



## Report of the Chief Planning Officer

### *PLANS PANEL WEST*

Date: 28 February 2013

Subject: Application Number 09/05553/OT Outline planning application for residential development at Land off Royds Lane, Lower Wortley, Leeds.

### Supplementary Report

**APPLICANT**

Wortley Green

**DATE VALID**

23 December 2009

**TARGET DATE**

24 March 2010

**Electoral Wards Affected:**

Farnley and Wortley

No

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION**

Members are asked to note the contents of this supplementary report and to resolve to defer consideration of the application so that the Section 106 can be progressed to a satisfactory conclusion and the matters highlighted in this report can be incorporated into a comprehensive report which addresses all the issues which can then be reported back to members for final determination of the application.

**1.0 FURTHER INFORMATION TO CONSIDER:**

- 1.1 Members will be aware that this application for residential development at Royds Lane has been with the Council since the end of 2009 and have involved substantial discussions in the past 12-18 months regarding viability. The substantive report on the agenda updates members on the latest position.
- 1.2 It has recently come to light that part of the site ( closest to the Ring Road and between Makro and the access track through the middle of the site ) is an allocated site for waste management ( Site 142) in the Natural Resources and Waste DPD ( NR&WDPD ) which was adopted on 16<sup>th</sup> January 2013 by the Council and is now part of The Development Plan.

- 1.3 Planning application 07/07482/FU, submitted by Cave Plant Ltd, to use the site for the recycling of inert, or non-hazardous construction and evacuation wastes to produce aggregate and soils on the former overflow car parks to Makro was granted planning permission on 3<sup>rd</sup> March 2009 with a 5 year implementation period expiring in March 2014. The permission has not been implemented and the site remains vacant. Information from the owners of the site indicates they were approached by the company for an aggregate crushing facility for a temporary period of 12 months but were not interested and did not consider the site appropriate for this kind of facility.
- 1.4 Nevertheless the site has been safeguarded for waste management purposes in the NR&WDPD and this has not been challenged through the process. The date for legal challenge to the adoption of the DPD has now passed and so this present application must be judged against Policy Waste 2 which covers safeguarding waste management sites.

### **Waste 2 Safeguarding waste management sites**

*Existing waste management sites are safeguarded for continued use during the plan period. Applications for change of use must demonstrate that there is no longer a need to retain the site for waste management purposes or there is an overriding case for the proposed development that outweighs the need to retain the site for waste management purposes.*

- 1.5 Given that this policy is part of The Development Plan and has only recently been adopted then the proposals for housing on this part of the site should be determined in accordance with The Development Plan unless material considerations indicate otherwise. As Policy Waste 2 goes to the heart of the proposal it must be clearly considered in the appraisal and the balancing exercise before a decision can be issued as it represents a departure from the adopted plan on this part of the site if it is developed residentially. As this issue has only recently arisen then it is considered that the best course of action to ensure a safe decision is that the application should be deferred and a further report brought back to members which deals with this issue thoroughly before the application is finally determined.
- 1.6 When the application comes back for final determination it will also need to deal with Policy Minerals 3 of the adopted NR&WDPD which states;

### **MINERALS 3 : Minerals Safeguarding Areas – Surface Coal Development sites**

*Within the surface coal mineral safeguarding area shown on the Policies Map applications for non-householder development must demonstrate that the opportunity to recover any coal present at the site has been considered. Coal present should be removed prior to or during development unless:*

- 1. it can be shown it is not economically viable to do so, or*
- 2. it is not environmentally acceptable to do so, or*
- 3. the need for the development outweighs the need to extract the coal, or*
- 4. the coal will not be sterilised by the development.*

- 1.6 The applicants agent has been made aware of these two issues and has responded quickly that the policy objectives of Waste 2 are not compromised through the redevelopment of this site given it is not an existing waste management site and is not in continued use and there is no prospect of it coming forward for that purpose – there are considerable benefits in realising residential development on this site which has been acknowledged and welcomed by members. The agent also states that there is a considerable amount of information as regards coal recovery which

demonstrates that this is not viable and a full report can be forwarded prior to issuing a decision.

- 1.7 Whilst it is very regrettable that this information has not been forthcoming until now, so late in the process, it is right that we make decisions which address all the issues. Under these circumstances members are requested to defer consideration of the final decision on this application until these outstanding matters have been comprehensively dealt with.