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## Report of the Chief Planning Officer

### ***PLANS PANEL SOUTH AND WEST***

**Date:** 6 March 2014

**Subject:** **POSITION STATEMENT for 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**

30 November 2013

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#### **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

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**RECOMMENDATION:** Members are requested to note the contents of this position statement, provide feedback on the questions posed and are invited to provide comments on any other aspect of the proposals

### **1.0 INTRODUCTION:**

- 1.1 The purpose of this report is to provide Members with information about the current planning application and the issues involved. This will give Members the opportunity to visit the site and provide initial feedback on the proposals. This application is being presented to Panel following a request from Councillor Gettings.
- 1.2 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.

- 1.3 Since the site originally became operational towards the end of 2011, there have been complaints of odour and noise, principally from residents living at a property to the south-east of the site, on the south side of the A62, Gelderd Road.
- 1.4 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.
- 1.5 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.
- 1.6 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 road sweeper, reducing the use of the fork lift externally and relocating the majority of the external storage to within the building.
- 1.7 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.

## **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 – 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;
- 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 arisen 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.

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 Highways Authority:

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 Air Quality Management:

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 recharging point discussed in the submitted Travel Plan from the outset, rather than 'if it becomes necessary'.

7.2.4 Contaminated Land: No objection, conditions recommended.

7.2.5 Landscape Team: Awaiting comments.

7.2.6 Travel Wise Team: No objection – conditions recommended.

7.2.7 Mains Drainage: No objection – proposals acceptable – condition recommended.

7.2.8 Nature Team: No objection – no significant nature conservation concerns with this application.

7.2.9 Waste Management: No objection – arrangements appear to be acceptable.

7.2.10 Neighbourhoods & Housing:



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.

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.

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 – APPRAISAL CONSIDERATIONS:**

- 9.1 This section sets out in summary the main elements which will be considered in the final determination report to be weighed by members in reaching a decision. At this point they are still under consideration and so firm conclusions are not drawn. Representations will be considered in full prior within the report for determination. However, currently, the main issues are considered to be the following:-

- 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 The view of officers is that the proposed extensions can be considered proportionate in scale with the existing development and should therefore not be classed as inappropriate development.

### Very Special Circumstances

9.2.6 Notwithstanding the above, if Members disagree with the above view, the applicants have submitted a list of very special circumstances in support of their development, should the Council consider that the proposal was disproportionate in size and therefore should be classed as inappropriate development. By definition, inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. It is for the applicant to show why permission should be granted and "very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

9.2.7 In terms of national policy relating to waste management, one of the key objectives of Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) requires the protection of Green Belts but it also recognises that the locational needs of some types of waste management facilities, together with the wider environmental and economic benefits of sustainable forms of waste management, are material considerations that should be given significant weight in the determination of proposals. The companion guide to PPS10 goes on to state that within the Green Belt such facilities are likely to be inappropriate development but that it may still be appropriate to grant planning permission if it is demonstrated that very special circumstances exist that clearly outweigh the harm caused by the site being in the Green Belt and any other harm.

9.2.8 The very special circumstances put forward by the applicants are as follows:-

- the site is a previously developed site within the Green Belt in a largely industrial 'belt' with an excellent road network linking it the surrounding authority areas from which it receives waste. The proximity to the waste source reduces travel time which improves the carbon footprint of the process;

- the Gelderd Road site is an existing strategic waste site for the Leeds, Bradford and Calderdale areas performing various waste management functions for these authorities. The site is essential for helping the authorities meet their waste management capacity requirements and reduces the amount of export of waste from the authorities;
- the extension to Gelderd Road has wider benefits to the economy—in terms of inward investment into the region and new job creation;
- AWM employs over 90 people at the Gelderd Road site and many more throughout their other sites. The operations carried out by AWM also have a wider, knock-on effect of securing jobs externally, for example for HGV drivers, plant contractors etc.;
- the principle of use of the site as a recycling and recovery facility has already been established by the grant of the original planning permission;
- the use accords with both local and national policy that encourages recycling and recovery as part of a hierarchy of dealing with waste. The emphasis of such policy is to avoid production of waste in the first place followed by recycling/re-use and energy recovery. The Gelderd Road site already assists in moving waste up the hierarchy and the extensions, should they be approved, would support and increase this upward movement to reduce the amount of waste going to landfill, thereby increasing sustainability;
- locally, the extension has the potential to reduce any possible odour issues due to the internal loading of bales proposed;
- approval of the application would result in a reduction in potential landscape issues due to the movement of many processes into a building;
- the NRWLP recognises that there is a shortfall in waste recycling facilities in Leeds and that support should be given (in principle) to improvements to existing facilities;
- the site is safeguarded as a mixed waste recycling site in Leeds City Council's 'Natural Resources and Waste Local Plan' (see extract from document below showing the whole Gelderd Road site allocated).



9.2.9 The applicants have also provided the following information in support of their proposals:-

- Negotiations have been on-going with the LPA for at least 12 months with regard to complaints that have been made concerning odours from the reclamation facility. To minimise any odour the applicant has modified the doors to the premises (they have been the subject of sniff tests) and they close automatically after a wagon enters or leaves. The extension will allow vehicles to further load/unload inside the building thus reducing any possible odour nuisance from vehicles standing and waiting to enter the building;
- The external loading of bales has caused concern and complaints as it does not technically comply with condition 31 of the original approval, this is rectified by relocating the baler into the extension and allowing internal storage and loading. Internal loading and unloading complies with condition 31;
- Additional loading and unloading is now accommodated at the northern end of the site under cover away from Gelderd Road and as far away from residential properties as is physically possible within the site. This assists in removing any general nuisance that the movement of vehicles may possibly cause;
- The northern end of the site is currently occupied by open silos; these are internally rationalised and significant landscaping is introduced to mitigate any visual impact of the new extended building. The appearance of this part of the site is much improved by the tidying up of these silos etc.;
- Existing washing equipment in the form of large jet washes and water tanks are accommodated in the extension. As are diesel storage tanks. These are removed from open view improving the appearance of the site overall;
- Internal access and movement of HGV's and refuse wagons is rationalised with the introduction of keep clear areas, in and out movements for the weighbridge and designated holding and queuing areas. This will assist in preventing vehicles standing and waiting in the main open yard area; improving the efficiency of the site, its appearance and preventing noise and pollution from standing vehicles; and

- Within the Local Plan and NPPF there is support for sustainable development. The NPPF identifies three dimensions to sustainable development; economic, social and environmental. The proposals assist in all three of these roles. The reclamation facility (including the offices) employs 91 people and as such provides an economic role in providing a needed facility in the right location. The reclamation of waste material provides a social and environmental benefit. In rationalising the site in a reasonable manner this development is assisting in all of these roles and as such is sustainable. It therefore benefits from the presumption in favour of development contained in the NPPF and the NRWLP.

9.2.10 Members will need to consider whether they accept that the proposals should be classed as meeting the exceptions provided for within the NPPF or whether they wish officers to consider the development to be classed as inappropriate in Green Belt terms. If Members take the view that the proposal is to be classed as inappropriate development then consideration will need to be had as to whether the very special circumstances clearly outweigh the harm by inappropriateness and any other harm when it comes to the determination of the application. Members should also note that the site is safeguarded for waste management use (as a Materials Recycling Facility) within the adopted development plan. The very special circumstances in this case would be considered to outweigh any harm by inappropriateness and any other harm.

**9.2.11 Members' views are sought on the principle of the development and are asked to consider whether it is accepted that the proposals should be regarded as appropriate development.**

### 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 If Members consider that the proposed development is inappropriate development, then this would, by definition, mean that there was significant harm as a result of inappropriate development in the Green Belt.

9.3.4 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.

9.3.5 In terms of impact from the A62 Gelderd Road, when approaching from Leeds, the site is well screened along the A62 corridor. 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.

9.3.6 Officers have concluded that the 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.

**9.3.7 Members are asked to comment on any impact from the proposals upon the Green Belt.**

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.”*

And:

*“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.

- 9.4.4 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.
- 9.4.5 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 writing this report, since 25 October 2013, the Environment Agency have received 31 reports of odour and 23 reports of noise from the site. There have been 17 odour assessments carried out since and no permit breaches relating to odour pollution have been recorded.
- 9.4.6 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 undercover but not fully inside the building. However, the bales are shrink-wrapped in 4 layers of plastic wrap and all storage and processing would take place within the extended building and taking into account the negative air system also, this should ensure that any potential for future odour impact from the site is absolutely minimised.
- 9.4.7 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.

9.4.8 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.

**9.4.9 Members are requested to note the distinct waste management areas within the site (e.g. unloading / loading / processing / RDF baling and storage) during their site visit and provide feedback as to whether they consider the proposals would assist in further improving the site and in preventing 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 roadsweeper 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 roadsweeper 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 Members are requested to provide feedback as to whether they consider the proposals would assist in mitigating noise from the site.**

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 both the intervening buildings, vegetation and distance involved. However, Members will be able to judge the extent of any potential impact during their visit to the site.

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 Do Members have any comments on the visual impact of the proposals and the proposed mitigation in terms of design and landscaping?**

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 Do Members have any concerns regarding the regularisation of the 'as-built' scheme?**

## **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.

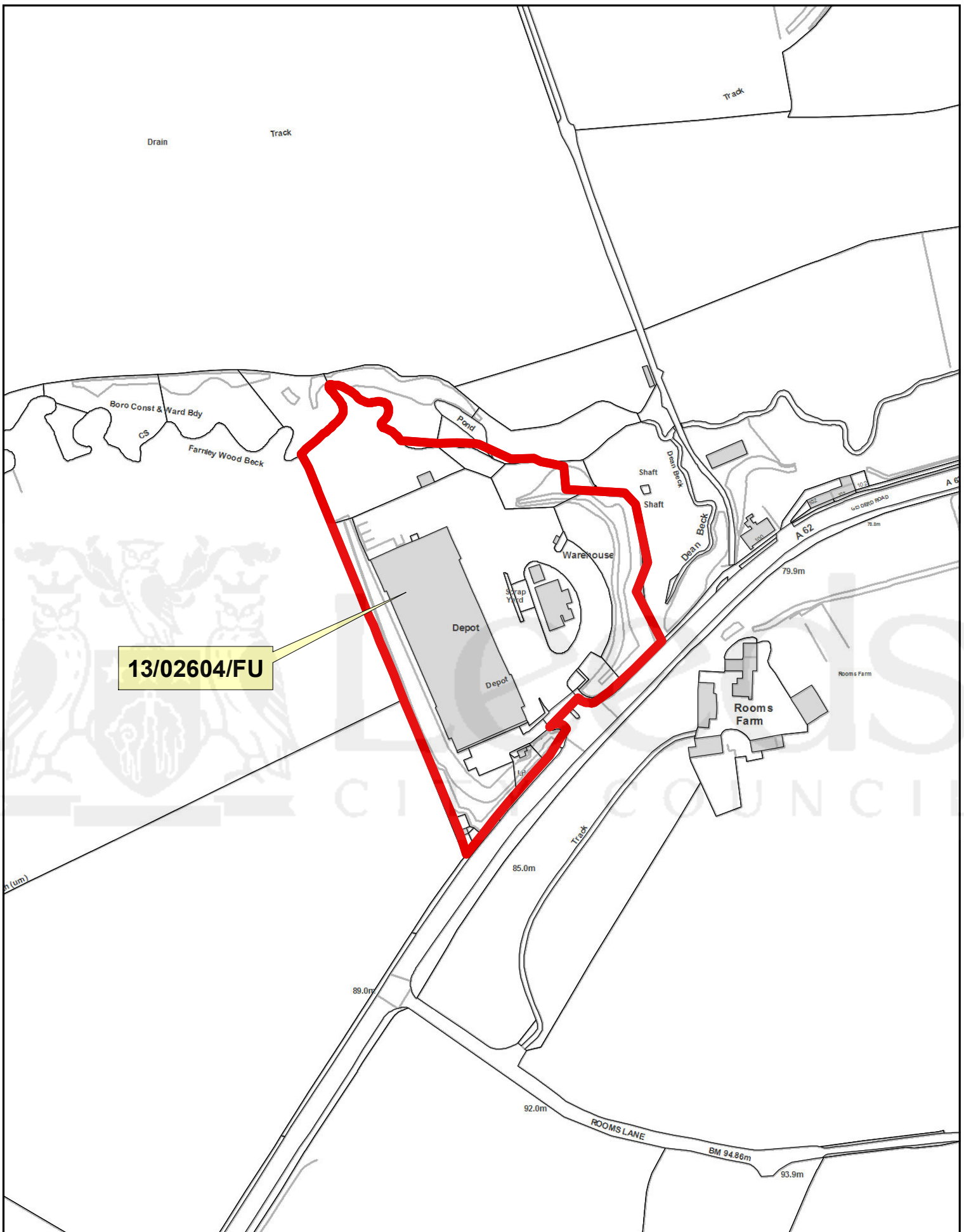
10.2 Members are requested to consider the matters raised within this report. Specifically, feedback is requested from Members on the following:-

- 1. Members' views are sought on the principle of the development and are asked to consider whether it is accepted that the proposals should be regarded as appropriate development;**
- 2. Members are asked to comment on any impact from the proposals upon the Green Belt;**
- 3. Members are requested to provide feedback as to whether they consider the proposals would assist in further improving the site and in preventing the release of odour from the site as far as reasonably practicable;**
- 4. Members are requested to provide feedback as to whether they consider the proposals would assist in mitigating noise from the site;**
- 5. Do Members have any comments on the visual impact of the proposals and the proposed mitigation in terms of design and landscaping?**

**6. Do Members have any concerns regarding the regularisation of the 'as-built' scheme?**

**11.0 BACKGROUND PAPERS:**

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



13/02604/FU

# SOUTH AND WEST PLANS PANEL

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SCALE : 1/2500

