

# DELEGATION REPORT

## REPORT OF THE CHIEF PLANNING OFFICER

**WARD:** Burmantofts & Richmond Hill      **Application:** 24/06068/FU  
**Address:** 46 Knowsthorpe Way      **Applicant:** Skelton Ltd  
Cross Green  
Leeds  
LS9 0SW

**Proposal:** Extension to existing building to provide a covered waste reception area

### Application advertised by means of:

|                                       |                  |
|---------------------------------------|------------------|
| Site Notice                           | 25 November 2024 |
| Advert Posted                         | 22 November 2024 |
| Neighbour Notification letters posted |                  |
| Publicity Expires on                  | 16 December 2024 |

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### Introduction:

This report relates to planning application ref. 24/06068/FU

Planning permission ref. 23/04970/FU was approved on 21.12.2023 for the partial demolition of an existing workshop building and the installation of combined heat and power plant on land off Knowsthorpe Way, Cross Green. This planning permission has subsequently been amended by means of a s.73 variation application ref. 24/01127/FU, approved 26.04.2024, in order to substitute the approved list of drawings with a revised list of drawings which show the combined heat and power plant located in a different part of the wider waste site.

This application is suitable to be determined under delegated powers. No third party representations have been received and no ward members have requested the application to

be determined by the Plans Panel. The proposed development does not fall to be considered as EIA development under Schedule 2 of the EIA Regulations 2017 (as amended).

### **Proposal:**

The proposal seeks planning permission for the extension of the existing building to provide a covered waste reception area. In doing so, the approved plans require amendment.

### **Site and Surroundings:**

The site comprises a rectangular piece of land which is presently occupied by the applicant's existing waste management premises. The applicant operates a business which receives and processes waste materials, separating materials to remove as much recyclable material as possible from the waste stream. These materials are bulked up and transferred to other facilities for further processing. Material which cannot currently be recycled is manufactured into a high calorific value solid recovered fuel for sale to industry. Other materials which are not suitable for use in the manufacture of this fuel are exported from the site for either further processing, including use as a residual derived fuel in the generation of energy or for final disposal to landfill. This activity is carried on within a large steel portal framed building partially clad in vertically profiled sheets, plant and machinery, which is sited along the western side of the site. Offices and welfare facilities are also provided along with other essential infrastructure associated with the undertaking of waste management activities. The existing building measures approximately 110m x 25m and the total site area covers some 0.825 hectares.

The combined heat and power plant and covered fuel feed, are located to the east side of the site. Within this area there is also a covered screenings storage area and open overspill storage area. The CHP plant itself is of significant height, being approximately 22.5m, and is visible in external views.

The area proposed for the extension of the existing building covers a small part of this larger site and extends to approximately 0.14 ha. This part of the site has previously been used for the processing of construction and demolition wastes and is currently the location of a trommel screen.

The application site lies in an industrial location within the established Cross Green Industrial Estate, surrounded to the north, east and west by industrial and waste related uses which extend over a distance of around 2km both to the north and south of Pontefract Lane. The established industrial area is home to a variety of large scale industrial uses including waste water treatment works, concrete plants, energy from waste plants, metal recycling and other industrial uses requiring large buildings.

Immediately to the west of the application site lies a vehicle dismantling business, beyond which lies a metal recycling site. Immediately to the east lies a Leeds City Council depot, to the north lies a timber recycling facility and to the south lies operational land associated with the adjacent waste water treatment works.

The southern boundary of the applicant's site is bounded by mature tree planting. Some 250m to the south of the site lies the River Aire, beyond which lies the Aire and Calder Navigation and the large industrial units situated at Stourton, between the M621 and M1 motorways.

The closest residential properties are located over 1100m to the west of the application site at Sussex Gardens. The application site is not located in an area identified as being at risk of flooding, nor is it located in an area designated for its biodiversity, landscape or heritage importance. The closest listed buildings are found at the Thwaites Mill complex, approximately 250m south of the site, beyond the River Aire.

### **Relevant Planning History:**

#### Planning Applications:

24/01127/FU - Variation of Condition 2 (approved plans) to previously approved Planning Application 23/04970/FU (Partial demolition of existing workshop building; installation of combined heat and power plant) to allow the substitution of the approved list of drawings with a revised list of drawings - Application Approved

23/04970/FU Partial demolition of existing workshop building; installation of combined heat and power plant - Application Approved

06/01721/FU Variation to condition 1 of planning permission 21/36/01/MIN and condition 2 of planning permission 21/265/99/MIN - Application Approved

21/252/05/MIN Single storey extension to form enlarged covered screening unit to existing waste transfer station - Application Approved

21/36/01/MIN Variation of condition no 2 of application no 21/265/99/min – Application Approved

21/265/99/MIN Land-raising of site to form waste transfer aggregates recycling and skip hire centre with office and workshops – Application Approved

H21/12/91/ Tipping of material and landscaping to industrial estate – Application Approved

H21/187/90/ Laying out of road and drainage to industrial estate – Application Approved

H21/285/89/ Laying out of access and erection of workshop with offices and with 18 car parking spaces, to vacant site – Application Approved

H32/243/76/ Use of vacant site for open storage of tyres - Application Approved

#### Pre-Application Enquiries:

PREAPP/23/00081 - EIA Screening Request

#### Planning Enforcement Cases:

14/00042/NCP3 - Non-Compliance Appr Plans/Conds (3) Waste material is being stored outside of the permitted areas within the site. Case closed.

### **Consultations:**

#### Statutory Consultees:

Northern Gas Networks – no objection

HSE – no objection

Environment Agency - no objection to the proposal. All waste activities will need to remain within the permitted area. Any extension to the permitted area will need to be addressed in a variation application.

Mining Remediation Authority – no objection and considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. However, further detailed consideration of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

#### Non-Statutory Consultees:

Flood Risk Management – no objection as the application site is located within Flood Zone 1 and there have been no records of any recent flooding within the property or adjacent areas. An initial review has also identified that there are no known flood risks which require specific mitigation and would impact on the proposed development.

District Heating Team - outside scope of district heating due to nature of works and location.

Highways – no objection.

[Environmental Health \(Noise\)](#) - no objection.

[Nature Conservation](#) – no objection because the application is exempt from achieving the Biodiversity Gain Objective on de minimis grounds, i.e. the development does not impact on a priority habitat and impacts on less than 25sqm of habitat with a Biodiversity Metric value greater than zero. There should be no significant ecological impacts from this development.

Design Team – no objection because the extension is to an adjacent large industrial shed on an industrial estate. It matches the existing large industrial shed and the context is similar.

West Yorkshire Police – no objection

Arqiva – no objection.

### **Public/Local Response:**

Parish Council:

None

General Comments:

None

Comments in Support:

None

Comments in Objection:

None

### **SITE VISIT(S):**

25.11.2024.

### **Planning Policies:**

#### *LOCAL PLANNING POLICY AND GUIDANCE*

##### The Development Plan

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan currently comprises the adopted Local Development Framework Core Strategy (2019), those policies saved from the Leeds Unitary Development Plan (Review 2006), the Site Allocations Plan (2019, as amended 2024), the Natural Resources and Waste Development Plan Document (2013, as amended 2015), the Aire Valley Leeds Area Action Plan (2017) and any made Neighbourhood Plan.

The following policies from the **Core Strategy** are considered to be of most relevance to this development proposal:

**General Policy** – Sustainable Development and the NPPF;

**P10** – Design;

**Spatial Policy 1**- Location of development;

**Spatial Policy 8** – Economic development;

**EC3** - Safeguarding existing employment land and industrial areas;

**T2** - Accessibility requirements and new development.

The following saved policies from the **Unitary Development Plan** are considered to be of most relevance to this development proposal:

**GP5** – Detailed Planning Considerations

The following policies from the **Site Allocations Plan** are considered to be of most relevance to this development proposal:

None applicable.

The following policies from the **Natural Resources and Waste Local DPD** are considered to be of most relevance to this development proposal:

**Waste 1** - Self-sufficiency for future waste management in Leeds

**Waste 2** - safeguarding existing waste management capacity

**Waste 3** - A city wide network of waste management sites and facilities;

**Waste 4** - Waste management facilities – permanent uses;

**Waste 5** - Waste uses within existing industrial areas and exceptions;

**Waste 9** - Waste management facilities - potential issues and impacts;

**Energy 3** - Heat and power energy recovery

**Water 6** - Flood Risk Assessments;

**Water 7** - Surface water run-off;

**Air 1** - Management of air quality through development;

**Land 1** - Contaminated Land;

**Minerals 3** - Mineral Safeguarding Area for Surface Coal.

The following policies from the **Aire Valley Leeds Area Action Plan** are considered to be of most relevance to this development proposal:

**AVL2** - Identified sites for general employment use;

**AVL13** - Aire Valley Leeds Green Infrastructure Network.

The following policies from any made Neighbourhood Plan:

No made Neighbourhood Plan relevant.

## *NATIONAL PLANNING POLICY AND GUIDANCE*

### National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

### National Planning Practice Guidance

The National Planning Practice Guidance (NPPG) offers guidance in addition to the NPPF.

### National Planning Policy for Waste

This document sets out detailed waste planning policies.

## **OTHER RELEVANT MATTERS:**

### Climate Change

The Council declared a climate change emergency on 27<sup>th</sup> of March 2019 in response to the UN's report on Climate Change.

The Planning Act 2008 alongside the Climate Change Act 2008 sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.

As part of the Council's Best City Ambition, the Council seeks to deliver a low-carbon and affordable transport network, as well as protecting nature and enhancing habitats for wildlife. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.

#### Public Sector Equality Duty

The Equality Act 2010 requires local authorities to comply with the Public Sector Equality Duty. Taking into account all known factors and considerations, the requirement to consider, and have due regard to, the needs of diverse groups to eliminate discrimination, advance equality of opportunity and access, and foster good relations between different groups in the community has been fully taken into account in the consideration of the planning application to date and at the time of making the recommendation in this report.

### **MAIN ISSUES**

1. Principle of the development
2. Detailed material planning considerations.

### **APPRAISAL**

#### **Principle of the development:**

The development location is located within a safeguarded waste management site under adopted policies Waste 1 and Waste 2 of the development plan for Leeds. Increases in capacity or other improvements at these sites will be acceptable provided that the requirements of adopted policy Waste 9 are demonstrated. The site is also located in a preferred area for waste management use under adopted policy Waste 5. The use of the site for its protected purpose would be maintained and as such the proposal would be acceptable in principle.

Adopted policy SP8 sets out the City Council's policy to support a competitive economy and supports development in existing locations for general industry and warehousing, particularly in locations which take full advantage of existing services, high levels of accessibility and infrastructure.

Paragraph 124 of the NPPF requires planning decisions to promote the effective use of land to meet the need for homes and other uses, giving substantial weight to the use of suitable brownfield land within settlements for identified needs. The proposal seeks to provide an extension to the existing building to improve the operation of the site. It is important to note that the proposal does not include additional operations at the site or require the installation of any additional plant and equipment.

The principle of the development is therefore acceptable subject to detailed consideration being satisfied in relation to adopted policy Waste 9.

### **Environmental Considerations:**

Adopted policy Waste 9 requires waste management development to demonstrate how the potential impacts of the proposal, including environmental and amenity aspects such as noise, dust, litter, odour, vermin and gas emissions, have been suitably addressed. Other relevant impacts of materiality relate to visual amenity, drainage, biodiversity, the historic environment, highways safety and hours of operation.

The proposed development would comprise the erection of a steel portal framed unit to partially enclose the existing permitted operations. The proposed building would be clad in vertical profiled plastisol sheeting to the walls and roof. The eastern elevation would be clad to ground level, while the southern elevation would be partially clad to allow access at ground floor level for the movement of materials. The western elevation of the proposed extension would open into the existing building and the northern elevation would remain unclad to allow access for vehicles and plant. The colour of the cladding materials would match those of the existing building. The building would measure approximately 32m x 44m and cover an area of some 1,012 square metres. The building would be constructed to an eaves height of circa 11m and a ridge height of circa 14m to match the existing building. In terms of visual amenity, the proposed extension would appear as an acceptable addition to the existing large building and wider industrial street scene.

The proposed building would suitably cover site operations and allow greater control of matters such as dust and noise. Operations within the proposed building would be undertaken as existing with no amendment to operational practice, including hours of operation or the permitted range and volume of waste. Previously submitted and approved documents concerning the operation of the site, such as the Air Quality Assessment, and Noise Assessment, remain valid for the purposes of assessing the current application and no adverse impacts are anticipated.

Similarly, no additional foul or surface water drainage would be provided as the site already comprises a sealed site operating with the benefit of an installed drainage system. The FRM Team are satisfied that no adverse impact would arise on drainage or the potential for flooding.

Heat generated by the operations would continue to be utilised on site in the drying of wastes to manufacture solid recovered fuel.

There would be no significant ecological impacts from this development and the proposal is exempt from mandatory BNG provision on *de minimis* grounds. Nor would the proposal affect the setting of any heritage assets.

Vehicle circulation and parking areas within the site would not be affected and overall the proposal is considered acceptable in highway terms.

### **CONCLUSIONS:**

Overall it is considered that the proposed building would not result in a fundamentally different development to that existing on the site and previously approved, nor would it result in any additional environmental effects of significance. The proposal would continue the operation of the site for waste management purposes, receiving and processing waste materials as existing with no amendment to operational practice, including hours of operation or the permitted range and volume of waste. The proposal solely relates to the addition of an extension to cover existing operations. As such the proposal is considered to be acceptable with regard to the submitted environmental information and all other submitted planning information and local circumstances. The proposal has been carefully considered and, on balance, is found to comply with planning policy based on the circumstances of the case and recommended planning conditions.

### **BACKGROUND PAPERS:**

Application file ref. 24/06068/FU.

### **RECOMMENDATION:**

Approve subject to the following condition(s):-

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans and Specifications above.

For the avoidance of doubt and in the interests of proper planning.

- 3) The external walling materials shall match those existing.

In the interests of visual amenity.

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

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

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

In the event that no unexpected significant contamination is encountered, written confirmation shall be submitted to the Local Planning Authority prior to occupation of the site.

It is strongly recommended that all reports are prepared and approved by a suitably qualified and competent person.

To enable the Local Planning Authority to ensure that unexpected contamination at the site will be addressed appropriately and that the development will be 'suitable for use' with respect to land contamination.

#### **For information:-**

- 1) The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries, the detailed advice available on the Council's website and further discussion where appropriate to produce an acceptable development. This particular proposal was clearly in accordance with the Development Plan and so permission could be granted without any further discussion.

#### **This recommendation relates to the following Approved Plans**

| Plan Type                           | Plan Reference | Version | Received   |
|-------------------------------------|----------------|---------|------------|
| Site Location Plan/Red Line/OS Plan | 2024_79_181_1  |         | 12.11.2024 |
| Block Plan/Layout Plan              | 2024_79_181_2  |         | 12.11.2024 |
| Proposed floor plan(s)              | 2024_79_181_4  | A       | 12.11.2024 |
| Proposed elevation(s)               | 2024_79_181_5  | A       | 12.11.2024 |
| Proposed elevation(s)               | 2024_79_181_6  | A       | 12.11.2024 |

