

Plans Panel (East)

Thursday, 26th January, 2012

PRESENT: Councillor D Congreve in the Chair

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

152 Chair's opening remarks

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

The Chair stated that the first item to be discussed would be the pre-application presentation and following this, the order of the agenda would be resumed

153 Late Items

There were no formal late items but Members were in receipt of the following additional information which had been circulated prior to the meeting:

Pre application presentation – Former Wholesale Market Cross Green LS9 – larger scale versions of the plans circulated with the agenda (minute 155 refers)

154 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 8-12 of the Members Code of Conduct:

Pre-application presentation – Former Wholesale Market Cross Green LS9 – proposals for a Recycling and Energy Recovery Facility – Councillors Finnigan and Gruen declared personal interests through being members of the Executive Board where issues relating to the proposals had been discussed (minute 155 refers)

Pre-application presentation – Former Wholesale Market Cross Green LS9 – proposals for a Recycling and Energy Recovery Facility – Councillor Pryke declared personal interests through being a member of the Aire Valley Leeds Board and the Leeds Initiative Board on Regeneration where issues relating to the proposals had been discussed (minute 155 refers)

Application 11/0381/FU – 68 houses on land opposite Highcroft and Hillside Selby Road Garforth – Councillor Lyons declared a personal interest through being a member of West Yorkshire Integrated Transport Authority as Metro had commented on the proposals (minute 161 refers)

155 Preapp/10/005200 - Pre-application report - Recycling and Energy Recovery Facility - site of former Wholesale Market Newmarket Approach Cross Green LS9

Plans, photographs and graphics were displayed at the meeting

Further to minute 137 of the Plans Panel East meeting held on 20th January 2011 where Panel received a presentation from the Environment Agency on the monitoring and permitting regulations associated with Energy from Waste (EfW) facilities, Members considered a report of the Chief Planning Officer on the anticipated submission of a planning application for such a facility, following the Council's entering into an agreement in November 2011 with Veolia Environmental Services (VES) concerning the design, construction, funding and operation of a waste management facility

Officers presented the report and outlined the proposals for a RERF – Recycling and Energy Recovery Facility - which would accept 180,000 tons of residual waste per annum and would have a front-end recycling facility to further increase the amount of recycling the Council achieved annually

The Panel then received a presentation from representatives of Veolia, the Council's Preferred Bidder for the development and operation of such a facility which would be located on a brownfield site at Newmarket Approach Cross Green LS9

Details were provided in respect of:

- the proposed solution to waste in Leeds
- the company
- the site and proposed design of the RERF
- the local environment
- planning timetable
- key issues including traffic and emissions
- local benefits and community engagement

Members questioned Veolia's representatives and Officers on a range of issues and received the following information:

- that Biffa, which had indicated an interest in providing a EFW facility in this area for commercial waste, had been involved at the early stages of the Council's procurement process for a waste facility for household waste, however Veolia had reached the point of the Council's Preferred Bidder after a lengthy and rigorous process. The Council's Waste Strategy and Policy Manager who was in attendance stated that due to the threat of escalating landfill costs, a solution to this had to be found and that it was not possible to rely on an application from Biffa which was yet to be submitted, to resolve the problems of dealing with the city's waste
- that 16 weeks was the usual timescale to consider an application and frame a recommendation, however it was felt this could take longer, with much depending on the responses from the Statutory Consultees. The Environmental Permit and the Planning Application would be submitted simultaneously in this case
- that the heights of the buildings were likely to be 42m for the main facility and 15m for the smaller building. The main facility would house the stack which was likely to be 75m high. The majority of the stack would be housed inside the main facility with just 33m of the stack being visible. In terms of visibility of the smaller building from the nearest residential properties, it was felt that the changes in land levels would mean it unlikely this could be seen

- that view points and most recent images of the proposals were likely to be available for the next round of consultation which was due to take place in March 2012; these would also indicate the position of cycle ways, green corridors and give details of the landscaping proposals
- regarding the ownership of the site, Veolia would occupy the site at a peppercorn rent, with the facility being paid for by the Council
- the number of groups contacted about the proposals, with Veolia confirming that more than the 15 groups referred to in the submitted report had been consulted and contacted
- that Veolia had appointed a communications company; that a website had been set up and that comments received would be taken into account, however it was stressed that it would be through the planning process that the application was finally determined
- that detailed car parking numbers would be provided in March 2012 but the desire was for the minimum number of spaces as sustainable travel would be encouraged, with a Green Travel Plan being provided as part of the planning application. As part of the Environmental Impact Assessment which would be required to accompany the planning application, a full transport assessment would be carried out. Members were informed that Veolia did not expect to use the rail network for the transportation of waste
- in terms of storage of waste at the facility, there would be the capacity to store up to 5 days waste inside the building, as set out in the procurement process
- that waste would be tipped inside the building and as there would be negative air pressure, nothing would be released into the air. All of the materials processed would be handled and stored undercover on site, with the bottom ash being kept separate from the other materials.
- the facility would be CHP (Combined Heat and Power) ready and that a heat user analysis would be provided which was expected to generate interest from possible heat users looking to use the energy provided by the facility
- in terms of capital spend, a significant element of this would be to overseas suppliers as there were relatively few suppliers of the necessary technology and these were not located in the United Kingdom, however in terms of labour and consumables, the intention was to resource these from within the UK. Local employment and training initiatives would form part of the planning application, with the facility creating approximately 300 construction jobs and around 45 permanent post construction with other indirect posts being created. The on-site jobs would vary but would include supervisory, technical and non-technical positions
- that the contact with Leeds would be different from the one operating in Sheffield which was an integrated contact, whereby Veolia also collected the waste
- the monitoring process and that nitrous oxide and sulphur dioxide would be monitored with the parameters for these being set out in the Environmental Permit

- that if approved, the RERF would be operating a highly efficient boiler and would meet the R1 criteria of Waste Management Directives
- that the majority of the waste would arrive at the facility directly from street collections
- that the images provided were an accurate representation of what would be built, if planning permission was granted, although there could be minor alterations which arose from the Environmental Impact Assessment
- health risks. Reference was made to the presentation by Veolia which stated the facility should not cause significant health risks, with concerns being raised over the word 'significant'. Members were informed that this was the wording of the Health Protection Agency which had been cautious. The Environment Agency was satisfied that such technology was safe but could not say there was zero risk
- the level of waste being imported, with Veolia explaining that the size of the plant had been decided upon taking into account future growth. As it was necessary for the plant to operate at optimum efficiency an element of commercial waste would be included. Members were informed that Veolia would guarantee that only 1% of waste coming into the plant would be from beyond the LCC boundary

Members commented on the following matters:

- the 'green' wall and that consideration should be given to siting this on the elevation which faced the residential properties rather than it facing the industrial landscape
- that sample materials should be provided
- that large-scale representations of the proposals should be provided which should also include visuals of the height of the building and stack and from a range of different directions, including from the nearest residential areas
- the need for more information on the S106 contributions and on the construction methodology, including mitigation measures in respect of noise and traffic
- further information on the amount of waste being taken from elsewhere and consideration of a condition in respect of this
- long-term use; the possibility that in time, with greater recycling levels the amount of waste being generated would reduce and free up capacity at the plant and how this would be taken up
- concerns about the height of the building and the stack and its impact on visual amenity

Councillor Grahame referred to documents prepared as part of the site selection process for the facility which he considered should be provided to Panel Members, together with information compiled by objectors relating to Veolia. It was agreed that this information be supplied initially to the Head of Planning Services and the Panel's Lead Officer

RESOLVED - To note the report, the presentation and the comments now made

156 Minutes

RESOLVED - That the minutes of the Plans Panel East meeting held on 5th January 2012 be approved

157 Application 08/01118/FU - 5 Wind Turbines, monitoring mast and associated infrastructure at Hook Moor Near Micklefield - Appeal Decision

Further to minute 103 of the Plans Panel East meeting held on 16th December 2010 where Members considered a report on the outcome of an appeal against refusal of a wind farm at Hook Moor, near Micklefield and sited in the Green Belt, the Panel considered a further report of the Chief Planning Officer setting out the Inspector's findings following a successful legal challenge by the applicant to the first appeal decision

The Panel noted that the most recent appeal had been allowed and that the Inspector had afforded considerable weight to renewable energy proposals, even when sited in the Green Belt and to the Council's Natural Resources and Waste Development Plan Document

Members commented on the following matters:

- the number of wind turbines in neighbouring areas which were no longer functional and that an analysis of this should be done to ascertain the number of turbines still in use
- recent reports which indicated that wind turbines were not as efficient as first thought and due to the large amounts of concrete which were needed as part of the construction process, were not environmentally friendly
- the need for the Council to present stronger arguments to the Inspector on these matters
- the global environmental impact of the manufacturing of wind turbines, particularly in China and the high cost of wind power, issues which should be taken into account when considering future applications for wind turbines

Officers referred to the reasons for refusal of the application which had been put forward and agreed by Members which along with issues relating to the Green Belt had cited reasons relating to impact on Radar from nearby RAF bases, raised by the Ministry of Defence. Following discussions between the MoD and the developers, a solution to mitigate against this perceived harm had been found, through the use of a Grampian condition, with Members being informed that within 5 years it would be necessary to discharge condition 6 of the permission which related to mitigation measures

RESOLVED - To note the report and the comments now made

158 Application 11/01678/FU and 11/01679/ADV - Change of use of part of a market (A1 use) to betting office (A2 use) with shop front alterations - 95a Queen Street Morley - Appeal decision

Further to minute 40 of the Plans Panel East meeting held on 14th July 2011 where Panel resolved to refuse an application for change of use of part of Morley Market to a betting office, Members considered a report of the Chief Planning Officer setting out the Inspector's decision on the appeal lodged by the applicant

The Panel noted that the Inspector had allowed the appeal but that the costs application had been refused

Concerns were raised at the implications of the Inspector's decision on Morley Market

RESOLVED - To note the report

159 Application 11/00235/FU - Retention of mobile home for temporary period on land to the rear of 1-3 Springfield Villas Gildersome Lane LS27
(Prior to consideration of this matter, Councillor Latty left the meeting)

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 retrospective permission for the retention of a mobile home for an unspecified temporary period on land designated as Green Belt at the rear of 1-3 Springfield Villas Gildersome

Having considered the application, Officers were recommending to Panel that it be refused, with possible reasons for refusal being included in the submitted report

The Panel heard representations from Mr Garbutt, the applicant's agent who attended the meeting

Questions were put to Mr Garbutt regarding the very special circumstances provided in this case to outweigh the harm to the Green Belt; alternative sites in the area and the reasons for the applicant moving from his previous site

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 new dwelling constitutes inappropriate development in the Green Belt following the advice of Planning Policy Guidance Note No 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 any very special circumstances which could allow a departure from this adopted policy guidance. 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 dwelling due to its size and siting would have a harmful impact on the openness of this Green Belt location, whilst also having a harmful impact on the visual amenity and rural character of this locality due to the design and facing materials proposed. It is therefore, considered that the proposal is contrary to the national planning policy guidance of PPG2 and Policies GP5, H16 and N13 of the adopted Leeds Unitary Development Plan (Review 2006)

160 Application 11/04490/FU -Demolition of side extension and single storey front extension to bungalow and erection of 2 three bedroom bungalows - Halcyon, Parkway Gildersome LS27

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

The Panel's Lead Officer presented the report which sought permission for demolition of extensions to existing bungalow and the erection of 2 three bedroom bungalows at Parkway, Gildersome LS27

In terms of amenity space and separation distances, the application complied with guidelines set out in PPS3. However in the distances set out in the Street Design Guide which cited a width of 3.3m for a private driveway, this could not be achieved for the full length of one of the proposed bungalows. Members were asked to consider whether this constituted overdevelopment on this site. If minded to approve the application, further conditions relating to ground levels and finished floor levels and the pegging out of the position of the proposed bungalows for approval were suggested

Receipt of a further letter of representation was reported

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

Members considered how to proceed

RESOLVED - To defer and delegate approval to the Chief Planning Officer subject to the conditions set out in the submitted report; additional conditions requiring the submission of existing and proposed ground levels and finished floor levels and the position of the proposed bungalows to be pegged out for inspection of the LPA prior to commencement and subject to further negotiations between Officers and both parties and in the event of agreement not being reached regarding the siting of the bungalows, that the Chief Planning Officer be asked to submit a further report for determination of the application by Panel

161 Application 11/03814/FU - 68 houses on land opposite Highcroft and Hillside Selby Road Garforth LS25

Further to minute 112 of the Plans Panel East meeting held on 3rd November 2011 where Panel considered a position statement for a residential development of 69 houses on land opposite Highcroft and Hillside, Selby Road Garforth LS25, Members considered the formal application which had been revised to now comprise 68 houses

Plans, photographs and graphics were displayed at the meeting

Officers presented the report and outlined further amendments to the scheme which included:

- a change to the affordable housing types and that whilst not being pepper-potted around the site for technical reasons relating to land levels, these would be in a more central location than previously proposed
- provision of an access strip to enable Nos 11 and 20 Cliffe House Avenue to maintain their existing hedges
- 3 storey properties to be located only off central spine road
- Improvements to green space and the enlargement of garden areas
- amount of render in the scheme reduced

In respect of affordable housing, 15% would be provided in line with the interim policy

Increased education contributions which now included provision for primary education would be provided. To take account of the reduced number of houses proposed, Members were informed that the green space contribution would be decreased slightly, with £97,157.76 being provided

Members were informed that Yorkshire Water was working on a flood alleviation scheme for the area and that the developer had agreed to make a contribution of £450,000 towards that

Officers reported the receipt of five additional letters of representation and corrected minor errors in the submitted report. If minded to approve the application, further conditions were suggested relating to drainage, including off-site works and obscure glazing where appropriate to bathroom/landing windows to gable ends

Members were informed that site preparation works had recently commenced on site and that a written apology had been sent to the LPA for this error

It was confirmed that Ward Members had been consulted on the scheme in detail following the presentation to Panel on 3rd November 2011 and that the proposed draft S106 Agreement would be discussed with them prior to it being signed off

The Panel heard representations from the applicant's agent and an objector who attended the meeting

Members commented on the following matters:

- the possibility of negotiating an increase to the level of affordable housing to be provided
- flooding issues; the need for a Flood Risk Management Officer to attend Panel when issues relating to flooding were being discussed and the role of Yorkshire Water in this matter in view of the Environment Agency being the monitoring authority
- the level of public consultation on the proposals with concerns this could have been more extensive and included flooding issues in view of previous difficulties experienced around the Ninelands area of Garforth
- the need for the affordable housing on site to meet the Homes and Communities Agency (HCA) minimum standards in view of a recent Scrutiny Inquiry which had revealed that some affordable homes in the city had not been built to the minimum standards meaning they could not be taken on by Social Landlords
- the need for the S106 contributions to be paid on commencement on site
- that the increased education contributions secured from the developer were welcomed

The Panel considered how to proceed

RESOLVED - That the application be granted in principle and that it be deferred and delegated to the Chief Planning Officer for final approval, subject to the conditions set out in the submitted report; additional conditions relating to:

- drainage including off-site works
- bathroom/landing windows to gable ends to be obscure glazed where appropriate
- affordable homes to be built in accordance with HCA standards
- S106 contributions to be paid on commencement of the works

further negotiations with local residents on flooding issues and the off-site works to be provided and the completion of a legal agreement to include the following obligations:

- 1 Affordable housing – 15% (of which 50% is to be Social Rented and 50% Sub-market)
- 2 Greenspace contribution of £97,157.76
- 3 Education contribution – Primary £201,117 – Secondary £121,821
- 4 Public transport improvements contribution - £79,016
- 5 A footway/cycleway link across Council land, between the site and Shaw Close
- 6 A Green Travel Plan and associated monitoring contribution of £2,500
- 7 A contribution towards the installation of Microprocessor Optimised Vehicle Actuation (MOVA) traffic signal equipment together with all associated works at the existing Lidgett Lane/A63 Selby Road junction
- 8 A contribution towards the funding of a Traffic Regulation Order to extend the 40 mph zone along Selby Road eastwards, beyond the garden centre
- 9 12 month Metro discount travel cards to be provided to the occupants of the dwellings
- 10 Scheme to employ local people in the construction of the development
- 11 Agreement to the early delivery of housing on site (starting in 2012)

In the circumstances where the S106 has not been completed within 3 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer

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

162 Application 11/00460/LA - Retrospective application for floodlighting and CCTV camera to car park - Community Youth Centre Middleton Road Belle Isle LS10

Further to minute 145 of the Plans Panel East meeting held on 5th January where Panel resolved to defer determination of a retrospective application for floodlights and CCTV camera at the Youth Hub at Middleton Road Belle Isle LS10 for a site visit, Members considered a further report

Plans were displayed at the meeting. As requested, a site visit had taken place earlier that day which some Members had attended along with Officers, including the Council's Lighting Engineer

Officers presented the report and stated that a representative of Children's Services – the applicant – had agreed to the removal of the three lighting columns which had been switched off, if requested to do so by Panel

Whilst at the 5th January meeting, Members had requested all of the floodlights to be switched off until the application had been determined, the Centre Manager had declined to do so in the interests of health and safety. If minded to approve the application, the lights could be turned off 15 minutes earlier than currently – at 21.30

Members discussed the application and commented on the following matters:

- the costs of removing the 3 lighting columns and whether ensuring these were permanently switched off might be more appropriate
- the view of some residents that greater problems of light pollution were being experienced from the lights on the building, but that this was an issue outside of the application before Panel
- that the situation should be monitored

- that the switch off time for the lights should remain at 21.45

RESOLVED - That the application be granted subject to the conditions set out in the submitted report with the exception of condition 4 (removal of redundant lighting columns) which Panel resolved was not necessary

163 Date and time of next meeting

Thursday 23rd February 2012 at 1.30pm in the Civic Hall Leeds