

## **Plans Panel (East)**

**Thursday, 23rd February, 2012**

**PRESENT:** Councillor D Congreve in the Chair

Councillors R Finnigan, C Fox, R Grahame,  
P Gruen, M Lyons, C Macniven, K Parker,  
J Procter, R Pryke and D Wilson

### **164 Chair's opening remarks**

The Chair welcomed everyone to the meeting and asked Members and Officers to introduce themselves

### **165 Exempt Information - Possible Exclusion of the Press and Public**

**RESOLVED** - That the public be excluded from the meeting during consideration of the following part of the agenda designated exempt on the grounds that it is likely, in view of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information as designated as follows:

The report referred to in minute 177 under Schedule 12A Local Government Act 1972 and the terms of Access to Information Procedure Rule 10.4(3) and on the grounds it contains information relating to the financial or business of any particular person (including the authority holding that information). It is considered that if this information was in the public domain it would be likely to prejudice the applicant's current negotiations. Whilst there may be a public interest in disclosure, in all the circumstances of the case maintaining the exemption is considered to outweigh the public interest in disclosing this information at this time

### **166 Late Items**

There were no formal late items, however Panel Members were in receipt of the following additional information to be considered at the meeting, copies of which had been circulated before the day of the meeting:

Application 11/02402/FU – Erection of 86 houses at Unit 12 Temple Point Austhorpe LS15 – a report providing financial information (minute 177 refers)

Application 11/02402/FU – Erection of 86 houses at Unit 12 Temple Point Austhorpe LS15 – a revised report clarifying at paragraph 1.0 the reasons for seeking to exclude the press and public for part of the discussions on this application (minute 177 refers)

### **167 Declarations of Interest**

The following Members declared personal/prejudicial interests for the purposes of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct:

Energy Recovery Facility – site of former Skelton Grange Power Station:  
Councillor Lyons declared a personal interest as a member of West Yorkshire Integrated Transport Authority as Metro had been consulted on the proposals (minute 178 refers)

Councillor Pryke declared a personal interest as a member of the Aire Valley Leeds Board where issues relating to the proposals had been discussed (minute 178 refers)

Councillors Gruen, Lyons and Pryke declared personal interests through being members of the East Leeds Regeneration Panel where issues relating to the proposals had been discussed (minute 178 refers)

Application 11/02402/FU – Unit 12 Temple Point Austhorpe LS15 – Councillor Grahame declared personal and prejudicial interests through having previously expressed support for the proposals (minute 177 refers)

Application 11/02402/FU – Unit 12 Temple Point Austhorpe LS15 – Councillor Lyons declared a personal interest through being a member of West Yorkshire Integrated Transport Authority as Metro had commented on the proposals (minute 177 refers)

#### **168 Apologies for Absence**

Apologies for absence were received from Councillor Latty who was substituted for by Councillor Fox

#### **169 Minutes**

**RESOLVED** - That the minutes of the Plans Panel East meeting held on 26<sup>th</sup> January 2012 be approved

#### **170 Application 11/04387/FU - Two storey side extension at 42 Henconner Lane Chapel Allerton LS7**

Plans and photographs were displayed at the meeting. A site visit had taken place earlier in the day which some Members had attended

Officers presented the report which sought permission for an extension to the existing property at 42 Henconner Lane LS7. Members were informed that whilst the report was recommending refusal of the application on the grounds of impact on the amount and quality of private amenity space for the occupants of the dwelling, the applicant had submitted a revised plan. This would see the removal of the existing garage on the site and restoration of the area of land to lawned garden area. As such, Officers considered that with suitable conditions, the application could be approved

**RESOLVED** - To defer and delegate determination of the application to Officers for approval, subject to appropriate conditions being attached to the approval

#### **171 Application 11/04310/FU - Retrospective use of land for siting of mobile homes with associated works and retention of chicken shed, 2 single stables and dog pen - The Stables Ninevah Lane Allerton Bywater Castleford WF10 2EW**

Plans and photographs were displayed at the meeting

Officers presented the report which related to a retrospective application for use of land for siting mobile homes with associated works and retention of existing structures at The Stables, Ninevah Lane Allerton Bywater WF10, which was sited in the Green Belt

Members were informed that the proposal constituted inappropriate development in the Green Belt and whilst the applicant had submitted personal reasons in support of the application, Officers were of view that very special circumstances had not been demonstrated to outweigh the harm to the Green Belt and as such were recommending the application be refused, with suggested reasons being included in the submitted report

Officers also stated that the Environment Agency had objected to the application and as the applicant had not adequately demonstrated that foul drainage could be satisfactorily provided at the site, a further reason for refusal relating to this was recommended

**RESOLVED** - That the application be refused for the following reasons:

- 1 The site lies within an area defined as Green Belt and the Local Planning Authority considers that the proposed mobile homes for residential occupation and associated infrastructure constitutes inappropriate development in the Green Belt in light of the guidance in Planning Policy Guidance Note 2 (PPG2), the draft NPPF and Policy N33 of the Unitary Development Plan and would undermine the purpose and function of the Green Belt. The applicant has also failed to demonstrate very special circumstances which could justify inappropriate development in the Green Belt. It therefore, is considered that the proposal is contrary to Policies N33 and H16 of the adopted Leeds Unitary Development Plan (Review 2006) and the guidance contained within PPG2
- 2 The Local Planning Authority considers that the proposed mobile homes for residential occupation and associated infrastructure would, due to their size, siting and combined visual effect, have a harmful impact on the openness of this Green Belt location, whilst having a harmful impact on the visual amenity and rural character of this edge of village locality due to the design and facing materials used. It is therefore, considered that the proposal is contrary to the national planning policy guidance in PPG2 and Policies GP5, H16 and N13 of the adopted Leeds Unitary Development Plan (Review 2006)
- 3 The Local Planning Authority considers that the use of the land for the purposes of stationing caravans for human habitation intensifies the use of an access route that is unsuitable by reason of its narrow width, a tight bend with poor visibility and poor surfacing of the track between the bend and the site. The proposals are therefore considered to be contrary to Policies T2 and GP5 of the adopted Leeds Unitary Development Plan (Review 2006), national advice in PPG13 and 'Manual for Streets' and the Council's advice contained within the 'Street Design Guide'

- 4 The Local Planning Authority considers that in the absence of sufficient information, including percolation tests, the applicant has failed to adequately demonstrate that foul drainage can be satisfactorily provided at this site. Consequently the applicant has not shown that ground conditions are suitable at this location for a soakaway from the septic tank and therefore there are potential pollution risks. It is therefore considered that the proposals are contrary to Policies GP5 and H16 of the Leeds Unitary Development Plan (Review 2006), as well as guidance contained within PPS23 – Planning and Pollution Control

**172 Application 11/03006/FU - Change of use of and sub-division of barn and workshop to form 3 industrial starter units (B1 use) - Land to the rear of 5 Bradford Road Gildersome Morley LS27**

Plans and photographs were displayed at the meeting. A site visit had taken place earlier in the day which some Members had attended

Officers presented the report which sought permission for a change of use and alterations of an existing barn and workshop to create 3 industrial starter units with a B1 use on land rear of 5 Bradford Road Gildersome Morley LS27, which was situated in the Green Belt

A number of minor amendments to the report relating to the correct application number; conditions 5 and 19 which had been duplicated and the red line boundary which should be shown as extended to take in the necessary access works were highlighted

Members were informed that this use was considered to be appropriate in the Green Belt; that no substantial alterations were being made to the workshop and that the resident closest to the site had not objected, although many objections had been received from residents on East View

If minded to approve the application, a further condition was proposed relating to access works to be carried out prior to occupation

The Panel discussed the application with some concerns being raised about the proposal, particularly the possible uses and the ability of Officers to adequately enforce planning conditions

**RESOLVED** – That the application be granted subject to the conditions set out in the submitted report, the deletion of condition 19 which was duplicated and a further condition relating to access works to be carried out prior to occupation

(Under Council Procedure Rule 16.5, Councillor Finnigan required it to be recorded that he voted against this matter)

**173 Application 11/05007/FU - Detached double garage to rear - Old Village Hall Village Road Eccup LS16**

Plans and photographs were displayed at the meeting

Officers presented the report which related to an application for a detached double garage to the rear of the Old Village Hall, Eccup LS16 which was situated in the Green Belt and the Harewood Special Landscape Area

Members were informed that the current application was a reduction on a previously submitted scheme which had been withdrawn by the applicant

The most recent planning history of the site was provided, with Members being informed that the former commercial car repair garage had been tastefully converted to a residential dwelling. When permission was granted for the residential dwelling an increase of 40% on the footprint of the property was agreed; the proposed double garage would represent an overall increase of 70%, which was outside the current policy and therefore Officers were recommending refusal of the application with suggested reasons being contained in the submitted report

The Panel heard from the applicant's agent who attended the meeting

Members considered the application; its impact on the openness of the Green Belt and the possibility of undertaking a site visit

The Panel considered how to proceed

**RESOLVED** - That the application be refused for the following reasons:

- 1 The site lies within an area defined as Green Belt and the Local Planning Authority considers that the proposed garage constitutes inappropriate development in the Green Belt as it represents a disproportionate addition to the host property (when considered with the newly converted and extended dwelling as constructed) which in light of the guidance in Planning Policy Guidance Note 2, the draft NPPF, policy N33 of the Unitary Development Plan (Review 2006) and policy HDG3 of the Draft Householder Design Guide (September 2011) would undermine the purposes and function of the Green Belt. The applicant has failed to demonstrate very special circumstances which could justify inappropriate development in the Green Belt. It is therefore considered that the proposal is contrary to policy N33 of the Leeds UDP, HDG3 of the Draft Householder Design Guide and guidance contained within PPG2
  
- 2 The Local Planning Authority considers that the proposed detached garage by virtue of its size and siting will have a harmful impact on the openness of the Green Belt and Special Landscape Area, whilst also having a harmful impact on the visual amenity and rural character of the area. It is therefore considered that the proposal is contrary to policy guidance in PPG2, policies N33 and N37 of the Leeds Unitary Development Plan (Review 2006) and policy HDG3 of the Draft Householder Design Guide

**174 Application 11/04636/FU - Change of use from class B1 (office) to class D1 (nursery) - Thornfield Court Bruntcliffe Road Morley LS27**

Plans, including a location plan, drawings and photographs were displayed at the meeting. A site visit had taken place earlier in the day which some Members had attended

Officers presented the report which sought permission for a change of use from offices to a day nursery at Thornfield Court Bruntcliffe Road Morley LS27

Concerns had been raised in respect of on-site and off-site highways matters. The widening of the access point to accommodate two-way passing and the provision of a refuge, with an illuminated bollard, for pedestrians, was considered by Highways to be acceptable

Officers reported a further representation from Councillor Dawson, who indicated his support for the proposals subject to the highways issues having been satisfactorily resolved

If minded to approve the application, a further condition relating to the retention of trees was suggested

Members discussed the application and commented on the following matters:

- the possibility of queues of traffic forming outside the premises and how this would be managed. The Panel's Highways Officer stated that a TRO – paid for by the applicant - would be implemented alongside the traffic management works
- security and safety for children and young families, in view of the close proximity of the A60
- that a condition be included requiring best endeavours to recruit locally for the employment the scheme would create
- that the scheme represented a good use for the building, subject to the highways and safety concerns being addressed

The Panel considered how to proceed

**RESOLVED** - To defer and delegate approval of the application to the Chief Planning Officer subject to the conditions set out in the submitted report; including further conditions relating to the retention of trees on the site and a scheme of local employment, together with further discussion on securing the main entrance for the safety of children, with a condition being imposed on an agreed scheme

**175 Application 11/05186/FU - Change of use of restaurant A3 to form restaurant and take away A3/A5 - 2 Victoria Court Wetherby LS22**

Prior to consideration of this matter, Councillor Procter requested a site visit to consider the car parking arrangements

**RESOLVED** - That consideration of the application be deferred to the next meeting to enable a site visit to take place on the morning of that meeting

**176 Application 11/05227/FU - Two storey and single storey side extension, bay window and canopy to front; enlarged area of hardstanding to front - 30 Burnham Road Garforth LS25**

Plans, including shadow plans, drawings and photographs were displayed at the meeting. The application had been brought to Panel as the applicant was a Senior Officer within City Development

Officers presented the report which sought permission for extensions and an enlarged area of hardstanding at 30 Burnham Road Garforth LS25

Officers were of the view that the proposals respected the character of the area and having checked the possibility of shadowing to neighbouring properties was satisfied that the shadowing which did occur affected the host property and the gap between that and the neighbouring property

In response to a query from the Panel, Officers stated that the net increase was 70% - 80% at ground floor level and 40% - 50% at upper floor level

In terms of the shadowing plans which had been provided, Officers stated these were used in cases where shadowing was thought to be a particular concern

**RESOLVED** - That the application be granted subject to the conditions set out in the submitted report

## **177 Application 11/02402/FU - Erection of 86 houses - Unit 12 Temple Point Austhorpe LS15**

(Having previously declared personal and prejudicial interests, Councillor Grahame withdrew from the meeting)

Further to minute 144 of the Plans Panel East meeting held on 5<sup>th</sup> January 2012, where Panel deferred determination of an application for a residential development comprising 88 houses at Temple Point Austhorpe LS15, the Panel considered a revised report

Plans, photographs, graphics, including a fly-through and precedent images were displayed at the meeting

Officers presented the report and informed Panel that the scheme had been revised and now comprised 86 houses

Details were provided on:

- the design and materials
- the noise mitigation measures provided
- the discussions with Ward Members on the S106 contributions, with affordable housing and education contributions being the top priorities

At this point, following exclusion of the press and public, the Panel considered the supplementary report which provided financial information in respect of the viability of the scheme. Officers from the Asset Management Section of City Development who were in attendance, responded to questions from Members

The Head of Planning Services reminded Members that the site was originally to be used for an office development and that the application for the residential scheme was made jointly by the landowner and developer and referred to the balance of national planning policy which was to encourage economic growth. If approved, the scheme would provide some affordable housing although this would not be at the level of the current policy

Members discussed the following matters:

- the interim affordable housing policy and the discussion on this at Executive Board
- concerns that a precedent could be set by agreeing to contributions which were so far short of what should be provided
- the list of figures provided and the items they related to
- the usefulness of having detailed financial information, even if it was necessary to consider this in private

The Panel considered the information provided and sought advice from the Panel's Legal representative who stated that viability was a material planning consideration and that there was a balance to be struck between enabling the development to commence and the benefits flowing from that and the provision of the usual S106 contributions

Having noted the information and the comments now made, the press and public resumed their seats in the meeting

Members commented on the following matters:

- the level of S106 contributions being provided, with there being disappointment that these were so much – i.e. £1m less than required by policy - even the lower level of affordable housing as set out in the interim policy
- the need for affordable housing and that whilst the Council was seeking to be helpful and supportive in the current economic situation by reducing the level of affordable housing, that what the developer was proposing in this case did not meet the requirements

As the Panel was minded to refuse the application, in line with the protocol for speaking at Plans Panels, the Chair invited a representative of the applicant to address the Panel

Members considered the information provided

**RESOLVED** - i) To defer and delegate refusal of the application to the Chief Planning Officer based on the concerns raised in respect of the applicant's failure to meet the S106 contributions in line with policy requirements

ii) That all future applications which related to viability issues, where the usual S106 contributions were not being met, should be accompanied by a separate, exempt report, providing financial information for Panel's consideration

(Following consideration of this matter, Councillor Grahame resumed his seat in the meeting)

(Councillors Finnigan and Fox left the meeting at this point)

**178 Application 11/03705/FU - Energy Recovery Facility (incineration of waste and energy generation) associated infrastructure and improvements to access and bridge - site of former Skelton Grange Power Station Skelton Grange Road Stourton LS10 - Position Statement**

The Panel considered a report of the Chief Planning Officer setting out the current position in respect of proposals for an Energy Recovery Facility (ERF) with associated infrastructure and improvements to access and bridge on the site of the former Skelton Grange Power Station, Stourton

Prior to discussions on the proposal, Members queried the process which enabled consideration to be given to the scheme without objectors being able to put their views to the Panel. Concerns were raised that the applicant, through the various discussions which had taken place at Panel, had been given a considerable amount of time on this scheme and that objectors should have the same time to address Panel. The Chair pointed out that what was being considered was a position statement and that objectors would be given the opportunity to speak when the application was to be determined

Plans, photographs, historical images and graphics were displayed at the meeting

The proposal was for an ERF on the former Skelton Grange Power Station, operated by Biffa, which was capable of accepting 300,000 tonnes of non-hazardous waste per annum and would create approximately 300 jobs in the construction phase and in the region of 40 jobs at the plant



The site which was surrounded by six Wards was currently vacant following demolition of the cooling towers and comprised mainly concrete and aggregate. The area around the site was made up of predominantly industrial land

Officers presented the report and stated that most of the consultee comments had been received and that further input from Members was sought on several issues, with a series of questions being included in the report for Panel's consideration

Members questioned Officers on a range of issues and received the following information:

- the facility would produce 30MW of which 26MW (equivalent to 52,000 homes) would be exported to the National Grid; 4MW would power the plant itself
- that economic factors largely determined the distance waste could be sourced from in order for it to be disposed of
- that the design life of the facility was 25 years although it could be required for longer
- the ERF had been designed taking into account the context of the surrounding industrial landscape and with simple curves and different materials when compared with the usual 'boxed in shed' design. The Design Team and Civic Architect, John Thorp, had been involved in detailed design discussions
- that the height of the flue stacks would be 90m. Even if the building was lowered into the ground – which was not feasible in this case due to groundwater issues – the flue height would not reduce as it would still need to be 90m above ground level
- the purpose of the plant would be to take the commercial and industrial waste Biffa currently disposed of at landfill
- that the plant would be capable of taking any kind of non-hazardous residual waste i.e. commercial and industrial or municipal or a combination – up to a capacity of 300,000 tonnes per annum, in two lines of 150,000 tonnes each
- that details of the total tonnage of Biffa's waste collected in Leeds annually could be provided in a further report
- that the total annual amount of waste received at Biffa's landfill site had decreased from around 500,000 tonnes to about 300,000 tonnes in recent years. In terms of waste arisings, extensive research to support the Natural Resources and Waste Development Plan Document (NRWDPD) had been undertaken. The NRWDPD had recently undergone public examination and would provide the basis on which the Council would need to assess the application
- the capacity of the vehicles transporting the waste to the ERF from customers would generally be 10 tonnes, with the larger, 44 tonne vehicles being used to transport the bottom ash away from and deliver bulked up waste to the site. There would be about 90 HGVs arriving and leaving each day mainly between 9am – 4pm, although the plant would operate for 24 hours per day
- regarding the sorting practices of other waste operators, that small skip operators recycled approximately 80% of the waste collected, but that the remainder was sent to landfill, with the total residual waste arisings

being approximately 350,000 – 500,000 tonnes per annum as set out in the NWRDPD and that Government policy was to impose fines on landfill, so alternative methods of dealing with residual waste had to be found and that there were over 1.2 million tonnes of commercial and industrial waste arising within Leeds per annum

- that the Environmental Permit which would need to be issued by the Environment Agency would exclude types of waste which could be recycled, so ensuring all materials which were capable of being recycled, were. Furthermore, economic driving forces ensured operators supported recycling measures. The average gate fee to ERFs was around £73 per tonne as opposed to £15 per tonne for a recycling centre. Landfill gate fees were on average £76 per tonne which comprised £20 gate fee and the remainder landfill tax
- in terms of sorting the waste, it would be the customer's responsibility to do this. Concerns were raised about the financial incentives to sort waste, however it was felt that customers would be unlikely to want to pay the additional costs to send recyclable materials to an ERF
- that Biffa had planning permission for a large materials recycling facility on Gelderd Road where the recycling side of the business would take place
- there would be storage capacity at the ERF for 5 days worth of waste and as there would be two lines in operation, there was the possibility of operating one whilst carrying out maintenance on the other
- that the height of the wind turbine which was granted permission on the Yorkshire Water Sewage Works was confirmed at 125m – blade tip height – and 80m – hub height
- in terms of the footpath on the south side of the river, the proximity of the Transpennine trail was outlined and that the applicants were looking to improve access by improving the existing spiral access; providing a footway and cycle path along the existing bridge, with the potential for re-routing the Transpennine trail past the site and along the northern bank of the Aire and Calder Navigation. The work beyond the site would need to be completed as future development came along. This would make it more accessible and would form part of the S106 Agreement
- Officers confirmed that no water would be discharged from the plant
- that the plant was designed to be 'CHP Ready' but until a consumer of heat came forward, the facility would only produce electricity

Members commented on a range of issues, including:

that a case had not been made on the basis of the information provided for the need of this facility and that issues relating to capacity, sorting procedures and traffic movements had not been clarified and that firm facts and figures must be provided as part of the considerations for such facilities

- the design of the facility with some concerns that it was reminiscent of 1960s architecture, although it was acknowledged that the previous development on the site had comprised six cooling towers and ancillary structures

- concerns about the public consultation process and that health professionals had not been made aware of the two ERF schemes under consideration in the city
- concerns about the content of the waste, and that reassurances were needed that batteries and heavy metals would be properly dealt with
- whether when maintenance of the plant was required, reciprocal arrangements would be in place with other plants to maintain the waste process
- whether photo montages were needed showing the following elements, for Members' consideration: the wind turbine, the subject site and the proposed LCC facility at Cross Green
- incoming regulations to reduce industrial waste – especially around packaging – and that information on this should be provided as it could relate to what Biffa could harvest
- that another waste operator in Leeds (Leeds Skips Services) indicated a 75% recycling level could be achieved on the waste they collected and that Officers should view this plant. The Principal Minerals Planner who presented the report stated he was aware of the site and the recycling levels as it was one which was monitored by the Council
- that the level of funding from the Caird Bardon fund at Peckfield Landfill had reduced in recent years due to the decrease in landfilling
- the concerns of Leeds' citizens about proposals for two ERFs in close proximity to each other and in some of the most deprived areas of the city; that these communities had not been consulted on where they would like such facilities to be sited and concerns that previously Biffa had indicated their facility could take the Council's household waste
- whether powers granted under the LGA 2000 in respect of Community Wellbeing applied. On this provision, the Panel's Legal Adviser stated that the decision to hold a vote on an issue was discretionary rather than compulsory
- the view that there were no problems with the site; that the operation was no different to the previous power station use and that the infrastructure was already in place
- the various figures mentioned, including those in the NRWDPD and the need to judge the proposal on real figures and taking into account the MRF process which would in all likelihood be developed in view of the operator having obtained permission for such a facility on Gelderd Road
- concern about the use of the Leeds Weekly News (LWN) to advertise the proposals in view of this publication not being in circulation in those areas which would be most closely affected by the development. Members were informed that site notices were also placed around the area; that the decision to select LWN for the press advertisement was based solely on cost and that in terms of how best to advertise planning applications, newspaper advertisements were found not to be particularly efficient in reaching communities, compared to site notices
- consultation with local groups and that Ward Members should be contacted for details of these

The Panel provided the following responses to the questions posed

in the submitted report which were to aid Officers in their work on this application, rather than being the Panel's final thoughts on the proposals

- that a further visit to an existing ERF would be useful
- that air quality and health were primarily matters for the Environment Agency to consider
- that a further discussion session be arranged with the Environment Agency in respect of the Environmental Permitting process. If the facility was granted approval, that such information should be provided on a regular basis with a suggestion being made that the Council sets up its own monitoring stations
- that further details be provided on transportation matters, including details of the number of traffic movements and the route from the proposed MRF at Gelderd Road to the site
- that there were concerns about the proposed design from some Panel Members
- that in terms of visual impact, it was accepted there would be some impact
- that in terms of biodiversity and landscaping there were no major concerns although it was felt that a good landscaping scheme was required
- that no further clarification in relation to waste residues was required
- in terms of the S106 agreement, that it was premature to consider issues relating to this

**RESOLVED –**

- i) To note the report and the comments made at this time
- ii) To note the responses provided by Panel on the specific questions posed in the report and that further information on these matters be provided
- iii) That further information be provided on the amount and type of waste being produced by the city to ensure there would not be over capacity in view of a similar proposal at Cross Green
- iv) That Officers seek clarification from Biffa on the capacity of their proposed ERF; the intended use for this and whether there was the capacity to cater for the Council's household waste within this development
- v) That a further report be submitted to Panel providing the information requested, in due course

(During consideration of this matter, Councillor Gruen left the meeting)

**179 Date and time of next meeting**

Thursday 22<sup>nd</sup> March 2012 at 1.30pm in the Civic Hall, Leeds