis on the detailed operation of aspects of the proposed extension to the building. During this analysis, the applicants considered that it would be preferable to make some minor changes to the plans, by removing the proposed canopy and instead provide a vehicle docking system on one of the doors to allow any rear loading vehicles to reverse up to the door and connect with the air tight seal whilst being loaded. Side loading RDF bale vehicles and vehicles taking material from the storage bays would be entirely contained within the building. There would also be no need for the fork lift truck to operate outside. This now means that all loading and processing operations could take place indoors under the effect of the negative pressure system.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site was formerly an industrial mill development and later accommodated a variety of uses including waste management (waste transfer and vehicle dismantling), tarmac scalping storage and a scaffolding firm.
- 3.2 The site is safeguarded for waste management use as a Materials Recycling Facility (MRF) within the adopted Leeds development plan. The site is situated within the Green Belt and covers an area of 2.4 hectares.
- 3.3 The site is at a slightly lower level than much of the surrounding land, with the land rising notably westwards, towards Gildersome. Mature trees and a watercourse (Farnley Wood Beck) run along the northern site boundary. A further watercourse (Dean Beck) runs in a northerly direction beyond the eastern boundary of the site.
- 3.4 The nearest residential dwelling to the site, Rooms Farm, lies between 55 – 65m from the site access and 86m from the nearest part of the main building; between 135 – 150m from the two doors used for the main waste delivery operation and some 230m from the middle of the proposed bin wagon / HGV holding area. The nearest part of the proposed extension would be located some 170m from the dwelling. Rooms Farm itself incorporates a residential dwelling and various outbuildings (one of which the owners state has planning permission for redevelopment as 2 dwellings) and an extensive yard housing stone and construction materials. The property is slightly elevated compared to the application site and lies on the opposite side of the A62 Gelderd Road. There is a significant amount of intervening vegetation between the property and the site. Large areas around Rooms Farm have been previously landfilled. A culverted watercourse runs under the land and the A62 and outflows as Dean Beck along the eastern boundary of the application site.
- 3.5 A grassed bund lies along the western site boundary. This has been planted and will provide some screening of the site and will soften the appearance of the main building over the medium to long term. The land beyond is in agricultural use and rises up towards Gildersome. A footpath (no. 24 Morley) runs part of the way along the outside of the bund to the rear of the main recycling building from Gelderd Road, before turning 90° towards Gildersome. Further landscaped screening bunds border the site along the frontage with the A62 and to the east.
- 3.6 Three properties and Cottingley Springs Traveller's site lie to the east of the site along Gelderd Road. Two properties lie around 140m and 180m away from the nearest part of the recycling building, with the third near the traveller's site at a distance of around 400m from the nearest part of the recycling building. Cottingley Springs Traveller's site is around 440m away and the proposed extension to the site is around 280m away from the nearest part of the recycling building. Spring End Farm lies around 700m to the north-east of the site in an elevated position and has permission for a small scale waste transfer operation.
- 3.7 The M621 lies approximately 580m to the south-east. The main Leeds Ring Road (A6120) lies around 2km to the north-east along the A62.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 12/00915/ADV: Retrospective application for two hoardings and two flagpoles. Split decision (hoardings refused) on 23 April 2012.
- 4.2 12/00916/FU: Retrospective application for two detached pre-fabricated buildings. Approved on 24 April 2012.
- 4.3 10/03906/FU: Re-design and re-location of proposed offices with associated amendments to proposed landscaping and site layout and addition of lean-to extension to approved waste transfer station. Approved on 22 December 2010.
- 4.4 08/05071/FU: Construction of new waste transfer building and 2 storey detached ancillary offices, landscaping scheme and formation of new access. Approved on 29 June 2009.
- 4.5 23/407/96/MIN: Continuation of use of part of mill as waste transfer station with covered transfer compound. Approved on 19 December 1997.
- 4.6 23/425/95/MIN: Certificate of lawful use for waste transfer station. Approved on 8 December 1997.
- 4.7 H23/213/91/: Use of part of mill as waste transfer station. Approved on 4 February 1992.
- 4.8 Planning applications referenced 13/00494/FU (variation of condition 31 of approval 10/03906/FU to be changed so the restriction on loading of waste materials outside of the waste transfer building is removed); 12/00923/FU (formation of stockpile area and storage area for baled waste); 12/04394/FU (retrospective application for steam clean unit and two fuel tanks); and 12/04580/FU (variation of condition 1 of permission 10/03906/FU – approved plans and documents relating to retrospective changes to the site layout, waste transfer, building, site offices and landscaping and the siting of a fenced electrical transformer to the rear of the waste transfer building) are held in abeyance pending determination of 13/02604/FU.
- 4.9 Breach of Condition Notice served on 10 January 2013 in relation to condition 31 of permission 10/03906/FU concerning the unauthorised outside storage of materials not classed as recyclable aggregates.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 A pre-application meeting was convened with the applicants on 22 March 2013. Ward Councillor Leadley also attended the meeting.
- 5.2 The applicants outlined a number of schemes they had investigated.
 - Scheme 1: side extension to house existing bays to the north-west (far end) of the site with motorised roller bed (conveyer), enclosed in an acoustic casing, running the length of the rear elevation.

- Scheme 2: side extension and lean-to rear extension. To establish enough room for the rear extension, AWM would have to build into the bund so the rear wall would essentially be a retaining wall.
- Scheme 3: side extension and internal alterations. The baler would be relocated from the south end of the building to within the extension and all bales would be stored and loaded here. The material would be transported to this point by an elevated conveyer located inside the main building.

- 5.3 The applicant was advised that they were required to undertake community consultation prior to submitting a planning application. Ideally a consultation event should be held at a local venue, be conducted at a time the majority of local residents could attend and be advertised a reasonable time in advance. In addition to local advertising, AWM were asked to pass the details on to the Local Planning Authority (LPA). Feedback from attendees should be recorded and inform the final proposal.
- 5.4 The applicants were advised of the information and plans that would be required as a minimum if an application were submitted.
- 5.5 From the schemes presented, scheme 3 was considered to be the least intrusive option in terms of the green belt and potentially of the most benefit to residential amenity in terms of reducing noise and odour. The discharge area would be enclosed and loading of bales would take place either in the building or under cover, thus complying with the existing condition 31. Officers agreed to forward this scheme on to the Environment Agency for comment.
- 5.6 During the meeting AWM raised the possibility of extending the office building to replace the existing portacabins that reside near the weighbridge. Given the green belt location of the site, AWM were advised that any extension to the office should be consistent with the existing design themes and not extend to a larger area than what is currently occupied on site.

6.0 PUBLIC / LOCAL RESPONSE:

- 6.1 The application was advertised via site notices posted on 28 June 2013 and 12 July 2013 and published in the local paper (Morley Advertiser) on 26 June 2013. Copies of all plans and additional information have also been made available on public access and at Morley Library. Further notification letters were sent to objectors upon the receipt of additional information in October 2013.
- 6.2 Members of both Morley North and Farnley & Wortley wards have been consulted.
- 6.3 A public consultation event was arranged by way of a newspaper advertisement placed in a local publication called the Morley Observer, on 27 March 2013. It is reported by the applicants that there were 8 attendees on the day including several that had previously objected to other planning applications. Five of the attendees left comments on the forms provided. The remaining attendees took the forms away but no further comments have been received at the applicant's agent's offices.
- 6.4 At the time of writing this report, 7 letters in support of the proposals have been received. 5 of these letters are from AWM employees. The main points raised can be summarised as follows:-

- the investment, employment, environmental sustainability, recycling and wider economic benefits from the proposals;
- that local residents are very familiar with the site history which has been a local eyesore for decades;
- that there would be no increase in throughput and that vehicle numbers would remain the same;
- facility is the most advanced in the region, to reject any proposal to improve the site would be a travesty;
- several local authorities benefit from the recycling and landfill diversion capabilities of the MRF and to hind advancement in this field would be a backwards step;
- plans to increase office space must be seen as a further commitment to employ local people;
- the extension would be built in sympathy to the existing building and would tidy up the rear of the yard and house a number of activities currently conducted outside; and
- planned investment could only add value to the amenity and believe that it would not be seen from Gelderd Road.

6.5 At the time of writing this report, objections from 12 local residents have been received. Councillor Gettings also objects to the proposals (no grounds provided) and requests that the application be determined by Panel. Councillor Finnigan questions (on behalf of a Gildersome resident) whether any condition to send AWM vehicles down the M621 and along the ring road rather than past Gildersome on Gelderd Road could be looked at.

6.6 The main points raised within the letters of objection can be summarised as follows:-

- careful management of the current operation could effectively manage the amenity issues that have arisen from this site;
- lack of community consultation and small size of advert;
- proposals not in line with the UDP or NPPF;
- impact from noise, smell and vibrations caused by vehicles from the site – vehicles should be routed via the M621 which would reduce impact dramatically;
- impact upon openness and visual amenity of the Green Belt and views from the public footpaths, highways and on local residents who reside in the vicinity;
- impact from odour emanating from the site;
- impact from odour from passing vehicles;
- impact from noise emanating from the site;
- exceptional circumstances cannot be justified;
- site already built to its limit – no further development should be considered – original buildings were smaller in volume and height – extension will not address the adverse impacts;
- application increases volume of traffic and size of vehicles using the site;
- original application was understood to be for inert waste;
- site is operating unlawfully for which Breach of Conditions Notices have been served;
- site is processing waste streams for which it doesn't have permission for – designed as an inert waste transfer station, building designed to prevent nuisance to neighbouring properties;
- site is listed within the Natural Resources and Waste DPD as Site Type: Aggregates Recycling yet AWM are operating this site processing municipal / mixed waste;
- unacceptable visual impact on the rural setting and also an unacceptable impact on nearby property's visual amenity;

- proposed extension would not resolve noise and odour issues;
- a road sweeper will also continue to operate – excessive noise has been recorded from the road sweeper, machinery, reversing beepers and truck / wagon movements;
- site would continue to accept waste deliveries in enormous waste container wagons and not the 8 wheeler and skip wagons for which the site has been considered;
- site would not operate not in accordance with the approved one way traffic system;
- the waste bales are exported;
- ongoing Ombudsman investigations, investigation into the granting of the waste contract and concerns over award over environmental permit and regulation of the site by the Environment Agency;
- site will not be supported in the future by Leeds City Council as they have awarded a 25 year contract to the new incinerator site to be built in a more appropriate location of Cross Green Industrial Estate;
- impact upon health; and
- likelihood of compliance by company is very unlikely and there is a real necessity for stringent enforceable planning conditions.

7.0 CONSULTATION RESPONSES:

7.1 Statutory:

7.1.1 Coal Authority:

No objection – advice provided regarding prior extraction of coal.

7.1.2 Environment Agency:

No objection – proposal has the potential to have a positive impact on issues of noise and odour and the EA are pleased that the applicant is demonstrating a desire to ensure that issues that have arisen at the site are overcome. The EA note that even without the building extension, careful management of the current site could effectively manage the amenity issues that arise from this site.

In the EA's original response dated 23 July certain areas were flagged up where they felt that issues related to odour and noise could arise through the proposed development which had not been addressed within the submitted management plans. The applicant has submitted additional documentation and the EA consider that their points have been considered to a satisfactory level through this planning application.

The EA were consulted again in April 2014 following the submission of amendments to the proposed scheme (removal of the canopy and internal arrangement within the extension of the recycling building).

The EA confirmed that the information now submitted proposes that all the loading activities will be contained inside the building. It is understood that

door opening will only take place to allow a vehicle inside to be loaded and to exit once fully loaded. One of the doors is for container lorries to reverse up to for loading. There will be a ramp in the building which allows forklifts to access the lorry without leaving the building, this door includes a seal around the vehicle so odour and noise do not escape during loading and containment is maintained. This however is dependent on the how effective the seal is and it is suggested that this be subject to EA review once the system is in use, as further measures may be required to maintain containment. If following future smoke testing it is discovered that this seal is not providing containment, action (through the regulatory process) will be required to do so. The EA expect this commitment to be included in the site's formal odour management procedures. Ensuring that all activities take place in the building is a positive step with regard to improving the sites ability to contain noise and odour. The EA expect the same level of air treatment in the extension as is currently already operational in the main building. The EA will seek amended operating procedures from AWM to cover the operation of the new doors. It would be expected that door operation is kept to a minimum. On the basis of the above, the EA do not object to the amended proposal.

Additional comments from Environment Agency
Environmental Management Team:

Significant progress has already made on the subject of odorous emissions from site. We therefore expect that if any re-engineering or re-configuring of the existing site infrastructure is required then it will not increase the risk of odorous emissions from the site. I therefore ask that any changes to the existing structure or internal machinery are considered and will not allow any further potential for the release of odours to the external environment. It is also expected that odour abatement measures in the new building will meet or exceed the measures already employed to the existing building.

The proposals are to take place within the area already covered by the site's environmental permit, so no permit variation is required.

7.2 Non-statutory:
7.2.1 Design Team:

No objection – generally the proposals seem to match the existing shed. We would suggest conditions to ensure the materials are matching the existing. Otherwise we would not have a comment.

7.2.2 <u>Highways Authority:</u>	No objection – the proposals are acceptable in principle, subject to the provision of additional parking facilities, further details regarding the stockpile area, and a planning condition to restrict the maximum annual throughput of the site to maintain existing traffic levels.
7.2.3 <u>Air Quality Management:</u>	No objection to this development on the grounds of local air quality management with regard to road traffic emissions. However, since we were last consulted we have adopted a new policy for promoting uptake of electric vehicles (and their required recharging infrastructure) in Leeds and we would therefore like to see the provision of the electric vehicle charging point discussed in the submitted Travel Plan from the outset, rather than 'if it becomes necessary'.
7.2.4 <u>Contaminated Land:</u>	No objection, conditions recommended.
7.2.5 <u>Landscape Team:</u>	Awaiting comments.
7.2.6 <u>TravelWise Team:</u>	No objection – conditions recommended.
7.2.7 <u>Mains Drainage:</u>	No objection – proposals acceptable – condition recommended.
7.2.8 <u>Nature Team:</u>	No objection – no significant nature conservation concerns with this application.
7.2.9 <u>Waste Management:</u>	No objection – arrangements appear to be acceptable.
7.2.10 <u>Neighbourhoods & Housing:</u>	<p>No objection – conditions recommended – in terms of noise, there are no additional planning conditions recommended over and above the standard fixed plant condition and requirement for a noise management plan to control noise emissions that cannot be controlled through passive measures. It is recommended that an appropriately worded planning condition that allows the local planning authority to require the approval of the noise and odour management plans along with a review mechanism independent of the Environment Agency.</p> <p>Overall the proposal should be considered a planning gain, particularly if it succeeds in reducing odour impact. There is recognition in both the OMP and NMP that they are documents that require periodic review in the event of changes in plant, operation and following incidents or complaints. This could be further regulated through planning conditions.</p>

Following amendments to scheme in April 2014, Environmental Health comment that the revised plans would certainly appear to be beneficial in relation to odour and noise and would seem a positive change to the scheme.

7.2.11 Public Rights Of Way:

No objection.

7.2.12 Public Health:

No objection – no increase in annual waste throughput is proposed and therefore there should be no additional emissions (e.g. of particulate matter) from the site that might be of concern to public health. The EA have stated in their consultation response that careful management of the current operation could effectively manage the amenity issues that have arisen from this site. The EA is the enforcing authority for issues such as noise and odour arising from the site, and such issues should therefore be addressed by or through permit conditions.

From a public health perspective it is not anticipated the proposed alterations to the site will result in any adverse health impacts. It is worth noting that the human nose is very sensitive to odours and many substances that are perceived as odorous, and result in complaints of nuisance, are present at levels below which there is a direct harmful effect.

7.2.13 Yorkshire Water:

No objection subject to conditions (relating to diversion of public sewer).

8.0 PLANNING POLICIES & OTHER MATERIAL PUBLICATIONS:

Introduction

- 8.1 The proposals will be considered in the context of both national planning policy and the development plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires Local Planning Authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Documents

- 8.2 The following are the principal documents that are relevant to the determination of this planning application:-

- Leeds Unitary Development Plan (Review) (Saved Policies) 2006;
- Natural Resources and Waste Local Plan;
- Draft Core Strategy;
- National Waste Strategy;
- Planning Policy Statement 10 (Planning for Sustainable Waste Management);
- Planning Policy Statement 10 (Update March 2011);
- Planning Policy Statement 10 (Companion Guide);
- National Planning Policy Framework (NPPF);

- Technical Guidance to the National Planning Policy Framework (NPPFTG);
- Waste Management Plan for England (2013);
- National Waste Strategy for England (plus Annexes) (WS2007); and
- Government Review of Waste Policy in England 2011.

8.3 Sections of the following legislation, guidance and reports and are also relevant:-

- European Union Waste Framework Directive;
- Yorkshire and Humber Regional Waste Strategy (2003);
- Environmental Permitting (England and Wales) Regulations 2010;
- The Waste (England and Wales) Regulations 2011;
- The Community Infrastructure Levy Regulations 2010;
- Climate Change Act 2008; and
- Leeds Waste Strategy 2005 – 2035 (2006).

Development Plan

8.4 The development plan, at the time of writing, comprises the Leeds Unitary Development Plan (Review) 2006 and the Natural Resources and Waste Local Plan (NRWLP).

Unitary Development Plan

8.5 The following non-waste policies are relevant:-

BD2:	Design and siting of new buildings
BD4:	External plant and site layout
BD5:	Design of new buildings
GP5:	General planning considerations
GP9:	Community involvement in the planning process
LD1:	Landscaping schemes
N23:	Landscape design and boundary treatment
N24:	Landscape design abutting open land
N25:	Landscape design and boundary treatment
N26:	Landscape scheme
N32:	Green Belt
N33:	Development within the Green Belt
T2:	Transport
T2B:	Transport assessment
T2C:	Travel plan
T5:	Pedestrian and cyclist accessibility
T6:	Disabled accessibility
T7A:	Secure cycle parking
T7B:	Secure motorcycle parking
T24:	Parking guidelines

Natural Resources and Waste Local Plan

8.6 The Natural Resources and Waste Local Plan (NRWLP) safeguards the entire site for use as a Materials Recycling Facility (MRF) during the plan period. The following policies apply:-

MINERALS 3:	Extraction of coal prior to development
WASTE 1:	Support for proposals meeting capacity requirements
WASTE 2:	Safeguarded waste management sites
WASTE 3:	Development of network of waste management sites and principles
WASTE 4:	Waste management to be treated as industrial use of land
WASTE 9:	Consideration of impacts from waste management facilities

AIR 1:	Emission measures to ensure overall air quality impact mitigated
WATER 1:	Efficiency of water use
WATER 6:	Flood risk
WATER 7:	Sustainable drainage
LAND 1:	Support for development of previously developed land
LAND 2:	Landscaping

Emerging Policy

Core Strategy DPD

- 8.7 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. The publication draft of the Core Strategy has been submitted to the Secretary of State and is currently undergoing Examination.

Government Policy Statements

Planning Policy Statement 10 – Planning for Sustainable Waste Management

- 8.8 PPS10 was published in July 2005 and later revised in March 2011 to take account of the 2008 EU Waste Framework Directive. PPS10 is accompanied by a Companion Guide and is the current national policy document directed at waste-related planning proposals.

National Planning Policy Framework

- 8.9 The NPPF does not contain specific waste policies, since national waste planning policy is to be published as part of the National Waste Management Plan for England. However, in taking decisions on waste applications, regard should be had to policies in the NPPF so far as they are relevant.

Waste Management Plan for England

- 8.10 This was issued in December 2013 and effectively aims to consolidate existing waste policy.

9.0 MAIN ISSUES:

- 9.1 The main issues relating to the proposed scheme are considered to be as follows:-

- Principle of development
- Green Belt, openness and visual appearance
- Odour
- Noise
- Landscape and visual impact
- Changes to existing permission

9.2 Principle of development

- 9.2.1 The site is safeguarded as a Materials Recycling Facility within the adopted development plan. The site is located within the Green Belt.

9.2.2 The NPPF outlines current policy for green belt development. Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. However, there are exceptions to this including proposals for:-

- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

9.2.3 This is different to the approach adopted within the UDP as policy N33 refers to the 'limited extension, alteration or replacement of existing dwellings'.

9.2.4 Policy N33 is therefore somewhat inconsistent with the more recent NPPF and whilst both are material considerations of significant weight, the NPPF advises that greater weight should be apportioned to the policy within the NPPF.

9.2.5 It is considered that the proposed extensions can be considered proportionate in scale with the existing development and should therefore not be classed as inappropriate development. Members agreed with this approach at the 6 March 2014 panel meeting and therefore it is concluded that the principle of the development is acceptable.

9.3 Green Belt, Openness and Visual Appearance

9.3.1 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

9.3.2 The five purposes of Green Belt set out within the NPPF are:-

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

9.3.3 In terms of the proposal's impact upon openness, the office building and other changes to the existing development would be unlikely to have any significant impact upon openness. However, as the extension to the recycling building is of a larger scale, then there would undoubtedly be an element of impact upon openness. Notwithstanding this, the proposed development would be contained within the existing curtilage of a waste management site and taking into consideration the context of the existing buildings and the site as a whole, any impact upon openness and the landscape would be likely to be limited.

9.3.4 In terms of impact from the A62 Gelderd Road, when approaching from Leeds, the site is well screened. However, when approaching from Gildersome, especially along the footpath, there are views of the western edge of the site, with the application site at a lower level than the carriageway and surrounding land. Views of the extension from the footpath when walking downhill from the Gildersome direction would be apparent, although the screening bund / planting would help soften this view longer term. The site is also set down below the level of the field accommodating the footpath and so the height and massing of the building is lessened.

- 9.3.5 It is considered that any harm upon views and openness from the proposals would not be overly significant given the wider context of the site, the subservient nature of the extensions and also as the proposal would remove several external structures and activities from within the existing site. Members confirmed that they were satisfied that there was no significant impact upon the Green Belt at the position statement on 6 March 2014. It is therefore considered that there would be no unacceptable impact upon the openness or visual amenity of the Green Belt from the proposals.

9.4 Odour

- 9.4.1 The site operates under an Environmental Permit (EP) in addition to its extant planning permission. The EP contains a number of conditions intended to regulate the day to day management of the site with the aim of minimising the effect of the operation on the environment; it also contains conditions regulating site management and monitoring.
- 9.4.2 Government advice on waste planning makes it clear that it is important to avoid unnecessary or confusing duplication. For example, Planning Policy Statement 10 (PPS10) states:

“26. In considering planning applications for waste management facilities, waste planning authorities should concern themselves with implementing the planning strategy in the development plan and not with the control of processes which are a matter for the pollution control authorities.

27. The planning and pollution control regimes are separate but complementary. Pollution control is concerned with preventing pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health. The planning system controls the development and use of land in the public interest and should focus on whether the development is an acceptable use of the land, and the impacts of those uses on the development and use of land. Waste Planning Authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.

32. It should not be necessary to use planning conditions to control pollution aspects of a waste management facility where the facility requires a permit from the pollution control authority.” The same paragraph advises that planning conditions relating to control over matters such as noise, vibrations, odour and dust could be used *“for certain phases of the development such as demolition and construction”*, therefore, by implication, not for day to day waste management operations. Similar advice is repeated in the Companion Guide to PPS10.

- 9.4.3 As the site operates under an Environmental Permit issued by the Environment Agency, the Environment Agency are responsible for the regulation of the site in terms of pollution control (i.e. noise and odour). The Council, as planning authority, only needs to assess the likelihood of unacceptable impact occurring. Whilst odour management is a matter for the Environment Agency, Defra advises that in all cases where the generation of odours from the development can be readily anticipated, the local authority should expect to be provided with objective evidence that demonstrates that odour emissions will be adequately controlled to prevent any loss of amenity to neighbouring sensitive land users. The applicants have submitted an odour impact assessment and odour management plan and this has been assessed by the

Environment Agency as statutory consultee. The odour management plan was approved by the Environment Agency on 31 October 2013, subject to an ongoing review programme.

- 9.4.4 Whilst there have been complaints from residents of a nearby dwelling since the site became operational, a very significant improvement in conditions has been noted by officers since the material recycling building has had a new filtered extraction system installed which creates a negative air pressure within the building during September / October 2013. Therefore, when doors to the building open, this draws air inwards, rather than allowing air and potentially odour to escape as previously. Since the new extraction system was installed at the site and other changes to the management of the site implemented the Environment Agency have also reported that they have only detected faint intermittent odours during their recent assessments. At the time of the position report, during the period from 25 October 2013 to 6th March 2014, the Environment Agency received 31 reports of odour and 23 reports of noise from the site. 17 odour assessments were carried out and no permit breaches relating to odour pollution were recorded. Since the 6th March 2014 the Environment Agency received 20 reports of odour and 14 reports of noise from the site. 20 odour assessments were carried out and no permit breaches relating to odour or noise were recorded. Only faint, intermittent odours were detected during the period.
- 9.4.5 One of the principal purposes of the current application is to construct the extension to the materials recycling building so that it could accommodate the RDF baling process and the storage bays, whilst also facilitating loading of RDF material. This would allow these operations to be moved to the far end of the site, over 175m away from the nearest residential property. Loading of the bales is proposed to take place from within the extension building (sealed docking system will be used for rear loading vehicles). Taking this into account, along with the fact that the bales are shrink-wrapped in 4 layers of plastic wrap and stored / loaded within a negative air pressure environment, this should ensure that any potential for future odour impact from the site is absolutely minimised.
- 9.4.6 Since the site became operational and it became apparent that there was cause for concern over the potential for odour to be released from the operations, the applicants have also implemented the following measures and practices in order to minimise the potential for any unacceptable odour issues and hence breaches to their Environmental Permit to arise:-
- daily cleansing of bays and floors within the building using a cleaning material which is biologically active and contains enzymes and friendly bacteria that naturally attacks organic matter thus preventing odour generation;
 - no waste is accepted after 4pm on Fridays;
 - no waste is accepted on Saturdays;
 - all black bin waste is processed within 12 hours of arriving at site;
 - fast action door settings have been changed to reduce closing time lapses from 18 to 6 seconds;
 - new civic road sweeper has been purchased. The vehicle can also access the smaller internal bays to sweep them;
 - all fines conveyors have now been re-engineered to remain within the building;
 - smoke tests have been undertaken to identify possible air leakage pathways from the waste building. Any areas identified as allowing leakage have been filled;
 - site manager and all key staff trained by TT Environmental to assess odour loads against acceptable background levels and to reject loads where necessary;
 - office staff trained to carry out perimeter sniff tests according to the same criteria as the Environment Agency and the applicant's odour agents;

- two spray bars have been installed internally over doors 1 and 2, to spray tipper wagons on their way out of the waste transfer hall to minimise any odour as they exit the site;
- a spray bar is now positioned over the inward weighbridge to spray trucks on arrival if they are going to be standing for 10-15 minutes prior to being called to unload; and
- it is proposed that refuse wagons will be manually sprayed in the loading area after they have tipped their load.

9.4.7 Whilst the control of odours is a matter for the Environment Agency, through its environmental permitting regime, the planning system is there to check the likelihood of proposals having an adverse impact upon other land users. Planning guidance emphasises that it is not acceptable for planning authorities to assume that things might go wrong, and adopt a precautionary stance on that basis. Any shortcomings relating to pollution control from the site would be addressed by the Environment Agency, as regulator.

9.4.8 It is considered that the proposals would result in improved management of the site which would minimise the potential for the release of odour from the site as far as reasonably practicable.

9.5 Noise

9.5.1 There have been complaints relating to noise from the site since it became operational. The applicants have submitted a noise impact assessment / management plan and acoustic reports and these have been reviewed by the Environment Agency and Environmental Health.

9.5.2 The principal sources of potential noise are summarised as follows:-

- unloading of waste at the site in the reception hall;
- mechanical separation, screening and refinement;
- loading;
- on site vehicle movements to and from the facility including mobile plant and waste, transportation vehicles and road sweeper; and
- transportation of products off site.

9.5.3 Whilst good site management is essential in helping to mitigate noise production wherever possible, physical measures are also necessary. The following is a summary of the measures or management controls that are proposed (or have already been implemented) at the site to minimise the potential for any impact from noise due to the operations:-

- silencers will be fitted to all machinery where possible;
- white noise reversing alarms have been fitted to all mobile plant;
- road sweeper will only be operated between 1000 and 1500 Monday to Friday;
- road sweeper will only be operated between 1000 and 1300 Saturday;
- road sweeper use will be minimised and not used continuously for more than 45 minutes at any one time;
- all plant and equipment will be regularly maintained to ensure that no item will produce excessive noise;
- traffic movements from waste collection vehicles will only take place during operational hours (between 0730 and 1830 Monday to Friday and 0800 to 1300 Saturday);

- a speed limit of 10mph will be in place at the site;
- site staff will be made aware that they are working in the immediate vicinity of residential receptors and avoid all unnecessary noise due to misuse of tools and equipment, and unnecessary shouting and radios;
- all doors will be kept closed at all times, except when access is required, to attenuate any sound generated within the waste hall;
- if at any time it is necessary to undertake temporary actions that are likely to cause elevated levels of noise, the site manager (or designated responsible person) will contact the Environment Agency and any other interested parties before such actions are taken to inform them of the operations being undertaken and that the elevated levels of noise will be of a temporary nature. Where practicable, such actions will only proceed when the prevailing wind direction is away from sensitive receptors.

9.5.4 As stated previously, one of the principal purposes of the current application is to construct the extension to the materials recycling building so that it could accommodate the RDF baling process which currently takes place in the low level building nearest the access (and the nearest point of the building to the noise sensitive receptor). This would allow these operations to be moved to the far end of the site to some 175m away from the nearest residential property. Loading of the bales is proposed to take place undercover but not fully inside the building. However, all storage and processing would take place within the extended building.

9.5.5 Another source of noise complaint has been that of the use of reversing alarms at the site. When originally approved, the site plans showing a one-way traffic system whereby vehicles entering the building would enter a single access door in a forward direction to tip or load and proceed in a forward direction through the building to leave by a separate door in the middle of the building. However, the applicants suggest that following several trials of this system over the last two years and associated risk assessments that consider the amount of type of traffic (particularly HGVs) coupled with additional machinery congestion and pedestrian access requirements (banksmen, operatives etc.), it was concluded that such a one-way system posed a significant risk to vehicles, plant and operatives and that it could lead to increased congestion of vehicles on site. Importantly, the implementation of a one way system would have largely eliminated the need for the use of reversing alarms. However, the operators have now requested that all companies using the site ensure that either the alarms are not used at the site, or that white noise systems are used. It may also be possible to condition this requirement.

9.5.6 The road sweeper that is employed at the site to ensure that any debris is cleared from the highway also has the potential to create noise, as has the forklift vehicle. Both have been the source of complaint. It is considered that as the proposals would result in the baling operation being moved to the far end of the site and that the loading of the bales onto the forklift would occur indoors, there should be no significant impact from this operation or the forklift vehicle any longer. The applicants have suggested that the use of the road sweeper could be restricted so that it would operate only during limited hours of 1000 – 1500 (Monday to Friday) and 1000 – 1300 (Saturday) with a maximum continuous use of 45 minutes.

9.5.7 It is considered that the proposals would result in improved management of the site which would minimise the potential for noise from the operations. The baling operation (in particular the loading of bales) which has the potential to cause noise, is proposed to be relocated to within the extension at the far end of the building. Along with the other measures proposed, it is considered that the proposals would not result in any unacceptable impact from noise and should result in considerable improvement.

9.6 Landscape & Visual Impact

- 9.6.1 The proposed extension to the material recycling building would be visible from the west due to the rising land levels. The existing landscaped bund along the rear of the recycling building is proposed to be extended and planted up with trees and shrubs. Nevertheless, the extension would be visible when travelling towards Leeds along the A62 and also from the footpath running through the field to the west of the site and from the higher ground to the west and north. The extension to the recycling building would also be apparent from the direction of the site access, but to a lesser extent due to the location of the existing, intervening building. However, when considered in the context of the existing site, the fact the extension would be at a lower height and of matching materials and colour and taking into account the landscape screening existing and proposed, it is unlikely that this would result in any significant impact upon visual amenity. It is also unlikely that any significant views of the proposed extensions could be gained from the Rooms Farm property due to the intervening buildings, vegetation and distance involved.
- 9.6.2 The extension of the office building is unlikely to result in any impact upon visual amenity due to its location behind the current office building. It is within the centre of the site and is unlikely to be readily visible from anywhere outside the site itself.
- 9.6.3 Following the discussion at Plans Panel on 6 March 2014, Members were of the view that the proposals would not result in any unacceptable visual impact and in fact that the site, as a whole, was a significant improvement upon its previous state. It is considered that the proposed extensions to the buildings are proportionate in size and taking into account the site context and also the relatively discreet position of the extensions towards the well screened far end of the site, together with the landscaping proposed along the rear boundary of the site, there would be no unacceptable impact upon views from the surrounding area, including those from the nearest property at Rooms Farm.

9.7 Changes to existing permission

- 9.7.1 The proposal includes several changes to the original permission in order to reflect the 'as-built' scheme. These include:-

Discrepancies between 'as-built' offices and approved drawings

- 9.7.2 There are two main differences between the 'as-built' office building and the approved drawings. The approved drawings show a large projecting oriel window that was to form part of the director's office. The projection was to be constructed to the south-west elevation in close proximity to the route on which heavy goods vehicles exit the weighbridge. The operators determined that this could present a risk to the structure due to its proximity to passing HGVs, hence the oriel window was not constructed and instead replaced with glazed panels to match the remainder of the building.
- 9.7.3 The approved drawings show a brise-soleil positioned externally, in front of ground floor windows at high level and at first floor level. They served a functional purpose in that they reduced solar gain to the office from a southerly direction. The agents state that the pace at which the offices needed to be constructed and be fully operational meant that there was not time to consider the brise-soleil and internal, manually-operated blinds were installed instead.

Discrepancies between the 'as-built' waste transfer hall and the approved design, with particular reference to sectional overhead doors

- 9.7.4 The waste transfer hall was originally approved with two sectional overhead doors to the main hall (currently referenced 'Door 2' and 'Door 3') and one sectional overhead door to the lean-to extension. The applicants state that for operational reasons within the hall itself, another vehicular door was required to the main north-east elevation. This was positioned adjacent to the approved 'Door 2' and named 'Door 1'. The door is 6m high x 5.6m wide.
- 9.7.5 Doors 1 and 2 are for vehicles to enter when tipping their loads. The two doors allow for two vehicles to tip simultaneously. The applicants recognise that the Council and Environment Agency have identified lorries as a potential cause of odour and suggest that the fact that two lorries can tip at the same time significantly reduces idle standing time on site, hence reducing the potential for odour build-up in one place. They also suggest that it is a much more efficient use of the 'tipping' end of the building.
- 9.7.6 Door 3 is used for the removal from the building of 'clean' material, which is collected at the centre-southern end of the building. In this case clean material is defined as 'sorted' materials, such as cardboard or plastics. An empty wagon will load with cardboard (for example) and leave site via the weighbridge.
- 9.7.7 The use of door 3 is much less frequent than the use of the other doors but it does allow for a wagon to be sited within the building for a period of time without blocking or stopping any other part of the operation.

Landscaping amendments

- 9.7.8 The approved landscaping plan shows an 'island' of ornamental shrubbery near the main site entrance that is not present. Also, there is a small area of landscaping immediately to the north of the office block that is not present due to the traffic office being approved and constructed in that location. To balance this deficit, an area of tarmac to the south of the office block has been uplifted, with ornamental shrubbery and three trees planted in this location.

Siting of push walls to the rear of the waste transfer hall to form a new stocking bay

- 9.7.9 The original approved site plan approved a total of five stocking bays to the north of the waste transfer hall. The agents state that this was insufficient to keep up with the pace of stocking, hence a sixth bay was constructed to the north of the existing run of three bays out of necessity. The push walls match the existing in width, height and colour, with the northernmost push wall having been extended into the yard to form more of an enclosure so that the stockpiles cannot be seen from any direction other than within the actual site itself. Under the new proposals, all of the push walls and storage bays would be permanently enclosed within the proposed extension to the recycling building.

Method of preventing parking and loading in a specified area outside the waste transfer building

- 9.7.10 The approved plans shows kerbing running from the edge of the lean-to extension at the southern end of the main hall, out into the yard towards the weighbridges. This was to encourage a separation between loading operations in and around the hall and any weighbridge activities and would discourage parking and loading within the area directly outside the hall. Due to the nature of entering and exiting the lean-to in particular it was necessary to remove the kerb as it prevented vehicles entering the building without resorting to multiple point turns increasing risk of injury to people on foot on site and/or damaging the building through collision.

- 9.7.11 As it is still necessary to prevent parking and loading in the area to the west of the original kerbing (in front of the hall), the current application provides for yellow painted cross-hatching to be applied to the concrete and the words 'KEEP CLEAR' are painted in yellow. A condition could also be applied to restrict parking or loading and unloading within this area.

Siting of a fenced electrical transformer to the rear of the waste transfer hall

- 9.7.12 A small transformer has been sited to the north-west of the transfer hall. This is essential apparatus for operations within the waste transfer hall and has been sited inconspicuously. This transformer would be housed within the proposed extension as part of the current proposals.

Siting and treatment of vents to main site-facing elevation of the waste transfer hall

- 9.7.13 Three metal vents have been installed within the cladding to the site-facing north-east elevation of the main waste transfer hall. These are currently in their original light silver colour. It is suggested that these are also painted 'Moorland Green' in order to blend in to the adjacent cladding.

Installation of flues to roof

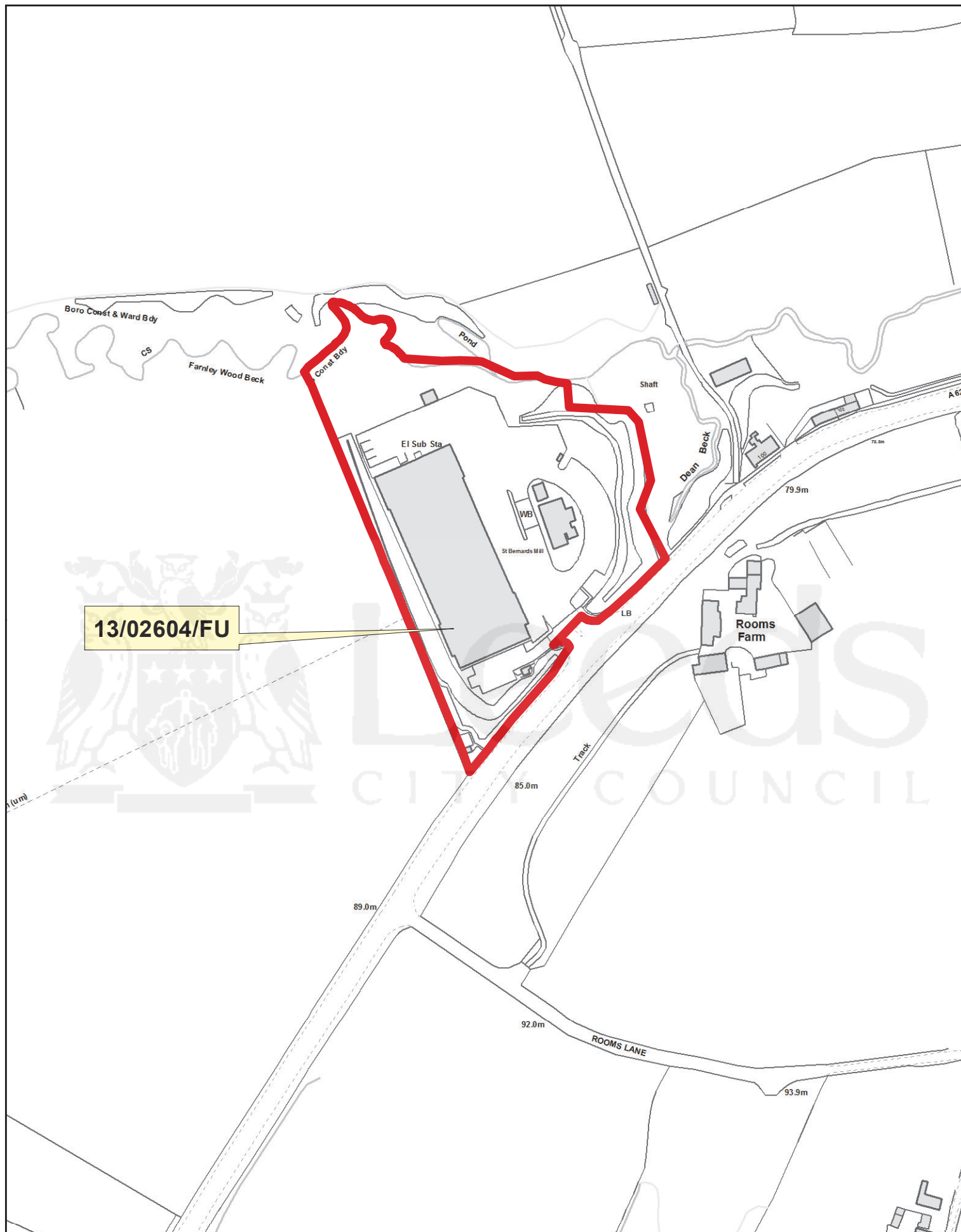
- 9.7.14 Ten flues have been installed to the roof structure to allow filtered air to be extracted from the building. These have been coloured to match the roofing colour (Moorland Green). They are not considered to have any significant visual impact.
- 9.7.15 The proposals to regularise the discrepancies to the approved scheme were considered by Members to be acceptable at the Plans Panel meeting on 6 March 2014. It is considered that the relatively minor amendments would not result in any unacceptable impact.

10.0 CONCLUSION:

- 10.1 In summary, the proposed application incorporates the relatively minor 'as-built' changes to the scheme originally approved, a 3m extension to the rear of the office building and also to extend the recycling building in order to relocate the baling storage area and allow all storage bays, the baling operation, fuel tanks, steam cleaner unit and transformer to be fully enclosed. Whilst addressing the inconsistencies with the scheme as originally approved, the scheme's principal aim is to ensure that any potential for odour and noise from the operations at the site are fully mitigated.
- 10.2 The proposals are not considered to be inappropriate development within the Green Belt and as the site is a safeguarded waste management facility within the adopted development plan, the principle of the development is acceptable.
- 10.3 It is considered that no unacceptable impacts would arise from the proposals, nor would the scheme result in any additional throughput of waste. The scheme has been submitted to enable further mitigation measures to be employed at the site to ensure that the management of the site continues to improve and is robust over the longer term.
- 10.4 In summary, the proposal does not conflict with any relevant policies and is considered to be in accordance with the development plan. There are no other material considerations that would outweigh local or national planning policy and therefore it is recommended that the application be approved, subject to conditions.

11.0 BACKGROUND PAPERS:

11.1 Application files: 13/02604/FU
10/03906/FU



SOUTH AND WEST PLANS PANEL

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SCALE : 1/2500

