

Agenda

Planning and Regulatory Committee

Tuesday, 22 March 2016, 10.00 am
County Hall, Worcester

Notes:

Councillors are advised that letters of representation received from local residents in respect of the planning applications on this agenda will be available for inspection in the Member Support Unit 3 days before the Committee and in the meeting room from 9.30am on the day of the meeting

Planning Officers are available for up to 30 minutes prior to the start of the meeting to enable Councillors and the public to ask questions about the applications to be considered. This is not a part of the meeting itself but is an informal opportunity for anyone present on the day to clarify factual details about the applications, examine background documents and view plans that are on display

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DISCLOSING INTERESTS

There are now 2 types of interests:
'Disclosable pecuniary interests' and **'other disclosable interests'**

WHAT IS A 'DISCLOSABLE PECUNIARY INTEREST' (DPI)?

- Any **employment**, office, trade or vocation carried on for profit or gain
- **Sponsorship** by a 3rd party of your member or election expenses
- Any **contract** for goods, services or works between the Council and you, a firm where you are a partner/director, or company in which you hold shares
- Interests in **land** in Worcestershire (including licence to occupy for a month or longer)
- **Shares** etc (with either a total nominal value above £25,000 or 1% of the total issued share capital) in companies with a place of business or land in Worcestershire.

NB Your DPIs include the interests of your spouse/partner as well as you

WHAT MUST I DO WITH A DPI?

- **Register** it within 28 days and
- **Declare** it where you have a DPI in a matter at a particular meeting
 - you must **not participate** and you **must withdraw**.

NB It is a criminal offence to participate in matters in which you have a DPI

WHAT ABOUT 'OTHER DISCLOSABLE INTERESTS'?

- No need to register them but
- You must **declare** them at a particular meeting where:
You/your family/person or body with whom you are associated have a **pecuniary interest** in or **close connection** with the matter under discussion.

WHAT ABOUT MEMBERSHIP OF ANOTHER AUTHORITY OR PUBLIC BODY?

You will not normally even need to declare this as an interest. The only exception is where the conflict of interest is so significant it is seen as likely to prejudice your judgement of the public interest.

DO I HAVE TO WITHDRAW IF I HAVE A DISCLOSABLE INTEREST WHICH ISN'T A DPI?

Not normally. You must withdraw only if it:

- affects your **pecuniary interests OR** relates to a **planning or regulatory** matter
- **AND** it is seen as likely to **prejudice your judgement** of the public interest.

DON'T FORGET

- If you have a disclosable interest at a meeting you must **disclose both its existence and nature** – 'as noted/recorded' is insufficient
- **Declarations must relate to specific business** on the agenda
 - General scattergun declarations are not needed and achieve little
- Breaches of most of the **DPI provisions** are now **criminal offences** which may be referred to the police which can on conviction by a court lead to fines up to £5,000 and disqualification up to 5 years
- Formal **dispensation** in respect of interests can be sought in appropriate cases.

Planning and Regulatory Committee

Tuesday, 22 March 2016, 10.00 am, County Hall, Worcester

Councillors: Mr R C Adams (Chairman), Ms P Agar, Mr A T Amos, Mrs S Askin, Mr P J Bridle, Mr M H Broomfield, Mr S J M Clee, Mr P Denham (Vice Chairman), Mrs A T Hingley, Mr A P Miller, Mr D W Prodger MBE, Mr A C Roberts and Mr R J Sutton

Agenda

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1	Named Substitutes	
2	Apologies/Declarations of Interest	
3	Public Participation The Council has put in place arrangements which usually allow one speaker each on behalf of objectors, the applicant and supporters of applications to address the Committee. Speakers are chosen from those who have made written representations and expressed a desire to speak at the time an application is advertised. Where there are speakers, presentations are made as part of the consideration of each application.	
4	Confirmation of Minutes To confirm the Minutes of the meeting held on 9 February 2016. (previously circulated – pink pages)	
5	Retrospective application for the use of land for external storage purposes ancillary to the existing waste transfer station at Lydstep, Cleeve Road, Middle Littleton, Evesham, Worcestershire	1 - 20
6	Part-retrospective application for proposed materials recovery plant to process road sweepings and highway drainage clearance material on land at Station House, Saltway, Hanbury, Worcestershire	21 - 44
7	Proposed construction of a two-storey science park building together with associated car parking and landscaping to replace the existing Dytechna buildings to form phase five of Malvern Hills Science Park, Geraldine Road, Malvern, Worcestershire	45 - 74
8	Proposed formation of an earth bund on land to the south of B4636 and east of M5 motorway, Spetchley, Worcestershire	75 - 106

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To obtain further information or a copy of this agenda, contact Simon Lewis, Committee Officer. Telephone Worcester (01905) (766621)
email: slewis@worcestershire.gov.uk

All the above reports and supporting information can be accessed via the Council's website

Date of Issue: Friday, 11 March 2016

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PLANNING AND REGULATORY COMMITTEE
22 MARCH 2016**RETROSPECTIVE APPLICATION FOR THE USE OF LAND
FOR EXTERNAL STORAGE PURPOSES ANCILLARY TO
THE EXISTING WASTE TRANSFER STATION AT LYDSTEP,
CLEEVE ROAD, MIDDLE LITTLETON, EVESHAM,
WORCESTERSHIRE****Applicant**

Pete Bott Skip Hire Limited

Local Member(s)

Mr A A J Adams

Purpose of Report

1. To consider a County Matter planning application for the retrospective use of the land for external storage purposes ancillary to the existing waste transfer station at Lydstep, Cleeve Road, Middle Littleton, Evesham, Worcestershire.

Background

2. Planning Permission (application reference no. 407544) for the existing Waste Transfer Station at Lydstep, Cleeve Road, Middle Littleton was granted by members of the Planning and Regulatory Committee on 6 March 2003 (Minute 226 refers).

3. The existing Waste Transfer Station is located off the B4085. The site comprises of a number of workshop and office buildings. The primary working, sorting and recycling area associated with the Waste Transfer Station business is sited to the western side of the site.

4. The existing Waste Transfer Station involves the recovery and transportation of mixed inert materials together with construction/demolition waste arising from the development industry.

5. The skip hire business operated from the site covers mainly the Evesham, Stratford and Redditch areas.

6. The operational area has expanded outside of the approved site area onto land adjacent to and west of the existing site. This area is currently being used for storage purposes, which are ancillary to the existing waste transfer station and skip hire business.

7. The applicant states that the application site has a haulage history and has submitted an aerial photograph dated 2005, which they consider demonstrates significant vehicle, plant and skip storage on parts of the site at that time.

8. There are no permissions on the site granted by Wychavon District Council or Worcestershire County Council.

9. The use of the land is considered to be enclosed paddock land.

The Proposal

10. The applicant is seeking planning permission for the retrospective use of the land for external storage purposes. The operational area has expanded outside of the approved site area and the site is being used for storage purposes ancillary to the existing Waste Transfer Station business.

11. It was originally proposed that the application site area would continue to accommodate skips, which await repair on site; un-roadworthy vehicles, which are used for spares and top soil storage produced as a recovered material from the existing adjacent waste transfer station. It is proposed that there will be two skip storage areas. The skips awaiting repair would be located on the northern side of the site and the skips awaiting use would be located in the south-east of the site. The unroadworthy vehicles would be located to the north-west of the site and the top soils would be located to the south-west of the site to a proposed maximum height of 5 metres.

12. The applicant states that the storage areas are presently located on a hard-core base. They state that the application site is entirely permeable.

13. It is not proposed that any of the surrounding high hedgerows would be removed or cut back.

14. There is no existing lighting within the application site area and it is not proposed that any lighting would be erected as part of this planning application.

15. However, the applicant has subsequently decided to remove the unroadworthy vehicle storage area from his proposal.

16. The applicant states that the storage use is almost entirely passive in nature and would contain no noises sources or traffic movement other than the occasional provision and/or replenishment of the screened top soil. It would not create an increase in traffic generation or lorry movements above or beyond those presently experienced, bearing in mind that the use has been extant for a long time already.

The Site

17. The application site is located within the village of Middle Littleton. The application site measures approximately 0.4 hectares and comprises of grassed areas to the north and hard-core areas to the south of the site.

18. The application site is bound by an agricultural field to the north; the existing waste transfer station site to the east with the B4085 road and residential estate beyond; access track and residential property, 'Tower View', to the south and open countryside to the west.

19. There are existing tall mature hedgerows along the western and southern boundaries.

20. The application site is located approximately 390 metres north-east of Windmill Hill & Harrow Hill Bank; approximately 685 metres of Littleton, Broadway & Badsey Brooks and Tributaries; approximately 560 metres south-east of Cleeve Prior Bank and approximately 725 metres east of the River Avon (Local Wildlife Sites).

21. The nearest residential properties are no. 1 School Lane which is sited approximately 82 metres east of the application site and 'Tower View' which is sited approximately 8 metres south of the application site.

22. Beyond 'Tower View' is 'Kanes Foods', a chilled food manufacturer, sited approximately 12 metres south of the application site and the existing Waste Transfer Station.

23. The application site is located with Flood Zone 1, which is an area not at risk of flooding.

24. Public Right of Way (reference number 535(C)) runs adjacent to the application site and the existing Waste Transfer Station to the south.

Summary of Issues

25. The main issues in the determination of this application are:

- The waste hierarchy
- Location of the development
- Landscape character and appearance of the local area
- Residential amenities (including noise and dust emissions)
- Ecology and biodiversity
- The water environment
- Traffic and highways safety.

Planning Policy

National Planning Policy Framework (NPPF)

26. The National Planning Policy Framework (NPPF) was published and came into effect on 27 March 2012. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It constitutes guidance for local planning authorities and decision takers and is a material planning consideration in determining planning applications. Annex 3 of the NPPF lists the documents revoked and replaced by the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through plan-making and decision-taking.

27. Sustainable Development is defined by five principles set out in the UK Sustainable Development Strategy:

- "living within the planet's environmental limits;

- ensuring a strong, healthy and just society;
- achieving a sustainable economy;
- promoting good governance; and
- using sound science responsibly".

28. The Government believes that sustainable development can play three critical roles in England:

- an economic role, contributing to a strong, responsive, competitive economy
- a social role, supporting vibrant and healthy communities and
- an environmental role, protecting and enhancing our natural, built and historic environment.

29. The NPPF does not contain specific waste policies, as these are contained within the National Planning Policy for Waste. However, the NPPF states that local authorities taking decisions on waste applications should have regard to the policies in the NPPF so far as relevant. For that reason the following guidance contained in the NPPF, is considered to be of specific relevance to the determination of this planning application:

- Section 1: Building a strong, competitive economy
- Section 3: Supporting a prosperous rural economy
- Section 4: Promoting sustainable transport
- Section 7: Requiring good design
- Section 8: Promoting healthy communities
- Section 10: Meeting the challenge of climate change, flooding and coastal change
- Section 11: Conserving and enhancing the natural environment
- Section 12: Conserving the Historic Environment

National Planning Policy for Waste

30. The National Planning Policy for Waste was published on 16 October 2014 and replaces "Planning Policy Statement 10 (PPS 10): Planning for Sustainable Waste Management" as the national planning policy for waste in England. The document sets out detailed waste planning policies, and should be read in conjunction with the NPPF, the Waste Management Plan for England and National Policy Statements for Waste Water and Hazardous Waste, or any successor documents. All local planning authorities should have regard to its policies when discharging their responsibilities to the extent that they are appropriate to waste management.

The Development Plan

31. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan consists of the Adopted Worcestershire Waste Core Strategy and the Adopted South Worcestershire Development Plan.

32. Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

33. Annex 1 of the NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. However, the policies contained within the NPPF

are material considerations. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the NPPF. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

Worcestershire Waste Core Strategy Development Plan Document (WCS)

Policy WCS 1: Presumption in favour of sustainable development

Policy WCS 3: Re-use and Recycling

Policy WCS 8: Site infrastructure and access

Policy WCS 9: Environmental assets

Policy WCS 11: Sustainable design and operation of facilities

Policy WCS 12: Local characteristics

Policy WCS 14: Amenity

Policy WCS 15: Social and economic benefits

Waste Management Plan for England (2013)

34. The Government through Defra published the Waste Management Plan for England in December 2013. This Plan superseded the previous waste management plan for England, which was set out in the Waste Strategy for England 2007.

35. There are comprehensive waste management policies in England, which taken together deliver the objectives of the revised Waste Framework Directive, therefore, it is not the intention of the Plan to introduce new policies or to change the landscape of how waste is managed in England. Its core aim is to bring current waste management policies under the umbrella of one national plan.

36. This Plan is a high level document which is non-site specific, and is a waste management, rather than a waste planning document. It provides an analysis of the current waste management situation in England, and evaluates how it will support implementation of the objectives and provisions of the revised Waste Framework Directive.

37. The key aim of this Plan is to work towards a zero waste economy as part of the transition to a sustainable economy. In particular, this means using the “waste hierarchy” (waste prevention, re-use, recycling, recovery and finally disposal as a last option) as a guide to sustainable waste management.

38. It states that the construction, demolition and excavation sector is the largest contributing sector to the total waste generation, generating 77.4 million tonnes of waste in 2010.

The Government Review of Waste Policy England 2011

39. The Government Review of Waste Policy in England 2011 seeks to move towards a green, zero waste economy, where waste is driven up the waste hierarchy. The waste hierarchy gives top priority to waste prevention, followed by preparing for re-use, recycling, other types of recovery (including energy recovery) and last of all disposal.

Adopted South Worcestershire Development Plan

40. The South Worcestershire Development Plan (SWDP) covers the administrative areas of Worcester City Council, Wychavon District Council and Malvern Hills District

Council. The SWDP is a Development Plan Document which sets out strategic planning policies and detailed development management policies. The SWDP also allocates sites for particular types of development and sets out policies on site specific requirements. It covers the period 2006-2030. The SWDP was adopted on 25 February 2016 and is subject to a six week High Court challenge period. Notwithstanding this, full weight should be given to the SWDP in the determination of this application.

41. The SWDP policies that are relevant to the proposal are listed below:

Policy SWDP 1 Overarching Sustainable Development Principles
Policy SWDP 2 Development Strategy and Settlement Hierarchy
Policy SWDP 4 Moving Around South Worcestershire
Policy SWDP 5 Green Infrastructure
Policy SWDP 7 Infrastructure
Policy SWDP 21 Design
Policy SWDP 22 Biodiversity and Geodiversity
Policy SWDP 25 Landscape Character
Policy SWDP 28 Management of Flood Risk
Policy SWDP 29 Sustainable Drainage Systems
Policy SWDP 31 Pollution
Policy SWDP 33 Waste

Consultations

42. **Wychavon District Council** has no objection to the proposal, having regard to Saved Local Plan Policy ECON2 for the expansion of existing rural employment site, which states:-

43. Outside defined development boundaries, proposals for the expansion of existing employment sites and/or uses will be permitted, providing:

- a) the site/use is currently operating without significant harm to its surroundings and the rural environment;
- b) the proposal is for the reasonable and limited needs for expansion of an existing business or businesses; and
- c) the site and its surroundings can accommodate such limited expansion without significant harm to the character, appearance or amenity of the area.

44. **North and Middle Littleton Parish Council** – No comments received.

45. **Worcestershire Regulatory Services** have no comments to make from a nuisance point of view.

46. **The Environment Agency** has no objections to the proposal. They can confirm that the existing Waste Transfer Station located to the east of the proposed application is regulated by the Agency under an Environmental Permit, which regulates and controls matters such as:

- General Management of the site;
- Permitted activities e.g. operations. - Waste Acceptance (quantity and type of waste);

- Emissions (such as Odour, Noise and Vibration relevant to the 'operational area'); and
- Monitoring, Records and Reporting.

47. **The Environment Agency** made a site inspection in August 2014, which did not identify any permit breaches or cause for concern. They can confirm that there have been some complaints to date in relation to dust emissions but these were a few years ago (nothing more recent) and none were substantiated.

48. The proposed area is directly associated and connected to the site and its waste operations. However, the proposed external storage area does not fall within the boundary of the permitted area (installation boundary). Therefore, any waste transfer and treatment is not currently permitted in this proposed area. All waste operations must be carried out within the permitted area. The applicant does not hold any waste exemptions allowing them to store, treat, dispose or use waste in the proposed area. Therefore, presently the applicant may only carry out non-waste activities in this area. They advise that should the applicant wish to carry out waste activities in this area, they must apply to the Environment Agency to modify their existing permit. It is likely that further site drainage and infrastructure works would be needed prior to waste treatment operations commencing in this area. An impermeable hardstanding would need to be implemented for waste storage areas, as the Environmental Permit requires that "non-hazardous wastes must be stored on impermeable surface with sealed drainage". The applicant may be able to apply to register for an exemption on this part of the site, to cover lower risk waste activities. They have specific limits and conditions, which have to be followed.

49. **The County Landscape Officer** has no objections to the application. They acknowledge that the supporting statement sets out that external storage, notably, the storage of topsoil is limited to a height of 5 metres, with other areas being used to store skips. The site context is characterised by block suburbanisation to the east, modern industrial development to the south, small, regular enclosed fields to the west and low-density row settlement to the north. The site is effectively screened along all four boundaries by mature hedgerows, together with a mature block of plantation woodland to the west, which helps to screen the site on its potentially most open landscape aspect.

50. They state that despite the rural setting, the relative density of domestic and industrial development in Middle Littleton and the existing industrial land use is such that they perceive no measurable impact to the landscape character of the site setting. They consider that the mature nature of surrounding hedgerows and integrated, small plantations of woodland already offers a sufficient level of screening, notably in the more vulnerable view sheds to the west and east. They recommend that ongoing maintenance of the hedgerows, in particular, should ensure that an effective screen is retained.

51. **The County Ecologist** has no objections to the proposal as there appear to be no obvious or immediate implications for protected species or habitats within the application site. Given the retrospective status of the application, the nature and relatively small scale of the scheme, the County Ecologist does not think biodiversity enhancement should be a requirement. However, in line with the aspirations of NPPF, it may be appropriate to signpost the applicant to resources through which, if they choose, the site could be made more wildlife-friendly without compromising the operational activity of the business. For instance, Windmill Hill Site of Special Scientific Interest (SSSI), which has

been designated for its calcareous grassland, is located approximately 350 metres due west of the site, albeit separated by intervening agricultural land. Wildflower seeding any verges or otherwise 'unused' land will provide 'stepping stones' for wildlife such as uncommon invertebrates that would otherwise be geographically isolated in the landscape.

52. **Natural England** assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Windmill Hill Site of Special Scientific Interest (SSSI) has been notified. They therefore advise the County Planning Authority that this SSSI does not represent a constraint in determining this application.

53. **The County Archaeologist** has no comments to make on the application.

54. **The County Highways Officer** has no objections to the application as it does not involve any increase in vehicle movements and, therefore, does not have an adverse impact on the highway.

55. **Worcestershire Wildlife Trust** has no objections to the proposal.

56. **South Worcestershire Land Drainage Partnership** – No comments received.

57. **Severn Trent Water Limited** – No comments received.

Other Representations

58. In accordance with the Development Management Procedure Order 2010, the application has been advertised on site, in the press and through neighbour notification letters. Three letters of representation have been received from members of the public objecting to the proposal. The letters of representation are available in the Members Support Unit.

59. The concerns include:

- The objects proposed to be stored on the site – they are concerned that there are non-business activities taking place on the site including the servicing of third party's HGVs on Sundays and tinkering with motor-racing vehicles
- Trading hours – they state that trading presently takes place outside of the current operational hours
- Noise – they state that the reversing alarms on vehicles are a nuisance and machines make a horrendous noise; and
- Dust – they state that there are no measures in place to prevent dust from the site.

They state that planning permission should only be granted once all other infrastructure is in place, including, sound proofing, dust suppressor and a wheel wash.

The Head of Strategic Infrastructure and Economy's Comments

60. As with any planning application, this application should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The relevant policies and key issues have been set out earlier.

The waste hierarchy

61. The National Planning Policy for Waste states that positive planning plays a pivotal role in delivering this country's waste ambitions through:

- Delivery of sustainable development and resource efficiency...by driving waste management up the waste hierarchy
- Ensuring that waste management is considered alongside other spatial planning concerns...recognising the positive contribution that waste management can make to the development of sustainable communities
- Providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of, and
- Helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment.

62. The Government Review of Waste Policy in England 2011 seeks to move towards a green, zero waste economy, where waste is driven up the waste hierarchy. The waste hierarchy gives top priority to waste prevention, followed by preparing for re-use, recycling, other types of recovery (including energy recovery) and last of all disposal. This is reiterated in the Waste Management Plan for England (2013).

63. The Head of Strategic Infrastructure and Economy considers that the proposed development is ancillary to an existing adjacent Waste Transfer Station operation. Waste materials are recovered, this drives waste management up the waste hierarchy and contributes to the delivery of sustainable development.

Location of the development

64. The application site is located adjacent to an existing Waste Transfer Station.

65. The Waste Core Strategy sets out a Geographic Hierarchy for waste management facilities in Worcestershire.

66. The hierarchy takes account of patterns of current and predicted future waste arisings and resource demand, onward treatment facilities, connections to the strategic transport network and potential for the future development of waste management facilities. The hierarchy sets out 5 levels with the highest level being Level 1 'Kidderminster zone, Redditch zone and Worcester zone'.

67. Policy WCS 3 of the Waste Core Strategy allows waste management facilities that enable re-use or recycling of waste, including treatment, storage, sorting and transfer facilities, to be permitted within all levels of the Geographic Hierarchy, where it is demonstrated that the proposed location is at the highest appropriate level of the Geographic Hierarchy.

68. The application site is located in Level 5 of the Geographic Waste Hierarchy. Given that the location of the proposal is adjacent to the existing Waste Transfer Station, the Head of Strategic Infrastructure and Economy considers that the proposed location is at the highest appropriate level of the hierarchy and is, therefore, considered to be appropriate.

69. It is considered that the ancillary use of this site adjacent to the existing Waste Transfer Station is considered to be reasonable for the functionality of the existing waste transfer station business.

Landscape character and appearance of the local area and expansion into open countryside

70. The current land use is considered to be enclosed agricultural land. The applicant states that this land has been used for the storage for vehicles as part of a previous haulage business.

71. The use of the land is currently being used for the storage of skips, obsolete vehicles used for spare parts and top soils to the west of the existing Waste Transfer Station.

72. The application site is not visible from public view along the B4085 or the Public Right of Way (reference number 535(C)) which runs adjacent to the application site to the south. This is due to the existing tall mature hedgerows along the western and southern boundaries.

73. The County Landscape Officer has no objections to the application and recommends that ongoing maintenance of the hedgerows, in particular, should ensure that an effective screen is retained.

74. On balance and in view of the above advice, the Head of Strategic Infrastructure and Economy does not consider that the loss of the enclosed agricultural land as a result of this land being used for ancillary purposes in association with the existing waste transfer station business for storage use, would have any adverse impact on the character and appearance of the area, subject to conditions limiting the height of any stockpiling of materials and retaining and maintaining boundary hedgerows. This is in accordance with Policy WCS12 of the Worcestershire Waste Core Strategy and Policy SWDP 25 of the Draft South Worcestershire Development Plan.

Residential amenities (including noise and dust emissions)

75. The nearest residential properties are no. 1 School Lane which is sited approximately 82 metres east of the application site and 'Tower View' which is sited approximately 8 metres south of the application site.

76. The applicant states that the storage use is passive in nature and would not generate noise sources or traffic movement other than the occasional provision and/or replenishment of the screened top soil.

77. Three letters of representation have been received from members of the public objecting to the proposal. The local residents have raised concerns about the materials proposed to be stored on the site; trading hours; noise and dust.

78. The applicant proposes to continue to accommodate skips, which await repair on site and top soil storage produced as a recovered material from the existing waste transfer station.

79. The operational hours would be the same as the existing waste transfer station.

80. The applicant states that the use of the area within the application site is almost entirely passive in nature, which would not create an increase in traffic generation or lorry movements above or beyond those presently experienced, bearing in mind that the use has been extant for a long time already.

81. Although the applicant states that the use of the site would be almost entirely passive in nature, the Head of Strategic Infrastructure and Economy considers that vehicles would have to move between this site and the existing waste transfer station site and materials would be moved between these areas with the potential to generate noise and dust.

82. Worcestershire Regulatory Services have been consulted on the application and they have no objections to the proposal. The Environment Agency have also been consulted on the application and they have raised no objections. The site would be covered by an Environmental Permit, which regulates and controls matters such as:

- General Management of the site
- Permitted activities e.g. operations. - Waste Acceptance (quantity and type of waste)
- Emissions (such as Odour, Noise and Vibration relevant to the 'operational area'), and
- Monitoring, Records and Reporting.

83. Paragraph 122 of the National Planning Policy Framework states that "local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively."

84. Having taken into the account the concerns raised by local residents and in view of the comments received by Worcestershire Regulatory Services and the Environment Agency, the Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have any adverse impact on the amenities of the neighbouring residential properties in accordance with Policy WCS14 of the Worcestershire Waste Core Strategy and Policy 31 of the Draft South Worcestershire Development Plan.

85. Furthermore, the Head of Strategic Infrastructure and Economy recommends the imposition of a condition requiring removal of the unroadworthy vehicles from the site.

Ecology and biodiversity

86. The County Ecologist has no objections to the proposal as there appear to be no obvious or immediate implications for protected species or habitats within the application.

87. In view of the above, the Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have an adverse impact on ecology and biodiversity in accordance with Policy WCS 9 of the Worcestershire Waste Core Strategy and Policy SWDP 22 of the Draft South Worcestershire Development Plan.

The water environment

88. The application site is located with Flood Zone 1, which is an area not at risk of flooding.

89. The applicant states that the site is entirely permeable.

90. In accordance with the Environment Agency's advice, all waste storage areas should be located on impermeable hardstanding with sealed drainage and this is something that the Head of Strategic and Economy considers would be appropriate to control through the imposition of a condition requiring this. Subject to this condition, the Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have any adverse impact on the water environment in accordance with Policy SWDP 28 and Policy SWDP 29 of the Draft South Worcestershire Development Plan.

Traffic and highways safety

91. The applicant states that the use of the area within the application site is almost entirely passive in nature, which would not create an increase in traffic generation or lorry movements above or beyond those presently experienced, bearing in mind that the use has been extant for a long time already. The applicant states that the vehicle movements associated with the existing site include 7 lorries, which carry out about 3-4 skip collections, making a maximum of 20-30 movements in and out, based on a busy day.

92. Although the applicant states that the use of the site would be almost entirely passive in nature, the Head of Strategic Infrastructure and Economy considers that vehicles would have to move materials between this site and the existing waste transfer station site.

93. The County Highways Officer has been consulted and has no objections to the application as it does not involve any increase in vehicle movements on the public highway and, therefore, does not have an adverse impact on the highway.

94. In view of the above, the Head of Strategic Infrastructure and Economy is satisfied that the proposed development is acceptable on highways grounds in accordance with Policy WCS 8 of the Waste Core Strategy for Worcestershire.

Conclusion

95. The Head of Strategic Infrastructure and Economy considers that the proposed development is ancillary to an existing adjacent waste transfer station operation. Waste materials are received, this drives waste management up the waste hierarchy and contributes to the delivery of sustainable development.

96. It is considered that the ancillary use of this site adjacent to the existing Waste Transfer Station is considered to be reasonable for the functionality of the existing waste transfer station business.

97. On balance, the Head of Strategic Infrastructure and Economy does not consider that the loss of the enclosed agricultural land as a result of this land being used for ancillary purposes in association with the existing waste transfer station business for storage use would have any adverse impact on the character and appearance of the area, subject to conditions limiting the height of any stockpiling of materials and skips and retaining and maintaining boundary hedgerows. This is in accordance with Policy WCS12 of the Worcestershire Waste Core Strategy and Policy SWDP 25 of the Draft South Worcestershire Development Plan.

98. Having taken into the account the concerns raised from local residents and in view of the comments received by Worcestershire Regulatory Services and the Environment Agency, the Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have any adverse impact on the amenities of the neighbouring residential properties in accordance with Policy WCS14 of the Worcestershire Waste Core Strategy and Policy 31 of the Draft South Worcestershire Development Plan.

99. In view of the above, the Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have an adverse impact on ecology and biodiversity in accordance with Policy WCS 9 of the Worcestershire Waste Core Strategy and Policy SWDP 22 of the Draft South Worcestershire Development Plan.

100. In accordance with the Environment Agency's advice, all waste storage areas should be located on impermeable hardstanding with sealed drainage and this is something that the Head of Strategic and Economy considers would be appropriate to control through the imposition of a condition. Subject to this condition, the Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have any adverse impact on the water environment in accordance with Policy SWDP 28 and Policy SWDP 29 of the Draft South Worcestershire Development Plan.

101. The Head of Strategic Infrastructure and Economy is satisfied that the proposed development is acceptable on highways grounds in accordance with Policy WCS 8 of the Waste Core Strategy for Worcestershire.

102. The Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have an adverse impact on ecology and biodiversity; the water environment and on highways. Taking into account the provisions of the Development Plan and in particular Policies WCS 1; WCS 3; WCS 8; WCS 9; WCS 11; WCS 12; WCS 14 and WCS 15 of the Adopted Worcestershire Waste Core Strategy and Policies SWDP 1; SWDP 2; SWDP 4; SWDP 5; SWDP 7; SWDP 21; SWDP 22; SWDP 25; SWDP 28; SWDP 29; SWDP 31 and SWDP 33 of the Adopted South Worcestershire development Plan, it is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

Recommendation

103. The Head of Strategic Infrastructure and Economy recommends that planning permission be granted for the retrospective use of the land for external storage purposes ancillary to the existing waste transfer station at Lydstep, Cleeve Road, Middle Littleton, Evesham, Worcestershire, subject to the following conditions:

- a) The development hereby permitted shall be carried out in accordance with the details shown on submitted drawings, titled, *Proposed external storage ancillary to waste transfer station [part retrospective] - Location Plan, received by the County Planning Authority on 27 August 2015 and Proposed external storage ancillary to waste transfer station [part retrospective] - Layout Plan, received by the County Planning Authority on 27 August 2015;*
- b) All existing unroadworthy vehicles shall be removed from the site within 3 months of the date of this permission. Thereafter, no unroadworthy vehicles shall be stored within the site;
- c) The maximum height of the top soils storage area shall not exceed 5 metres and a height bar shall be maintained on site for the duration of the operations to maintain the 5 metre height restriction;
- d) The maximum height of the skips storage area shall not exceed 4 metres and a height bar shall be maintained on site for the duration of the operations to maintain the 4 metre height restriction;
- e) Vehicle movements on the site shall only take place between 8:00 a.m. and 6:00 p.m. Monday to Friday, 8:00 a.m. and 1:00 p.m. on Saturdays and not at all on Sundays or Public Holidays;
- f) The hedgerow along the southern boundary of the site shall be retained and maintained for the duration of operations on the site;
- g) Details of impermeable hardstandings and sealed drainage areas shall be submitted to and approved in writing by the County Planning Authority. The approved hardstanding areas shall be constructed and used for the storage of waste materials for the duration of waste management operations on the site; and
- h) No waste processing operations shall be carried out within this site other than the storage of waste materials on impermeable hardstandings with sealed drainage.

Contact Points

County Council Contact Points

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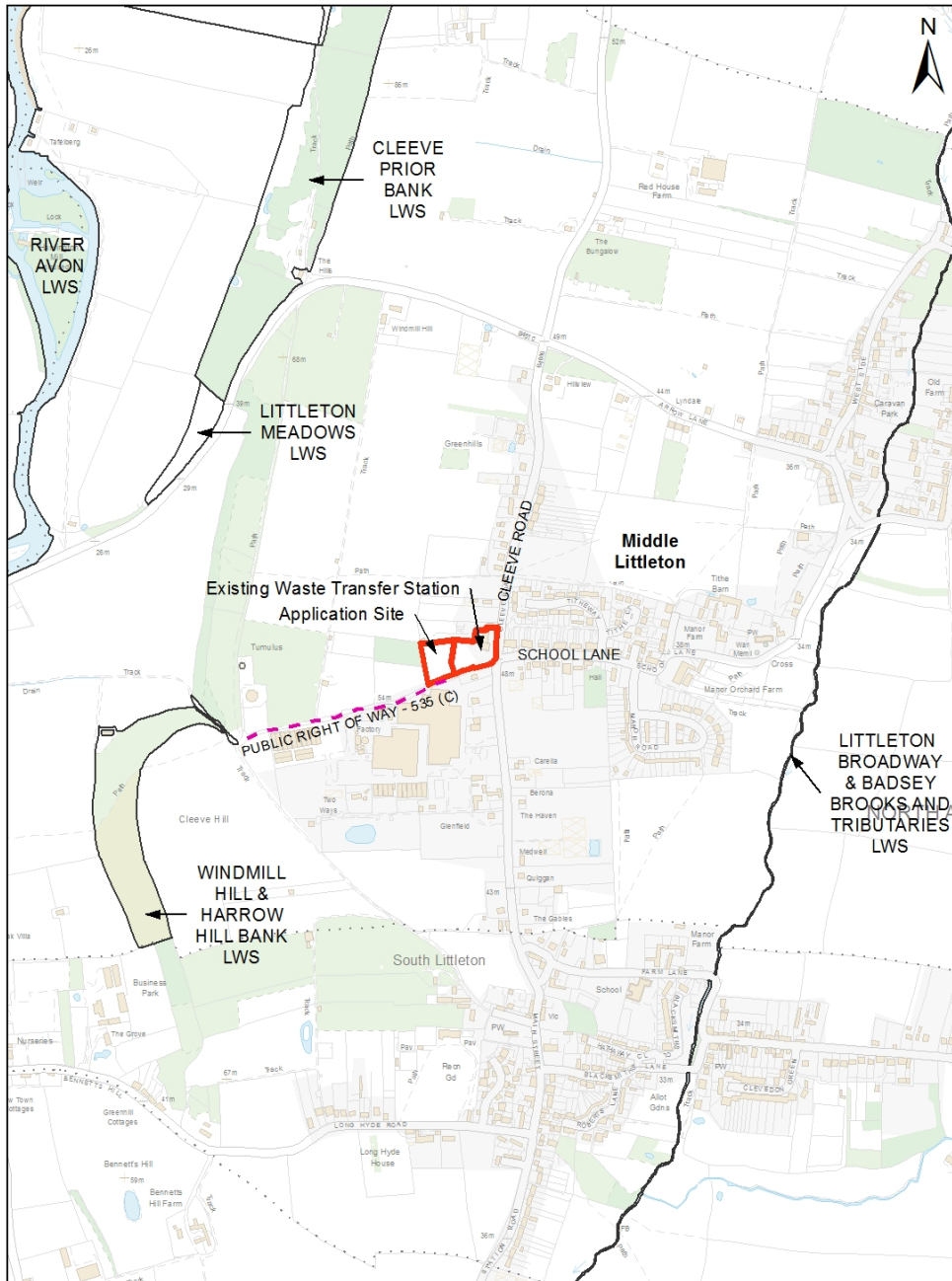
Email: mbishop@worcestershire.gov.uk


Background Papers

In the opinion of the proper officer (in this case the Head of Strategic Infrastructure and Economy) the following are the background papers relating to the subject matter of this report:

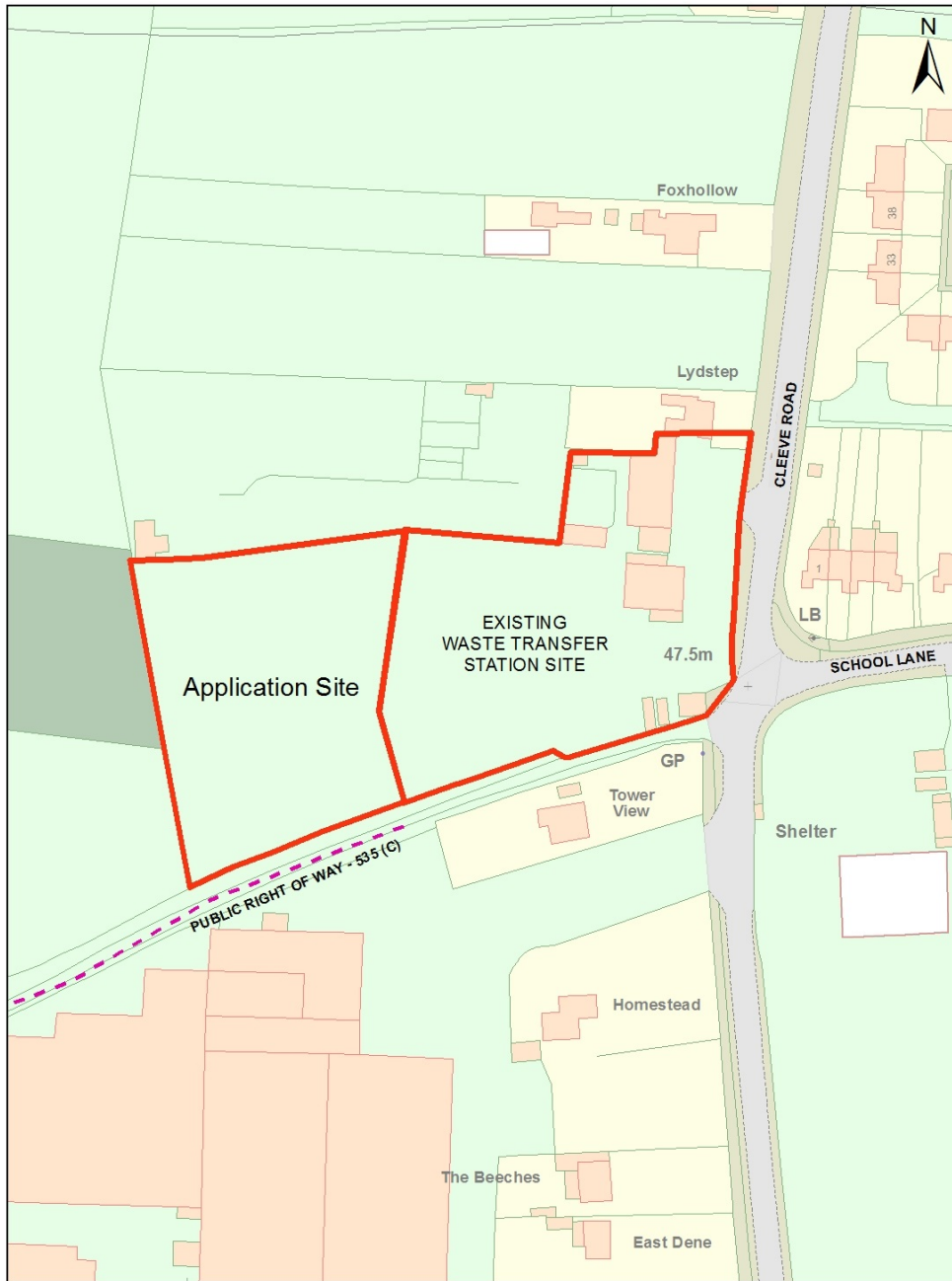
The application, plans and consultation replies in file reference 15/000032/CM.

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<p>Indicative Scale 1:10,000</p>	<p>15/000032/CM Retrospective application for the use of the land for external purposes ancillary to the existing Waste Transfer Station at Lydstep, Cleeve Road, Middle Littleton, WR11 8JT</p>	
<p>Date Printed: 22/12/2015</p>	<p>Worcestershire County Council County Hall Spetchley Road Worcester WR5 2NP</p>	

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PLANNING AND REGULATORY COMMITTEE
22 MARCH 2016**PART-RETROSPECTIVE APPLICATION FOR A PROPOSED
MATERIALS RECOVERY PLANT TO PROCESS ROAD
SWEEPINGS AND HIGHWAY DRAINAGE CLEARANCE
MATERIAL ON LAND AT STATION HOUSE, SALTWAY,
HANBURY, WORCESTERSHIRE**

Applicant

David Jordan Road Brush Ltd

Local Member(s)

Mr M H Broomfield

Purpose of Report

1. Part-retrospective application for a proposed materials recovery plant to process road sweepings and highway drainage clearance material on Land at Station House, Saltway, Hanbury, Worcestershire.

Background

2. D Jordan Road Brush Hire Limited was incorporated in 2000 and is owned and operated by Mr. David Jordan.

3. The applicant has been providing environmental clean-up services, which includes, dealing with fly-tipping, road-cleaning and unblocking drains and gullies from the strategic and local road network, for example, following road traffic accidents for the County Council, local construction and other businesses, since leaving school. He has built up a small fleet of 11 road sweepers and other vehicles and equipment, including, 'gully suckers' to undertake this work. He has a workforce of 16 local employees.

4. 'Gully suckers' are specialised tankers with suction gear that will take up wet waste, mud and sludge from spaces, including, the hollows below drains in street gutters. Specific suction power is required to meet the needs of the job because the material being removed can contain bulky debris, such as, tree branches and stones. The road sweepers and gully suckers both use water and collect wet materials during the clean-up operations.

5. At the present, once any clean-up activity has been undertaken, full vehicles would have to either return to base to discharge their loads into a containment vessel or travel to a suitable appropriately licenced waste management facility for direct disposal.

6. The applicant has identified that with appropriate processing a significant proportion of the material collected by their road sweepers and gully suckers could be recycled/re-used. Particularly, the fine granular material (sand and grit) and the water.

7. The applicant states that the site is understood to have been part of the Droitwich Road Railway station (Goods) and associated siding that was closed by 1930. Within the site are remnants of the loading platform from which cattle, local produce, coal and possibly bricks (from the brickworks and clay pit that became the adjacent landfill) were loaded onto trains for export and goods were offloaded for distribution in the local area. Network Rail still have a small facility associated with their infrastructure maintenance activities, to the north of (and accessed through) the site.

8. The applicant understands that the site was bought from Network Rail by the previous owners around 1996 and subsequently purchased from them (including 'Station House') by the applicant in 1998. The applicant has used the site in a number of ways since that time during which a 'Certificate of Lawful Existing Use' reference number W/10/01282/LUE was granted by Wychavon District Council which established the use of the site for distribution on 18 May 2010.

The Proposal

9. The applicant is seeking part-retrospective planning permission for a proposed materials recovery plant to process road sweepings and highway drainage clearance material on Land at Station House, Saltway, Hanbury, Worcestershire.

10. The proposal comprises of the installation and operation of a sand and water recovery plant and ancillary equipment in the existing distribution facility yard to process the material collected during the road sweeping and drain clearance activities of the applicant and similar contractors.

11. The applicant states that the plant has been set up on the site in order to undertake trial runs to establish the effectiveness of the process and to enable its operation to be demonstrated as part of this application to retain and operate the plant within the site.

12. The processing plant comprises of a compact processing plant known as a 'GMax' from CD Enviro, a company based in Northern Ireland. The plant is akin to a processing plant used in a sand and gravel operation.

13. Vehicles would discharge their loads into a containment vessel. The material would then be pumped directly to, and through, a semi-mobile dewatering plant. This is a self-contained unit powered by a mobile generator.

14. The recycled water is used to top up the supply for the road sweepers.

15. The grit from the dewatering unit is a sand sized material that is suitable for use as a low grade construction or horticultural sand.

16. The coarser fraction is stored and periodically screened to remove unsuitable materials before it can also be used as a construction fill.

17. The flocculating fines (clay aggregate) are removed for off-site disposal to an appropriately licenced waste management facility.
18. The processed water from the unit is sent to a flocculating plant and then into settlement tanks.
19. The small quantity of reject materials, for example, plastic and metals are stored in skips or other appropriate containers and periodically removed for off-site treatment and recycling, or final disposal at an appropriately licenced waste management facility. Once these skips/containers become full, they would be removed from site.
20. Any paper, fabrics that have been processed through the plant would be saturated by the collection process and the applicant is investigating possible avenues for the recycling of these. One potential beneficial alternative is to transfer the materials to a suitable Energy from Waste facility. However, for the time-being, they would be disposed of to landfill along with any other irrecoverable or otherwise non-recyclable materials.
21. It is proposed that the plant would operate at 15-20 tonnes per hour. The operation of the plant is limited to once every 2-3 days depending on the quantities of material discharged. It operates for up to 5-6 hours on that occasion but again this is dependent on the quantity being processed.
22. The proposed hours of operation are between the hours of 07:00 hours and 17:00 hours Mondays to Fridays, 08:00 hours and 13:00 hours on Saturdays with no working on Sundays or Bank Holidays.
23. The proposed traffic movement includes a maximum of 14 sweepers and 2 tankers per day, arriving mid-morning and late afternoon and a maximum of 2 product/waste export vehicles per day.
24. There would be a maximum of 6 staff cars per day when the plant is operating, every 2 -3 days, arriving first thing and then leaving mid to late afternoon.
25. The applicant states that the above equates to an average of 3 vehicle movements per hours in an 8 hour day.
26. The applicant states that all of the vehicles routinely arriving and departing from the site are or would be under the direct control of the applicant or can be managed by the applicant through specific contract arrangements.
27. The application site is accessed from The Saltway (B4090). Approximately 100 metres from a bridge over the railway, via a wide bellmouth shared with the domestic access to Station House (to the east), and access to a few semi-detached residential properties and associated vehicle parking to the west. The access road is gently inclined down towards the railway.
28. The applicant states that it is proposed that specific arrival/departure windows outside the peak traffic flow times for the Saltway would be agreed with Worcestershire County Council Highways Authority in accordance with Policy WCS 8 of the Waste Core Strategy for Worcestershire. They state that this would apply to all vehicles with the exception of staff cars.

29. 2 or 3 employees would be required to operate the plant or to carry out maintenance. This development would support the continuation of existing employment within Mr Jordan's business rather than create additional jobs and merely involves the deployment of existing staff to the site when operations are required.

30. The intention is to fully concrete the area to formalise and enhance the site's surface water drainage. Water gathered from the yard would be fed through the processing plant and re-used. This would also facilitate the cleaning of the yard, thereby, minimising the risk of vehicles tracking mud onto the public highway and dust arising from the yard.

31. The applicant confirms that no alterations to the landform at the site are proposed and no trees would be removed.

32. The applicant acknowledges that the operation would be subject to an Environmental Permit application to the Environment Agency.

33. The applicant would like to offer this facility to Worcestershire County Council's contractor (currently Ringway) for discharging their vehicles. The applicant understands that Ringway currently discharges to bulk tankers, which then travel to a disposal facility in the Wolverhampton area. The proposal would allow Ringway to discharge locally, which would have significant financial and sustainability advantages.

34. The facility would not be open to the public or to any form of casual or passing 'trade'.

35. The applicant states that the proposed development would provide a positive contribution to sustainable waste management practices within the County of Worcestershire because there would be a reduction in the amount of material being taken to landfill.

The Site

36. The application site is accessed from The Saltway (B4090). Approximately 100 metres from a bridge over the railway, via a wide bellmouth shared with the domestic access to Station House (to the east), and access to 8 semi-detached residential properties and associated vehicle parking to the west. The access road is gently inclined down towards the railway.

37. The application site is bound on the west by the County Council's household recycling centre and closed landfill, with the Worcester and Birmingham Canal beyond. The railway and railway infrastructure runs alongside the application site to the north and east with undulating farmland beyond. 'Station House' and domestic garden is sited to the south, which is owned by the applicant.

38. The application site measures approximately 0.23 hectares and comprises of hardstanding.

39. The site can be divided into three parts:

- The initial operational area, which comprises of vehicle and equipment parking areas, together with a portacabin and small storage buildings. This area is mainly used to park cars belonging to employees and other vehicles and equipment associated with the business
- Workshop (including weighbridge and access road to the northern end of the site), and
- The main yard area. This area is partly concreted and partly hard-core surfaced. The intention is to fully concrete the area to formalise the site surface water drainage. The road sweepings processing plant is located in the northern half of this area.

40. There is a grey palisade fence along the eastern application site boundary, separating the application site from the railway line. There are trees along part of this boundary on the other side of the fence on Network Rail land. The western boundary with the closed landfill is hedgerow and trees set at original ground level some 2 metres above the distribution yard and buildings. The applicant states that this reduced ground level and the vegetation provides an effective screen from the west. The southern boundary includes 'Station House' and associated trees and vegetation.

41. The nearest residential properties are 'Station House', which is sited approximately 40 metres south of the application site and 1-8 Brickyard Cottages, which are sited approximately 135 metres south-west of the application site.

42. The application site is located approximately 140 metres from the Worcester and Birmingham Canal (designated Conservation Area and Local Wildlife Site).

43. The application site is located with Flood Zone 1, which is an area not at risk of flooding.

44. The application site is located within the Designated West Midlands Green Belt.

Summary of Issues

45. The main issues in the determination of this application are:

- The waste hierarchy
- Location of the development
- Green Belt
- Local economy
- Landscape character and appearance of the local area
- Residential amenities (including noise and dust emissions)
- Ecology and biodiversity
- The water environment
- Traffic and highways safety, and
- Pollution control.

Planning Policy

National Planning Policy Framework (NPPF)

46. The National Planning Policy Framework (NPPF) was published and came into effect on 27 March 2012. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It constitutes guidance for local planning authorities and decision takers and is a material planning consideration in determining planning applications. Annex 3 of the NPPF lists the documents revoked and replaced by the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through plan-making and decision-taking.

47. Sustainable Development is defined by five principles set out in the UK Sustainable Development Strategy:

- "living within the planet's environmental limits;
- ensuring a strong, healthy and just society;
- achieving a sustainable economy;
- promoting good governance; and
- using sound science responsibly".

48. The Government believes that sustainable development can play three critical roles in England:

- an economic role, contributing to a strong, responsive, competitive economy
- a social role, supporting vibrant and healthy communities and
- an environmental role, protecting and enhancing our natural, built and historic environment.

49. The NPPF does not contain specific waste policies, as these are contained within the National Planning Policy for Waste. However, the NPPF states that local authorities taking decisions on waste applications should have regard to the policies in the NPPF so far as relevant. For that reason the following guidance contained in the NPPF, is considered to be of specific relevance to the determination of this planning application:-

- Section 1: Building a strong, competitive economy
- Section 3: Supporting a prosperous rural economy
- Section 4: Promoting sustainable transport
- Section 7: Requiring good design
- Section 8: Promoting healthy communities
- Section 9: Protecting Green Belt land
- Section 10: Meeting the challenge of climate change, flooding and coastal change
- Section 11: Conserving and enhancing the natural environment
- Section 12: Conserving the Historic Environment

National Planning Policy for Waste

50. The National Planning Policy for Waste was published on 16 October 2014 and replaces "Planning Policy Statement 10 (PPS 10): Planning for Sustainable Waste Management" as the national planning policy for waste in England. The document sets out detailed waste planning policies, and should be read in conjunction with the NPPF,

the Waste Management Plan for England and National Policy Statements for Waste Water and Hazardous Waste, or any successor documents. All local planning authorities should have regard to its policies when discharging their responsibilities to the extent that they are appropriate to waste management.

The Development Plan

51. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan consists of the Adopted Worcestershire Waste Core Strategy and the Adopted South Worcestershire Development Plan.

52. Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

53. Annex 1 of the NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. However, the policies contained within the NPPF are material considerations. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the NPPF. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

Worcestershire Waste Core Strategy Development Plan Document (WCS)

Policy WCS 1: Presumption in favour of sustainable development

Policy WCS 3: Re-use and Recycling

Policy WCS 6: Compatible land uses

Policy WCS 8: Site infrastructure and access

Policy WCS 9: Environmental assets

Policy WCS 11: Sustainable design and operation of facilities

Policy WCS 12: Local characteristics

Policy WCS 13: Green Belt

Policy WCS 14: Amenity

Policy WCS 15: Social and economic benefits

Waste Management Plan for England (2013)

54. The Government through Defra published the Waste Management Plan for England in December 2013. This Plan superseded the previous waste management plan for England, which was set out in the Waste Strategy for England 2007.

55. There are comprehensive waste management policies in England, which taken together deliver the objectives of the revised Waste Framework Directive, therefore, it is not the intention of the Plan to introduce new policies or to change the landscape of how waste is managed in England. Its core aim is to bring current waste management policies under the umbrella of one national plan.

56. This Plan is a high level document which is non-site specific, and is a waste management, rather than a waste planning document. It provides an analysis of the current waste management situation in England, and evaluates how it will support

implementation of the objectives and provisions of the revised Waste Framework Directive.

57. The key aim of this Plan is to work towards a zero waste economy as part of the transition to a sustainable economy. In particular, this means using the “waste hierarchy” (waste prevention, re-use, recycling, recovery and finally disposal as a last option) as a guide to sustainable waste management.

58. It states that the construction, demolition and excavation sector is the largest contributing sector to the total waste generation, generating 77.4 million tonnes of waste in 2010.

The Government Review of Waste Policy England 2011

59. The Government Review of Waste Policy in England 2011 seeks to move towards a green, zero waste economy, where waste is driven up the waste hierarchy. The waste hierarchy gives top priority to waste prevention, followed by preparing for re-use, recycling, other types of recovery (including energy recovery) and last of all disposal.

Adopted South Worcestershire Development Plan

60. The South Worcestershire Development Plan (SWDP) covers the administrative areas of Worcester City Council, Wychavon District Council and Malvern Hills District Council. The SWDP is a Development Plan Document which sets out strategic planning policies and detailed development management policies. The SWDP also allocates sites for particular types of development and sets out policies on site specific requirements. It covers the period 2006-2030. The SWDP was adopted on 25 February 2016 and is subject to a six week High Court challenge period. Notwithstanding this, full weight should be given to the SWDP in the determination of this application.

61. The SWDP policies that are relevant to the proposal are listed below:

Policy SWDP 1: Overarching Sustainable Development Principles
Policy SWDP 2: Development Strategy and Settlement Hierarchy
Policy SWDP3: Employment, Housing and Retail Provision Requirement and Delivery
Policy SWDP 4: Moving Around South Worcestershire
Policy SWDP 7: Infrastructure
Policy SWDP12: Rural Employment
Policy SWDP 21: Design
Policy SWDP 22: Biodiversity and Geodiversity
Policy SWDP 25: Landscape Character
Policy SWDP 29: Sustainable Drainage Systems
Policy SWDP 30: Water Resources Efficiency and Treatment
Policy SWDP 31: Pollution
Policy SWDP 33: Waste

Consultations

62. Wychavon District Council object to the proposed development as the proposal would represent inappropriate development in the Green Belt.

63. They cite Part 9 'Protecting Green Belt land' of the National Planning Policy Framework, which states that "inappropriate development should not be approved, except in very special circumstances. Very special circumstances to justify inappropriate

development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations".

64. They acknowledge that the agent has outlined various circumstances in an attempt to overcome Green Belt restrictions, stating that:

- the site is a previously developed, existing distribution depot
- the installation and operation of plant machinery would not contribute to the unrestricted sprawl or merging of urban areas
- it would not constitute encroachment on the countryside and has no implications for historic towns
- substantial screening of the site
- the proposal contributes to addressing the need to achieve national, regional and local waste minimisation and recycling targets and move to more sustainable waste management, and
- other sites are not viable.

65. They do not consider that the applicant has demonstrated that very special circumstances exist, that would clearly outweigh the harm to the Green Belt by reason of the inappropriateness of the proposed development. They consider that whilst there is merit in waste minimisation and sustainable waste management practices it is considered that an overriding special circumstance with regards to this application has not been demonstrated. Other sites located outside of the Green Belt may be available and offer a more suitable location. It is, therefore, considered that the proposed development fails to accord with Green Belt policies as such there is an in principle objection to the proposal.

66. The proposed erection of the new materials recovery plant is considered to cause detrimental harm to the openness of the Green Belt, furthermore the plant would not accord with one of the exceptions highlighted within local Green Belt Policy. As such, it is considered that the plant would fail to comply with national planning policy and Policy SWDP 2 of the South Worcestershire Development Plan and thus represent inappropriate development in the Green Belt.

67. The County Ecologist has no objections to the proposal.

68. The Environment Agency state that the application site is located within Flood Zone 1 (low probability of fluvial risk) based on their indicative Flood Map for planning. They state that the proposed activity is a waste operation that would be regulated by the Environment Agency under the Environmental Permitting (England and Wales) Regulations (EPR) 2010.

69. They state that in certain circumstances, the dewatering of street sweepings can be undertaken through an 'exemption', without an Environmental Permit. This is set out in their regulatory position statement.

70. They state that appropriate infrastructure would need to be in place, including impermeable pavement and sealed drainage system. Any dewatering must be carried out on an impermeable surface that has a sealed drainage system.

71. They acknowledge that the supporting statement confirms that the applicant's "intention is to fully concrete the area to formalise the surface water drainage".

Should the applicant be unable to meet the requirements and conditions of the exemption, an Environmental Permit would be required.

72. Hanbury Parish Council has no objections to the proposal.

73. The County Highways Officer has no objections to the proposal.

74. Lead Local Flood Authority have recommended a condition relating to the provision of a surface water drainage scheme.

75. Network Rail states that the proposed development site is on land which was previously owned by the British Railways Board. It is subject to a demarcation agreement which contains rights and obligations for the benefit of Network Rail's land and railway the agreement of 18 September 1996 applies and they recommend measures to protect the integrity of Network Rail land.

76. Worcestershire County Council's Pollution Control Team raised initial concerns in relation to the integrity of the bank between the application site and the closed landfill site bordering it. The documentation points out that at some locations, there is a difference in ground levels of approximately 3.5m and the work that the applicant has or is planning to carry out could have implications on the bank's integrity. They state that many years ago the ground sloped gently away from the closed landfill site towards the railway line, however, over time parts of the bank have been removed to leave a steep vertical slope on the boundary between the closed landfill site and the applicants land. This face has since been built back up by the applicant, and at present the new generator and container sit atop this. There is no way of knowing if these works, or any future works, will have affected the stability of the bund and what the potential implications to the closed site would be should the bund fail in the future.

77. In response, the applicant states that the generator and container would be elevated. The bank which forms the boundary with the landfill is supported at the northern end of the site. The retaining wall is currently being erected along the western boundary. This is to be continued until the exposed bank is fully supported. The applicant states that the bank has been in this form for some years without any significant issue. However, they are taking a precautionary approach given the activity now proposed.

78. In light of the further information, the Pollution Control Officer has requested that the completion of the works to shore up the bank all along the boundary can be made a condition of any planning permission to reassure them that the rest of the works will be completed.

79. Severn Trent Water Limited has no objections to the proposal, subject to the inclusion of the following condition relating to the submission of drainage plans for the disposal of foul and surface water flows.

80. Worcestershire Regulatory Services (noise) states that the noise data provided indicates that noise complaints from the operation of the equipment should be unlikely. However, they recommend that the hours of operation at the site are conditioned to between 08:00 and 18:00 Mondays to Fridays with no operation on Saturdays, Sundays and public holidays.

81. Worcestershire Regulatory Services (contaminated land and air quality) has no concerns and no adverse comments to make.

82. Worcestershire Wildlife Trust does not wish to object to the proposal. Given the pre-existing use of the site and the scale of proposed development, they do not think that there will be any adverse effect on the canal. They are content to defer to the County Ecologist for consideration of all other on-site biodiversity matters.

83. The County Landscape Officer has no landscape concerns, providing that the hedgerow screening to the site is maintained and, therefore, recommends a condition to this effect, should planning permission be granted.

84. South Worcestershire Land Drainage Partnership – No comments received.

85. Herefordshire and Worcestershire Fire Service – No comments received.

Other Representations

86. In accordance with the Development Management Procedure Order 2010, the application has been advertised on site, in the press and through neighbour notification letters. No letters of representation have been received in relation to the proposal.

The Head of Strategic Infrastructure and Economy's Comments

87. As with any planning application, this application should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The relevant policies and key issues have been set out earlier.

The waste hierarchy

88. The National Planning Policy for Waste states that positive planning plays a pivotal role in delivering this country's waste ambitions through:

- Delivery of sustainable development and resource efficiency...by driving waste management up the waste hierarchy
- Ensuring that waste management is considered alongside other spatial planning concerns...recognising the positive contribution that waste management can make to the development of sustainable communities
- Providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of, and
- Helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment.

89. The Government Review of Waste Policy in England 2011 seeks to move towards a green, zero waste economy, where waste is driven up the waste hierarchy. The waste hierarchy gives top priority to waste prevention, followed by preparing for re-use, recycling, other types of recovery (including energy recovery) and last of all disposal. This is reiterated in the Waste Management Plan for England (2013).

90. The Head of Strategic Infrastructure and Economy considers that the proposed development would contribute to the delivery of sustainable development by recovering waste materials, which would otherwise be disposed of to landfill and, therefore, driving waste management up the waste hierarchy and being in accordance with the hierarchy.

Location of the development

91. The Waste Core Strategy sets out a Geographic Hierarchy for waste management facilities in Worcestershire.

92. The hierarchy takes account of patterns of current and predicted future waste arisings and resource demand, onward treatment facilities, connections to the strategic transport network and potential for the future development of waste management facilities. The hierarchy sets out 5 levels with the highest level being Level 1 'Kidderminster zone, Redditch zone and Worcester zone'.

93. Policy WCS 3 of the Waste Core Strategy allows waste management facilities that enable re-use or recycling of waste, including treatment, storage, sorting and transfer facilities, to be permitted within all levels of the Geographic Hierarchy, where it is demonstrated that the proposed location is at the highest appropriate level of the Geographic Hierarchy.

94. The application site is located in Level 5 of the Geographic Waste Hierarchy. In accordance with Policy WCS 3 of the Waste Core Strategy, the Head of Strategic Infrastructure and Economy considers that the proposed location is appropriate.

Green Belt

95. The application site is located within the Designated West Midlands Green Belt.

96. The NPPF states that there is a presumption in favour of sustainable development, which should be seen as a golden thread running through decision-taking, which means approving proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or
- specific policies in the NPPF indicate development should be restricted.

97. In this case the proposed development is wholly located within the West Midlands Green Belt; footnote 9 to the NPPF indicates that policies related to this designation restrict development; and therefore, by virtue of footnote 9, the presumption in favour of sustainable development does not apply within Green Belt areas.

98. The introduction to Section 9 of the NPPF states that "*the Government attaches great importance to Green Belts. 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. The NPPF states that Green Belt serves five purposes:*

- *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".*

99. The proposal does not fall within the categories of development set out in Paragraphs 89 and 90 of the NPPF. Consequently, the proposed development would constitute inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

100. The NPPF goes on to state that "when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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". As a result, a balancing exercise needs to be undertaken weighing the harm of the proposal with other circumstances in order to ascertain whether very special circumstances exist which justify granting planning permission.

101. The applicant has outlined various circumstances in an attempt to overcome Green Belt restrictions, stating that:

- the site is a previously developed, existing distribution depot
- the installation and operation of plant machinery would not contribute to the unrestricted sprawl or merging of urban areas
- it would not constitute encroachment on the countryside and has no implications for historic towns
- substantial screening of the site
- the proposal contributes to addressing the need to achieve national, regional and local waste minimisation and recycling targets and move to more sustainable waste management, and
- other sites are not viable.

102. The applicant states that 'although the site's location is by definition 'inappropriate', however, by reason of the site's current status and use; and the lack of likely harm attributable to the siting and operation of the proposed plant, this is not considered a necessarily overriding reason not to approve the development.

103. The Head of Strategic Infrastructure and Economy has considered the applicant's very special circumstances provided in an attempt to overcome Green Belt restrictions and does not consider that the applicant has demonstrated very special circumstances that outweigh the potential harm to the Green Belt. In particular, the applicant has given no locational reason as to why the plant needs to be located on this site within the Green Belt and would not maintain the openness of the Green Belt.

104. The proposal is, therefore, considered to be contrary to Section 9 ("Protecting Green Belt Land") of the National Planning Policy Framework; Policy WCS 13 of the Worcestershire Waste Core Strategy and Policy SWDP 2 of the South Worcestershire Development Plan.

Local economy

105. The proposed development would support the continuation of existing employment within Mr Jordan's business.

106. The proposal would be in accordance with Policy WCS 15 of the Waste Core Strategy for Worcestershire because it would contribute towards Worcestershire's equivalent self-sufficiency in waste management capacity.

107. The Head of Strategic Infrastructure and Economy considers that the proposal would allow continuation of employment opportunities and is, therefore, in accordance with Policy SWDP 12 of the South Worcestershire Development Plan.

Landscape character and appearance of the local area

108. The application site comprises of hardstanding, which is currently divided into three parts:

- The initial operational area – this consists of vehicle and equipment parking areas, together with a portacabin and small storage buildings. This area is mainly used to park cars belonging to employees and other vehicles and equipment associated with the business
- Workshop (including weighbridge and access road to the northern end of the site), and
- The main yard area. This is partly concreted and partly hard-core surfaced. The intention is to fully concrete the area to formalise the site surface water drainage. The road sweepings processing plant is located in the northern half of this area.

109. There is a grey palisade fence along the eastern application site boundary, separating the application site from the railway line. There are trees along part of this boundary on the other side of the fence on Network Rail land. The western boundary with the closed landfill is hedgerow and trees set at original ground level some 2 metres above the distribution yard and buildings. The applicant states that this reduced ground level and the vegetation provides an effective screen from the west. The southern boundary includes 'Station House' and associated trees and vegetation.

110. The applicant confirms that no alterations to the landform at the site are proposed and no trees would be removed.

111. The Head of Strategic Infrastructure and Economy is satisfied that the proposed development would be well screened from public view and would not have any adverse impact on the landscape character of the area in accordance with Policy SWDP25 of the South Worcestershire Development Plan.

Residential amenities (including noise and dust emissions)

112. The nearest residential properties are 'Station House', which is sited approximately 40 metres south of the application site and 1-8 Brickyard Cottages, which are sited approximately 135 metres south-west of the application site.

113. The applicant states that based on the results of the noise survey and their observations at the site, they consider that there would be no impact from the road sweepings recycling plant at the nearby receptors.

114. Worcestershire Regulatory Services states that the noise data provided indicates that noise complaints from the operation of the equipment should be unlikely. However, they recommend that the hours of operation at the site are conditioned to between 08:00 and 18:00 Mondays to Fridays with no operation on Saturdays, Sundays and public holidays.

115. Given the separation and vegetation buffer between the neighbouring residential properties and the application site, the Head of Strategic Infrastructure and Economy does not consider that that the proposed development would have any adverse impact on residential amenities in accordance with Policy WCS14 of the Worcestershire Waste Core Strategy and Policy SWDP 31 of the South Worcestershire Development Plan.

Ecology and biodiversity

116. The applicant confirms that no alterations to the landform at the site are proposed and no trees would be removed.

117. The County Ecologist has no objections to the proposal.

118. In view of the above, the Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have any adverse impact on ecology and biodiversity in accordance with Policy SWDP 22 of the South Worcestershire Development plan.

The water environment

119. At the present, surface water drains to the north of the site.

120. The applicant intends to surface the yard area with concrete, and in doing so, would install a formal drainage scheme, including, silt and soil traps.

121. The applicant states that water gathered from the yard would be fed through the processing plant and re-used to top up the supply for the road sweepers.

122. The applicant states that there is no intention to discharge processed water from the site. The processed water from the unit is sent to a flocculating plant and then into settlement tanks.

123. The Lead Local Flood Authority have recommended a condition relating to the provision of a surface water drainage scheme.

124. In view of the above, subject to the impositions of conditions relating to drainage, the Head of Strategic Infrastructure and Economy is satisfied that the proposed development would not have any adverse impact on the water environment in accordance with Policy SWDP 29 of the South Worcestershire Development Plan.

Traffic and highways safety

125. The proposed traffic movement includes a maximum of 14 sweepers and 2 tankers per day, arriving mid-morning and late afternoon and a maximum of 2 product/waste export vehicles per day.

126. There would be a maximum of 6 staff cars per day when the plant is operating, every 2 -3 days, arriving first thing and then leaving mid to late afternoon.

127. The applicant states that the above equates to an average of 3 vehicle movements per hours in an 8 hour day.

128. The applicant states that all of the vehicles routinely arriving and departing from the site are or would be under the direct control of the applicant or can be managed by the applicant through specific contract arrangements.

129. The application site is accessed from The Saltway (B4090). Approximately 100 metres from a bridge over the railway, via a wide bellmouth shared with the domestic access to Station House (to the east), and access to a few semi-detached residential properties and associated vehicle parking to the west. The access road is gently inclined down towards the railway.

130. The applicant states that it is proposed that specific arrival/departure windows outside the peak traffic flow times for the Saltway would be agreed with Worcestershire County Council Highways Authority in accordance with Policy WCS 8 of the Waste Core Strategy for Worcestershire. They state that this would apply to all vehicles with the exception of staff cars.

131. The facility would not be open to the public or to any form of casual or passing 'trade'.

132. The County Highways Officer has no objections to the proposal.

133. In view of the above, the Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have any adverse impact on traffic and highways safety and is, therefore, in accordance with Policy SWDP 4 of the South Worcestershire Development Plan.

Pollution Control

134. The application site is located adjacent to a closed landfill site. Worcestershire County Council's Pollution Control Team initially raised concerns in relation to the integrity of the bank between the application site and the closed landfill site bordering it. The documentation points out that at some locations, there is a difference in ground levels of approximately 3.5m and the work that the applicant has or is planning to carry out could have implications on the bank's integrity. They state that many years ago the ground sloped gently away from the closed landfill site towards the railway line, however, over time parts of the bank have been removed to leave a steep vertical slope on the boundary between the closed landfill site and the applicants land. This face has since been built back up by the applicant, and at present the new generator and container sit atop this. There is no way of knowing if these works, or any future works, will have affected the stability of the bund and what the potential implications to the closed site would be should the bund fail in the future.

135. In response, the applicant states that the generator and container would be elevated. The bank which forms the boundary with the landfill is supported at the northern end of the site. The retaining wall is currently being erected along the western boundary. This is to be continued until the exposed bank is fully supported. The applicant states that the bank has been in this form for some years without any significant issue. However, they are taking a precautionary approach given the activity now proposed.

136. In light of the further information, the Pollution Control Officer has requested that the completion of the works to shore up the bank all along the boundary can be made a condition of any planning permission to reassure them that the rest of the works will be completed.

137. The Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have implications on the bank's integrity and, therefore, would not have detrimental impacts on the environment and human health in accordance with Policy SWDP31 of the South Worcestershire Development Plan.

Conclusion

138. The Head of Strategic Infrastructure and Economy considers that the proposed development contributes to the delivery of sustainable development by recovering waste materials and, therefore, driving waste management up the waste hierarchy.

139. The application site is located in Level 5 of the Geographic Waste Hierarchy. In accordance with Policy WCS 3 of the Waste Core Strategy, the Head of Strategic Infrastructure and Economy considers that the proposed location is appropriate.

140. The Head of Strategic Infrastructure and Economy has considered the applicant's very special circumstances in attempt to overcome Green Belt restrictions, however, he does not consider that the applicant has demonstrated very special circumstances that

outweigh the potential harm to the Green Belt. In particular, the applicant has given no locational reason as to why the plant needs to be located on this site within the Green Belt and would not maintain the openness of the Green Belt

141. The proposal is, therefore, considered to be contrary to Section 9 ("Protecting Green Belt Land") of the National Planning Policy Framework; Policy WCS 13 of the Worcestershire Waste Core Strategy and Policy SWDP 2 of the South Worcestershire Development Plan.

142. The Head of Strategic Infrastructure and Economy considers that the proposal would promote continuation of employment opportunities and is, therefore, in accordance with Policy SWDP 12 of the South Worcestershire Development Plan.

143. The Head of Strategic Infrastructure and Economy is satisfied that the proposed development would be well screened from public view and would not have any adverse impact on the landscape character of the area in accordance with Policy SWDP25 of the South Worcestershire Development Plan.

144. Given the separation and vegetation buffer between the neighbouring residential properties and the application site, the Head of Strategic Infrastructure and Economy does not consider that that the proposed development would have any adverse impact on residential amenities in accordance with Policy WCS14 of the Worcestershire Waste Core Strategy and Policy 31 of the South Worcestershire Development Plan.

145. The Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have any adverse impact on ecology and biodiversity in accordance with Policy SWDP 22 of the South Worcestershire Development plan.

146. The Head of Strategic Infrastructure and Economy is satisfied that the proposed development would not have any adverse impact on the water environment in accordance with Policy SWDP 29 of the South Worcestershire Development Plan.

147. The Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have any adverse impact on traffic and highways safety and is, therefore, in accordance with Policy SWDP 4 of the South Worcestershire Development Plan..

148. The Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have implications on the bank's integrity and, therefore, would not have detrimental impacts on the environment and human health in accordance with Policy SWDP31 of the South Worcestershire Development Plan, subject to a condition recommended by the Pollution Control Team requesting the completion of the works to shore up the bank all along the boundary with the adjacent closed landfill site, should planning permission be granted.

Recommendation

149. The Head of Strategic Infrastructure and Economy recommends that planning permission be refused for the part-retrospective application for a proposed materials recovery plant to process road sweepings and highway drainage clearance material on Land at Station House, Saltway, Hanbury, Worcestershire, for the following reason:

The proposal is considered to be inappropriate development and accordingly harmful to the Green Belt contrary to Section 9 ("Protecting Green Belt Land") of the National Planning Policy Framework; Policy WCS 13 of the Worcestershire Waste Core Strategy and Policy SWDP 2 of the South Worcestershire Development Plan.

Contact Points

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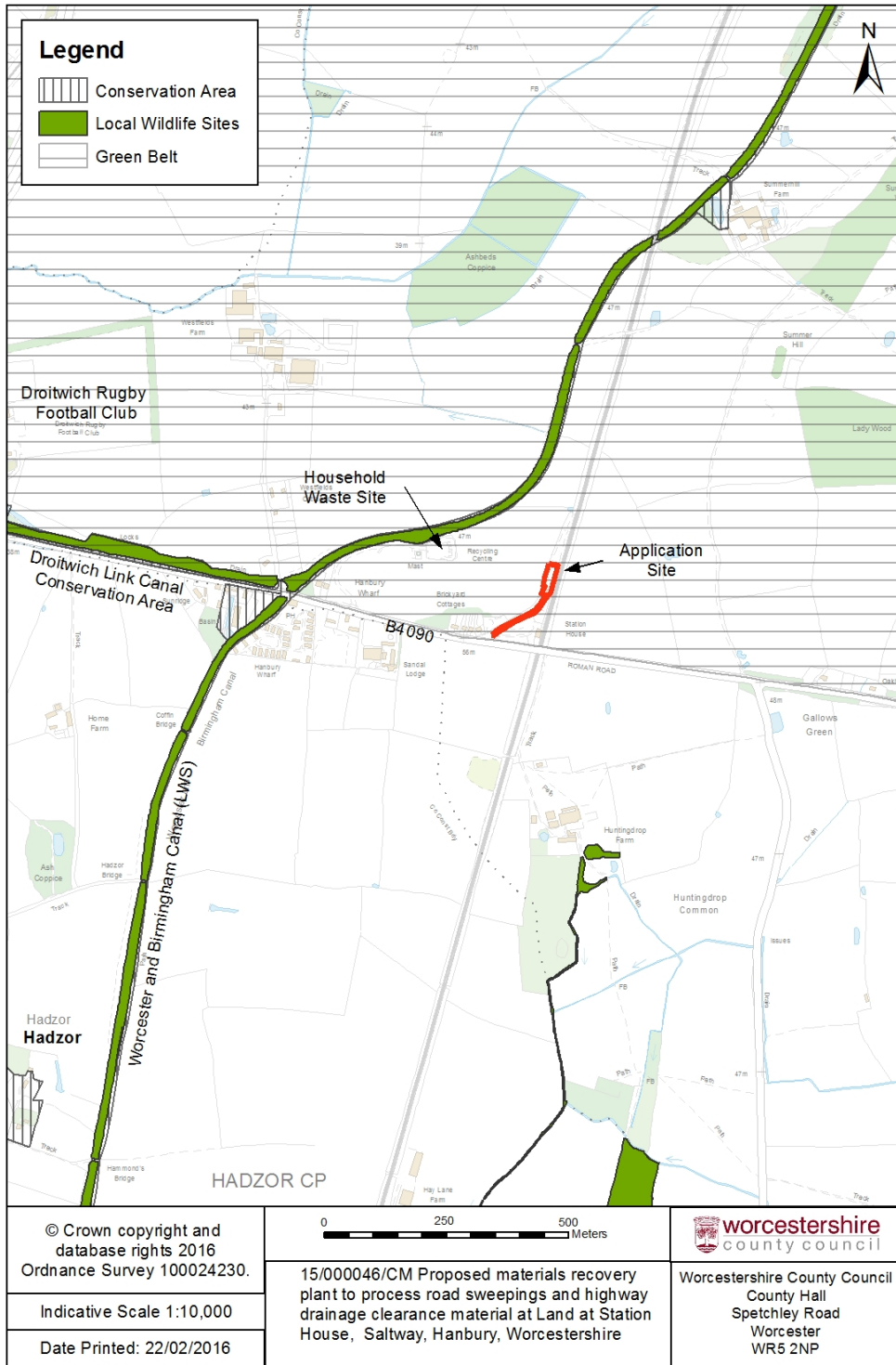
Email: mbishop@worcestershire.gov.uk

Background Papers

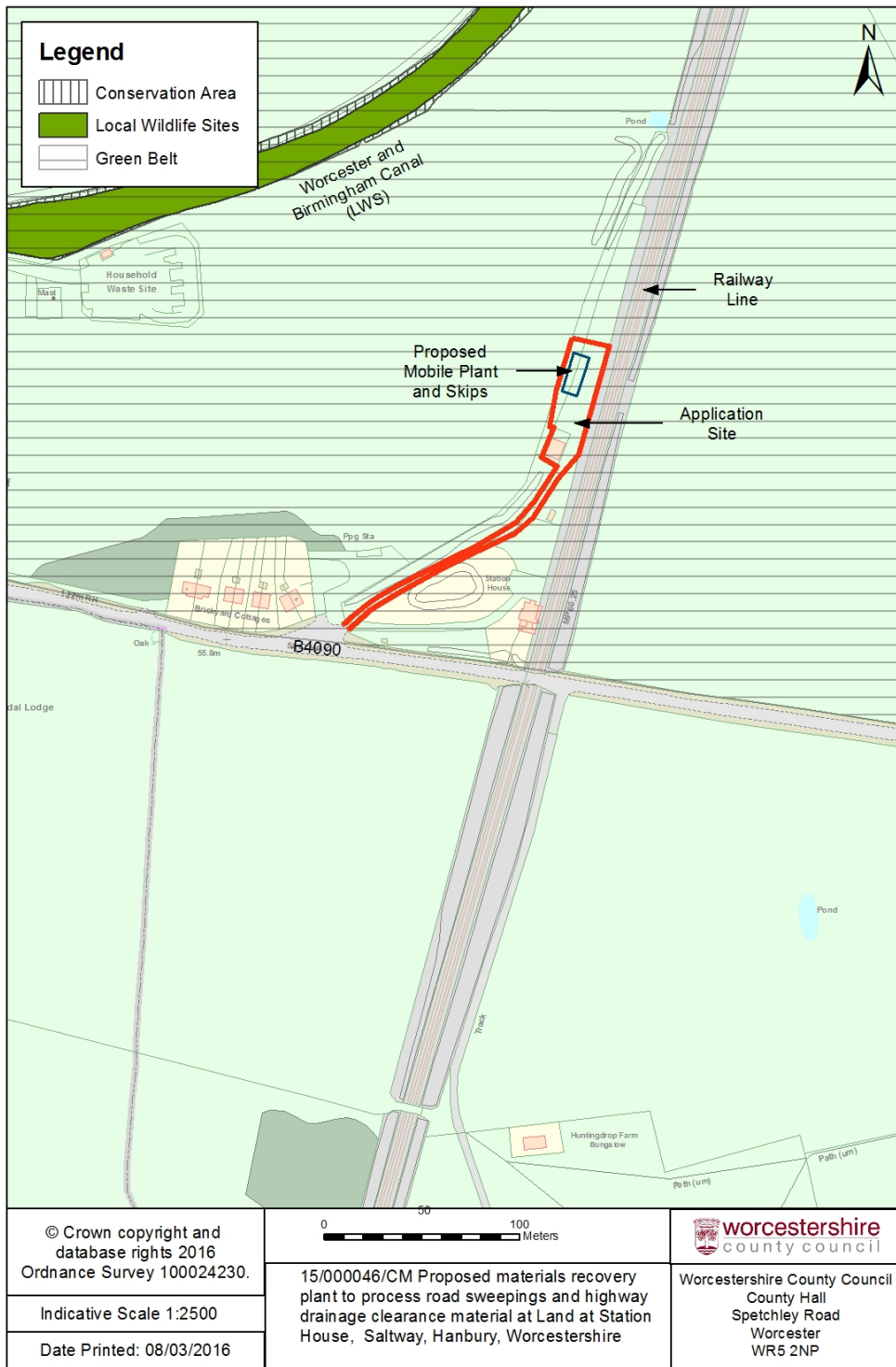
In the opinion of the proper officer (in this case the Head of Strategic Infrastructure and Economy) the following are the background papers relating to the subject matter of this report:

The application, plans and consultation replies in file reference 15/000046/CM.

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**PLANNING AND REGULATORY COMMITTEE
22 MARCH 2016****PROPOSED CONSTRUCTION OF A TWO-STOREY
SCIENCE PARK BUILDING TOGETHER WITH ASSOCIATED
CAR PARKING AND LANDSCAPING TO REPLACE THE
EXISTING DYTECNA BUILDINGS TO FORM PHASE 5 OF
THE MALVERN HILLS SCIENCE PARK, GERALDINE ROAD,
MALVERN, WORCESTERSHIRE.**

Applicant

Worcestershire County Council

Local Member(s)

Mrs L C Hodgson

Purpose of Report

1. To consider an application under Regulation 3 of the Town and County Planning General Regulations 1992 for planning permission for the proposed construction of a two-storey science park building together with associated car parking and landscaping to replace the existing Dyteca buildings at Malvern Hills Science Park, Geraldine Road, Malvern, Worcestershire.

Background

2. Worcestershire County Council have received a grant from Worcestershire Local Enterprise Partnership (LEP) that would enable the existing outdated building known as Aspen House/Dytecna building to be demolished and replaced with a newer modern facility as Phase 5 of the Malvern Hills Science Park.

3. The existing Dyteca building is located on the Malvern Hills Science Park site, which has been used by a number of companies who specialise in the field of science and technology. The proposed new building would be an expansion of the adjacent Malvern Hills Science Park buildings, which follows on from the construction of the Phase 4 building, which is located at the north-eastern side of the Science Park site. The proposed building would be available to new and existing companies to develop and expand their businesses. It is anticipated that the new accommodation would bring further investment and employment to the County. The building would be managed by Malvern Hills Science Park.

4. An application was submitted to the County Planning Authority in October 2015 seeking to demolish the existing Aspen House/Dytecna building through the prior notification process. The County Planning Authority determined that prior approval of the Council was not required and that the demolition could be carried out.

The Proposal

5. The application comprises of the proposed construction of a two-storey science park building together with associated car parking and landscaping to replace the existing Dytechna buildings at Malvern Hills Science Park, Geraldine Road, Malvern, Worcestershire.
6. The application site measures approximately 0.81 hectares.
7. The proposed building would accommodate office and research and development (B1 (a) and (b) use classes). The proposed building would provide flexible 'grow-on' space to retain established tenants and allow for future growth within the existing Science Park. This would reduce the need for existing tenants to look elsewhere for appropriately sized business premises.
8. The applicant states that the proposed building would accommodate a maximum occupancy of 112 people based on the *Employment Densities Guide*, published on the Government website, which gives a guide figure of 10 square metres per person for Business Park accommodation. The office area for Phase 5 is approximately 1102 square metres.
9. The proposed built development would be located on the footprint of the existing Dytechna buildings. The proposed built development would measure approximately 48 metres by 16 metres by 9 metres in height. The proposed development would be sited approximately 60 metres from the rear boundaries of the neighbouring residential properties along Geraldine Road. The proposed built development sits perpendicular to the existing Phase 1 Malvern Hills Science Park building.
10. The applicant states that the internal layout of the building has been designed to provide the maximum flexibility and efficiency. This provides the option for tenants to occupy different amounts of floor space, enabling a greater mix of tenants and adaptability as tenant businesses develop and grow.
11. The proposed building would have a curved roof which is similar to the roof style of the existing buildings within the Science Park. The roof would be constructed from 'Evalon' roofing membrane in a dark slate grey colour. The applicant states that the proposed membrane may have a slight sheen when new but this would quickly disappear when the material has been installed. The applicant states that the roof covering would not be visible from the ground and when viewed from the top of the Malvern Hills, it would be very unlikely that the surface finish would be discernible.
12. The external walls would comprise of Polyester Powder Coating (PPC) aluminium curtain walling with opening lights to provide natural ventilation; Polyester Powder Coating (PPC) rainscreen cladding; facing brickwork in blue engineering brick, laid in stretcher bond, with sawtooth bricks used as a feature plinth and metal louvres to the plant area at the southern end of the proposed building.
13. There are two external escape stairs made of galvanized steel, with powder coat finish to strings and balustrades.

14. The applicant states that the proposed building design would target energy efficiency through air tightness and thermal insulation to the external envelope.
15. The orientation of the proposed building, facing east/west, together with the incorporation of 'brise soleil', which is an architectural feature of a building that reduces heat gain within the building by deflecting sunlight; overhanging roofs and light shelves, take maximum advantage of the available daylight, whilst providing passive solar gain in the winter and passive solar shading in the summer. The building is designed to be naturally ventilated.
16. The proposal comprises of 56 new car-parking spaces, including 3 new disabled spaces, together with the relocation of 13 standard and 2 disabled spaces from elsewhere on the Science Park site, following the reorganisation of the circulation routes, are proposed to the east and west of the proposed built development. 35 existing car parking spaces would be retained at the front of the existing main Dyteca building. In addition, 10 new cycle storage bays are proposed.
17. Vehicular and pedestrian access is proposed via the existing access into the site from Thirlstane Road East. As part of the proposals, the existing main access into the site would be improved by widening to allow the manoeuvring of large services vehicles easier into the Science Park.
18. The Science Park need to maintain a secure boundary around the site, therefore, it is proposed to retain the existing perimeter fence at the site.
19. The proposed boundary fencing at the south-eastern corner of the site would be low level timber fencing together with timber clad metal gates to match the existing.
20. The applicant considers that the demolition of the existing building and the construction of the new development comprising of a high quality landscaped area, which would include a new plaza connecting the new building with the existing Phase 1 building, would reinforce the approach to the main Phase 1 and 2 buildings in the heart of the Science Park and open up the site, to allow views on to the site from the surrounding area and adjacent roads.
21. A Transport Assessment accompanies the planning application. Analysis of the latest three year collision history was undertaken for the Geraldine Road route close to the site. Based on the analysis of the collision history, the transport assessment concludes that there is not a significant road safety issue associated with Geraldine Road.
22. It concludes further that there are not anticipated to be any additional negative transport implications associated with the proposed development when compared with the existing use.
23. A Travel Plan accompanies the planning application. The applicant states that the implementation of this new Travel Plan would help promote sustainable travel methods to employees and visitors to the Science Park site.

24. The Travel Plan refers to the locations of the bus stops in the immediate vicinity of the Malvern Hills Science Park. Bus services 44, 44D and 365 call at the stops along Geraldine Road. Alternatively, bus service number 42 stops along Poolbrook Road, which is a 10 minute walk from the application site. Furthermore, bus services 362 and 364 stop along Court Road, which is accessed via Public Right of Way (reference number 880(A)) that runs along the southern boundary of the Science Park.

25. A Flood Risk Assessment accompanies the planning application and concludes that the site is located in Flood Zone 1 and has (little or no risk) of flooding. It acknowledges that the proposed building is planned to replicate existing ground level and have no significant impact in terms of flood storage. It recommends that a suitable surface water drainage strategy would mitigate any increased run-off that may result from the proposed building and associated works.

26. Storm and foul drainage would be connected to the existing drains on site.

27. An Ecological Appraisal and Bat Survey accompanies the planning application and concludes that the western section of the existing main Dytecna building (including the tower and rooms at the base of the tower) and the south-eastern gas meter block are considered to have low suitability for roosting bats even though there are a significant number of potential ingress points and roosting opportunities. However, no bats were found to be roosting in these buildings during a single bat emergence survey. Therefore, there appear to be no obvious and immediate issues with regard to bats under the Wildlife and Countryside Act 1981 (as amended) or the Conservation of Habitats and Species Regulations 2010. The report recommends that any destructive works to these buildings should only be undertaken between late September and early April in any given year when any bats are highly unlikely to be roosting within the buildings and that vegetation clearance should be undertaken outside the bird breeding season.

28. A landscaping plan accompanies the planning application, which shows that 14 trees are proposed to be removed. These trees comprise of 9 conifers and 3 cherry trees along the southern boundary, together with 2 trees at the northern side of the site to allow improvements to be made to the existing access. It is proposed to retain 7 cherry trees along the southern boundary.

29. The applicant included an Archaeological Assessment as part of their submission following advice from their Historic Environment Advisor who states that although Prehistoric and Romano-British archaeological remains have been found to the south of the Dytecna Building, on the south side of the access road in the area of The Malvern Technology Centre and The Chase School, fieldwork has shown that these remains do not appear to extend north of this and it is not considered that the Dytecna site would contain significant archaeological remains. Therefore, they consider that no form of archaeological assessment of the site is required.

30. The core business hours for the existing Malvern Hills Science Park buildings are 08:30am to 17:30pm Mondays to Fridays. Individual tenants can work beyond these hours, including Saturdays. The applicant states that the number of employees who are based in the existing Malvern Hills Science Park buildings and currently work outside of the core hours is small. The proposed business hours for the proposed development would be similar to the existing tenants at Malvern Hills Science Park.

31. The contractor's access would be located through the existing main Dytecna gates accessed via Thirlstane Road East. The site compound will be located within the fenced site area and the applicant has confirmed that details would be provided by the contractor following the tender process.

The Site

32. The application site is located approximately 2 kilometres south-east of Malvern town centre and measures approximately 1.2 hectares.

33. The application site is bound by Malvern Hills Science Park to the north; Poolbrook playing fields to the west; residential dwellings located along Geraldine Road to the east and Thirlstane Road East to the south, which leads to Malvern Technology Centre. Beyond this road is 'The Chase School'.

34. The nearest residential properties are no. 58 – 72 Geraldine Road. The rear boundary of no. 72 Geraldine Road abuts the application site boundary to the east. The rear boundaries of no's 66 - 70 Geraldine Road are sited approximately 9 metres east of the application site at their closest point. 58 – 64 are sited approximately 45 metres east of the application site boundary.

35. There are existing intermittent tall mature hedgerows along the western, southern and eastern boundaries.

36. The existing Malvern Hills Science Park site comprises of Phases 1-4, which includes one to four storey offices, which comprise of B1 and laboratory uses. Most recently, Phase 4 has been constructed on the north-east corner of the site.

37. The location for the new proposed building is currently occupied by the Dytecna buildings, which were constructed in the mid 1960's. The existing main Dytecna building measures approximately 108 metres by 73 metres by 13 metres in height at its highest point.

38. The Malvern Hills Area of Outstanding Natural Beauty (AONB) and Site of Special Scientific Interest (SSSI) are sited approximately 540 metres to the west of the application site. The Malvern Hills can be viewed from the application site. As the Malvern Hills are a raised vantage point, the application site is, therefore, visible from views looking down from the Hills.

39. Great Malvern Conservation Area is sited approximately 365 metres west of the application site.

40. The application site is located approximately 375 metres west of Guarford Green & Rhydd Green Local Wildlife Site (LWS) and 355 metres west of Malvern & Lower Wyche Commons LWS.

41. The application site is located with Flood Zone 1, which is an area not at risk of flooding.

42. Public Right of Way (reference number 880 (A)) runs adjacent to the application site to the south, together with National Route 46 of the National cycle Network, which will connect Bromsgrove to Neath once complete. This Public Right of Way provides access to Court Road, which accommodates stopping points for bus services 362 and 364.

Summary of Issues

43. The main issues in the determination of this application are:

- Local Economy
- Landscape Character and Appearance of the Area
- Residential Amenity
- Water Environment
- Traffic and Highways Safety, and
- Ecology and Biodiversity.

Planning Policy

National Planning Policy Framework (NPPF)

44. The National Planning Policy Framework (NPPF) was published and came into effect on 27 March 2012. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It constitutes guidance for local planning authorities and decision takers and is a material planning consideration in determining planning applications. Annex 3 of the NPPF lists the documents revoked and replaced by the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through plan-making and decision-taking.

45. Sustainable Development is defined by five principles set out in the UK Sustainable Development Strategy:

- "living within the planet's environmental limits;
- ensuring a strong, healthy and just society;
- achieving a sustainable economy;
- promoting good governance; and
- using sound science responsibly".

46. The Government believes that sustainable development can play three critical roles in England:

- an economic role, contributing to a strong, responsive, competitive economy
- a social role, supporting vibrant and healthy communities and
- an environmental role, protecting and enhancing our natural, built and historic environment.

47. The following guidance contained in the NPPF, is considered to be of specific relevance to the determination of this planning application:-

- Section 1: Building a strong, competitive economy
- Section 4: Promoting sustainable transport
- Section 7: Requiring good design

- Section 8: Promoting healthy communities
- Section 10: Meeting the challenge of climate change, flooding and coastal change
- Section 11: Conserving and enhancing the natural environment

The Development Plan

48. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan consists of the South Worcestershire Development Plan.

49. Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

50. Annex 1 of the NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. However, the policies contained within the NPPF are material considerations. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the NPPF. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

Adopted South Worcestershire Development Plan

51. The South Worcestershire Development Plan (SWDP) covers the administrative areas of Worcester City Council, Wychavon District Council and Malvern Hills District Council. The SWDP is a Development Plan Document which sets out strategic planning policies and detailed development management policies. The SWDP also allocates sites for particular types of development and sets out policies on site specific requirements. It covers the period 2006-2030. The SWDP was adopted on 25 February 2016 and is subject to a six week High Court challenge period. Notwithstanding this, full weight should be given to the SWDP in the determination of this application.

52. The SWDP policies that are relevant to the proposal are listed below:

Policy SWDP 1 Overarching Sustainable Development Principles
 Policy SWDP 2 Development Strategy and Settlement Hierarchy
 Policy SWDP 3: Employment, Housing and Retail Provision Requirement and Delivery
 Policy SWDP 4 Moving Around South Worcestershire
 Policy SWDP 5 Green Infrastructure
 Policy SWDP 7 Infrastructure
 Policy SWDP 8: Providing the Right Land and Buildings for Jobs
 Policy SWDP 21 Design
 Policy SWDP 22 Biodiversity and Geodiversity
 Policy SWDP 23: Areas of Outstanding Natural Beauty
 Policy SWDP 25 Landscape Character
 Policy SWDP 28 Management of Flood Risk
 Policy SWDP 29 Sustainable Drainage Systems
 Policy SWDP 31: Pollution
 Policy SWDP 38: Local Green Network
 Policy SWDP 52: Malvern Allocations
 Policy SWDP 53: Malvern Technology Centre (QinetiQ)

Other Material Planning Considerations

Worcestershire Local Enterprise Partnership (LEP) Business Plan 2012

53. This sets out the LEP vision, which is to "create the right economic environment to inspire businesses, encourage investment and to create lasting and sustainable employment in Worcestershire by 2017 and beyond". It also sets their key measures of success; their role; funding sources; and strategic objectives, which includes 'Objective 4: Planning, Development and Infrastructure'.

54. Objective 4 states that "*the LEP will work with key partners to deliver Worcestershire's strategic employment sites as a priority for inward investment as well as indigenous business expansion*". The list of key projects includes the Malvern Hills Science Park.

Worcestershire Local Enterprise Partnership's World Class Worcestershire Our Strategic Economic Plan (SEP)

55. The Strategic Economic Plan's (SEP) vision and strategic framework is to ensure that Worcestershire's economy grows even more rapidly and makes an increasingly important contribution to the national economy. The SEP aims to grow the local economy by 2025 by generating over 250,000 jobs and to increase GVA by £2.9 billion.

56. The SEP sets three objectives:

- Create a World Class business location
- Provide individuals with World Class Skills, and
- Develop World Class competitive and innovative business.

57. For each objective the SEP sets opportunities and challenges, for the 'Create a World Class business location' objective, 'Economic Game Changer sites' are identified as an opportunity. Four initial 'Game Changer' sites were selected; this includes the Malvern Hills Science Park. The plan promotes further investment and expansion of the Malvern Hills Science Park, which is successful and fully occupied, to develop the key factors of cyber security, defence and IT. It states that "the WLEP working with the County Council and Districts has developed the Worcestershire 'Game Changer Programme' to identify key development opportunities, coordinate public sector activity and work with private sector partners to deliver schemes with a significant sustainable economic impact... This Programme will focus on the delivery of sites of regional significance, which occupy strategic locations within their markets and provide major opportunities to lever market-led investment and deliver growth and jobs".

Consultations

58. Malvern Hills District Council has assessed the proposal against the following relevant policies of the Adopted South Worcestershire Development Plan:

- SWDP1 – Overarching Sustainable Development Principles
- SWDP2 – Development Strategy and Settlement Hierarchy
- SWDP8 – Providing the Right Land and Buildings for Jobs

- SWDP21 – Design
- SWDP22 – Biodiversity and Geodiversity
- SWDP23 – Areas of Outstanding Natural Beauty
- SWDP25 – Landscape Character
- SWDP28 – Management of Flood Risk, and
- SWDP29 – Sustainable Drainage Systems.

59. The District Council's comments have been endorsed by Councillor J O'Donnell. They state that the application site lies in Malvern Town and is, therefore, considered a sustainable location with good access to the site and nearby services and facilities without the need for the private car. The proposal would replace an existing much larger employment unit known as Dytechna. Whilst the demolition of Aspen House could result in a loss of overall employment floor space, the proposed building has been designed to meet the more modern requirements of 'office and research development' uses in the current market. Therefore, the proposal would still deliver the provision of employment in line with Policy SWDP 8 and the National Planning Policy Framework. The application site and wider Science Park is also an established employment site, which has benefited from a number of planning permissions for new employment buildings. With that in mind and on the basis of the above policies and guidance, it is considered that the principle for the development is acceptable, subject to the details relating to materials; landscaping; hardscaping; access, turning and parking; planting; sustainable drainage; biodiversity enhancement and archaeology.

60. Malvern Town Council supports the proposed development but have expressed concerns about sun reflecting off the roof of the building.

61. The County Highways Officer recommends that on any planning permission granted, the County Planning Authority may wish to impose conditions relating to access, turning area, cycle and vehicle parking; the submitted travel plan and electric vehicle charging points.

62. They state that whilst this is a significant redevelopment project, the proposed building is smaller than the buildings that already occupy the site; consequently the application would result in a reduction of vehicle movements from that which could be experienced today which results in a net benefit to the highway network. Notwithstanding this, they state that the applicant should look to exploit sustainable transport opportunities where they exist.

63. South Worcestershire Land Drainage Partnership states that the flood risk information provided includes an assessment of flood risk from surface water as requested. The FRA recommends three mitigating measures to deal with the residual surface water flood risk: setting appropriate minimum proposed ground floor levels; incorporating flood proofing measures; implementing an effective Flood Evacuation Management Plan (FEMP) to ensure safe access and egress from the site. The Officer acknowledges that no details are included in the FRA and, therefore, recommends that these matters can be covered by conditions. The Officer advises that consultation regarding FEMP requirements should take place with the County Planning Authority's Emergency Planning Officer.

64. The Lead Local Flood Authority is generally supportive in principle of the scheme set out for surface drainage on this site. However they would like to make the following comments.

65. They state that the Flood Risk Assessment suggests that no on site ground testing has been completed for this site and, therefore, the levels of infiltration available are unknown. Whilst a desk based study shows that it is likely that there will be no infiltration on site, ground conditions should be tested, and if any infiltration is possible then full use should be made of this option.

66. They state that no information has been given on the detailed design of the Sustainable Urban Drainage scheme (SuDS) on site. The LLFA would like to see what other SuDS, if any, would be used on site to manage the surface water. The LLFA would like to see opportunities should be sought on site to improve water quality with a minimum of two treatment stages.

67. The LLFA preference is for at-surface level SuDS features that should form part of an integrated and multifunctional green infrastructure network and which provide opportunities for biodiversity, open space and place making opportunities. The SuDS on site and the attenuation used are underground. The LLFA would like consideration to be given to the use of above ground features.

68. Given the issues of water stress affecting the County, they would welcome proposals for rainwater harvesting and grey water recycling.

69. Following the decision from Government on the non-commencement of Schedule 3 of the Flood and Water Management Act 2010, Worcestershire County Council (WCC) did not become a SuDS Approving Body (SAB). WCC's current policy is to not adopt SuDS on new developments. It is, therefore, recommended that suitable and adequate private arrangements are put in place for the maintenance of all SuDS on the site for the lifetime of the development.

70. Based on the above they recommend the imposition of a condition relating to the provision of a SuDS Management Plan to ensure compliance with the National Planning Policy Framework and National Planning Practice Guidance.

71. Severn Trent Water Limited has no objections to the proposals subject to the inclusion of a condition relating to the disposal of foul and surface water flows.

72. Worcestershire Regulatory Services (Air Quality) has no adverse comments to make on the application in relation to air quality.

73. Worcestershire Regulatory Services (Noise) – has no comments to make on the application in relation to noise but directs the applicant to Worcestershire Regulatory Services “Code of Best Practice for Demolition and Construction Sites” for best practice during demolition and construction.

74. Worcestershire Regulatory Services (Contaminated land) have no objections, however, they state that a detailed site investigation would be required and they recommend a contaminated land condition to ensure that this takes place so that any potential contamination at the site is appropriately assessed and addressed if necessary.

75. The County Landscape Officer has no objection from a landscape perspective. The proposal to remove mature conifers and site the building to open views to the

Malvern Hills is welcomed together with the proposal to plant broadleaf trees to boost the site's green infrastructure and create a filtered view.

76. The County Ecologist has no objections to the proposal subject to conditions relating to the protection of breeding birds; trees and hedgerows and protected species; submission of a lighting plan and a plan showing the proposed locations for bat and bird boxes.

77. Worcestershire Wildlife Trust does not wish to object to the proposed development and are content to defer to the County Ecologists for consideration of all on-site ecological issues.

78. Malvern Hills AONB Partnership states that much of the colour of built development in Malvern is dominated by red brick elevations and dark grey roofs. They state that if the current proposal fits that then it is unlikely to be controversial.

79. Emergency Planning Manager has commented based on the Revised Flood Risk Assessment statement Sequential Test that the building has a 1:1000 potential to experience flooding. They are content with the statements made for emergency vehicle access and for staff access and egress; however, in relation to the Flood Evacuation Management Plan they state that this should be covered by generic Business Continuity arrangements for the facility and through the tenant's own Business Continuity arrangements. If required this can be specified in a Planning Condition.

80. The County Archaeologist was consulted by the applicant at the pre-application stage and advised that although Prehistoric and Romano-British archaeological remains have been found to the south of the Dyteca Building, on the south side of the access road in the area of The Malvern Technology Centre and The Chase School, fieldwork has shown that these remains do not appear to extend north of this and, therefore, it is not considered that the Dyteca site would contain significant archaeological remain. On this basis they advised that they would not require any form of archaeological assessment of the site. Consequently, they have no comments to make regarding the current application.

81. Public Right of Way Manager – No comments received.

Other Representations

82. In accordance with the Development Management Procedure Order 2010, the application has been advertised on site, in the press and through neighbour notification letters. Six letters of representation have been received from members of the public commenting on the proposal to date. Two of the letters object to the proposal. The remainder comment on the proposal. The letters of representation are available in the Members Support Unit.

83. The concerns raised include:

Proposed parking provision

- Concerns that the proposed provision of 56 parking spaces for 235 staff is inadequate and that as a result, parking will overspill onto Geraldine Close contributing to the existing overflow parking from the Chase School the existing

Science Park units and the new Science Park unit nearing completion, causing more congestion

- Requests the consideration of resident-only schemes along Geraldine Road to prevent overspill
- Concern that increased parking along Geraldine Road will increase the number of bumps and scrapes
- Where will visitors to the building park?
- Would like to see a more comprehensive travel plan including contingency plans should the number of vehicles attempting to park at the site be higher than the data suggests.

Increased traffic

- Increased traffic along Geraldine Road and the safety of road users
- Request traffic calming measures
- Request for improvement to the access.

Lighting

- Lighting of the building and wider site during the night. Local residents appreciate the need for security lighting; however they ask that the location of lighting be considered so that it does not shine in the direction of residential properties. Suggestions include; putting the lighting on a timer and low level/orange lighting.

Scale

- The height of the building would reduce view of the hills from properties
- Overlooking into properties from second floor. They suggest solutions such as, smart glass, which is opaque in different lighting conditions; external window "dressing" to break up the views towards overlooked buildings and gardens and tree and vegetation planting to screen overlooked buildings and gardens.

Design

- The colour of the building material – request that the building is constructed in natural materials and not coloured light grey like the recent phase currently under construction
- Concerns that building the development using "blue engineering brick" would not be in keeping with the adjacent buildings in varying forms of grey and green.

Noise

- Noise from air conditioning. They suggest that measures are put in place to direct the noise away from residential properties and it should be ensured that outlets are large enough to prevent forced air from creating noise.

Adjacent bridleway

- Suggestion that the present bridleway could be rerouted to use the access road rather than the footway.

Construction works

- Due to the close proximity of the proposed development to residential properties, request that the following condition be imposed: "*no demolition, ground work or construction work on the site outside the hours of 07:30 – 18:00 Mondays to Fridays and 08:00- 13:00 on Saturdays with no workings on Sundays and public holidays*".

84. Comments were also submitted supporting the principal of the application. Local residents welcome the improvement of the site and the whole frontage of QinetiQ access road especially if it involves removal of the barbed wire fencing at the front of the site.

The Planning Development Control Manager's Comments

85. As with any planning application, this application should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The relevant policies and key issues have been set out earlier.

Local Economy

86. The applicant states that the proposed development would allow the Science Park to expand and create new specialist employment opportunities in the Malvern area. The building would provide greater flexibility and opportunities to retain and attract businesses to the Science Park. The proposed building would accommodate a maximum of 112 employees.

87. Policy SWDP 8 of the South Worcestershire Development Plan, which relates to providing the right land and buildings for jobs, states that in order to support the aims of the Worcestershire Economic Strategy, land at the Malvern Hills Science Park will only be released for new B1(b) use class floor space. This is to ensure the provision of additional incubator and research facilities within acceptably close proximity to the established research and development facilities already concentrated at Malvern and to maintain capacity within south Worcestershire for future research-based employment.

88. The proposed building would accommodate office and research and development. The proposed building would provide flexible 'grow-on' space to retain established tenants and allow for future growth within the existing Science Park. This would reduce the need for existing tenants to look elsewhere for appropriately sized business premises.

89. Furthermore, Worcestershire's Strategic Economic Plan identifies the Science Park as an Economic Game Changer site. As such, the plan promotes the expansion of the successful and fully occupied Science Park to develop the key sectors of cyber security, defence and IT.

90. In view of the above, the Planning Development Control Manager is satisfied that the proposal is in accordance with Policy SWDP 8 and Policy SWDP 52 of the South Worcestershire Development Plan and is, therefore, acceptable.

Landscape Character and Appearance of the Area

91. A Landscape and Visual Impact Assessment accompanies the planning application. The Assessment concludes that the proposed building would complement the existing Science Park buildings and unify the site in an interesting and open arrangement retaining space and open views from ground level around and between the buildings. The glass and columns on the building frontage provide an inside and outside connection in keeping with the rest of the site. The removal of overlarge conifers would improve visual connectivity with views, filtered through proposed trees, possible between the site and the immediate surroundings, including cycle route 46 and more distant views to the Malvern Hills. Furthermore, the assessment concludes that views from adjacent properties and the school would not be significantly affected. There would be a moderate improvement in visual amenity in the area as a result of the scheme and a slight improvement in the quality of the area which would benefit the local landscape character.

92. The Malvern Hills Area of Outstanding Natural Beauty (AONB) and Site of Special Scientific Interest (SSSI) is sited approximately 540 metres to the west of the application site. The Malvern Hills can be viewed from the application site. As the Malvern Hills are a raised vantage point, the application site is, therefore, visible from views looking down from the Hills.

93. The proposed building would have a curved roof which is similar to the roof style of the existing buildings within the Science Park. The roof would be constructed from 'Evalon' roofing membrane in a dark slate grey colour. The applicant states that the proposed membrane may have a slight sheen when new but this would quickly disappear when the material has been installed. The applicant states that the roof covering would not be visible from the ground and when viewed from the top of the Malvern Hills, it would be very unlikely that the surface finish would be discernible.

94. The external walls would comprise of Polyester Powder Coating (PPC) aluminium curtain walling with opening lights to provide natural ventilation; Polyester Powder Coating (PPC) rainscreen cladding; facing brickwork in blue engineering brick, laid in stretcher bond, with sawtooth bricks used as a feature plinth and metal louvres to the plant area at the southern end of the proposed building.

95. There are two external escape stairs made of galvanized steel, with powder coat finish to strings and balustrades.

96. The applicant considers that the size and location of the Dyteca building at the present, dominates the site and obscures the entrance to the Science Park, which has been developed over the last 15 years on land to the north and east of the building.

97. The applicant considers that the demolition of the existing building and the construction of the new development comprising of a high quality landscaped area, which would include a new plaza connecting the new building with the existing Phase 1 building, would reinforce the approach to the main Phase 1 and 2 buildings in the heart of the Science Park and open up the site, to allow views on to the site from the surrounding area and adjacent roads.

98. A landscaping plan accompanies the planning application, which proposes to improve the landscaping along the boundary with Thirlstane Road East and to extend the grass and tree planting closer to the entrance.

99. The County Landscape Officer has no objection from a landscape perspective. They welcome the proposal to remove mature conifers and site the building to open views to the Malvern Hills, together with the proposal to plant broadleaf trees to boost the site's green infrastructure and create a filtered view.

100. The AONB Partnership states that much of the colour of built development in Malvern is dominated by red brick elevations and dark grey roofs. They states that if the current proposal fits that then it is unlikely to be controversial

101. Based on the information above, the Planning Development Control Manager considers that the design of the scheme is in keeping with the existing buildings within the Malvern Hills Science Park complex; is satisfied that the scale of the proposed building would not dominate the site and is assured that the proposed development, particularly the non-shiny roofing material proposed would not have a significant adverse visual impact on the views from the Malvern Hills AONB and on the immediate character and appearance of the area in

accordance with Policy SWDP 21 and SWDP 23 of the South Worcestershire Development Plan.

Residential Amenity

102. The nearest residential properties are no. 58 – 72 Geraldine Road. The rear boundary of no. 72 Geraldine Road abuts the application site boundary to the east. The rear boundaries of no's 66 - 70 Geraldine Road are sited approximately 9 metres east of the application site at their closest point, which is the proposed car park. The closest residential boundary, 70 Geraldine Road is sited approximately 53 metres east of the proposed building. No's 58 – 64 are sited approximately 45 metres east of the application site boundary.

103. Concerns were raised by local residents about the inadequacy of the proposed parking provision, which would contribute to existing overflow car-parking along Geraldine Road causing increased traffic, further congestion and a higher risk of bumps and scrapes.

104. The applicant has responded to these concerns and states that over 200 people were employed in the existing Dytecna buildings when they were fully occupied, but the Phase 5 building is very significantly smaller than the Dytecna building and the occupancy will also be much lower; there would be a maximum occupancy of 112 people employed.

105. The applicant states that the parking standards for the proposed new building are the same as those provided for the recently completed Phase 4 building, and include spaces for disabled parking and cyclists.

106. The proposal comprises of 56 new car-parking spaces, including 3 new disabled spaces, together with the relocation of 13 standard and 2 disabled spaces from elsewhere on the Science Park site following the reorganisation of the circulation routes, are proposed to the east and west of the proposed built development. 35 existing car parking spaces would be retained at the front of the existing main Dytecna building. In addition, 10 new cycle storage bays are proposed.

107. The applicant states that vehicle movements in and out of the Science Park currently include Dytecna and Science Park staff, and also construction traffic associated with Phase 4. Following the completion of Phase 4 and the demolition of the Dytecna building, the volume of traffic will decrease. At present, the Dytecna site is not part of the Science Park, and the parking spaces within the Dytecna site are for use by their staff and visitors only.

108. The applicant states that the above should resolve the current issues with Science Park staff parking in Geraldine Road. The size of the Dytecna site should also ensure that construction traffic associated with Phase 5 will be able to park within the site, whereas this was not always possible while Phase 4 was being constructed.

109. The County Highways Officer has seen the letters of representation and the concerns raised by local residents. He states that having regard to the previous use of the site the trip generation by all modes would be reduced; in short there will be less traffic as a result of this proposal.

110. The Highways Officer acknowledges the concerns raised about car parking levels, however paragraph 39 of the National Planning Policy Framework and the ministerial statement of 25th March 2015 means that the applicant is best placed to know the demands on the site, the interim parking standards of the Highway Authority supports this view. The Highways Officer, therefore, considers that the parking standards are appropriate and the site

is accessible by rail, bus walking and cycling with a travel plan provided to ensure that site users are encouraged to travel sustainably.

111. Malvern Hills District Council states that the proposed design, size and scale of the building appear to promote a high quality development, which would preserve the surrounding built; natural and historic environment. The development does not appear to have an adverse impact upon the surrounding highway network and provides a safe access for all.

Lighting

112. Lighting of the building and wider site during the night. Local residents appreciate the need for security lighting; however they ask that the location of lighting be considered so that it does not shine in the direction of residential properties. In response to the concerns raised, the applicant states that the existing car park between the proposed Phase 5 building and the residents will remain and an extra row of parking will also be provided. The lighting for the new spaces will have no upward light dispersal and will be designed to minimise any inconvenience to the residents. The applicant also states that lighting on the new building will also be designed to minimise inconvenience to the residents.

113. Worcestershire Regulatory Services were consulted on the planning application and have no objections to the proposal.

114. In view of these comments, the Planning Development Control Manager would recommend the imposition of a condition requiring the submission of lighting details for written approval.

Scale

115. Local residents have raised concerns about the scale of the building. Particularly, the height of the proposed building obstructing their views towards the Malvern Hills and overlooking from the proposed offices into their properties.

116. In response to these concerns, the applicant states that the proposed new building is located on the footprint of the existing main Dyteca building and would have a significantly smaller footprint and would be shorter than the existing building by approximately 4 metres. The applicant states that the visual impact of the new building should, therefore, be significantly less than the existing building.

117. There are windows proposed on the eastern elevation of the proposed building, which would face towards the rear of the residential properties along Geraldine Road, however, the Planning Development Control Manager considers that the closest distance between the proposed building and the rear boundary of the residential properties is 53 metres and is satisfied that this is sufficient separation. The Planning Development Control Manager considers that the form and mass is acceptable in this location as the next phase of the Science Park.

Design

118. Local residents have raised concerns about the proposed colour of the building material. They request that the building is constructed in natural materials and not coloured light grey like the recent phase currently under construction. Concerns were raised about using "blue engineering brick" because this would not be in keeping with the adjacent buildings in varying forms of grey and green.

119. The applicant has responded to concerns raised by local residents in relation to the

design. The applicant states that it is proposed that the service cores and the ends of the building will be constructed in blue engineering brick. The external wall between these elements will consist of glazing and white cladding panels, to contrast with the brickwork.

120. The Planning Development Control Manager considers that the design of the scheme is in keeping with and complements the existing buildings within the Malvern Hills Science Park complex

Noise

121. Local residents have raised concerns about potential noise arising from air conditioning. Worcestershire Regulatory Services were consulted on the planning application and have no objections to the proposal.

122. Given the separation from the neighbouring residential properties to the proposed building, the Planning Development Control Manager is satisfied that the proposal would not have any adverse noise impacts.

Adjacent bridleway

123. A local resident has requested that the present bridleway is rerouted to use the access road rather than the footway.

124. The applicant has stated that the perimeter fence and the route of the bridleway are not included with the planning application and so there are no proposals to alter these.

Construction works

125. Worcestershire Regulatory Services were consulted on the planning application and have no objections to the proposal.

126. Although the proposals open up the site, allowing views on to the site from neighbouring properties and adjacent roads, the Planning Development Control Manager does not consider that the proposal would have a significant adverse impact on the residential neighbouring properties. There would be a separation distance of 53 metres from the boundary of the closest residential property to the proposed building. The distance from the southern boundary of the closest residential property, no. 70 Geraldine Road, to the existing main Dytecna building is approximately 51 metres. There is an existing building associated with Dytecna (also to be demolished) located approximately 20 metres from the closest residential property.

127. The proposed building would be 9 metres high compared with the existing main Dytecna building, which is approximately 13 metres high at its highest point.

128. The scale of the proposed building is smaller than the existing main Dytecna building which is to be replaced. In view of this, the Planning Development Control Manager does not consider that the proposal would have a significant impact on the residential amenity of any of the neighbouring residential properties.

129. In view of the above, the Planning Development Control Manager does not consider that the proposal would have a significant impact on the residential amenity of any of the neighbouring residential properties, in accordance with Policy SWDP 21 of the South Worcestershire Development Plan.

Water Environment

130. It is proposed that foul sewage would be disposed of by a mains sewer and that surface water would be disposed of by a sustainable drainage system.

131. The Lead Local Flood Authority is generally supportive in principle of the scheme set out for surface drainage on this site but recommend the imposition of a condition relating to the provision of a SuDS Management Plan to ensure compliance with the National Planning Policy Framework and National Planning Practice Guidance.

132. Subject to the imposition of conditions relating to drainage, the Planning Development Control Manager is satisfied that the proposal would not have any adverse impact on the water environment in accordance with Policies SWDP 28 and SWDP 29 of the South Worcestershire Development Plan.

Traffic and Highways Safety

133. The proposal comprises of 56 new car-parking spaces, including 3 new disabled spaces, together with the relocation of 13 standard and 2 disabled spaces from elsewhere on the Science Park site following the reorganisation of the circulation routes, are proposed to the east and west of the proposed built development. 35 existing car parking spaces would be retained at the front of the existing main Dyteca building. In addition, 10 new cycle storage bays are proposed.

134. Vehicular and pedestrian access is via the existing access into the site from Thirlstane Road East. As part of the proposals, the existing main access into the site is being improved by widening to allow the manoeuvring of large services vehicles easier into the Science Park.

135. A Transport Assessment accompanies the planning application. Analysis of the latest three year collision history was undertaken for the Geraldine Road route close to the site. Based on the analysis of the collision history, the transport assessment concludes that there is not a significant road safety issue associated with Geraldine Road.

136. It concludes further that there are not anticipated to be any additional negative transport implications associated with the proposed development when compared with the existing use. The applicant states that the implementation of a new Travel Plan will also help promote sustainable travel methods to new staff members and visitors to the site.

137. The County Council's Highways Officer recommends that on any planning permission granted, the County Planning Authority may wish to impose conditions relating to access, turning area, cycle and vehicle parking and the submitted travel plan.

138. In view of the above, the Planning Development Control Manager is satisfied that there would be no adverse impact on highways safety and that the proposal offers genuinely sustainable travel choices, in accordance with Policy SWDP 4 of the South Worcestershire Development Plan.

Ecology and Biodiversity

139. An Ecological Appraisal and Bat Survey accompanies the planning application and concludes that the western section of the existing main building(including the tower and rooms at the base of the tower) and the south-eastern gas meter block are considered to have low

suitability for roosting bats due to a significant number of potential ingress points and roosting opportunities. However, no bats were found to be roosting in these buildings during a single bat emergence survey. Therefore, there appear to be no obvious and immediate issues with regard to bats under the Wildlife and Countryside Act 1981 (as amended) or the Conservation of Habitats and Species Regulations 2010. The report recommends that any destructive works to these buildings should only be undertaken between late September and early April in any given year when any bats are highly unlikely to be roosting within the buildings and that vegetation clearance should be undertaken outside the bird breeding season.

140. 14 trees are proposed to be removed. These trees comprise of 9 conifers and 3 cherry trees along the southern boundary, together with 2 un-surveyed trees at the northern side of the site to allow improvements to be made to the existing access. It is proposed to retain 7 cherry trees along the southern boundary.

141. A landscaping plan accompanies the planning application, which proposes to improve the landscaping along the boundary with Thirlstane Road East and to extend the grass and tree planting closer to the entrance.

142. The County Ecologist has no objections to the proposal subject to conditions relating to the protection of breeding birds; trees and hedgerows and protected species; submission of a lighting plan and a plan showing the proposed locations for bat and bird boxes.

143. In view of the above, the Planning Development Control Manager is satisfied that the proposal would not have an adverse impact on ecology and biodiversity, subject to conditions as recommended by the County Ecologist, in accordance with Policy SWDP 22 of the South Worcestershire Development Plan.

Other Matters

The Malvern Hills AONB & SSSI

144. The Malvern Hills AONB and SSSI are sited approximately 540 metres to the west of the application site. The Planning Development Control Manager considers that the design of the proposed development would not have a significant adverse impact on the view to and from the Malvern Hills AONB or on the SSSI, in accordance with Policy SWDP 23 of the South Worcestershire Development Plan.

Conclusion

145. The proposed building would accommodate office and research and development. The proposed building would provide flexible 'grow-on' space to retain established tenants and allow for future growth within the existing Science Park. The Planning Development Control Manager is satisfied that the proposal is in accordance with Policy SWDP 8 and Policy SWDP 52 of the Draft South Worcestershire Development Plan and is, therefore, acceptable.

146. Based on the information above, the Planning Development Control Manager considers that the design of the scheme is in keeping with and would complement the existing buildings within the Malvern Hills Science Park complex; is satisfied that the scale of the proposed building would not dominate the site and considers that the proposed development, particularly the non-shiny roofing materials used would not have a significant adverse visual impact on the views from the Malvern Hills AONB and on the

immediate character and appearance of the area in accordance with Policy SWDP 21 and SWDP 23 of the South Worcestershire Development Plan.

147. The Planning Development Control Manager does not consider that the proposal would have a significant impact on the residential amenity of any of the neighbouring residential properties, in accordance with Policy SWDP 21 of the South Worcestershire Development Plan.

148. Subject to the imposition of conditions relating to drainage, the Planning Development Control Manager is satisfied that the proposal would not have any adverse impact on the water environment, in accordance with Policy SWDP 28 and SWDP 29 of the South Worcestershire Development Plan.

149. The Planning Development Control Manager is satisfied that there would be no adverse impact on highways safety and that the proposal offers genuinely sustainable travel choices in accordance with Policy SWDP 4 of the South Worcestershire Development Plan and is, therefore, acceptable.

150. The Planning Development Control Manager is satisfied that the proposal would not have an adverse impact on ecology and biodiversity, subject to conditions as recommended by the County Ecologist, in accordance with Policy SWDP 22 of the South Worcestershire Development Plan.

151. The Planning Development Control Manager considers that the design of the proposed development would not have a significant adverse impact on the views to and from the Malvern Hills AONB or on the SSSI, in accordance with Policy SWDP 23 of the South Worcestershire Development Plan.

152. Taking into account the provisions of the Development Plan and in particular Policies SWDP 1; SWDP 2; SWDP 3; SWDP 4; SWDP 5; SWDP 7; SWDP 8; SWDP 21; SWDP 22; SWDP 23; SWDP 25; SWDP 28; SWDP 29; SWDP 31; SWDP 38; SWDP 52 and SWDP 53 of the South Worcestershire Development Plan, it is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

Recommendation

153. The Planning Development Control Manager recommends that planning permission be granted for the proposed construction of a two-storey science park building together with associated car parking and landscaping to replace the existing Dyteca buildings at Malvern Hills Science Park, Geraldine Road, Malvern, Worcestershire, subject to the following conditions:

- a) The development enures for the benefit of Worcestershire County Council only;**
- b) The development must be begun not later than the expiration of three years beginning with the date of this permission;**
- c) The development hereby permitted shall be carried out in accordance with the details shown on submitted Drawing Numbers: BW10115L/A050.002 Rev 0; BW10115L/A/050.001 Rev 0; BW10115L /A120.005 Rev 0; BW10115L A/120.010**

Rev 0; BW10115L/A/100.010 Rev 0; BW10115L A/140.005 Rev A; BW10115L A/100.030 Rev 0; BW10115L/A/90.005 Rev 0; BW10115L/LS/01 Rev 0 and BW10115L/LS/02 Rev 0, except where otherwise stipulated by conditions attached to this permission;

- d) Notwithstanding any indication of the materials, which may have been given in this application, prior to the construction of the development hereby approved, a schedule and/or samples of the materials and finishes for the development, including those for the roof shall be submitted to and agreed in writing by the County Planning Authority. Thereafter the development shall not be carried out other than in accordance with the approved details;
- e) No development shall take place until details of all boundary fences and other means of enclosure have been submitted to and approved in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;
- f) No demolition, ground work or construction work on the site outside the hours of 07:30 – 18:00 Mondays to Fridays and 08:00- 13:00 on Saturdays with no construction work on Sundays, or public and bank holidays;

Ecology and biodiversity

- g) The removal or destruction of suitable breeding habitat should occur outside the bird breeding season. Should any area of hedgerow, shrub or trees be removed during early April to late September then a suitably qualified ecologist must be engaged prior to commencement in order to check for nesting birds. Where active nests are discovered they should be protected by a stand-off zone of no less than 5 meters until the young have fledged;
- h) Trees and hedgerows to be retained throughout the scheme should be given adequate protection as per BS5837:2012;
- i) In the unlikely event that any protected species are found on the site during the works then all works must cease immediately and the advice of a suitably qualified ecologist must be sought prior to works re-commencing;
- j) Prior to the commencement of development, a lighting plan should be submitted to and approved in writing by the County Planning Authority. The plan should demonstrate compliance with the recommendations set out in Section 3.4 of the Preliminary Ecological Appraisal & Bat Survey undertaken by Worcestershire Wildlife Consultancy, referenced 2015/157(A)v1, dated 7 September 2015;
- k) Within 6 months of the date of planning permission, the specification and location of bat and bird boxes shall be submitted to and approved by the County Planning Authority in writing. The specifications should meet the recommendations as set out in Section 3.4 of the Preliminary Ecological Appraisal & Bat Survey undertaken by Worcestershire Wildlife Consultancy, referenced 2015/157(A)v1, dated 7 September 2015. The bat and bird boxes shall be installed on site in accordance with the approved details;

Highways

- l) The development hereby permitted shall not be brought into use until the access, turning area, cycle parking and vehicle parking facilities shown on the approved drawings have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted and approved in writing to the Planning Authority and these areas shall thereafter be retained and kept available for those users at all times;**
- m) The development hereby permitted shall be brought into use in accordance with the submitted travel plan which promotes sustainable forms of access to the site. This plan shall be implemented and updated in agreement with Worcestershire County Council's Travel Plan Co-ordinator;**
- n) Prior to the development being brought into use, 2 car parking spaces shall be provided on the site which are equipped to charge electric vehicles. Details of their locations shall be submitted to and approved in writing by the County Planning Authority. The approved spaces shall be identified and reserved solely for that purpose and shall be made available prior to the developments occupation;**

Drainage

- o) Prior to the commencement of development, details of the three mitigation measures in the Flood Risk Assessment should be submitted to and approved in writing by the County Planning Authority. The mitigation measures shall deal with the residual surface water flood risk, setting appropriate minimum proposed ground floor levels, incorporate flood proofing measures and include an effective Flood Evacuation Management Plan (FEMP) to ensure safe access and egress from the site. The mitigation measures shall be carried out in accordance with the approved scheme;**
- p) Prior to the commencement of development, a SuDS management plan which will include details on future management responsibilities, along with maintenance schedules for all SuDS features and associated pipework should be submitted to and approved in writing by the County Planning Authority. This plan shall detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. The approved SuDS management plan shall be implemented in full in accordance with the approved details;**
- q) Prior to the commencement of development, drainage plans for the disposal of foul and surface water flows should be submitted to and approved in writing by the County Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use;**

Landscaping

- r) Notwithstanding the submitted details, prior to the commencement of the development hereby approved a landscaping scheme, which shall include the retention of any existing trees and hedgerows and details of all new trees, shrubs and other planting, and details of the proposed planting species, sizes, spacing, densities, locations, planting methods and details of the provision of adequate growing medium and drainage shall be submitted to and approved**

in writing by the County Planning Authority. The scheme shall be implemented in accordance with the approved details within 6 months of the completion of the development. Any new trees or shrubs, which within a period of five years from the completion of the planting die, are removed, or become damaged or diseased, shall be replaced in the next planting season with others of a similar size and species; and

Contaminated Land

- s) No development shall commence until the following components of a scheme to deal with the risks associated with contamination of the site are submitted to and approved, in writing, by the County Planning Authority:
- i) A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report submitted to the County Planning Authority. The risk assessment must be approved in writing by the County Planning Authority before any development takes place;
 - ii) Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the County Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11";
 - iii) Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the County Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11";
 - iv) Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and submitted to the County Planning Authority for approval in writing. The approved remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation;

- v) **The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation;**
- vi) **Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to the County Planning Authority for approval in writing prior to the occupation of any buildings; and**
- vii) **In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the County Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the County Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared and submitted to the County Planning Authority for approval in writing prior to the occupation of any buildings.**

Contact Points

County Council Contact Points

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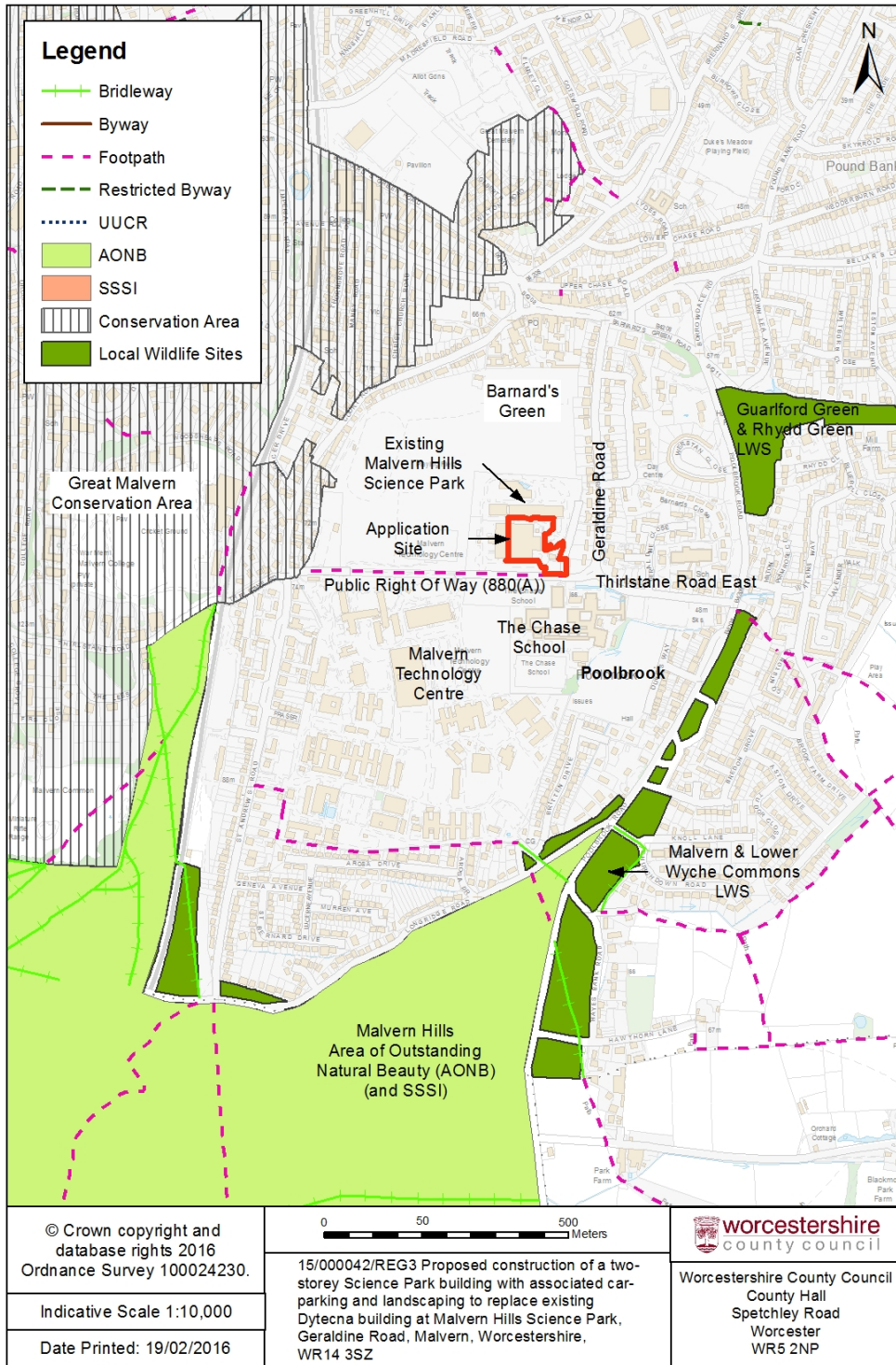
Email: mbishop@worcestershire.gov.uk

Background Papers

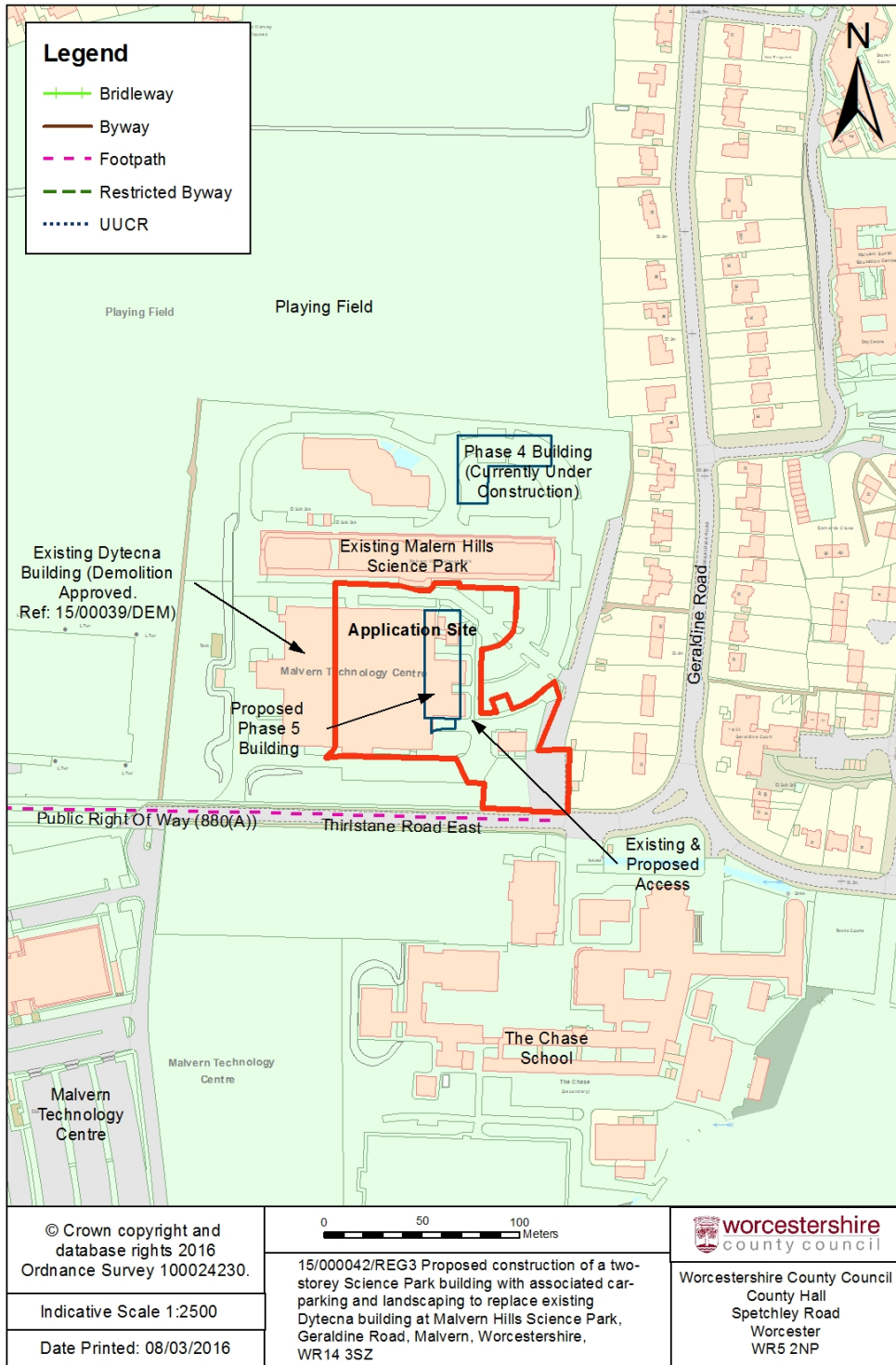
In the opinion of the proper officer (in this case the Head of Strategic Infrastructure and Economy) the following are the background papers relating to the subject matter of this report:

The application, plans and consultation replies in file reference 15/000042/REG3.

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PLANNING AND REGULATORY COMMITTEE
22 MARCH 2016**PROPOSED FORMATION OF AN EARTH BUND ON LAND
TO SOUTH OF B4636 AND EAST OF M5 MOTORWAY,
SPETCHLEY, WORCESTERSHIRE**

Applicant

Berkeley & Spetchley Estates

Local Member

Mr R C Adams

Purpose of Report

1. To consider a County Matter planning application for the formation of an earth bund on land to south of B4636 and east of M5 Motorway, Spetchley, Worcestershire.

The Proposal

2. The applicant is seeking planning permission for the formation of an earth bund from excess soils arising from the proposed Worcester Woods Retail Park development on land bound by Nunnery Way (A4440), Newtown Road (B4636) and Charles Hastings Way located approximately 200 metres west of the site (Worcester City Council Application Ref: P14Q0562, pending consideration); and the Worcester 6 site, off Pershore Lane (A4538) situated about 100 metres north of the site (Wychavon District Council Outline Planning Permission Ref: 14/02524).
3. The applicant states that the purpose of the bund is to provide a receptor site for the soils to be removed as part of these construction projects. The bund would be constructed from up to 90,000 cubic metres of soils (both topsoil and subsoils), equating to approximately 150,000 tonnes. The applicant estimates that the retail park development would generate about 50,000 cubic metres of soils, equating to approximately 80,000 tonnes; and the Worcester 6 site would generate approximately 35,000 cubic metres, equating to about 56,000 tonnes. The applicant notes that the proposed landform of the bund has been designed to accept up to 90,000 cubic metres to allow for a possible increase in waste soils. Should the retail park development not be granted planning permission the applicant has confirmed that the proposed bund would be constructed shorter in length, due to the reduction in source material. The northern bund would be constructed first, followed by the central bund and finally the southern bund would be constructed.
4. The proposed bund would have a maximum gradient of 1 in 3, with a maximum height of 4.5 metres. It would have an overall length (extent of works) of approximately 920 metres and a maximum width of approximately 180 metres. It

would essentially comprise three separate bunds, the southern bund would run northwards from the A44 to the Woodland block known as 'The Track'. This southern bund would measure about 280 metres long by 120 metres wide (extent of works). The central bund would run northwards from the northern side of 'The Track' to the Public Right of Way (Bridleway SE-534) and the extent of works would measure approximately 410 metres long by 140 metres wide. The northern bund would run north/north-eastwards from Bridleway SE-534 and the extent of works would measure about 230 metres long by a maximum of 180 metres wide. Upon completion of the bund it would be planted along the eastern slope with native woodland planting, while the surrounding land would be returned to arable agricultural land. Access to the site would be via the existing private road/agricultural access/Bridleways SE-534, SE-535, SE-536 and SE-537 of Withy Wells Lane, which leads off Pershore Lane (A4538), past Withy Wells Farm.

5. The applicant anticipates that the vehicle movements from the retail park to the proposed development would result in a total of approximately 8,334 vehicle movements (about 4,167 vehicles entering the site and 4,167 vehicles existing the site), with approximately 6,668 vehicle movements (3,334 vehicles entering the site and 3,334 vehicles existing the site) associated with the Worcester 6 site. This would equate to approximately 48 vehicle movements per day (24 entering the site and 24 existing the site). It is anticipated that the development would take approximately 15 months to complete, with the vehicle movements associated with the retail park anticipated to take about 58 weeks and the vehicles associated with the Worcester 6 site lasting for approximately 46 weeks. The construction vehicles would consist of 20 tonne rigid 'tipper' trucks.

6. The applicant has confirmed that the majority of the mature trees and hedgerows on the application site would be retained, including the Woodland of 'The Track', except for the gappy hedgerow which separates the southernmost two fields.

7. The site working hours are proposed to be between the hours of 07:00 to 19:00 Mondays to Saturdays.

The Site

8. The proposed development site, which is approximately 13.8 hectares in area, is a long, strip of arable agricultural land, measuring approximately 1,000 metres in length and a maximum of about 200 metres wide, located immediately to the east of the M5 Motorway between Junctions 6 and 7. Worcester City Centre is located approximately 3.2 kilometres to the west, and the Village of Whittington is located about 1.1 kilometres south-west of the proposal. The villages of Tibberton and Crowle are located approximately 2.3 kilometres north and north-east of the application site, respectively. The site is bound to the north by the B4636 and to the south by the A44. Worcester live stock market is located approximately 65 metres west of the proposed development on the western side of the M5 Motorway. The development site comprises agricultural land and is currently accessed via the private road/agricultural access off the A4538. Immediately to the south of this private road/agricultural access is a woodland block known as 'King's Wood'. A further small woodland block, known as 'The Track' is also located adjacent to the centre of the proposed bund. North Hill, a local high point within the applicant's

estate lies about 520 metres to the east of the proposal, with small woodland blocks occurring within the wider landscape beyond.

9. A number of Public Rights of Way are located within the application site and the surrounding area. In particular Bridleways SE-534, SE-535, SE-536 and SE-537 run along the private road/agricultural access leading westwards from the A4538. This route is also forms part of a local cycle network. Footpaths SE-540, SE-505 and SE-527 also adjoin these Bridleways. The site is located within Flood Zone 1 (low probability of flooding), as identified on the Environment Agency's Indicative Flood Risk Map. 132kV overhead powerline runs north to south on the western side of the M5 Motorway, located about 100 metres west of the proposal; and an 11kV underground powerline crosses the access road to the west of King's Wood.

10. Lyppard Grange Ponds Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) is located approximately 830 metres north-west of the development site. A number of Local Wildlife Sites (LWSs) are located within 1 kilometre of the proposed development, this includes: Hornhill Meadows LWS and Nunnery Wood LWS, which are sited about 320 metres and 730 metres west of the site, respectively. Spetchley Deer Park & Plantation Meadows LWS is also located approximately 740 metres south-east of the proposed development. The Ancient Woodland of Nunnery Wood is situated about 730 west of the development site.

11. The Grade II* Historic Park and Garden of Spetchley Park is located about 135 metres south of the proposal. The nearest Listed Building is that of Cudleigh Court Farmhouse a Grade II Listed Building sited about 450 metres east of the site. There are also a number of Listed Buildings within the wider landscape, with about 21 Grade II and Grade II* Listed Buildings within approximately 2.2 kilometres of the site.

12. The nearest residential properties are those of Cornmill Barn located about 170 metres south of the proposed development along the U47646, accessed via the A44. Further residential properties are located along U52044, also located off the A44, sited about 175 metres south-west of the proposal. The nearest properties to the east are those of Cudleigh Court Farm, located about 320 metres away. Further dwellings are sited along Dunmow Avenue, Fowler Avenue, Howlett Place and Towneley located approximately 250 metres to the west of the proposal. The development site is wholly located within Wychavon District, with the M5 Motorway forming the District boundary with Worcester City.

Summary of Issues

13. The main issues in the determination of this application are:

- The waste hierarchy
- Landscape character and appearance of the local area
- Residential amenities (including noise and dust emissions)
- Ecology and biodiversity
- The water environment
- Traffic, highway safety and impact upon the Public Rights of Way, and
- Economic impact.

Planning Policy

National Planning Policy Framework (NPPF)

14. The National Planning Policy Framework (NPPF) was published and came into effect on 27 March 2012. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It constitutes guidance for local planning authorities and decision takers and is a material planning consideration in determining planning applications. Annex 3 of the NPPF lists the documents revoked and replaced by the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through plan-making and decision-taking.

15. Sustainable Development is defined by five principles set out in the UK Sustainable Development Strategy:

- "living within the planet's environmental limits;
- ensuring a strong, healthy and just society;
- achieving a sustainable economy;
- promoting good governance; and
- using sound science responsibly".

16. The Government believes that sustainable development can play three critical roles in England:

- an economic role, contributing to a strong, responsive, competitive economy
- a social role, supporting vibrant and healthy communities and
- an environmental role, protecting and enhancing our natural, built and historic environment.

17. The NPPF does not contain specific waste policies, as these are contained within the National Planning Policy for Waste. However, the NPPF states that local authorities taking decisions on waste applications should have regard to the policies in the NPPF so far as relevant. For that reason the following guidance contained in the NPPF, is considered to be of specific relevance to the determination of this planning application:-

- Section 1: Building a strong, competitive economy
- Section 4: Promoting sustainable transport
- Section 7: Requiring good design
- Section 8: Promoting healthy communities
- Section 10: Meeting the challenge of climate change, flooding and coastal change
- Section 11: Conserving and enhancing the natural environment
- Section 12: Conserving the Historic Environment

National Planning Policy for Waste

18. The National Planning Policy for Waste was published on 16 October 2014 and replaces "Planning Policy Statement 10 (PPS 10): Planning for Sustainable Waste Management" as the national planning policy for waste in England. The document sets out detailed waste planning policies, and should be read in

conjunction with the NPPF, the Waste Management Plan for England and National Policy Statements for Waste Water and Hazardous Waste, or any successor documents. All local planning authorities should have regard to its policies when discharging their responsibilities to the extent that they are appropriate to waste management.

The Development Plan

19. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan consists of the Adopted Worcestershire Waste Core Strategy and Adopted South Worcestershire Development Plan.

20. Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Worcestershire Waste Core Strategy Development Plan Document (WCS)

Policy WCS 1: Presumption in favour of sustainable development

Policy WCS 2: Enabling Waste Management Capacity

Policy WCS 5: Landfill and disposal

Policy WCS 6: Compatible land uses

Policy WCS 8: Site infrastructure and access

Policy WCS 9: Environmental assets

Policy WCS 10: Flood risk and water resources

Policy WCS 11: Sustainable design and operation of facilities

Policy WCS 12: Local characteristics

Policy WCS 14: Amenity

Policy WCS 15: Social and economic benefits

South Worcestershire Development Plan (SWDP)

21. The South Worcestershire Development Plan (SWDP) covers the administrative areas of Worcester City Council, Wychavon District Council and Malvern Hills District Council. The SWDP is a Development Plan Document which sets out strategic planning policies and detailed development management policies. The SWDP also allocates sites for particular types of development and sets out policies on site specific requirements. It covers the period 2006-2030. The SWDP was adopted on 25 February 2016 and is subject to a six week High Court challenge period. Notwithstanding this, full weight should be given to the SWDP in the determination of this application. The SWDP policies that are of relevance to the proposal are set out below:

Policy SWDP 1 Overarching Sustainable Development Principles

Policy SWDP 2 Development Strategy and Settlement Hierarchy

Policy SWDP 3 Employment, Housing and Retail Provision Requirements and Delivery

Policy SWDP 4 Moving Around South Worcestershire

Policy SWDP 5 Green Infrastructure

Policy SWDP 6 Historic Environment

Policy SWDP 8 Providing the Right Land and Buildings for Jobs

Policy SWDP 21 Design

Policy SWDP 22 Biodiversity and Geodiversity

Policy SWDP 24 Management of the Historic Environment

Policy SWDP 25 Landscape Character
Policy SWDP 28 Management of Flood Risk
Policy SWDP 29 Sustainable Drainage Systems
Policy SWDP 31 Pollution and Land Instability
Policy SWDP 32 Minerals
Policy SWDP 45 / 6 Directions for Growth Outside the City Administrative Boundary / Worcester Technology Park (South Phase) (20.32ha)

Other Material Planning Considerations

Waste Management Plan for England (2013)

22. The Government through Defra published the Waste Management Plan for England in December 2013. This Plan superseded the previous waste management plan for England, which was set out in the Waste Strategy for England 2007.

23. There are comprehensive waste management policies in England, which taken together deliver the objectives of the revised Waste Framework Directive, therefore, it is not the intention of the Plan to introduce new policies or to change the landscape of how waste is managed in England. Its core aim is to bring current waste management policies under the umbrella of one national plan.

24. This Plan is a high level document which is non-site specific, and is a waste management, rather than a waste planning document. It provides an analysis of the current waste management situation in England, and evaluates how it will support implementation of the objectives and provisions of the revised Waste Framework Directive.

25. The key aim of this Plan is to work towards a zero waste economy as part of the transition to a sustainable economy. In particular, this means using the “waste hierarchy” (waste prevention, re-use, recycling, recovery and finally disposal as a last option) as a guide to sustainable waste management.

26. It states that the construction, demolition and excavation sector is the largest contributing sector to the total waste generation, generating 77.4 million tonnes of waste in 2010.

The Government Review of Waste Policy England 2011

27. The Government Review of Waste Policy in England 2011 seeks to move towards a green, zero waste economy, where waste is driven up the waste hierarchy. The waste hierarchy gives top priority to waste prevention, followed by preparing for re-use, recycling, other types of recovery (including energy recovery) and last of all disposal.

Worcestershire Local Enterprise Partnership (LEP) Business Plan 2012

28. This sets out the LEP vision, which is to "create the right economic environment to inspire businesses, encourage investment and to create lasting and sustainable employment in Worcestershire by 2017 and beyond". It also sets their key measures of success; their role; funding sources; and strategic objectives, which includes 'Objective 4: Planning, Development and Infrastructure'.

29. Objective 4 states that "*the LEP will work with key partners to deliver Worcestershire's strategic employment sites as a priority for inward investment as well as indigenous business expansion*". The list of key projects includes the development of the "*Worcester Tech Park and M5 J6/7 Corridor*".

Worcestershire Local Enterprise Partnership's World Class Worcestershire Our Strategic Economic Plan (SEP)

30. The Strategic Economic Plan's (SEP) vision and strategic framework is to ensure that Worcestershire's economy grows even more rapidly and makes an increasingly important contribution to the national economy. The SEP aims to grow the local economy by 2025 by generating over 250,000 jobs and to increase GVA by £2.9 billion.

31. The SEP sets three objectives:

- Create a World Class business location
- Provide individuals with World Class Skills, and
- Develop World Class competitive and innovative business.

32. For each objective the SEP sets opportunities and challenges, for the 'Create a World Class business location' objective, 'Economic Game Changer sites' are identified as an opportunity. Four initial 'Game Changer' sites were selected; this includes the 'Worcester Growth Corridor', which includes the Worcester 6 site (Worcester Technology Park). It states that "the WLEP working with the County Council and Districts has developed the Worcestershire 'Game Changer Programme' to identify key development opportunities, coordinate public sector activity and work with private sector partners to deliver schemes with a significant sustainable economic impact... This Programme will focus on the delivery of sites of regional significance, which occupy strategic locations within their markets and provide major opportunities to lever market-led investment and deliver growth and jobs".

Consultations

33. **Spetchley Parish Council** has raised no objections to the proposal.

34. **Tibberton Parish Council (Neighbouring Parish Council)** comments that they are concerned about the traffic disruption and associated highways issues on an extremely busy thoroughfare, especially at commuter times, and request that consideration is given to scheduling heavy construction vehicle movements outside the peak commute time periods. The Parish Council expressed concern about the volume of heavy traffic which will be using Withy Wells Lane for a 15 month plus period.

35. They note that the remains of old Warndon Wood are located within the application site and request that the woodland is protected and retained. If the proposed earth movements affect the hydrological systems, or the root systems of the trees, then even if the woodland is not actively destroyed it would not survive the development process. In addition, there have already been instances of the unauthorised removal of trees from the development and surrounding area. The

Parish Council ask the County Council to ensure that there are no further incidents of that nature.

36. The Parish Council are disappointed that the proposed development is not more sympathetic to the landscape character, noting that Worcester 6 aspires to be the jewel in Worcestershire, but the proposed development does not improve or work with the existing landscape. Should planning permission be granted the Parish Council request that conditions are imposed requiring regular road cleaning;

37. **Wychavon District Council (Planning)** has no objections to the proposal, subject to the County Planning Authority being satisfied that the proposal complies with Policy WCS 5 of the Adopted Worcestershire Waste Core Strategy; that there are no unresolved objections from statutory consultees including Highways England; and no objections from neighbouring residents. It would be expected that appropriate conditions are imposed on any planning permission which would help mitigate any potential negative impacts of the development. It is requested that consideration is given Wychavon District Council Landscape Officer's comments.

38. **Wychavon District Council (Landscape Officer)** comments that, on balance, although they suggest there is no strong landscape objection to the proposal in principle, some of the detailed design of the bund should be given more consideration in order that the proposal better respects its setting in terms of visual impact and landscape character.

39. They comment that the most visible and, therefore, sensitive part of the site is the north-west corner of the site, where the site is at its lowest point. This section of the proposal contains some of the highest area of the bund (over 4 metres in height), such that the new landform may look rather 'engineered'. The proposal would look more natural if the contours were further apart, creating a gentler rise from the north-western corner. This would result in less material being accommodated on the site; or it being spread uniformly over the remainder of the application site, raising the existing ground levels minimally. Notwithstanding this, the artificial 'engineered' landform to the north-western corner would be less appreciable as the planting that is proposed matures and starts to mask the landform beneath, but in the interim it would look rather severe. The proposed planting would be generally agreeable, except that pine which should be greatly reduced in number or, preferably, removed from the planting mix.

40. The proposals would be highly visible from the Public Right of Way which crosses the site, but the proposed planting would serve to further screen the M5 Motorway from the footpath. In views from the wider footpath network, the proposed planting would tie in with other woodland blocks in the landscape and would help to visibly connect them.

41. In terms of landscape character, the site falls within the Landscape Type Principal Timbered Farmlands as identified in the County Landscape Character Assessment. Primary identified Key Characteristics include 'ancient wooded character' and Landscape Guidelines for the Landscape Type include 'encourage the planting of new woodlands, reflecting the scale, shape and composition of the existing ancient woodland character, favouring oak as the major species' and 'seek opportunities to enhance tree cover along highways'. Therefore, the proposal for woodland planting would not be at odds with the identified landscape character in

principle; however, in order to respect the identified 'organic' character, the District Landscape Officer suggests that the shape of the planting blocks should be reconsidered.

42. **Wychavon District Council (Conservation Officer)** has no objections, stating that this application within the Spetchley Estate does not affect the registered boundary of the historic park and garden.

43. **Worcester City Council (Neighbour District Council)** has made no comments.

44. **Worcestershire County Council Minerals and Waste Management Planning Policy Officer** objects to the proposal as it is considered contrary to the vision, objectives and policy of the adopted Worcestershire Waste Core Strategy.

45. The Planning Policy Officer raises significant concerns that the applicant has misinterpreted the content of the Worcestershire Waste Core Strategy, stating that the planning application states that the Waste Core Strategy refers to a shortage of sites or capacity to manage the type of waste in question, namely inert excavation waste. This is not the case. Whilst a capacity gap was identified for re-use and recycling and 'other recovery' facilities, it is considered that it is not likely that the inert excavation waste subject of this application could be managed at such facilities.

46. As such, it is considered that the relevant consideration is whether there is sufficient landfill or disposal capacity for this type of waste. Table 3 of the Waste Core Strategy clearly shows that no capacity gap was identified for disposal and landfill, and Table 4 of the Waste Core Strategy shows that no capacity gap is anticipated during the lifetime of the Strategy.

47. The Planning Policy Officer has reviewed these assumption, and states that Indicator W23 in the 2013-2014 Minerals and Waste Annual Monitoring Report (AMR) shows that the Environment Agency's "waste data tables" showed that in 2013 there was 2,964,000 cubic metres of void space for inert landfill within Worcestershire. The 2014-2015 AMR (currently in draft but due for publication imminently) shows that in 2014 there was 2,957,850 cubic metres of void space for inert landfill in Worcestershire. Figure 6.1. of the 2014-2015 AMR shows that cumulative landfill is approximatively 36% below the projections in the Waste Core Strategy, meaning that Worcestershire is unlikely to experience a capacity gap for this type of waste before the end of the Strategy period (2027).

48. The applicant has stated that "*there are currently no sites identified within the county to receive up to 90,000 cubic metres waste soils*". However, no evidence has been submitted in the application to illustrate what effort has been made to identify any such sites or the reasons that any sites which have been shown above to have capacity for this type of waste are unable to accept it. We consider that such information is crucial to the consideration of the principle of the proposed development.

49. Should no such capacity be available within Worcestershire, it is considered that disposal at an existing site beyond the county boundary would be more appropriate than the creation of a bund specifically to service two developments.

The application states that "*waste authorities should be self-sufficient in dealing with waste arisings*". Whilst this is true to some degree, it does not reflect the complex nature of the waste management industry. Worcestershire's Waste Core Strategy seeks to achieve "equivalent self-sufficiency", meaning that provision is made in the Waste Core Strategy to manage a volume of waste equivalent to the county's arisings, but not necessarily precluding cross-boundary movements where that is the most appropriate option.

50. It is considered that there is no overriding economic imperative for this proposal to be granted. Appropriate disposal of waste must be considered to be an essential component of the design and business case for any development. No overriding factors have been demonstrated in this case, and it is considered that the waste arising from the Worcester 6 Site and Retail Park development should be appropriately disposed of, as would be expected of all developments in the county.

51. **Historic England** has no objections, stating that this planning application should be determined in accordance with national and local policy guidance. They recommended that the specialist conservation advice of the District Council's Conservation Officer should be sought.

52. **Garden History Society** has made no comments.

53. **Hereford and Worcester Garden Trust** has made no comments.

54. **The County Archaeologist** has no objections, subject to the imposition of conditions requiring a programme of archaeological monitoring and recording in order to investigate and record any archaeological remains that may be exposed, damaged or destroyed by the development.

55. They note that the applicant has not submitted any form of baseline historic environment assessment with the application. The County Archaeologist has examined the Worcestershire Historic Environment Record which indicates that there are no known heritage assets within the development area, but equally that very little archaeological work has been undertaken in the wider area to date and none within the site itself. The apparent absence of any known heritage assets within the proposed development is, therefore, potentially a reflection of the lack of archaeological work in the area to date as opposed to a genuine absence of any remains.

56. **The Environment Agency** comments that due to the volume of material the regulatory options available to the application are to either apply for a bespoke deposit for recovery permit. Bespoke permit applications will require a site specific risk assessment. Prior to the determination of a permit, a waste recovery plan is required which is assessed for the suitability of the activities. The Regulatory Guidance Note No.13 - 'Defining waste recovery- permanent deposit of waste on land' which supports the process is currently under review and will be replaced shortly. The main change would be that applicants would be required to confirm if the project would continue using non-waste material.

57. Alternatively, the project could be carried out under the Cl:aire (Contaminated Land: Applications in Real Environments) Code of Practice

58. The code of practice allows the use of excavated materials during the remediation and development of land and applies to excavated materials that are:

- Reused on the site of production
- Transferred between sites and reused directly without treatment, or
- Transferred between sites and reused following treatment, as part of a cluster project.

59. The Code of Practice explains the lines of evidence that are needed to demonstrate that the excavated materials are not, or have ceased to be waste. Any material that requires treatment to make it suitable for its intended use is considered to be a waste and as such waste controls apply.

60. In all circumstances any waste activity should be carried out in accordance with Duty of Care. Waste should be stored, handled, and transported ensuring there is no detriment to the environment or harm to human health. Where necessary waste transfer notes should be produced, completed in sufficient details and retained by all the relevant parties.

61. As the proposals are in Flood Zone 1, the Environment Agency refers the County Planning Authority to their standing advice and expect liaison with the South Worcestershire Land Drainage Partnership and Lead Local Flood Authority.

62. **Public Health England** has no objections, subject to the imposition of conditions to control noise and air pollution emissions. They also comment that they have no significant concerns regarding risk to health of the local population from the proposed activity, providing that the applicant takes all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice.

63. **Worcestershire Regulatory Services** has no objections, stating that the submitted Noise Assessment indicates that construction of the proposal would not result in increased noise levels west of the M5 Motorway and is, therefore, considered acceptable on noise grounds. With regards to dust emissions, the submitted Dust Assessment adequately covers the issues of nuisance dust, and is therefore, considered acceptable.

64. **South Worcestershire Land Drainage Partnership** has made no comments.

65. **Lead Local Flood Authority** has no objections, stating that they are satisfied in principle with the drainage strategy set out in the submitted Drainage Scheme. The submitted Scheme indicates that surface water would be re-routed to pass through two ponds before entering the current field drains. These ponds would slow the flow of the water entering into the field drainage system, provide attenuation and act as sediment traps. Care needs to be taken to ensure that the drainage ditches that the ponds outfall to are kept in a working order.

66. **Highways England** recommends that planning permission is not granted for a 3 month period (ending 22 March 2016) to enable the applicant to submit further information relating to the engineering details of the bund which demonstrates the engineering nature of the materials to be used and the stability of the bund front slope; details of how surface water runoff is to be controlled to prevent discharge of

any water on to Highways England land; and details of how access is to be provided in order to allow maintenance of the M5 Motorway boundary fence, in order to demonstrate that the proposed development would not have a detrimental impact on the continued safe operation and functionality of the Strategic Road Network.

67. Should the County Planning Authority disagree with the recommendation of Highways England, they must consult the Secretary of State for Transport, as set out by the Town and Country Planning (Development Affecting Trunk Roads) Direction 2015.

68. **The County Highways Officer** has no objections.

69. **The County Footpath Officer** has made no comments.

70. **British Horse Society** has made no comments.

71. **The Ramblers Association** has no objections, subject to the imposition of conditions requiring details of the measures to be implemented to protect uses of the Public Rights of Way; and to repair damage and reinstate the Bridleway to its former condition. They comment that the final landform and planting proposal appear to be acceptable; however, they are concerned about the use of Withy Wells Lane as the access to the site. The lane has Bridleway status (Bridleways SE-535 and SE-536). This route is also waymarked as a local cycle route. In addition Footpaths SE-502, SE-505 and SE-527 connect to this Bridleway. The Ramblers Association estimate that in the time it would take to walk this Bridleway, users would be passed by four HGVs.

72. **Open Space Society** has made no comments.

73. **Campaign to Protect Rural England** has made no comments.

74. **The County Landscape Officer** has no objections to the proposal, subject to the imposition of a condition requiring the protection of retained trees and hedgerows. They recommend that Blackthorn is removed from the planting scheme. They also comment that the submitted Landscape Assessment would benefit from being expanded to include models of the bund and representations of the proposed planting specification at maturity. Undoubtedly, there is potential to create a new landscape feature that can contribute towards the local landscape Green Infrastructure network in a positive sense. Nonetheless, the bund should ideally be modelled in order to determine its immediate post-construction and longer-term impact and contribution to the landscape.

75. **The County Ecologist** has no objections, subject to the imposition of conditions requiring the timing of vegetation clearance outside the bird breeding season (March to September, inclusively); protection of retained trees and hedgerows; submission of a Landscape and Ecological Management Plan; and in the unlikely event any protected species are found on the site, all works must cease and the advice of an a suitably qualified Ecologist must be sought. They also recommend that Blackthorn is removed from the planting scheme.

76. **Worcestershire Wildlife Trust** has no objections, subject to the imposition of conditions requiring a Construction Environmental Management Plan to include

details regarding protection of the retained ecological features during construction; and an ecological management plan.

77. **Natural England** has no objections, stating that they do not consider there to be any issues with this application in regards to the impacts upon the nearby Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC).

78. **Hereford and Worcester Fire & Rescue Service** has made no comments.

79. **West Mercia Police** has no objections to the proposal.

80. **Western Power Distribution** has made no comments.

Other Representations

81. The application has been advertised in the press, on site and by neighbour notification letters. To date 1 letter of representation objecting to the proposal has been received from the Cyclists' Touring Club (CTC), the national cycling charity; and 'Push Bike!', the local cycling campaign group. This letter of representation is available in the Members' Support Unit. Their main comments are summarised below:-

82. The site is crossed east-west by a bridleway which forms part of a signed family leisure cycle route. It also forms one of the few safe routes eastwards out of the City and connects with an extensive network of quiet rural lanes. Whilst the application notes the existence of the cycleway, scant regard is given in the application to ensuring the route is maintained in a safe and useable manner. Nor is there any commitment to ensuring the route is re-instated to a reasonable standard with an all year surface after development has been completed. It is strongly recommend that planning permission is refused, unless conditions are imposed which ensures this important cycle route is maintained throughout the construction period and improvements are made to improve the usability of this important part of the county's cycle network. It is further recommended that a developer contribution is made to improving off site linkages and signage of this route.

The Planning Development Control Manager's Comments

83. The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations. The relevant policies and key issues have been set out earlier.

The Waste Hierarchy

84. The Landfill (England & Wales) Regulations 2002 confirms that the term landfill refers to sites for the deposit of waste into or onto land and as such also includes landraising.

85. The National Planning Policy for Waste states that positive planning plays a pivotal role in delivering this country's waste ambitions through:

- Delivery of sustainable development and resource efficiency...by driving waste management up the waste hierarchy
- Ensuring that waste management is considered alongside other spatial planning concerns...recognising the positive contribution that waste management can make to the development of sustainable communities
- Providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of, and
- Helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment.

86. Paragraph 3 of the National Planning Policy for Waste states that "*in preparing Local Plans, waste planning authorities should...drive waste management up the waste hierarchy, recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal*".

87. Paragraph 7 of the National Planning Policy for Waste states that applicants should be expected to "*demonstrate that waste disposal facilities not in line with the Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy*".

88. The Government Review of Waste Policy in England 2011 seeks to move towards a green, zero waste economy, where waste is driven up the waste hierarchy. The waste hierarchy gives top priority to waste prevention, followed by preparing for re-use, recycling, other types of recovery (including energy recovery) and last of all disposal. This is reiterated in the Waste Management Plan for England (2013).

89. Waste Management Plan for England (2013) states that "*in England, the waste hierarchy is both a guide to sustainable waste management and a legal requirement, enshrined in law through the Waste (England and Wales) Regulations 2011. The hierarchy gives top priority to waste prevention, followed by preparing for re-use, then recycling, other types of recovery (including energy recovery), and last of all disposal (e.g. landfill). The dividends of applying the waste hierarchy will not just be environmental. We can save money by making products with fewer natural resources, and we can reduce the costs of waste treatment and disposal*".

90. Paragraph 2.75 of the Worcestershire Waste Core Strategy states that "*the evidence base demonstrates that there is no need for new landfill or disposal capacity. The strategy will encourage management of waste at higher levels of the waste hierarchy. Therefore landfill and disposal facilities will not be encouraged at any level of the geographic hierarchy*". It goes on to state at paragraph 4.21 that "*the Waste Core Strategy, in line with national policy, aims to drive waste up the waste hierarchy, to use it as a resource and to minimise the amount which is landfilled or*

disposed of. The existing landfill capacity in the county is sufficient for the lifetime of the Strategy. This means that proposals for new landfill or disposal capacity are not encouraged". The lifetime of the Worcestershire Waste Core Strategy is up to 2027.

91. Table 3 of the Worcestershire Waste Core Strategy also illustrates that no capacity gap was identified for disposal and landfill, and Table 4 of the Worcestershire Waste Core Strategy shows that no capacity gap is anticipated during the lifetime of the Strategy.

92. Policy WCS 2 of the Worcestershire Waste Core Strategy reiterates this stating at point v) states "no additional landfill or disposal capacity is required to achieve self-sufficiency; therefore, no delivery milestones have been identified". It goes on to state that "proposals for landfill and disposal capacity are not encouraged and will not be permitted unless they meet the criteria set out in Policy WCS 5".

93. Policy WCS 5 of the adopted Worcestershire Waste Core Strategy states that *"no capacity gap has been identified for the landfill or disposal of waste. Planning permission will not be granted for the landfill or disposal of waste except where it is demonstrated that:*

- i. re-use, recycling, or energy or resource recovery are not practicable for the waste type to be managed and no landfill or disposal capacity exists in the county for that type of waste; or*
- ii. there will be a shortfall in landfill or disposal capacity necessary to achieve the aims and purpose of the strategy; or*
- iii. the proposal is essential for operational or safety reasons or is the most appropriate option".*

94. The applicant states that *"there are no designated sites within Worcestershire that can receive this waste, and the waste authority has advised that it would be a poor use of a landfill site to dispose of it in that way".*

95. The 2013/2014 Annual Monitoring Report (AMR) for Worcestershire does not identify a capacity gap for landfill, noting *"that with the continued shift towards reuse, recycling and other recovery it appears that the demand for additional landfill capacity will continue to reduce".* With regards to inert landfill, such as this proposal, the AMR notes that there is capacity for 2,964,000 cubic metres within the County. The commentary states that *"the amount landfilled is in line with the projections made in the Waste Core Strategy; however Environment Agency data indicates that void space has not declined at the same rate. This is not uncommon as a result of re-assessments of void space by the Environment Agency or the creation of new voids, as mineral workings with planning permission to be restored by landfilling are excavated. This means that there is more inert landfill capacity remaining at this stage in the Waste Core Strategy than was projected. This is not considered to be a problem, but will be kept under review".*

96. Furthermore, the 2014-2015 AMR, which is currently in draft but due for publication imminently, shows that in 2014 there was 2,957,850 cubic metres of void space for inert landfill in Worcestershire. Figure 6.6 of the 2014-2015 AMR shows that cumulative landfill is approximately 36% below the projections in the Waste Core Strategy, meaning that Worcestershire is unlikely to experience a capacity gap

for this type of waste before the end of the Strategy period (2027). In view of this, it is considered that there is adequate provision of inert landfill capacity within the County.

97. With reference to parts i) and ii) of Policy WCS 5, the Planning Development Control Manager considers that inert waste soils, such as this, can be recovered for use in construction projects, where there is a beneficial purpose or could be disposed of to licenced landfill sites. The AMR demonstrates that the assumptions within the adopted Waste Core Strategy are correct, and therefore, there is adequate inert landfill capacity within the County. Consequently, it is considered that parts i) and ii) of Policy WCS 5 do not apply to the proposal and therefore, for the proposal to conform with this Waste Core Strategy Policy the applicant must demonstrate that the proposal is essential for operational or safety reasons or is the most appropriate option.

98. The supporting text to Policy WCS 5 states that *"excavation activities, a normal part of the construction process, can result in considerable arisings of subsoils. In some cases, this type of waste can usefully be re-used for purposes such as flood management schemes, landscaping, levelling of sites, the construction of bunds, embankments or features for noise attenuation. However, to prevent inappropriate development, these kinds of proposals will be considered against Policy WCS 5: Landfill and disposal. The decision on whether proposals are a form of disposal will be guided by the Environment Agency's advice"*. This is contained within the document: RGN13: Defining waste recovery: permanent deposit of waste on land.

99. Appendix 1 of RGN13 gives examples of when the Environment Agency considers a particular activity could be considered a recovery operation rather than disposal operation. Appendix 1 states that *"bunds can be created for a number of purposes. Evidence must be presented that shows the bund is needed. This would include setting out the benefits that would be derived when the work is complete, and justifying that there was a genuine need for the bund...if a very large bund is proposed, but the benefits derived from installing it are marginal, this would point more towards a disposal operation"*.

100. In view of this, it is considered that the proposed construction of an earth bund would require a substantial amount of inert material, requiring approximately 150,000 tonnes of soils. This would result in a bund feature measuring some 920 metres long by a maximum of about 180 metres wide by a maximum of 4.5 metres high. Therefore, a clear benefit must be demonstrated for the bund to be considered a recovery operation.

101. The applicant's justification statement is that *"the principles of sustainable waste management require waste to be dealt with as close to its source as possible. Further, waste authorities are required to aim towards self-sufficiency in dealing with as much of its own waste as possible without relying on neighbouring authorities. The exportation of the waste soils to a neighbouring county would therefore go against this 'proximity principle'". The application is located within close proximity to the sources of the waste soils and provides an opportunity to dispose of the waste soil within Worcestershire. This will limit the distance lorries need to travel.*

102. *Further, whilst the bund is essentially a waste operation it does also serve two purposes. Firstly, it has been designed so as to enable partial arable use. Secondly, the opportunity will be taken to provide biodiversity enhancements to the remainder of the bund. The existing site is of limited ecological value so the proposal presents the opportunity to create new habitats and encourage biodiversity".*

103. It is noted that the applicant refers to the 'proximity principle'; Members are advised that the terms 'proximity principle' is no longer used in national policy; and notes the comments of the County Minerals and Waste Management Officer who comments that the "*Worcestershire's Waste Core Strategy seeks to achieve "equivalent self-sufficiency", meaning that provision is made in the Waste Core Strategy to manage a volume of waste equivalent to the county's arisings, but not necessarily precluding cross-boundary movements where that is the most appropriate option".*

104. This report shall now examine the merits of the proposal in terms of residential amenity, landscape character and visual impact, traffic and highway safety, water environment, ecology and biodiversity, and economic impact to ascertain whether "*the proposal is essential for operational or safety reasons or is the most appropriate option*" to comply with Policy WCS 5 of the adopted Waste Core Strategy.

Landscape character and appearance of the local area

105. The application was accompanied by a Landscape and Visual Impact Appraisal, which concludes that "*the site can accommodate the proposed development without harm to the wider landscape, and in a manner consistent with existing landscape pattern and character evident in the surroundings*". It notes that there would be a temporary short-term impacts on the landscape and visual character of the site while the works are being undertaken, due to the increased vehicle movements and the presence of construction vehicles and bare soil on the site, but considers that in the longer term, these impacts would reduce as the proposed woodland planting matures, integrating the proposal into the surrounding landscape.

106. The Planning Development Control Manager considers that the application site is fairly well contained and screened from Nunnery Way (A4440), Pershore Lane (A4538), A44 and the north-eastern section of the B4636 by a combination of topography and existing established vegetation. It is considered that views of the central part of the proposal would be screened from views along the M5 Motorway, as the Motorway is within a cutting at this location. Views further south along the M5 Motorway would also be well screened due to the existing dense vegetation along the western application site boundary. The most visible and, therefore, sensitive part of the application site is the north-west corner of the bund, where the site is at its lowest point and highly visible from the M5 Motorway and the B4636 on the bridge over the M5 Motorway. This section of the proposal would contain some of the highest areas of the proposed bund, measuring approximately 4.5 metres high, consequently, the District Landscape Officer considers that the new landform would appear 'engineered' within this section of the site, and considers the proposal would look more natural if the contours were further apart, creating a gentler rise from the north-western corner. The District Landscape Officer notes the proposal would be highly visible from the Bridleways which cross the site, but considers that the proposed planting would serve to further screen the M5 Motorway from the

Bridleways. The proposed planting would tie in with other woodland blocks in the landscape and would help to visibly connect them.

107. With regards to landscape character the District Landscape Officer considers that the proposal for woodland planting would not be at odds with the identified landscape character in principle; however, in order to respect the identified 'organic' character, the District Landscape Officer suggests that the shape of the planting blocks should be reconsidered. Overall, the District Landscape Officer raises no objections; subject to the detailed design of the bund being given further consideration in order that the proposal better respects its setting in terms of visual impact and landscape character.

108. The County Landscape Officer has been consulted and has raised no objections to the proposal, subject to the imposition of a condition requiring the protection of retained trees and hedgerows. With regards to impacts upon the Grade II* Historic Park and Garden of Spetchley Park, the Garden History Society and Hereford and Worcester Garden Trust were consulted and have both made no comments. Historic England has also been consulted and has raised no objections, recommending that the specialist advice of the District Council Conservation Officer is sought. The District Conservation Officer has no objections, noting that this application is within the Spetchley Estate, but does not affect the registered boundary of the Historic Park and Garden.

109. In view of the above matters, the Planning Development Control Manager considers that subject to the imposition of appropriate conditions regarding the detailed design of the bund, the planting schedule and the protection of retained trees, the proposal would not have an adverse or detrimental impact upon the character and appearance of the local area. The Planning Development Control Manager is, however, not satisfied that there would be a clear benefit for the construction of an earth bund at this location in terms of visual screening, and considers that overall the proposal in terms of landscape character and visual impact would have a neutral impact, subject to the imposition of the conditions recommended by the District and County Landscape Officers.

Residential Amenities (noise and dust impacts)

110. The nearest residential properties are those of Cornmill Barn located about 170 metres south of the proposed development along the U47646, accessed via the A44. Further residential properties are located along U52044, also located off the A44, sited about 175 metres south-west of the proposal. The nearest properties to the east are those of Cudleigh Court Farm, located about 320 metres away. Further dwellings are sited along Dunmow Avenue, Fowler Avenue, Howlett Place and Towneley located approximately 250 metres to the west of the proposal.

111. A Noise Overview Assessment and Dust Assessment accompanied the planning application. The Noise Overview Assessment concludes that "*whilst some acoustic screening of short segments of the M5 Motorway to specific receptors points would occur, there would be little or no additional screening from the majority of the section of the M5 Motorway from which noise currently contributes to the local noise environment at individual noise-sensitive locations. Accordingly, the overall reduction in noise would be very slight and it is unlikely the reduction would be perceptible.*

112. *In terms of any potential adverse effects resulting from reflections of the M5 Motorway traffic noise from the bund back towards the opposite (west) side of the Motorway, a zero, or virtually zero impact is anticipated in this regard...In view of the above, it is concluded that there would be no appreciable acoustic effects resulting from the proposed bund".*

113. The Dust Assessment concludes that *"through good practice and implementation of appropriate mitigation measures, it is expected that the release of dust would be effectively controlled and mitigated resulting in the impact at surrounding receptors to be not significant. Due to the low additional number of HGV trips during the construction phase of the development, there is predicted to be a neutral impact on air quality from road vehicle exhaust emissions. As such, it is considered that air quality does not represent a material constraint to the development proposals".* The Dust Assessment identifies a number of mitigation measures which include: developing and implementing a Dust Management Plan; sheeting of all loaded lorries; switching off vehicle engines when stationary; and minimising drop heights from loading shovels.

114. Paragraph 122 of the NPPF states that *"local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively".* Paragraph Reference ID: 28-050-20141016 of the Government PPG elaborates on this matter, stating that *"there exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively. The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body".*

115. The Planning Development Control Manager notes that the proposal would likely require an Environmental Permit from the Environment Agency, which would control emissions. The Environment Agency has been consulted and has made no adverse comments. Worcestershire Regulatory Services has raised no objections to the proposal. With regards to impacts to human health, Public Health England has raised no objections, subject to the imposition of conditions to control noise and air pollution emissions. They state that they have no significant concerns regarding risk to health of the local population from the proposed activity, providing that the applicant takes all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice.

116. In view of the above matters, the Planning Development Control Manager considers that, subject to the imposition of appropriate conditions that there would be no adverse air pollution, noise or dust impacts on residential amenity or that of human health. The Planning Development Control Manager is, however, not satisfied that there would be a clear benefit for the construction of an earth bund at this location in terms of noise attenuation benefits, given that the Noise Overview Assessment concludes that noise reduction would be "very slight and is unlikely the noise reduction would be perceptible".

The Water Environment

117. The proposed development is located within Flood Zone 1 (low probability), as identified on the Environment Agency's Indicative Flood Risk Map. The Government's Planning Practice Guidance (PPG) identifies that all uses of land are appropriate within this zone. However, as the application site exceeds 1 hectare it is accompanied by a Flood Risk Assessment.

118. The Flood Risk Assessment (incorporating a hydrology and drainage scheme) concludes that *"the proposed bund would potentially occupy a piece of land that currently drains towards the M5 Motorway and is dependent on its drainage on the infrastructure of the Motorway. The proposed drainage plan aims to use the new land levels of the bund to drain the bund and land local to the M5 Motorway away from the Motorway drains and thereby reduce the flows to these drains. The outflows from the ponds would drain into existing large farm ditches and away from urban areas. In addition, two sedimentation ponds are proposed during the construction phase of the bunds. These ponds would allow a degree of attenuation of flows, but critically act as sediment traps during the construction phase. Once the bunds planting has matured and the bunds soil structure is formed, these ponds would be redundant as the runoff from the bunds would be less under woodland than the current arable land. The proposed drainage scheme would reduce the runoff volumes to the M5 Motorway culverts, but would divert large portion of the catchment drainage eastwards. This scheme offers significant protection to the M5 Motorway infrastructure"*.

119. The Lead Local Flood Authority has been consulted and has raised no objections, stating that they are satisfied with the principles of the drainage strategy. In view of this, the Planning Development Control Manager considers that there would be no adverse effects on the water environment and considers that the planning application accords with Policy WCS 10 of the Worcestershire Waste Core Strategy. It is noted that overall the proposal would provide minor drainage benefits in terms of reducing the reliance of the site on the existing M5 Motorway drainage infrastructure. However, should drainage and resilience of the M5 Motorway drainage infrastructure be a principal concern then it is considered that other solutions could be considered.

Ecology and biodiversity

120. There are a number of international, national and regional designated wildlife sites within the surrounding landscape. Most notably Lyppard Grange Ponds SSSI and SAC, which is located approximately 830 metres north-west of the development site. A number of LWSs are located within 1 kilometre of the proposed development, including Hornhill Meadows LWS and Nunnery Wood LWS, which are sited about 320 metres and 730 metres west of the site, respectively. Spetchley Deer Park & Plantation Meadows LWS is also located approximately 740 metres south-east of the proposed development.

121. The application was accompanied by an Ecological Assessment, the Assessment considered that *"whilst a moderate diversity of species is currently present towards the north and south of the site the habitat present is not considered to be of particular botanical interest and falls short of the criteria for features of*

significant ecological value. Nonetheless, the habitats present still provide opportunities for a range of local wildlife".

122. It recommends that vegetation clearance should take place outside the bird breeding season (March to August, inclusive); and precautionary measures for Great Crested Newts, notably *"care should be taken to ensure no wet area are created during the works which might attract newts. Also arable habitats should not be allowed to fall out of management prior to workings commencing such that additional sheltering opportunities are created"*.

123. The Assessment concludes that *"no impacts to any protected wildlife sites and no significant impacts to valuable habitats are identified. The landscape proposals would create habitat enhancements in the medium-term with the provision of grassland and woodland planting of greater ecological value than the existing arable fields"*. The Assessment recommends that a Landscape and Ecology Management Plan is imposed as a condition of any planning permission to ensure the goals for biodiversity, landscape and recreation are achieved in the long-term.

124. Natural England and Worcestershire Wildlife Trust have been consulted due to the proximity of the proposal to the Lyppard Grange Ponds SSSI and SAC, and LWS's, respectively. Natural England has raised no objections to the proposal, and considers the proposal would not impact on the nearby SSSI and SAC. Worcestershire Wildlife Trust has no objections, subject to the imposition of a condition requiring a CEMP. The County Ecologist has no objections, subject to the imposition of appropriate conditions.

125. The Planning Development Control Manager considers that subject to the imposition of appropriate conditions that the proposed development would have no adverse impacts on the ecology and biodiversity at the site or in the surrounding area; and considers that the proposal would provide minor ecological benefits.

Traffic, highway safety and impact upon the Public Rights of Way

126. The development site would be accessed via the existing private road/agricultural access of Withy Wells Lane that joins the priority junction with Pershore Lane (A4538). This junction forms parts of a crossroads with Bredicot Lane. The national speed limit of 60 mph applies to Pershore Lane at this location. A visibility splay of 215 metres for the speed limit on the road can be achieved at 2.4 metres and 4.5 metres set back. The access would be sufficient to allow 2 tipper trucks to pass at the entrance.

127. Construction vehicles would consist of 20 tonne rigid 'tipper' trucks that are approximately 10 metres in length. In addition, at the beginning and end of the project, a small number of low-loaders (measuring about 15 metres long and 80 tonne capacity) would be used to deliver construction vehicles. These would be scheduled deliveries so their access and egress can be managed to mitigate their impact. During the construction period, personnel would use car and vans to access the site on a daily basis.

128. The proposed bund would accommodate up to a maximum of 150,000 tonnes of waste soils, based on the site being operational 6 days per week, and an average load of 20 tonnes per vehicle, the applicant estimates that the proposal would generate a total of 15,002 HGV movements, equating to about 24 HGV movements

per day from each site (a total of 48 HGV movements per day - 24 entering the site and 24 exiting the site). Based on an 8 hour working day, the two-way trip rate would be 6 HGV's per hour. This is based on the worst case scenario that both Worcester 6 site and the retail park development are under construction at the same time. The construction period for the bund is anticipated to last for approximately 15 months. The applicant states that "*due to the low numbers of HGVs movements, it is unlikely that the construction vehicles would meet on Wither Wells Lane, however, there would be sufficient pulling in areas and verges on Wither Wells Lane where construction vehicles could pass other users on the lane if necessary*".

129. It is noted that in the Transport Assessment the applicant states that "*in 2014, Pershore Lane (A4538) had an annual average daily flow of approximately 10,400 vehicles of which 7% (about 728) were HGV's*". Therefore, based on these figures, the proposal would result in approximately 6.6% rise per day in HGV traffic along Pershore Lane (A4538) for a temporary period of time (about 15 months). However, it is noted that if the waste soils were not be deposited at the proposed site, these vehicles would still be on the road network, as this material would have to be recovered/disposed of elsewhere, unless the Worcester 6 and retail park developers were to re-use the material on site.

130. The applicant states that construction lorries would have to travel about 2.6 kilometres (retail park development) and 1 kilometre (Worcester 6 site) to the application site. The applicant state that internal movement within the construction site would use existing tracks within the Spetchley Estate, with potential for temporary construction routes and passing points to be installed.

131. The route for construction traffic from the retail park site to the proposed development would follow the B4636 in a north-east direction, turning right at the roundabout onto Pershore Lane (A4538), travelling in a southern direction and turning right into Wither Lane. The route for construction traffic from the Worcester 6 site to the proposal would follow Pershore Lane (A4538) to the north of the application site. Construction vehicles would turn right out of the Worcester 6 site, travelling southwards along Pershore Lane (A4538) and turn right into Wither Lane.

132. Tibberton Parish Council comments that they are concerned about the traffic disruption and associated highways issues on an extremely busy thoroughfare, especially at commuter times, and request that consideration is given to scheduling heavy construction vehicle movements outside the peak commute time periods; and request regular road cleaning.

133. With regards to Tibberton Parish Council's comments, it is noted that the application states that there would be breaks in construction works/deliveries during peak hours and that there would be a wheel wash facility on site and a road sweeper would be used as necessary.

134. Highways England has been consulted due to the proximity of the M5 Motorway and recommends that planning permission is not granted for a period of 3 months (ending on 22 March 2016) to enable the application to submit further information to ensure the proposal would not have a detrimental impact on the continued safe operation and functionality of the Strategic Road Network. The County Highways Officer has raised no objections.

135. A number of Public Rights of Way are located in the vicinity of the application site, notably Bridleways SE-534, SE-535, SE-536 and SE-537 which run along Withy Wells Lane. This route is also forms part of a local cycle network.

136. One letter of representation objecting to the proposal has been received stating that whilst the applicant notes the existence of the cycleway, scant regard is given in the application to ensuring this route is maintained in a safe and useable manner. Nor is there any commitment to ensuring the route is re-instated to a reasonable standard with an all year surface after development has been completed. It is strongly recommend that planning permission is refused, unless conditions are imposed which ensures this important cycle route is maintained throughout the construction period and improvements are made to improve the usability of this important part of the county's cycle network. It is further recommended that a developer contribution is made to improving off site linkages and signage of this route.

137. To minimise the impact of construction traffic on the Public Rights of Way, the applicant has set out a number of principles within the Transport Assessment, this includes the following:

- *"Internal movement within the construction site would use existing tracks within the Spetchley Estate, with potential for temporary construction routes and passing points to be installed. Although these are Public Rights of Way, any impacts on the users of these routes could be mitigated through site management.*
- *Temporary diversion of pedestrian / cycle routes and Public Rights of Way to be signposted accordingly, if necessary.*
- *Signs should be placed along pedestrian/cycle routes and Public Rights of Way to warn of frequent construction traffic.*
- *Drivers and staff would be educated and forewarned about the potential for other users to be on the lane.*
- *Provide induction training for drivers, workers and visitors and send instructions out to visitors before their visit.*
- *Vehicle speed would be limited to 10mph on the lane, and also on site.*
- *The appointed contractor would carry out a highway conditions survey along both construction traffic routes prior to the commencement of construction work. Following the completion of the construction work a further highway conditions survey would be carried out to ensure that any defects are reasonably attributed to the construction work".*

138. Given the scale, nature and type of the proposal, it is not considered that a developer contribution would be necessary in this instance, as once the bund was constructed; it is considered it would have no impact whatsoever on the cycle network. In view of this, it is considered that such a planning obligation would not pass the tests set out at paragraphs 203 and 204 of the NPPF, namely:-

139. *"Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.*

140. *Planning obligations should only be sought where they meet all of the following tests:*

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development".*

141. The County Footpath Officer, British Horse Society and Open Space Society have been consulted but made no comments. The Ramblers Association has raised no objections, subject to the imposition of conditions requiring details of the measures to be implemented to protect uses of the Public Rights of Way; and to repair damage and reinstate the Bridleway to its former condition.

142. Based on the advice of the Ramblers Association, the Planning Development Control Manager is satisfied that subject to the imposition of appropriate conditions that the proposal would not have an unacceptable impact upon Public Rights of Way.

143. With regards to traffic and highways safety, based on the advice of Highways England, the Planning Development Control Manager considers that further information is required in order to ensure that the proposal does not have an unacceptable impact on the integrity of the M5 Motorway. As set out by the Town and Country Planning (Development Affecting Trunk Roads) Direction 2015 should the County Planning Authority wish to grant planning permission contrary to Highways England advice, the County Planning Authority must consult the Secretary of State for Transport. The County Planning Authority must then not determine the application until either the Secretary of State gives a direction in respect to the application (and the County Planning Authority must then determine the application in accordance with the terms of the direction); or the County Planning Authority receive notification by or on behalf of the Secretary of State that the Secretary of State does not propose to give any such direction in respect to the application; or a period of 21 days has elapsed without the Secretary of State giving such a direction.

Economic Impact

144. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development through the three dimensions of economic, social and environmental. In particular the NPPF sees the economic role of planning as *"contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating the development requirements, including provision of infrastructure"*.

145. In addition, the NPPF at Paragraph 19 states that the *"Government is committed to ensuring that the planning system does everything it can to support economic growth, and therefore, significant weight should be placed on the need to support economic growth through the planning system"*.

146. The proposed development would facilitate the construction of the Worcester 6 site (Worcester Technology Park), which is listed as a key project within the Worcestershire LEP Business Plan and identified as a 'Game Changer' site within the Worcestershire SEP. 'Game Changer' sites are those with a significant sustainable economic impact of regional significance, which occupy strategic locations within their markets and provide major opportunities to lever market-led

investment and deliver growth and jobs. The Worcester 6 site is also allocated within the adopted South Worcestershire Development Plan (Policy SWDP 45 / 6). The supporting text to Policy SWDP45/6 states that "*although provision has been made for local employment opportunities within the city and the urban extensions, there is evidence to support a 70ha (gross) sub-regional employment site providing opportunities for existing manufacturing companies in the area to consolidate and expand by relocating to this site. The land is located immediately south-east of Junction 6 of the M5, a key gateway to the city. It lies within Wychavon District, but as the site abuts the city boundary it will provide serviced employment land to meet the growth of Worcester*".

147. In view of the above matters, it is considered the proposal would help to facilitate the construction of the Worcester 6 site, which would provide significant economic benefits as well as facilitating the construction of the retail park should this be granted planning permission.

Conclusion

148. As with any planning application, this application should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. The reason why the Development Plan is at the heart of the planning system is because it is the forum where the need for new development is identified, and also where it would be inappropriate. The plan would have been through public consultation, and would have been subject of independent examination.

149. The key development plan policy to be considered in the determination of this planning application is that of Policy WCS 5 of the adopted Worcestershire Waste Core Strategy. Policy WCS 5 of states that "*no capacity gap has been identified for the landfill or disposal of waste*". The supporting text to Policy WCS 5 states that "*the decision on whether proposals are a form of disposal will be guided by the Environment Agency's advice*". This is contained within the document: RGN13: Defining waste recovery: permanent deposit of waste on land.

150. Appendix 1 of RGN13 gives examples of when the Environment Agency considers a particular activity could be considered a recovery operation rather than disposal operation. Appendix 1 states that "*bunds can be created for a number of purposes. Evidence must be presented that shows the bund is needed. This would include setting out the benefits that would be derived when the work is complete, and justifying that there was a genuine need for the bund...if a very large bund is proposed, but the benefits derived from installing it are marginal, this would point more towards a disposal operation*".

151. Therefore, for the proposal to be considered a recovery operation rather than a waste disposal operation, the applicant has to demonstrate a clear benefit to the deposit of waste soils in this location.

152. It is noted that the application was accompanied by a Noise Overview Assessment, which concluded that "*whilst some acoustic screening of short segments of the M5 Motorway to specific receptors points would occur, there would be little or no additional screening from the majority of the section of the M5*

Motorway from which noise currently contributes to the local noise environment at individual noise-sensitive locations. Accordingly, the overall reduction in noise would be very slight and it is unlikely the reduction would be perceptible". Therefore, the Planning Development Control Manager considers that the proposal would provide negligible noise attenuation benefits.

153. The submitted Landscape and Visual Appraisal concludes that *"there would be temporary short-term adverse impacts on the landscape and visual character of the site while the works are being undertaken, due to the increased vehicle movements and the presence of construction vehicles and bare soil on the site. However, in the medium to longer-term the proposal could be accommodated without harm to the wider landscape, and in a manner consistent with existing landscape pattern and character evident in the surroundings".* Therefore, the Planning Development Control Manager considers that the proposal would provide a neutral impact upon the landscape, subject to the imposition of appropriate conditions.

154. The submitted Ecology Assessment concludes that *"the landscape proposals will create habitat enhancements in the medium-term with the provision of grassland and woodland planting of greater ecological value than the existing arable fields".* Therefore, the Planning Development Control Manager considers that the proposal would provide minor ecology and biodiversity benefits.

155. Furthermore, it is noted that the applicant states that the proposal *"provides an opportunity to dispose of the waste soil within Worcestershire".* In view of above matters, the proposal is considered a disposal operation. Policy WCS 5 goes on to state that *"planning permission will not be granted for the landfill or disposal of waste except where it is demonstrated that:*

- i. re-use, recycling, or energy or resource recovery are not practicable for the waste type to be managed and no landfill or disposal capacity exists in the county for that type of waste; or*
- ii. there will be a shortfall in landfill or disposal capacity necessary to achieve the aims and purpose of the strategy; or*
- iii. the proposal is essential for operational or safety reasons or is the most appropriate option".*

156. It is considered that parts i) and ii) of Policy WCS 5 do not apply to the proposal and therefore, for the proposal to conform with this Waste Core Strategy Policy the applicant must demonstrate that the proposal is essential for operational or safety reasons or is the most appropriate option.

157. As indicated earlier, it is considered that there would be no clear noise attenuation benefits from the construction of the earth bund in this location; it is considered the proposal would have a neutral impact upon the landscape, subject to the imposition of appropriate conditions; and only minor benefits in terms of ecology and biodiversity are anticipated. It is considered that the proposal would provide minor drainage benefits in terms of reducing the reliance of the existing site on the M5 Motorway drainage infrastructure, thereby enhancing the resilience of the Strategic Road Network. It is also considered that the proposal would help to facilitate the development of the Worcester 6 site, which is identified as a key project in the Worcestershire LEP Business Plan; as an 'Economic Game Changer site' in the Strategic Economic Plan (SEP); and is allocated within the South

Worcestershire Development Plan (Policy SWDP 45 / 6). It is noted that the NPPF affords significant weight to be placed on the need to support economic growth through the planning system.

158. Furthermore, the proposal would limit the distance HGV's have to travel to dispose of the waste soils at an appropriate licenced facility or recovered for beneficial purposes in other projects. Notwithstanding this, the Planning Development Control Manager is not satisfied that the limited benefits of this proposal when taken individually or as a whole demonstrates that "*the proposal is essential for operational or safety reasons or is the most appropriate option*", as set out in part iii) of Policy WCS 5 of the adopted Worcestershire Waste Core Strategy. Therefore, it is considered that there would not be a clear benefit for the construction of an earth bund in this location that would override Policy WCS 5 of the adopted Waste Core Strategy and the principle of the waste hierarchy.

159. It is also noted that the County Minerals and Waste Management Planning Policy Officer objects to the proposal as it is considered contrary to the vision, objectives and policy of the adopted Worcestershire Waste Core Strategy.

160. Whilst the NPPF reiterates that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise; and each application must also be considered on its own merits, it is considered that should this application be granted planning permission, it would set an undesirable precedent which would encourage further landfill / landraising applications to dispose of construction waste in the countryside potentially creating alien landforms without any clear benefits, undermining Policy WCS 5 of the adopted Worcestershire Waste Core Strategy. Furthermore, the County Minerals and Waste Management Planning Policy Officer considers that appropriate disposal of waste must be considered to be an essential component of the design and business case for any development. No overriding factors have been demonstrated in this case, and it is considered that the waste arising from the Worcester 6 Site and Retail Park development should be appropriately disposed of, as would be expected of all developments in the county.

161. On balance, it is considered that permitting the formation of an earth bund on land to south of B4636 and east of M5 Motorway, Spetchley, Worcestershire, would be contrary to Policy WCS 5 of the adopted Worcestershire Waste Core Strategy, as the proposal would be a waste disposal operation, with no clear benefits that outweigh the harm of not driving waste up the waste hierarchy.

Recommendation

162. The Planning Development Control Manager recommends that planning permission be refused for the formation of an earth bund on land to south of B4636 and east of M5 Motorway, Spetchley, Worcestershire for the following reason:

The proposal is considered to be a waste disposal operation that would not drive waste up the waste hierarchy, contrary to Policy WCS 5 of the adopted Worcestershire Waste Core Strategy.

Contact Points

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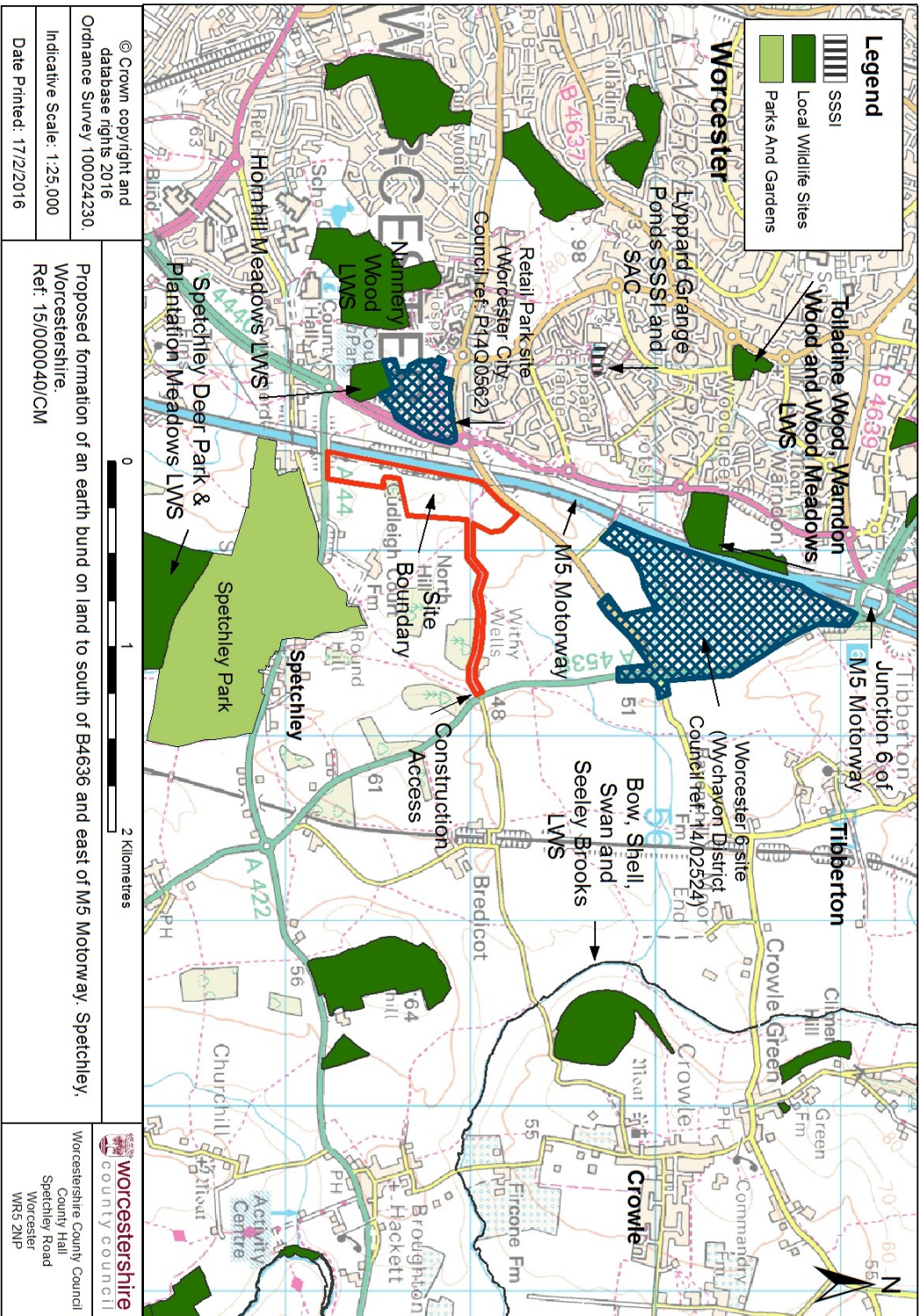
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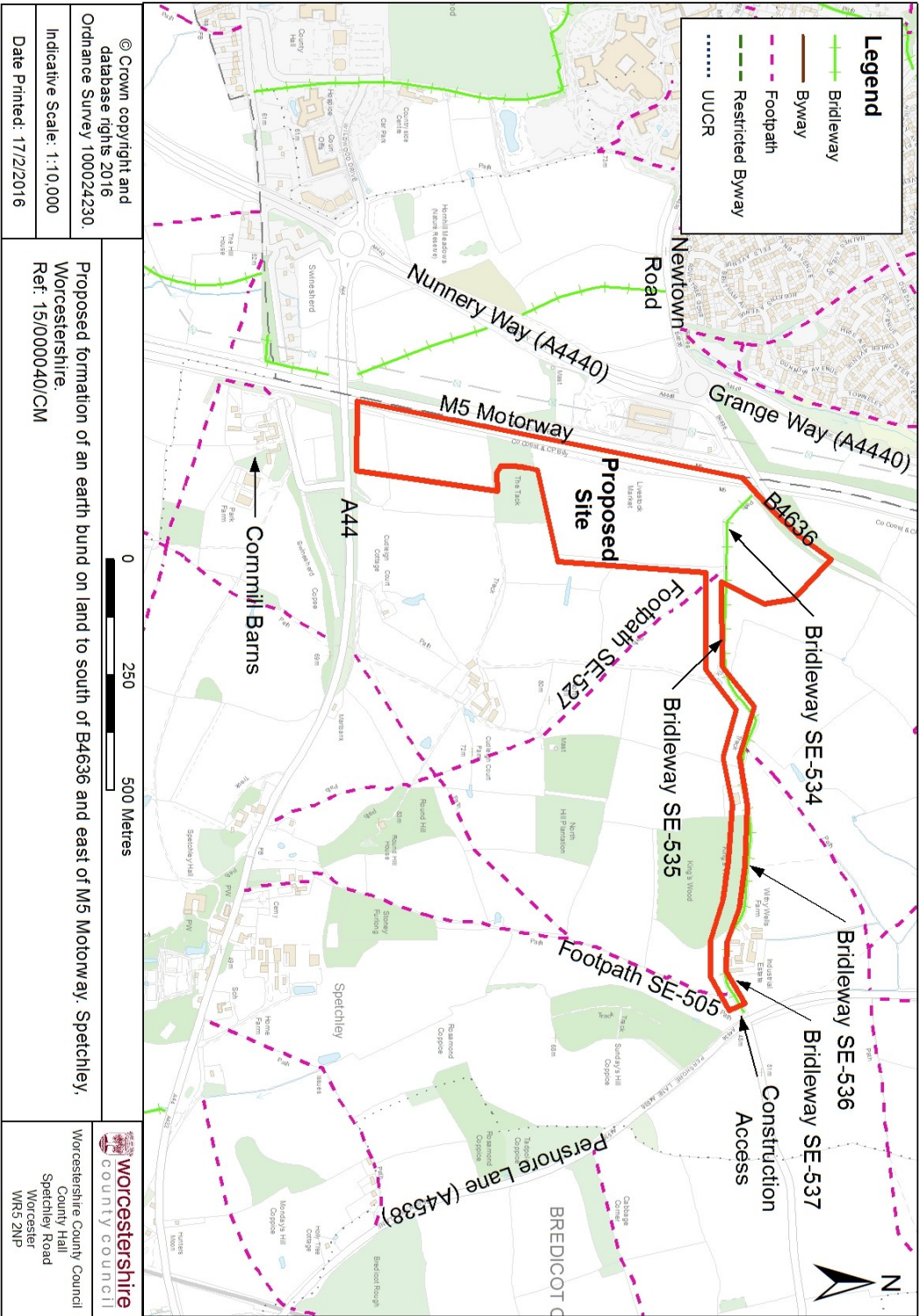
Background Papers

In the opinion of the proper officer (in this case the Planning Development Control Manager) the following are the background papers relating to the subject matter of this report:

The application, plans and consultation replies in file reference 15/000040/CM.



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