

# Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (KEIGHLEY) to be held on 19 January 2011

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## Summary Statement - Part One

### Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item No.</u>	<u>Site</u>	<u>Ward</u>
1.	14 Barley Cote Road Riddlesden Keighley West Yorkshire BD20 5QA - 10/03701/FUL [Approve]	Keighley East
2.	Sugden End Household Waste Site Halifax Road Cross Roads Keighley West Yorkshire - 09/04919/FUL [Approve]	Worth Valley

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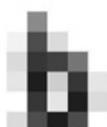
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**Portfolio:**  
Environment and Culture

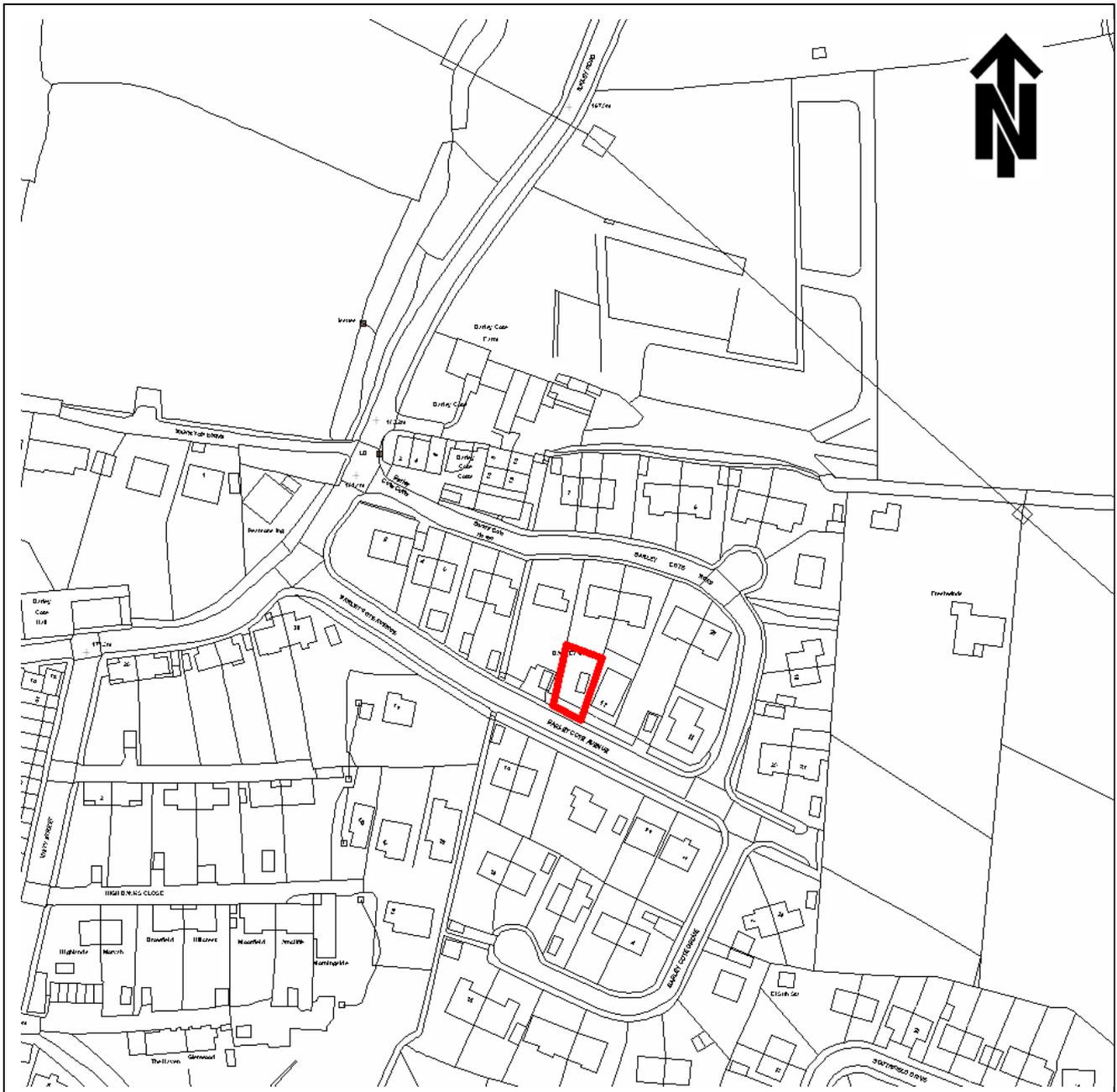
**Improvement Committee Area:**  
Regeneration and Economy



**Area Planning Panel (Keighley)**

**10/03701/FUL**

19 January 2011



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**ITEM NO. : 1**

**LOCATION:**

**14 Barley Cote Road  
Riddlesden, Keighley**

19 January 2011

**Item Number:** 1  
**Ward:** KEIGHLEY EAST  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION WITH CONDITIONS**

**Application Number:**  
**10/03701/FUL**

**Type of Application/Proposal and Address:**  
Full application for erection of single detached dwelling.  
Land at 14 Barley Cote Road, Riddlesden.

**Applicant:**  
Mrs E Lancaster

**Agent:**  
Dacres Commercial

**Site Description:**  
The site is within a residential area located on rising land on the north flank of the Aire Valley to the north east of Keighley. It was the rear garden area to the south of a stone built semi detached bungalow at 14 Barley Cote Road. The land falls steeply down from north to south so the application site is at a significantly lower level than the bungalow with an open frontage to Barley Cote Avenue. It is bounded by privet hedges to west and east boundaries. There is a single garage on the land but this and the land are now in separate ownership to the bungalow. The site is part of a row of broadly similar former garden areas at the level of Barley Cote Avenue, two of which to the immediate east have been developed in recent years for detached dwellings (17 Barley Cote Avenue and 22 Barley Cote Road). The land to the west is currently a disused garden behind 12 Barley Cote Road with planning permission for a pair of houses.

**Relevant Site History:**  
09/02171/FUL – Single dwelling. Refused 24 June 2009.  
09/04369/FUL – Single dwelling. Refused 11 November 2010 and an appeal was dismissed 19 March 2010.

**Replacement Unitary Development Plan (RUDP):**  
**Allocation**  
Unallocated on the RUDP Proposals Map

**Proposals and Policies**  
UDP3 – quality of built and natural environment  
UR3 – local impact of development  
TM2 – impact of traffic and its mitigation  
TM12 – residential parking standards  
TM19A – traffic management and road safety  
D1 – design

**Parish Council:**

Keighley Town Council recommends approval of the application.

**Publicity and Number of Representations:**

Publicised by neighbour letters and site notice – expiry 29 September 2010

8 individual objection letters and 3 letters of support from one household have been received.

A Ward Councillor has requested referral to Panel if the officer recommendation is for approval, on a number of planning grounds including impact on access.

**Summary of Representations Received:**

Objections:

1. Gardens are no longer classified as brownfield sites
2. Loss of wildlife habitat
3. 14 Barley Cote Road relies on this site for off-street parking. Development will therefore lead to additional on-street parking
4. On-street parking leads to problems for bus services along Barley Cote Road and Barley Cote Avenue.
5. There is inadequate drainage in the area
6. Further building will lead to increased on-street parking
7. Overlooking and loss of privacy will arise for neighbours
8. This represents over-development
9. Application has not been properly advertised

Support:

1. Site is currently an eyesore, a house would improve it
2. Buses don't have problems on Barley Cote Avenue
3. House would add diversity to the street

**Consultations:**

Highways DC : No objections in principle to the new dwelling but as it would result in loss of parking for the existing dwelling on Barley Cote Road a replacement off street parking space should be provided for the existing dwelling. This could be achieved by widening the existing drive off Barley Cote Road to around 3.5m at a gradient no steeper than 1 : 15.

Drainage Services : Separate drainage system required within the site boundary. Developer should investigate use of porous materials in construction of proposed parking spaces in order to keep amount of impermeable material to a minimum and should undertake development so as not to change overland surface water flow patterns especially at the site boundary.

Rights of Way Officer : Keighley Public Footpath 91 lies to the west of the site but the plans do not appear to affect it.

Minerals Planning : Site is situated 215 metres from a landfill site recorded on Ilkley Road though records show this has been restored to the satisfaction of the LPA.

**Summary of Main Issues:**

1. Site history
2. Principle of residential development
3. Impact on amenity of occupiers of adjoining properties
4. Design
5. Parking, access and highway impact

**Appraisal:**

This site comprises part of the curtilage of 14 Barley Cote Road, a semi detached bungalow dwelling that overlooks the land from a higher level to the north. However, the bungalow has now been sold separately and the application land has been retained by the applicant.

**Site History**

This is the third application submission made on this site, the first two applications were refused on the grounds that the dwelling proposed would be sited an unacceptably short distance from the existing bungalow – resulting in loss of privacy within habitable rooms and garden areas and in overlooking and dominance.

A Planning Inspector, considering the refusal of application 09/04369/FUL at appeal, concluded that the Council’s concerns regarding the amenity of prospective and existing residents were well founded - particularly in relation to the impact on living conditions of future occupiers of the proposed dwelling. The Inspector noted the limited distance of about 18 metres between the proposed new dwelling and 14 Barley Cote Road. She agreed to some degree with the applicant’s contention that the fall in levels, the design of the house and the boundary treatment would limit such adverse effects. However, the Inspector considered 14 Barley Cote Road was so close as to affect the privacy of future occupiers of the proposed dwelling – particularly due to the presence of a bedroom window on the rear elevation and an attic roof light that would be overlooked from No. 14.

The Inspector acknowledged that other, similar garden areas along Barley Cote Avenue have been developed or have planning permission and that the new dwelling on the adjacent land was also overlooked from the property above, but made it clear that this did not justify the grant on appeal of planning permission for a further dwelling that would be similarly overlooked.

The applicant has resubmitted the proposal for a dwelling with design changes that attempt to address the specific points highlighted in the dismissed appeal decision.

**Principle of residential dwelling**

In terms of the principle of development, it is acknowledged that revisions to PPS 3 on “Housing” has removed garden land from the definition of previously developed land. This point has been raised by an objector. However, the revisions to PPS3 appear directed at the prevention of poorly conceived layouts and visual harm due to loss of garden space. PPS3 does not state that development of garden land is unacceptable in all cases. Each planning application for new residential development within existing curtilage areas must continue to be considered on their merits having regard to the effects of the development upon local character, residential privacy and highway safety.

The previous planning applications and the appeal decision were determined on the basis not of principle, but rather the specific impact on privacy for future occupiers since the site is overlooked from the dwelling at higher level to the north. Consistent with previous decisions, it is not considered that the principle of a residential dwelling on this plot is unacceptable providing the design and details are appropriate.

**Impact on amenity**

In order to overcome the previous reasons for refusal and the subsequent Inspector’s decision, the design of the rear elevation of the dwelling has been revised to have no

rearward facing windows but with a 2.2 metre wide vertical recess up the rear elevation with windows facing inwards at right angles to the elevation. This, in combination with the significant level difference would prevent any views from the new house onto the No. 14 Barley Cote Road or its garden and, in turn, there are now no windows or roof lights in the new dwelling would be overlooked from that property.

In addition, the scheme proposes a new beech hedge to be planted along the boundary between the plot and No. 14, to safeguard overlooking of the limited garden curtilage to the new house. The introduction of this hedge, combined with the fall of the land and the retention of the privet hedges to the side boundaries is considered to be enough to ensure that privacy within the adjoining garden areas, including the limited garden of the new house would be sufficiently retained.

Albeit that none of the windows in the rear recess would have any significant outlook, there would be light to the rooms and sufficient outlook from the south facing front elevation of the new dwelling.

The proposed solution to the problems of overlooking is a somewhat contrived response to the relationship between the proposed house and neighbouring properties. However, it has to be acknowledged that the redesign would mean that habitable rooms and garden space of the new dwelling would not be unduly overlooked from the existing bungalow above, nor would there be any direct overlooking of that property from the proposed dwelling. It would be necessary to remove permitted development right for future occupiers to insert rear facing windows and rooflights. In the circumstances it would be appropriate to use a planning condition to remove such rights and to prevent any rearward extensions.

The existing hedges down the side of the site are to be retained. It is noted that an objector has referred to loss of habitat from the site, but it is difficult to agree with this given the lack of vegetation or other features on the land.

### **Design/Scale**

Due to the absence of any windows, the rear of the proposed dwelling would appear as a solid and essentially featureless block of masonry with a rendered recess. While the design solution is contrived, the rear elevation would not be widely visible – glimpsed only through occasionally gaps in the line of dwellings along Barley Cote Road.

From the front, the agent has proposed a contemporary design, which would provide a contrast to the more conventional appearance of the recently built house to the east and the conventional pair of hipped roof semis approved on the larger plot to the west.

Previous amendments are reduced the height of the ridge of the proposed dwelling by about 1.5 metres so that the scale is more balanced with that of the adjoining dwellings.

The width was also reduced to enable more generous spacing to side boundaries – reflecting the character of development in the surrounding area.

The section submitted by the agent shows that the height and massing of the proposed dwelling compares favourably to that of the dwellings on the two adjoining plots, including 17 Barley Cote Avenue. The proposed roof materials (coursed natural stone and dark blue roof slates) would also ensure a consistency with the development on either side of the plot. It is noted that there is a variety of styles of houses and bungalows and a variety of materials

used on housing along these streets. No objections to design were raised to the previous proposals by the Council or by the Inspector. In conclusion, it is considered that the design and scale of the proposed development would be in keeping with the general character of the street scene and this residential area and in accordance with Policies UDP3, UR3 and D1 of the RUDP.

**Parking access and highway impact**

Although in a hilly area, Barley Cote Avenue is a relatively level, straight road of reasonable width and with footways either side. The proposal would include two car parking spaces on the site frontage of the new house. This is considered an adequate level of off-street car parking. The garage on the plot would also have relied on vehicles reversing into Barley Cote Avenue when it was in use, as do several other garages along the same street. The level of traffic using Barley Cote Avenue is such that there are no objections to the proposal or the parking arrangement from the Council's Highway Officer. There are no significant issues in respect of highway safety or the flow of traffic along Barley Cote Avenue arising from the proposal.

There are concerns from objectors and from the Council's Highway Officer that the existing dwelling 14 Barley Cote Road previously depended on the application site for its off-street car parking provision and would be left with no off street parking by this application proposal. It is suggested by the Highway Officer that a replacement parking space be provided for the existing dwelling by widening and raising the existing drive off Barley Cote Road. However, the existing bungalow does not have an existing parking space off Barley Cote Road. It has been sold with no off street parking and as 14 Barley Cote Road is not controlled by the applicant it would not be possible to enforce any planning condition requirement to create replacement parking for this dwelling.

Representations received from local residents point to difficulties for the local bus to pass along Barley Cote Road and Barley Cote Avenue arising from the high incidence of on-street parking. Further objections refer to local parking and general traffic congestion. These objections are noted. However, on street parking by residents of 14 Barley Cote Road now seems to have been taking place for some time. On balance, it is not considered that the on-street parking caused by loss of the former parking facility for 14 Barley Cote Road would justify refusal of this application. The proposals are not considered to conflict with Policies TM2, TM12 and TM19a of the RUDP.

**Community Safety Implications:**

None

**Reason for Granting Planning Permission:**

The impact of the development has been assessed but it is considered that it will have no significant adverse effects on local amenity or the amenity of occupiers of neighbouring properties or on local highway safety. It is considered to comply with relevant saved Policies D1 and UR3 of the Bradford Replacement Unitary Development Plan.

**Conditions of Approval:**

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby approved shall only be carried out in accordance with the approved plan(s) listed below:

Edged red location plan  
Drawing 2176.2 revision C dated 25th November 2010.

Received by the Council on 29 November 2010.

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

3. The dwelling hereby approved shall be constructed using coursed natural stone and dark blue roof slates or tiles. A sample of the walling stone and roofing tile shall be submitted to and approved in writing by the Local Planning Authority before development commences, and the development shall be constructed in the approved materials.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the rear (north) elevation of the dwelling hereby approved without prior written permission of the Local Planning Authority.

Reason: To safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with Policy UR3 of the Replacement Unitary Development Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any subsequent equivalent legislation) no extensions, roof extensions or other development falling within Classes A, B or C to Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To safeguard the amenity of occupiers of surrounding properties and to accord with Policy UR3 of the Replacement Unitary Development Plan.

6. In the first planting season following the completion of the development, or as otherwise specified by the Local Planning Authority, the new beech hedge indicated to the rear of the approved dwelling shall be planted as shown on the approved drawing.

Any hedge plants comprised within this hedge which become diseased or die within the first 5 years after the completion of planting shall be removed immediately after the disease/death and a replacement hedge plant of the same species/specification shall be planted in the same position no later than the end of

the first available planting season following the disease/death of the original plants.

Reason: For the provision of screening between garden areas and in the interests of visual amenity and to accord Policies D5 and UR3 of the Replacement Unitary Development Plan.

7. Before the development is brought into use, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

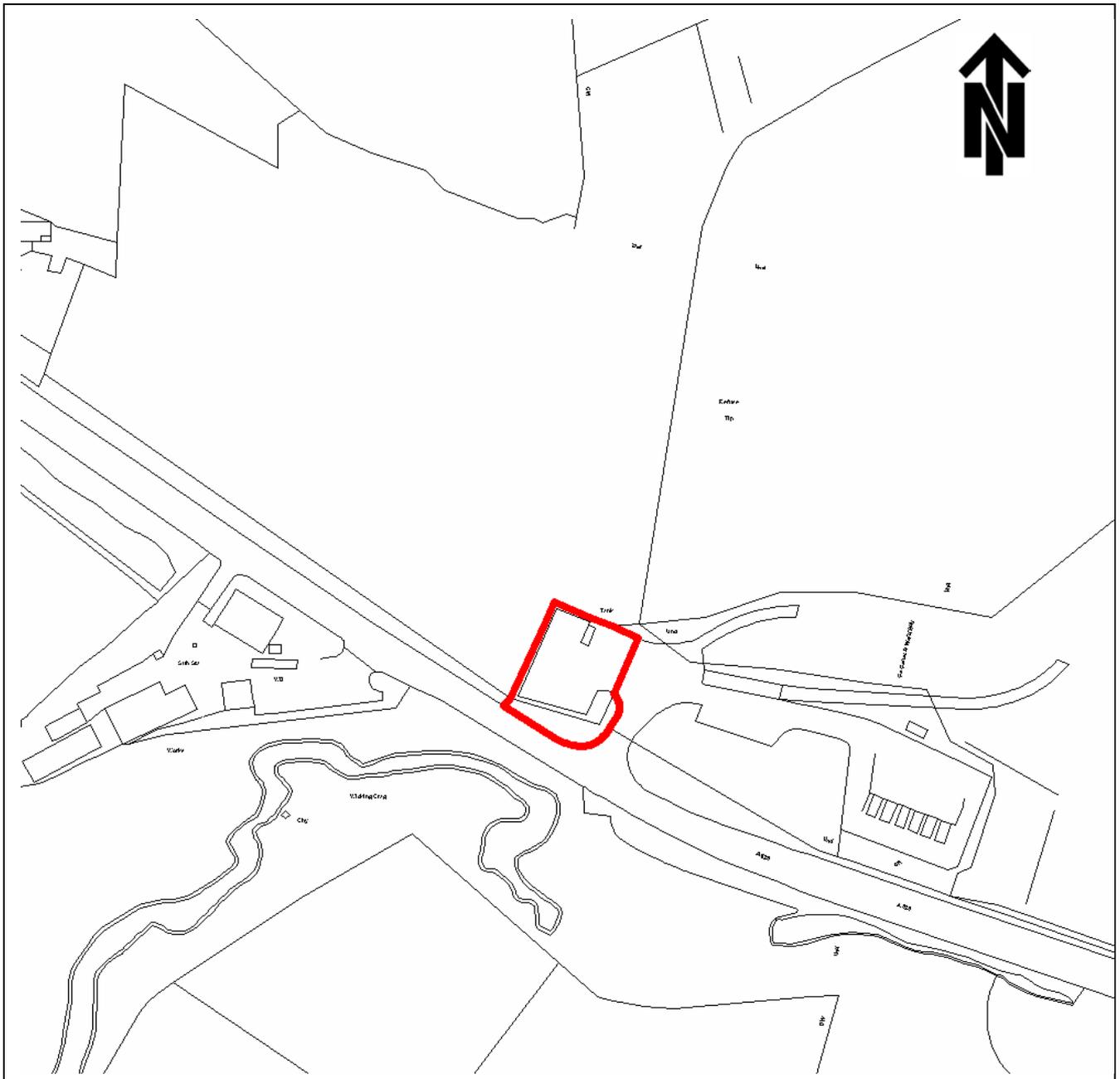
Reason: In the interests of highway safety and to accord with Policy TM12 of the Replacement Unitary Development Plan.

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**Area Planning Panel (Keighley)**

**09/04919/FUL**

19 January 2011



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ITEM NO. : 2	LOCATION: <b>Sugden End Household Waste Site</b> <b>Halifax Road, Cross Roads</b>
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19 January 2011

**Item Number:** 2

**Ward:** WORTH VALLEY

**Recommendation:**

**TO RECOMMEND TO THE REGULATORY AND APPEALS COMMITTEE THAT GRANT OF PLANNING PERMISSION SUBJECT TO CONDITIONS**

**Application Number:**

09/04919/FUL

**Type of Application/Proposal and Address:**

This is a full application for the installation of a replacement landfill gas control flare within an existing fenced compound adjacent to the closed Sugden End Landfill Site, to the north-west of Sugden End Household Waste Recycling Centre, off Halifax Road, Cross Roads, Keighley. The application also includes the provision of additional soft landscaping and replacement fencing.

The development to which this application relates could be considered to be a departure from the Development Plan and *Green Belt development* as defined by paragraph 4 of The Town and Country Planning (Consultation) (England) Direction 2009. If the Panel is minded to refuse the application then they can resolve to do so at the Area Planning Panel meeting. If the Panel would be minded to approve in accordance with recommendations of officers then the application must be referred to the Regulatory and Appeals Committee.

The application was originally discussed by the Keighley Area Planning Panel on 21 January 2010 where the panel resolved:

That the application be deferred to allow for the submission of further information in respect of the viability of utilising landfill gas energy recovery systems at the site in order to inform the consideration of whether the proposal represents the most sustainable waste management option, in accordance with the advice of Planning Policy Statement 10.

**Applicant:**

City Of Bradford MDC

**Agent:**

N/A

**Site Description:**

The proposal site is an existing 0.1ha landfill management compound constructed within a low lying area to the west of Sugden End landfill site. The site is accessed off Halifax Road via a joint access point serving the landfill site, household waste recycling centre and landfill management compound. Land uses within the locality are predominantly agricultural; however a saw mill is located adjacent to the site on the opposite side of Halifax Road. The nearest residential dwellings to the proposal site are 1 Hardgate Lane, 180m west of the site and 13 Sugden End, 200m north-west of the site. The proposal site comprises an area of hard standing, part of which is occupied by an existing garage used for vehicle and plant storage and an associated fuel tank, the remainder of the hard standing is used for storage and parking purposes. An existing belt of vegetation has been planted along the western boundary to screen the compound. A temporary gas flare of a similar design to the proposed

flare has been stationed on the hard standing. The whole compound is bounded by a chain link fence with 2 sets of gates allowing separate access to the garage and compound.

**Relevant Site History:**

62/04390/FUL	Controlled Tipping - Granted 16.01.1964
96/03130/FUL	Formation of landfill gas control compound - Granted 16.04.1997
97/02016/FUL	Installation of a methane conversion plant within a small compound to utilise landfill gas to generate electricity - Granted 05.11.1997
00/02995/FUL	Installation of methane conversion plant within a small compound to utilise landfill gas to generate electricity - Granted 09.02.2001
06/09746/FUL	Permanent planning permission for a household waste recycling centre - Granted 21.08.2008

**Replacement Unitary Development Plan (RUDP):**

***Allocation***

The proposal site is within the Green Belt as defined on the replacement RUDP proposals map and therefore RUDP policy GB1 (New Building in the Green Belt) is relevant.

***Proposals and Policies***

The proposal involves the installation of infrastructure to manage pollution hazards from a waste management site and therefore RUDP policies UDP9 (Management of Pollution Hazards and Waste) and P8 (Waste Management Facilities) are relevant.

The proposed flare will be visible within the landscape and involves the provision of additional landscaping and therefore RUDP policies D1 (General Design Considerations), D5 (Landscaping) and NE3 (Landscape Character Areas) are relevant.

**Parish Council:**

Haworth, Cross Roads and Stanbury Parish Council – No objections

**Publicity and Number of Representations:**

The application was advertised in the press as a departure from the adopted development plan, site notices were posted and neighbour notification letters sent to the adjacent properties. The notification period expired on the 17 December 2009. No representations have been received.

**Summary of Representations Received:**

N/A

**Consultations:**

**Biodiversity/ Countryside:**

No concerns regarding protected sites or species

Landscaping scheme will enhance biodiversity surrounding the site

Landscape maintenance scheme should specify minimal intervention to allow trees and shrubs to establish naturally.

There will be no additional adverse effect on the landscape character of the area and the robust naturalised planting outlined will improve the setting of the gas flare.

**Drainage:**

No comments

**Environment Agency:**

No objections

**Environmental Protection:**

Suggested conditions requiring verification that soils imported for the landscaping bund are free of contamination.

**Summary of Main Issues:**

1. Sustainable Waste Management
2. Need for the infrastructure
3. Effect on the openness of the Green Belt
4. Landscape Character
5. Noise

**Appraisal:**

**Proposal**

The nature of the wastes deposited within Sugden End Landfill site is such that significant amounts of landfill gas are produced as the wastes decompose. To control these emissions a landfill gas flare was installed in 1997/ 1998 (permission 96/03130/FUL). The original gas flare had a similar footprint to that currently proposed; however the flare stack was lower at 3.5m high. At around the same time that the original flare was installed a private company expressed interest in installing plant to convert the energy produced from the combustion of the gas into electricity. Planning permission 97/02016/FUL was granted in November 1997 for the installation of the electricity generation plant; however the planning permission was never implemented due to prohibitive costs associated with establishing a connection to the national grid. In August 2009 the original gas flare passed the end of its serviceable life and a new temporary gas flare was installed. The temporary flare is of a similar size to the proposed permanent replacement.

The proposal is to install a new gas flare which meets current environmental standards. The new flare consists of a 9.2m long x 3.5m wide x 2.6 tall metal container housing the flare equipment, attached to a 7.6m high, 1.8m diameter flare stack. The container housing the gas flare equipment is proposed to be grey in colour and the flare stack is proposed to have a metallic stainless steel finish. Additional landscaping is proposed adjacent to the south-western boundary to better screen the gas flare from Halifax Road, with a 2m high soil bund planted with native trees and shrubs such as birch, oak, alder, ash and holly. A small additional area of planting is also proposed adjacent to the north-eastern boundary. The existing dilapidated chain link fencing will be replaced with a 2.4m high steel palisade security fence within the landscaping and a 0.5m high wooden post and rail fence defining the landscaping area adjacent to Halifax Road. The gas flare will operate on an automatic basis 24 hours per day, 7 days per week and will be inspected weekly.

**Sustainable Waste Management**

Policy P8 of the RUDP states that waste management proposals should provide evidence that the development would represent the best practicable environmental option (BPEO). The concept of BPEO was superseded in national waste planning policy (PPS10) by the concept of *sustainable waste management* and the waste hierarchy. One of the key national waste planning policy objectives set out in PPS10 is to help deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option, but one which must be adequately catered for.

Landfill disposal is at the bottom of the waste hierarchy with energy recovery on the level above. During this application's previous consideration at the Area Planning Panel, panel members indicated that they wished for further consideration to be given to alternative landfill gas management options which would include an element of energy recovery.

In response to this the applicant commissioned consultants to undertake a *Gas Management Options Appraisal* to review whether any energy recovery techniques could be viably employed at the Sugden End site. The appraisal included consideration of the following three energy recovery techniques:

- Electricity generation for export to National Electricity Grid
- Production of Biomethane for injection to National Gas Grid
- Production of Biomethane for use as vehicle fuel

The report estimated the productive value of the landfill gas collected at Sugden End based on actual landfill gas yield data from the site over the period August 2009 – March 2010. These updated estimates represent a significant reduction from the previous estimates of landfill gas yield made in 2005, and were stated to indicate that both methane content and gas yields at the site are in the final phases of generation.

The report found that the initial capital expenditure for the three different energy recovery systems would be between £665,000 and £2,465,000 and the annual operational costs would be between £65,682 and £118,135. Based on the level of capital costs and operational expenditure required, and the gas yields which are likely to be available, the report concluded that none of the identified energy recovery options would be economically viable.

The identified energy recovery method with the most potential for economic viability was the production of biomethane to fuel specially adapted vehicles. However at this stage in the landfill waste decomposition process it is accepted that the logistical and economic obstacles to initiating such a scheme are prohibitive. Notwithstanding the above, a back-up gas flare of the sort currently proposed would be needed at the site regardless and therefore it is not considered that the current proposal would prejudice the implementation of any future landfill gas energy recovery scheme. Given the evidence contained in the submitted options appraisal and the fact that the proposed flare would be required regardless and would not prejudice the implementation of any future energy recovery schemes it is considered that the proposal is consistent with PPS10 and policy P8 of the RUDP.

### **Need for the infrastructure**

Uncontrolled migration and venting of landfill gas from landfill sites poses risks to the occupants of surrounding land related to explosion and asphyxiation and contributes to global warming through the release of methane into the atmosphere. Flaring landfill gas allows the gas emissions from the landfill to be controlled and for methane to be converted into other less potent greenhouse gasses. The control of pollution from Sugden end landfill site is regulated by the Environment Agency under an Environmental Permit and the proposed gas flare is designed to comply with requirements placed upon the Permit. Principle Policy UDP9 of the RUDP states the objective of contributing to the management of pollution, hazards and waste through relevant control measures. It is considered that the proposed landfill gas flare would meet an identified need to manage an environmental risk associated with landfill gas emissions and therefore conforms with the objectives of policy UDP9 of the RUDP.

### **Effect on the openness of the Green Belt**

The proposed flare would replace an existing flare; however the stack would be approximately twice the height in order to meet current environmental standards. Substantial screening, in the form of additional planting and bunding is proposed from the main viewpoints of Halifax Road to the south and the settlement of Crossroads to the north-west; nonetheless the structure would still be visible and therefore would have an effect on the openness of the Green Belt. This effect upon the openness of the Green Belt would be temporary, as the flare unit will be required to be removed once landfill gas emissions have declined to the extent that they no longer require management.

Policy GB1 of the RUDP states that, except in very special circumstances, planning permission will not be given for development within the Green Belt for purposes other than agriculture and forestry, essential facilities for outdoor sport and recreation, cemeteries, or for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it. As discussed above, the gas flare would have a temporary adverse impact on the openness of the Green Belt and no exception is made for essential infrastructure in policy GB1 and therefore the proposed gas flare would be a departure from policy GB1 and could only be allowed in very special circumstances.

The proposed landfill gas flare is required to control the emission of gas from the landfill site and mitigate risks to the environment and human health. The gas flare has to be located on site and therefore must be located within the Green Belt. The above circumstances are considered to be very special circumstances which outweigh the temporary slight adverse impact on the openness of the Green Belt. The landscaping proposals put forward by the applicant serve to minimise the harm to the openness of the Green Belt.

### **Landscape Character**

The proposal site is within a rural setting of mixed upland pasture. The stack for the proposed replacement would be 7.6m high and would therefore be more visible within the landscape than the previous 3.5m flare. However the site is not prominent in the landscape and the stack would not intrude on prominent skylines. Substantial additional landscaping is proposed, in the form of bunding and tree planting, to improve the screening of the site from the north-east and south-west. The applicant has indicated that the flare stack can be either stainless steel in finish or clad with a duller grey material. It is considered that a duller finish would be less intrusive in the landscape and an appropriate condition can be imposed for approval of materials to ensure that the most appropriate materials are chosen. Subject to the imposition of appropriate conditions, it is considered that the proposed replacement gas flare will not be significantly detrimental to the character of the landscape. The landscape impact which will occur will be temporary, as the flare will be decommissioned once the level of gas produced by the landfill reaches a level which does not require active management. The proposed landscaping will serve to improve the appearance of the site, particularly as viewed from Halifax Road. The proposal therefore accords with policies NE3, D1 and D5 of the RUDP.

### **Noise**

The applicant has indicated that the proposed replacement flare would produce a maximum sound level of 69dB(A) at 15m distance from the equipment. The nearest residential dwelling is located approximately 180m from the gas flare. The Environmental Protection department have been consulted and have raised no concerns in relation to the impact of noise from the flare. It is considered that the proposed replacement flare will not have any significant

adverse effect on the surrounding environment or the occupants of adjoining land and that therefore the proposal accords with policy UR3 of the RUDP.

### **Conclusion**

A replacement landfill gas flare is required at Sugden End Landfill site in order to safely manage the emission of gas from the site and mitigate the climate change implications of the release of methane. Alternative energy recovery options have been appraised; however at this stage in the lifecycle of the landfill site it is not considered that any available energy recover systems would be viable to implement. The proposed 7.6m flare stack would be visible from surrounding land however it would not be a prominent feature within the landscape, would be screened by existing and additional planting and will be removed when the site ceases gassing. Although the new flare would have an impact on the openness of the Green Belt, the need for the flare in terms of health and safety and pollution control constitutes very special circumstances to justify the development. It is not considered that the flare would have any significant adverse effect on the occupants of surrounding land. The proposal accords with policies UDP9, UR3, D1, D5 and NE3 of the replacement Unitary Development Plan.

### **Community Safety Implications:**

The management of landfill gas is necessary in order to mitigate health and safety risks to the local community.

### **Reason for Granting Planning Permission:**

The proposed replacement gas flare would have an impact on the openness of the Green Belt, and therefore constitutes a departure from policy GB1 of the replacement Unitary Development Plan. However the flare is needed to mitigate risks to people and the environment associated with unmanaged releases of landfill gas and therefore it is considered that very special circumstances exist which justify the development.

The proposed gas flare is necessary to manage risks associated with the generated of landfill gas by the Sugden End Landfill Site. Alternative gas management options involving energy recovery are not currently considered to be viable; however the provision of a replacement flare at this time would not prejudice the viability of such a scheme if it were to come forward in the future. The proposal is consistent with Planning Policy Statement 10, and policies UDP9 and P8 of the replacement Unitary Development Plan.

The proposal includes additional landscaping measures which will serve to improve the visual setting of the site and mitigate the impact of the gas flare on the character of the landscape. It is not considered that the proposed flare will have any significant adverse impact on the surrounding environment or the occupants of adjacent land. It is considered that the proposal accords with policies D1, D5, UR3 and NE3 of the replacement Unitary Development Plan.

### **Conditions of Approval:**

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).List of Approved Plans

2. The development hereby approved shall only be carried out in accordance with the following documents:-
- a) Drawing entitled "Planning Application - Planning Application Boundary - Grid Ref - SE049374", scale 1:2500, dated Sept 09, numbered R/THS/HS/59909-502A, date stamped as received by the Council 19 October 2009;
  - b) Drawing entitled "Planning Application - Flare Plan and Elevations", scale 1:20, 1:100 & 1:200, dated Oct 09, numbered R/THS/HS/59909-505A, date stamped as received by the Council 19 October 2009;
  - c) Drawing entitled "Planning Application - Site Proposals and Planting Plan", scale 1:100, dated Oct 09, numbered R/THS/HS/59909-504B, date stamped as received by the Council 14 December 2009;

Save where measures are required by the conditions set out elsewhere on this permission, which shall take precedence over the above documents.

Reason: In the interests of amenity and for the avoidance of doubt as to the terms under which this planning permission has been granted, in accordance with policy P8 of the replacement Unitary Development Plan.

3. Prior to the installation of the landfill gas flare, as detailed on drawing R/THS/HS/59909-505A, details of the facing materials for the landfill gas flare shall be submitted to and approved in writing by the Local Planning Authority. The landfill gas flare shall only be installed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3 and D1 of the replacement Unitary Development Plan.

4. The landscaping and fencing works detailed on drawing R/THS/HS/59909-504B shall be implemented in full not later than 2 years from the date on which the installation of the landfill flare is completed.

Reason: To ensure that the proposed landscaping and fencing is implemented within a reasonable timescale, in the interests of visual amenity and biodiversity, in accordance with policies D1 and D5 of the replacement Unitary Development Plan.

5. The 'mound with planting' detailed on drawings R/THS/HS/59909-504B & R/THS/HS/59909-505A shall not be formed until documentation demonstrating that the material to be used to form the mound is suitable for that use has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of contamination prevention and to ensure that a suitable substrate is formed, in accordance with policies D5 and P8 of the replacement Unitary Development Plan.

6. Within the proposed tree planting areas shown on drawing R/THS/HS/59909-504B a minimum depth of 600mm of clean soils shall be provided on top of any made ground beneath.

Reason: In the interests of contamination prevention and to ensure that a suitable substrate is formed, in accordance with policies D5 and P8 of the replacement Unitary Development Plan.

7. Following the implementation of the soft landscaping provisions detailed on drawing R/THS/HS/59909-504B the landscape management provision annotated on that drawing shall be implemented in full.

Reason: To ensure the landscaping provisions are maintained to an appropriate standard, in the interests of visual amenity and biodiversity, in accordance with policies D1 and D5 of the replacement Unitary Development Plan.

8. Notwithstanding the details shown on drawing R/THS/HS/59909-506A, full details of the final restoration of the whole landfill management compound, as outlined in red on drawing R/THS/HS/59909-502A, including the decommissioning and removal of the garage and gas flare, shall be submitted to the Local Planning Authority for approval in writing not later than 31 December 2025. Unless otherwise agreed in writing by the Local Planning Authority the compound shall be restored and the flare and garage removed from the land within 2 years from the date of the permanent cessation of gas flaring at the site.

Reason: To ensure that the site is restored to a condition appropriate to the character of the landscape once the landfill site no longer requires active management, in the interests of visual amenity, the character of the landscape and the openness of the Green Belt, in accordance with policies D1, D5, NE3 and GB1 of the replacement Unitary Development Plan.

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