

Worcestershire County Council

Agenda

Planning and Regulatory Committee

Tuesday, 20 May 2014, 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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বাংলা। আপনি যদি এই দলিলের বিষয়বস্তু বুঝতে না পারেন এবং আপনার জন্য অনুবাদ করার মত পরিচিত কেউ না থাকলে, অনুগ্রহ করে সাহায্যের জন্য 01905 765765 নম্বরে যোগাযোগ করুন। (Bengali)

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اردو۔ اگر آپ اس دستاویز کی مشمولات کو سمجھنے سے قاصر ہیں اور کسی ایسے شخص تک آپ کی رسائی نہیں ہے جو آپ کے لئے اس کا ترجمہ کر سکے تو، براہ کرم مدد کے لئے 01905 765765 پر رابطہ کریں۔ (Urdu)

کوردی سۆزانی. ننگیر ناتوانی تێبگهی له ناڕهزکی نهم بئێگهیوه و دستت به هیچ کس ناگات که و هیگهێرتنوه بۆت، تکلیه تهلپون بکه بۆ ژمارهی 01905 765765 و داوای رینۆینی بکه. (Kurdish)

ਪੰਜਾਬੀ। ਜੇ ਤੁਸੀਂ ਇਸ ਦਸਤਾਵੇਜ਼ ਦੇ ਮਸ਼ਹੂਰ ਸਮਝ ਨਹੀਂ ਸਕਦੇ ਅਤੇ ਕਿਸੇ ਅਜਿਹੇ ਵਿਅਕਤੀ ਤੱਕ ਪਹੁੰਚ ਨਹੀਂ ਹੈ, ਜੋ ਇਸਦਾ ਤੁਹਾਡੇ ਲਈ ਅਨੁਵਾਦ ਕਰ ਸਕੇ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਮਦਦ ਲਈ 01905 765765 'ਤੇ ਫ਼ੋਨ ਕਰੋ। (Punjabi)

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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, 20 May 2014, 10.00 am, County Hall, Worcester

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

Agenda

Item No	Subject	Page No
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 (11 February 2014) (Previously circulated)	
5	Proposed erection of a kiosk to support existing sewage pumping station at Field House Farm Barns, Thicknall Lane, Clent, Stourbridge, Worcestershire	1 - 16
6	Proposed construction of a reed bed treatment system at Hartlebury Landfill Site, Whitleng Lane, Hartlebury, Worcestershire	17 - 36
7	Application for planning permission for the carrying-out of development pursuant to planning permission reference number 603451 dated 28 February 2007 without complying with condition 2 of that permission so as to allow the retention of 14 temporary classrooms for 2 years at Wolverley C of E Secondary School, Blakeshall Lane, Wolverley, Kidderminster	37 - 50

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 at <http://www.worcestershire.gov.uk/cms/democratic-services/committees-and-panels/holder/planning-and-regulatory.aspx>

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8	Safety of Sports Grounds Annual Review 2013/14	51 - 56

NOTES

- **Webcasting**

Members of the Cabinet are reminded that meetings of the Cabinet are Webcast on the Internet and will be stored electronically and accessible through the Council's Website. Members of the public are informed that if they attend this meeting their images and speech may be captured by the recording equipment used for the Webcast and may also be stored electronically and accessible through the Council's Website.

Planning and Regulatory Committee
20 May 2014

**5. PROPOSED ERECTION OF A KIOSK TO SUPPORT EXISTING
SEWAGE PUMPING STATION AT FIELD HOUSE FARM BARNES,
THICKNALL LANE, CLENT, STOURBRIDGE,
WORCESTERSHIRE**

Applicant	Severn Trent Water Limited
Local Councillor	Ms R E Jenkins
Purpose of Report	1. To consider a County Matter planning application for the erection of a kiosk to support the existing sewage pumping station at Field House Farm Barns, Thicknall Lane, Clent, Stourbridge, Worcestershire.
Background Information	2. Under the Private Drains and Sewers Transfer Regulations June 2011, all privately owned public sewers built prior to July 2011 and which serve more than one property and pump to the existing sewer become the responsibility of the sewerage company from 10 October 2016, in this instance Severn Trent Water. The existing wet well related to the existing public sewer will be retained and the below ground pumps would be refurbished which falls within Severn Trent Water's Permitted Development Rights available under Part 16 of the Town and Country Planning (General Permitted Development) Order 1995 – Development on behalf of Sewerage Undertakers. However, planning permission is required for the erection of a kiosk. The proposed development is required following a full assessment of the condition of the existing private sewage pumping station and the development of a strategy to enable the subsequent operation and maintenance of the asset by Severn Trent Water Limited. 3. The new kiosk will allow access to the sewage pumping station controls at all times. These controls are currently situated within an unsuitable location within the bin storage area which poses potential operational risks to the pumping station when the sewage pumping station is transferred to Severn Trent Water Limited who will operate the facility.
The Proposal	4. Severn Trent Water Limited is seeking planning permission for the erection of a kiosk to support the existing Sewage Pumping Station at Field House Farm Barns, Thicknall

Lane, Clent, Stourbridge, Worcestershire.

5. The proposed kiosk would be mounted on a hard standing plinth. The kiosk would measure approximately 0.72 metres long by 0.48 metres wide by 1.28 metres high. The hard standing plinth would measure approximately 0.8 metres long by 0.55 metres wide by 0.15 metres high.

6. The kiosk would be a Holly Green colour to British Standard BS5252 14-C-39 and would be constructed from Glass Reinforced Plastic (GRP). The applicant states that the proposed Holly Green colour is the standard colour selection for most utility companies.

7. The proposed development is located to the rear of the existing bin storage area, approximately 20 metres north of the nearest residential properties; The Dairy and The Buttery, Thicknall Lane. The proposal is sited approximately 30 metres east of Thicknall Lane. There is an open field to the north and woodland with pools directly adjacent to the east of the site.

8. The sewage pumping station is accessed via Thicknall Lane.

9. The Field House is a Grade II* Listed Building and is located approximately 55 metres south of the site and the Orangery located about 27 metres north-west of Field House is a Grade II Listed Building located approximately 90 metres south of the site. The Stables, the Buttery and the Granary are located between the site and the Listed Buildings.

10. The proposed site is located within flood zone 3 (high probability of flooding).

11. The site is located within the Green Belt.

12. The main issues in the determination of this application are the impact of the proposal on:

- Greenbelt
- Location of Development
- Landscape Character and the Local Area
- Residential Amenity
- Water Environment/Flood Risk
- Traffic and Highways Safety and
- Ecology.

The Site

Summary of Issues

Policy

National Planning Policy

13. PPS 10 Planning for Sustainable Waste Management.

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, since national waste planning policy will be published as part of the National Waste Management Plan for England. The NPPF states that Planning Policy Statement 10 (PPS 10) 'Planning for Sustainable Waste Management' will remain in place until the National Waste Management Plan is published. 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 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.

The Development Plan

18. 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 Worcestershire Waste Core Strategy and the Saved Policies of the adopted Bromsgrove District Local Plan. 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.

19. 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).

20. Worcestershire Waste Core Strategy Development Plan Document

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 10: Flood risk and water resources

Policy WCS 11: Sustainable design and operation of facilities

Policy WCS 12: Local characteristics

Policy WCS 13: Green Belt

Policy WCS 14: Amenity.

21. Bromsgrove District Local Plan

Policy DS2: Green Belt Development Criteria

Policy DS13: Sustainable Development

Policy ES1: Protection of Natural Watercourse Systems

Policy ES3 Sewerage Systems.

Draft Planning Policy

Draft Bromsgrove District Plan (formerly Core Strategy)

22. The Bromsgrove District Plan will set the spatial visions and objectives for the future growth and development of Bromsgrove District until 2030, and will contain a set of primary policies for delivering the overall strategy and identify strategic allocations for development through the production of a proposals map. This map will illustrate broad locations for strategic development and land-use designations.

23. On 12 March 2014, Bromsgrove District Council, as the Local Planning Authority, submitted the Bromsgrove District Plan (BDP) to the Secretary of State for independent examination. Once adopted this document will replace the 2004 Bromsgrove District Local Plan.

24. The Bromsgrove District Plan is in the process of examination and has not therefore been tested at examination or adopted by Bromsgrove District Council. Having regard to the advice in the NPPF, Annex 1, it is the view of the Head of Economic Development and Planning that little weight will be

The Government Review of Waste Policy in England 2011

Consultations

attached to the Draft Bromsgrove District Plan in the determination of this application.

25. The Government (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.

26. 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 this 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.

27. This Plan is a high level waste management document, not Planning Policy, which is non-site specific. 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.

28. 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.

29. 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.

30. **Bromsgrove District Council** has no objections to the proposal.

31. **Clent Parish Council** has no objections to the proposal.

32. **Worcestershire Regulatory Services** has no comments regarding noise, odour and light.

33. **The Environment Agency** acknowledges that the proposal is in Flood Zone 3 on the Environment Agency indicative Flood Map, however the application comprises minor ‘Water Compatible’ infrastructure and as such, they have no objection to the proposal and are satisfied they comply with the key principles of the NPPF.

34. **North Worcestershire Water Management** acknowledges that the site is located in the Severn and Stour catchment; an area at risk of flooding, however the proposed development has a limited surface area which would be located on an existing area of hard standing therefore the

proposal would not result in any additional run-off or flood risk. The North Worcestershire Water Management Team has no objections subject to the proposal being carried out in accordance with the submitted Method Statement/ Risk Assessment to ensure that the works will not adversely affect (pollute and silt) the nearby watercourse.

35. **The County Ecologist** has no objections, subject to the imposition of conditions to prevent ingress of wildlife and disturbance of adjacent habitats.

36. **The County Archaeologist** has no comments to make regarding the proposal.

37. **The County Landscape Officer** has no objections to the proposal.

38. **The District Conservation Officer** considers that the proposal is a sufficient distance from the listed buildings so as not to affect the setting.

39. **The Worcestershire Wildlife Trust** does not wish to make any comments on the proposal.

40. **The County Highways Officer** has no objections to the proposal.

Other Representations

41. In accordance with the Development Management Procedure Order 2010, the application has been advertised on site, in the local newspaper and through neighbour notification letters. No letters of representation have been received.

The Head of Economic Development and Planning's comments

42. 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.

43. Severn Trent Water is seeking planning permission for the erection of a kiosk to support the existing Sewage Pumping Station at Field House Farm Barns, Thickenall Lane, Clent, Stourbridge, Worcestershire.

Green Belt

44. The proposed site is located within the Green Belt.

45. 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".

46. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

47. 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.

48. The Head of Economic Development and Planning considers that in accordance with the NPPF, the proposed kiosk would be classed as a structure and therefore very special circumstances would need to be demonstrated to justify its location in the Green Belt.

49. The applicant has submitted the following very special circumstances for the proposed development in the Green Belt; the kiosk is required to support the existing sewage pumping station which is sited within the Green Belt. As such, it is considered that the kiosk is ancillary to the existing sewage pumping station and is, therefore, dependent on this location.

50. Under the Town and Country Planning (Consultation) (England) Direction 2009, the County Council is only required to consult the Secretary of State for Communities and Local Government on new buildings in the Green Belt it intends to approve that would be inappropriate development and exceed 1,000 square metres, or any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt. The Head of Economic Development and Planning considers that the proposed development would not have a significant impact on the openness of the Green Belt and furthermore, as the floor space of the proposed control cabinet would measure a maximum of 4 square metres, it would not need to be referred to the Secretary of State if members are minded to approve the application.

51. The Head of Economic Development and Planning considers that given the ancillary nature of this proposal to the existing sewage pumping station which is located within the Green Belt, the applicant has demonstrated very special circumstances to justify the kiosk's proposed location in the Green Belt in accordance with the NPPF and Policy WCS 13 of the Worcestershire Waste Core Strategy.

Location of Development

52. The Waste Core Strategy contains a geographic hierarchy which directs waste management facilities to broad locations within Worcestershire. The Waste Core Strategy states that waste water treatment facilities will be permitted at all levels of the geographic hierarchy.

53. Notwithstanding the proposed development's location in the Level 5, the lowest level of the geographic hierarchy, the development is in accordance with Policy WCS 3 of the Worcestershire Waste Core Strategy.

54. In view of the above, the Head of Economic Development is satisfied that the location of the proposal is in accordance with Policy WCS 3 of the Worcestershire Waste Core Strategy.

Landscape Character and the Local Area

55. The development site is bound by a bin storage area; a gravelled courtyard area and residential properties to the south; maintained grass to the north and west, beyond is Thicknall Lane, a Public Right of Way approximately 30 metres west to the west and a strip of scrub grass and shrubbery on the boundary with the woodland to the east.

56. Given the countryside setting of the site, careful consideration should be given to the design of the proposal so as to not detract from the landscape character.

57. The applicant has stated that the size of the kiosk has been designed to keep it to a minimum to ensure that the structure does not have a detrimental impact on the character and appearance of the local area. A small part of the well-maintained grassed area and some shrubbery will be lost as a result of the proposal.

58. Although the structure will be visible when approached along the access track from the north; it is considered that the proposed Holly Green colour of the structure would be in keeping with the character and appearance of the adjacent woodland, therefore, it is recommended that the colour of the Kiosk is imposed via a planning condition so that the structure would not detract from the landscape character of the local surroundings.

59. The County Landscape Officer has no concerns with regards to the proposal.

60. The Field House, which is a Grade II* Listed Building, and the Orangery which is a Grade II Listed Building are located south of the site. The Stables, the Granary and the Buttery are located between the site and the Listed Buildings and it is considered that given the intervening residential properties the Listed Buildings would not be adversely affected by the proposed development.

61. In view of the above, the Head of Economic Development

and Planning considers that given the sympathetic size, siting and design of the proposal, there will be no unacceptable adverse impact on the landscape character and appearance of the local area including the nearby listed buildings, in accordance with Policy WCS 12 of the Worcestershire Waste Core Strategy subject to planning conditions.

Residential Amenity

62. Public notices were erected around the site to advertise the proposal; advertised in the local newspaper and neighbour notification letters were delivered to the nearest residential dwellings. The nearest dwellings are sited approximately 20 metres south of the proposal.

63. There have been no representations received regarding the proposal.

64. The positioning of the kiosk to the rear of the bin store means that the structure is mostly screened from the residential properties.

65. The Head of Economic Development and Planning considers that there will be no adverse impact on the amenity of neighbouring residential properties or the surrounding area in accordance with Policy WCS 14 of the Worcestershire Waste Core Strategy.

Water Environment/Flood Risk

66. The application site is located within the Severn and Stour catchment within Flood Zone 3 (high probability of flood risk). The Environment Agency has acknowledged that the proposal comprises of 'water compatible' infrastructure and as such they have no objections to the proposals and are satisfied that the scheme complies with the key principles of the NPPF in terms of the site location.

67. The North Worcestershire Water Management Team has no objections to the proposal subject to the development being carried out in accordance with the submitted Method Statement. The Head of Economic Development and Planning recommends that this be the subject of a planning condition.

68. In view of the above, the Head of Economic Development and Planning is satisfied that the proposal would not have any adverse effects on the water environment or increase the risk of flooding in the area and considers that the planning application accords with Policy WCS 10 of the Worcestershire Waste Core Strategy and Policy ES1 of the Bromsgrove Local Plan, subject to the imposition of a condition to protect the watercourse.

Traffic and Highway Safety

69. The applicant states that the access to the proposal will remain unchanged and vehicular access to the application site will be achieved directly from the parking area servicing the residential properties and utilised by the waste collection

vehicles directly from the access track. The applicant considers that there is adequate space within this parking area for vehicles to turn and exit the site in a forward facing direction.

70. The applicant states that the anticipated vehicle movements to serve the sewage pumping station once the responsibility of Severn Trent Water Limited are up to four maintenance visits per annum to inspect the site and one visit per annum for the cleaning of the wet well, which is similar to the current maintenance.

71. The four maintenance visits will be carried out by a small van and the cleaning of the wet well will be carried out by a tanker up to 18 tonnes.

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

73. In view of the comments from the County Highways Officer, the Head of Economic Development and Planning considers that the proposal would not have an adverse impact on Highways safety.

Ecology

74. The applicant states that the proposed development will be erected on existing hard standing and small area of maintained grass. The site is bounded by maintained grass to the north and west; a strip of scrub grass and shrubbery on the boundary with the woodland to the east and a gravelled courtyard area to the south.

75. The County Ecologist has no objections to the proposed development subject to the imposition of conditions to prevent ingress of wildlife and disturbance of adjacent habitats which includes ensuring that construction and maintenance traffic are contained on the existing hard standing and well maintained amenity lawns.

76. Subject to the imposition of the conditions as recommended by the County Ecologist, the Head of Economic Development and Planning is satisfied that the proposed development accords with Policy WCS 9 of the Worcestershire Waste Core Strategy and as such would have no detrimental impact on any protected species or biodiversity.

77. The Head of Economic Development and Planning is satisfied that the applicant has demonstrated very special circumstances to justify the ancillary development of a kiosk in the Green Belt in accordance with the NPPF and Policy WCS 13 of the Worcestershire Waste Core Strategy.

78. The Head of Economic Development and Planning considers the location of the proposal is in accordance with Policy WCS 3 of the Worcestershire Waste Core Strategy.

79. Given the size, siting and design of the proposed kiosk, the

Conclusion

Head of Economic Development and Planning considers that the sympathetic nature of the scheme will have no adverse impact on the character or appearance of the local area including the nearby Listed Building's in accordance with Policy WCS 12 of the Worcestershire Waste Core Strategy.

80. The Head of Economic Development and Planning considers that there will be no adverse impact on the amenity of neighbouring residential properties or the surrounding area in accordance with Policy WCS 14 of the Worcestershire Waste Core Strategy.

81. On the basis that the proposal is 'water compatible' infrastructure development and subject to the imposition of a condition to protect the watercourse, the Head of Economic Development and Planning is satisfied that the proposal accords with Policy WCS 10 of the Worcestershire Waste Core Strategy and would not have any adverse effects on the water environment or increase the risk of flooding in the area.

82. The Head of Economic Development and Planning is satisfied that the planning application would not have any detrimental impact on highway safety in accordance with Policy WCS 8 of the Worcestershire Waste Core Strategy.

83. Subject to the imposition of conditions to prevent ingress of wildlife and disturbance of the adjacent habitats, the Head of Economic Development and Planning is satisfied that the proposed development would have no detrimental impact on any protected species or biodiversity in accordance with Policy WCS 9 of the Worcestershire Waste Core Strategy.

84. On balance, taking into account the comments received from statutory consultees; members of the public and the provisions of the development plan in particular Policy WCS 1; Policy WCS 3; Policy WCS 8; Policy WCS 9; Policy WCS 10; Policy WCS 11; Policy WCS 12; Policy WCS 13; Policy WCS 14 of the Worcestershire Waste Core Strategy Development Plan Document and Policy DS2; Policy DS13; Policy ES1 and Policy ES3 of the Bromsgrove District Local Plan, it is considered that the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

Recommendation

85. The Head of Economic Development and Planning recommends that planning permission be granted for the erection of a kiosk to support the existing sewage pumping station at Field House Farm Barns, Thicknall Lane, Clent, Stourbridge, Worcestershire subject to the following conditions:

- a) The development must be begun not later than the expiration of three years beginning with the date of this permission;**

- b) The development hereby permitted shall be carried out in accordance with the details shown on submitted Drawing Numbers: A5S11399-PA00106, Rev A, except where otherwise stipulated by conditions attached to this permission;
- c) The colour of the Kiosk shall be constructed in Holly Green to British Standard BS5252 14-C39;
- d) The development hereby approved shall be carried out in accordance with the Risk Assessment/Method Statement prepared by J N Bentley Management Systems, dated 17/04/2014 and referenced MS/RA Ref No.014;
- e) All trenches/excavations/pipes shall be closed-off overnight, or if unavoidable, they must be fitted with wood or earth escape ramps to allow any trapped wildlife to escape;
- f) 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 and followed prior to works re-commencing on the site; and
- g) All construction and maintenance traffic shall be restricted to the existing hard standing and well maintained amenity lawns.

Contact Points

County Council Contact Points

Worcester (01905) 763763, Kidderminster (01562) 822511 or
Minicom: Worcester (01905) 766399

Specific Contact Points

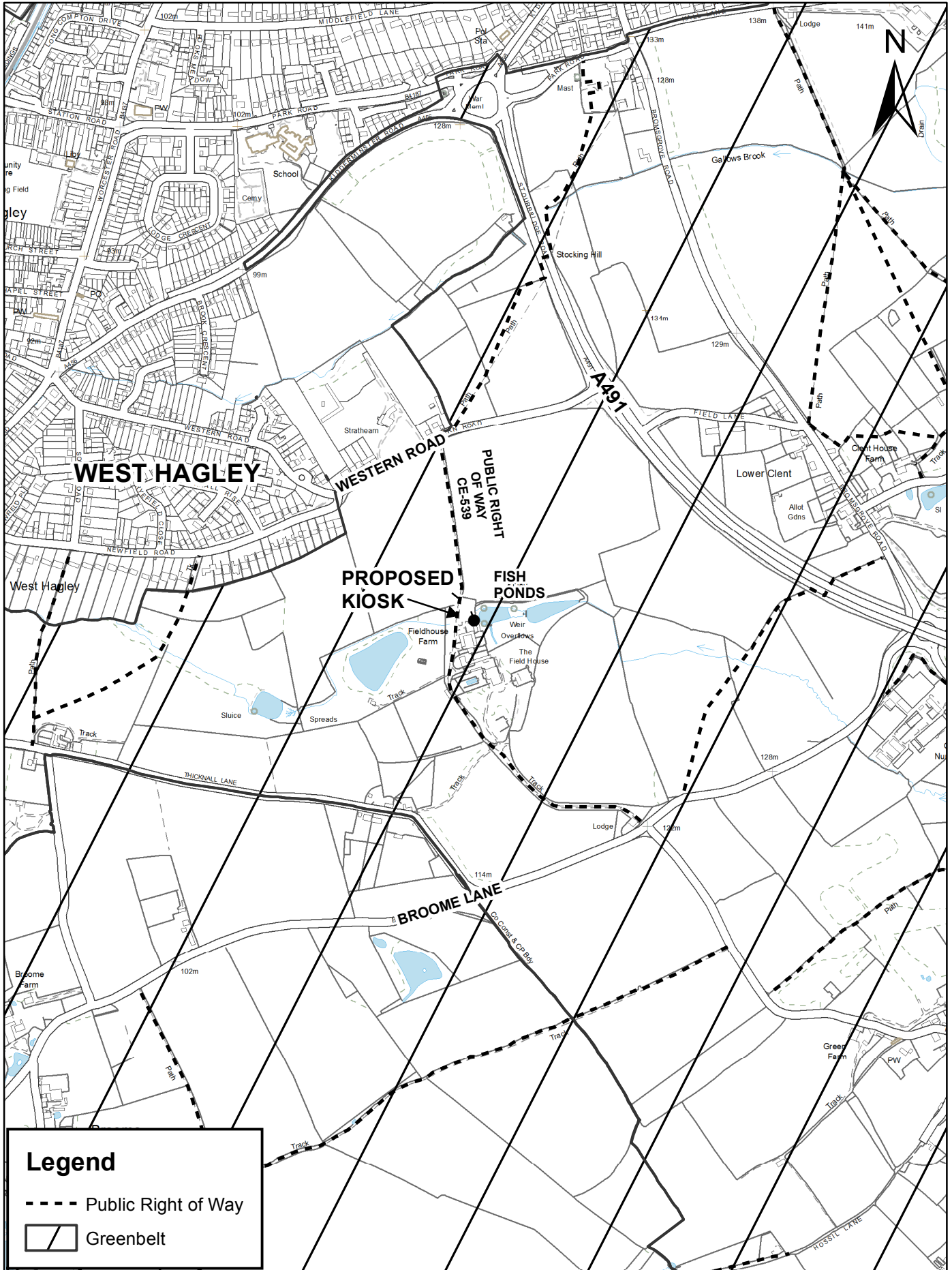
Emma Johnston, Planning Assistant:
01905 766711, ejohnston@worcestershire.gov.uk

Mark Bishop, Development Control Manager:
01905 766709, mbishop@worcestershire.gov.uk

List of Background Papers

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

The application, plans and consultation replies in file reference 14/000004/CM.

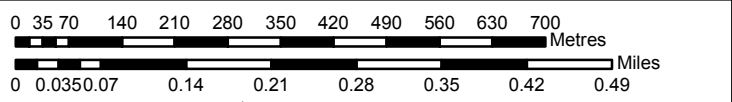


Legend

- Public Right of Way
- Greenbelt



Scale:
1:10,000

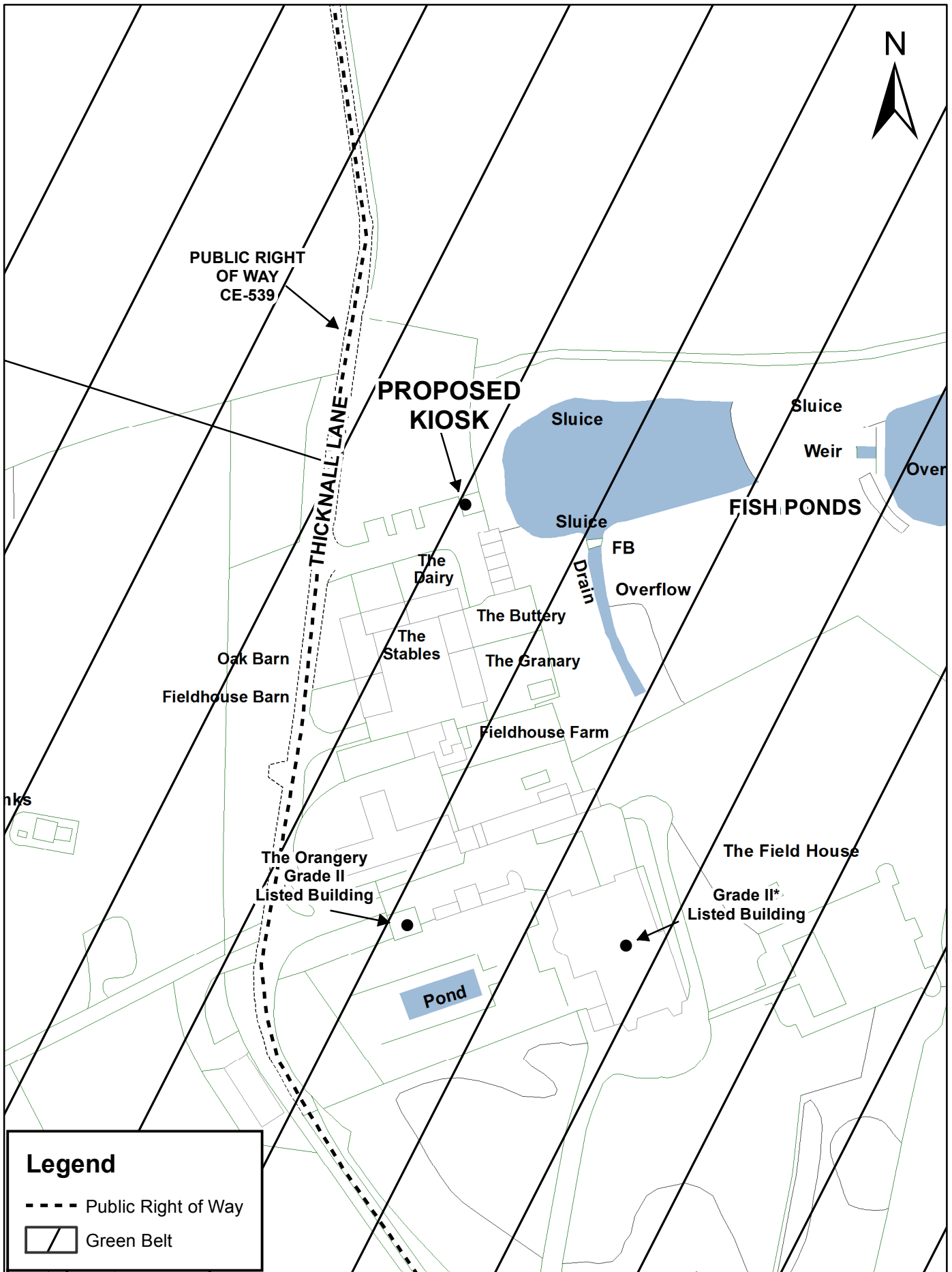


County Hall,
Spetchley Road,
Worcester
WR5 2NP

14/000004/CM Erection of Kiosk to support existing
Sewage Pumping Station at Field House Farm Barns,
Thicknall Lane, Clent, Stourbridge, Worcestershire.
DY9 0HL

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Planning and Regulatory Committee
20 May 2014

6. PROPOSED CONSTRUCTION OF A REED BED TREATMENT SYSTEM AT HARTLEBURY LANDFILL SITE, WHITLENGE LANE, HARTLEBURY, WORCESTERSHIRE

Applicant	Mr Martin Rose, Wienberger Limited
Local Councillor	Mr M H Broomfield
Purpose of Report	1. To consider a County Matter application for the construction of a Reed bed Treatment System at Hartlebury Landfill Site, Whitleng Lane, Worcestershire.
Background Information	2. The closed and restored Hartlebury landfill was a former clay pit originally owned and quarried by Baggeridge Brick. The resultant void space was subsequently restored between 1982 and 1992 by the landfilling of domestic and non-hazardous commercial wastes by the then Hereford and Worcester County Council. Wienberger Limited has since acquired Baggeridge Brick and now owns the closed and restored Hartlebury Landfill site. Currently, about 8 – 10 tanker loads of contaminated groundwater from the closed and restored Hartlebury Landfill site is being taken off site for treatment per week.
The Proposal	3. The applicant is seeking planning permission for the construction of a Reed bed Treatment System at Hartlebury Landfill Site, Whitleng Lane, Worcestershire. 4. The applicant is seeking a more sustainable solution to deal with the contaminated groundwater and the applicant (Weinberger Ltd, in partnership with Biffa) propose to build a reed bed treatment system to treat up to 50 m ³ per day of contaminated groundwater. The reed bed treatment system would comprise of a reed bed, a Raw Leachate Balancing Tank (RLBT), a pre-aeration tank, an electrical cabinet and surface laid pipework for raw leachate and effluent discharge. 5. The reed bed will be constructed on top of the surface of the restored landfill, to avoid disturbance of the underlying waste, over an area of approximately 25 metres in width, by approximately 28 metres in length including the earth bunding. The bunding will be approximately 1 metre in height above the

base of the reed bed and lined with a low permeability liner, infilled with 20mm pea gravel and planted with Common Reed which is predicted to grow approximately 1.8 metres high.

6. The RLBT would be approximately 4 metres in diameter and 3 metres high and the pre-aeration tank would be approximately 2 metres in diameter and 3 metres high. The electrical cabinet would be approximately 3 metres in depth, 3 metres in width and 2.5 metres high. The material, colour and finish of the proposed RLBT, pre-aeration tank and electrical cabinet is to be agreed at a later date with the County Planning Authority.

7. The contaminated groundwater would be collected in an existing pond on the adjacent active landfill site and pumped via the proposed raw leachate feed pipeline and distributed into the RLBT. The RLBT would buffer the flow of contaminated groundwater to the reed bed to ensure a consistent feed and maximise the processing potential of the reed bed.

8. Once treated by the reed bed system, the water would flow via the proposed effluent discharge pipeline to an existing surface water discharge ditch located on the restored landfill site. Where the pipelines cross the Public Right of Way they will be placed underground.

9. Two ecological reports accompany the planning application; an Ecological Site Summary dated 24/02/12 and an updated Ecological Report carried out by Countryside Consultants Ltd dated 20 August 2013. The ecological site summary accompanies the planning application and refers to the works that took place during 2009-2011 which discovered the presence of Great Crested Newts within a drainage ditch on the restored landfill site. The applicant has stated that the positioning of the reed bed system would avoid any disturbance to the Great Crested Newt population which are known to be present on site.

10. The applicant states that the site will be accessed from the existing haul road servicing both the restored landfill site and Biffa's active landfill site. Following the construction of the reed bed; vehicular access is not anticipated unless repair works are needed.

11. The restored Hartlebury Landfill site is located east of Whitleng Lane and the village of Hartlebury. The site is north of Hartlebury Trading Estate and approximately 10 kilometres to the south east of Kidderminster.

12. The application site is located within the existing boundary of the restored Hartlebury Landfill site. To the north of the restored landfill site, is an operational landfill operated by Biffa, separated by a Public Right of Way and 2 metre high sound proofed close boarded timber fence, approximately 100 metres north of the site; to the west is the existing haul road to the operational landfill and clay stockpile area for the brickworks,

The Site

Summary of Issues

separated by a 2 metre high sound proofed close boarded timber fence; the restored landfill is to the east and a hedge about 3 metres high to the south, which lowers to approximately 1 metre along the boundary with the rear gardens of the adjacent residential properties, Walton Cottages, Walton Road, about 30 metres south-east from the application site. Hartlebury Trading Estate is located south of the site.

13. The reed bed treatment system will be constructed on top of the existing restored surface of the former landfill site. The system will be positioned on the western edge of the former landfill site to take advantage of the existing infrastructure. This location will also take advantage of the natural fall of the ground when managing the treated water.

14. The whole application site, including the adjacent restored and active landfill site is located within the Green Belt.

15. The main issues in the determination of this application are the impacts of the proposal upon:

- Green Belt
- Location of Development
- Landscape Character
- Residential Amenity
- Water Environment/Flood Risk
- Traffic and Highway Safety and
- Ecology.

National Planning Policy

16. PPS 10 Planning for Sustainable Waste Management

National Planning Policy Framework (NPPF)

17. 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.

18. 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".

19. 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.

20. The NPPF does not contain specific waste policies, since national waste planning policy will be published as part of the National Waste Management Plan for England. The NPPF states that Planning Policy Statement 10 (PPS 10) 'Planning for Sustainable Waste Management' will remain in place until the National Waste Management Plan is published. 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 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.

The Development Plan

21. 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 Worcestershire Waste Core Strategy and saved policies in the Approved Wychavon District Local Plan. Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

22. The NPPF is a material consideration in planning decisions. 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).

23. Worcestershire Waste Core Strategy Development Plan Document

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 10: Flood risk and water resources

Policy WCS 11: Sustainable design and operation of facilities

Policy WCS 12: Local characteristics

Policy WCS 13: Green Belt

Policy WCS 14: Amenity

24. Wychavon District Local Plan (Saved Policies)

Policy GD2: General Development Control

Policy SR7: Development in the Green Belt

Policy ENV1: Landscape Character

Policy ENV6: Protected Species

Policy ENV19: Surface Run-off

Policy SUR1: Built Design

Draft Planning

Draft South Worcestershire Development Plan

25. The South Worcestershire Development Plan (SWDP) is being prepared jointly by the three local authorities and communities of Malvern Hills, Wychavon and Worcester City. The plan considers the long-term visions and objectives for South Worcestershire.

26. On 28 May 2013 the SWDP was submitted to the Secretary of State. The Examination in Public on Phase 1 took place on 1-3 October 2013 and the publication of the Inspectors interim findings was published on 30 October 2013. The Inspector's interim conclusions on Phase 1 asked the three councils involved in compiling the South Worcestershire Development Plan (SWDP) to look again at the figures they prepared on the number of homes needed in the area by 2030 and do more work on the technical evidence used to establish how many homes the area will need. An additional hearing took place on 13-14 March 2014 following new evidence submitted by the three councils. The Inspector's interim conclusions dated 31 March 2014 on Phase 1 provide a full, objectively assessed need for housing over the plan period for South Worcestershire of 28,370 dwellings. A second phase of examination will follow, looking at the sites where new homes and businesses are proposed to be developed.

27. The SWDP in its entirety has not been tested at examination or adopted by any of the Councils; therefore, having regard to the advice in the NPPF, Annex 1, it is the view of the Head of Economic Development and Planning, that little weight will be attached to the SWDP in the determination of this application.

Waste Management Plan for England 2013

28. The Government (Defra) published the Waste Management Plan for England in December 2013. This Plan

The Government Review of Waste Policy in England 2011

Consultations

superseded the previous waste management plan for England, which was set out in the Waste Strategy for England 2007.

29. 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 this 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.

30. This Plan is a high level waste management document, not Planning Policy, which is non-site specific. 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.

31. 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.

32. 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.

33. **Wychavon District Council** has no objections to the development of the proposal, but requests that sufficient consideration is given to the updated ecological report compiled by Countryside Consultants Ltd dated 20 August 2013.

34. **Worcester Regulatory Service** has no objection subject to a condition regarding noise levels arising from the proposal.

35. **Public Health England** has no objections to the proposal on health grounds.

36. **The County Ecologist** has no objections to the proposal subject to conditions regarding the location of the proposed Reed Bed Treatment System in the southernmost habitat compartment, which has a low risk of impacting Great Crested Newts, as outlined within the Ecological Report (2012), and the proposal to be carried out in accordance with the recommendations outlined within the Ecological Report (2012) and in accordance with the reasonable avoidance measures for great crested newts as outlined in the updated Ecology Report (2013).

37. **The County Highways Officer** has no objections to the proposal.

38. **The County Landscape Officer** has no objections to the proposal.

39. **The Public Rights of Way Officer** states that the proposal should not have a detrimental impact on the public right of way providing the applicant is aware of the their obligations to protect the safety of the public.

40. **Worcestershire Land Drainage's** comments have been included in the response by Wychavon District Council.

41. **The Environment Agency** has no objections to the principle of development and considers the proposal to be an acceptable use of the land in line with the guiding principles of the NPPF. It is considered that the proposal to intercept contaminated groundwater and treat in situ represents a more sustainable solution than the current use of tankers. The proposal involves the discharge of treated groundwater to a tributary of the Hartlebury Brook and the control of the process and discharge will require consent from the Environment Agency.

42. **Hartlebury Parish Council** has no objections to the proposal.

43. **The County Council's Pollution Control Manager** initially raised concerns that the construction of the reed bed could potentially affect the long term maintenance and management of the restored landfill site in terms of gaining future access to the surface of the landfill for remediation works. Following correspondence with the applicant, it is considered that any problems could be overcome to ensure that the long term maintenance and management of the site could continue.

Other Representations

44. In accordance with the Development Management Procedure Order 2010, the application has been advertised on site, in the local newspaper and through neighbour notification letters.

45. One letter of representation has been received which states that they are not in favour of the application because of health risks. The letter of representation is available in the Members Support Unit.

Head of Economic Development and Planning comments

46. 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.

47. Wienberger Limited is seeking planning permission for the construction of a Reed bed Treatment System at Hartlebury Landfill Site, Whittle Lane, Worcestershire.

Green Belt

48. The proposed site is located within the Green Belt.

49. 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.*

50. *As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

51. *"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."*

52. The Head of Economic Development and Planning considers that in accordance with the NPPF, the proposed reed bed would not be inappropriate development in the Green Belt because it is an engineering operation which would preserve the openness of the Green Belt, however, it is considered that other elements of the treatment system are considered to be inappropriate development and would require very special circumstances to be demonstrated to justify their location in the Green Belt.

53. The applicant has submitted the following very special circumstances for the proposed development in the Green Belt. The source of contamination has derived from the restored landfill site, which is sited within the Green Belt. It is considered that the reed bed treatment system is ancillary to the management of the restored landfill site and is, therefore, dependent on this location.

54. Furthermore, the applicant states that the proposal is considered to be a more sustainable way of dealing with the contaminated groundwater than the current method of tankering the contaminated groundwater for treatment off-site.

55. The Head of Economic Development and Planning considers that this ancillary development is necessary and

associated with the restored landfill site and considers that the applicant has demonstrated very special circumstances to justify the development in the Green Belt. Furthermore, it is considered that the locational need together with the wider environmental and economic benefits of the proposed reed bed treatment system is in accordance with PPS 10 and Policy WCS 13 of the Worcestershire Waste Core Strategy in terms of locating Waste Management Facilities in the Green Belt.

56. Under the Town and Country Planning (Consultation) (England) Direction 2009, the County Council is required to consult the Secretary of State for Communities and Local Government on development which consists of or includes inappropriate development on land allocated as Green Belt which consists of or includes new buildings in the Green Belt it intends to approve that would be inappropriate development and exceed 1,000 square metres, or any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt. The Head of Economic Development and Planning considers that given the scale, nature and location of the proposed development it would not have a significant impact on the openness of the Green Belt and, furthermore, as the floor space of the proposed electrical cabinet would measure a maximum of 9 square metres, it is considered that the proposed development would not need to be referred to the Secretary of State if members are minded to approve the application.

Location of Development

57. The Waste Core Strategy contains a geographic hierarchy which directs waste management facilities to broad locations within Worcestershire. The Waste Core Strategy directs waste management facilities to the highest appropriate level of the hierarchy with Level 1 being the highest level.

58. The proposed development is located within Level 1 which is the highest level of the hierarchy. Furthermore, the Head of Economic Development and Planning considers that the proposed development is considered to be essential infrastructure associated with the landfill site and, therefore, in accordance with the Policy WCS 3 of the Worcestershire Waste Core Strategy, the proposed location for the development is considered to be acceptable.

59. The County Council's Pollution Control Manager raised concerns that the construction of the reed bed would potentially affect the long term maintenance and management of the restored landfill site in terms of gaining future access to the surface of the landfill for remediation works.

60. In response to the Pollution Control Manager's concerns the applicant has stated that the reed bed treatment system is constructed above the existing landfill capping system and as such if repair works did need to be carried out in the locality of the reed bed there is no reason why this could not take place.

The reed bed can cease to treat contaminated water if any repair or maintenance works are required.

61. Following this response, the Pollution Control Manager considers that any problems could be overcome to ensure the long term maintenance and management of the site could continue.

Landscape Character

62. The proposed reed bed treatment system is located in an open grassed area and therefore, careful consideration should be given to the design of the proposal so as to not detract from the landscape character.

63. The applicant anticipates that the reeds will grow to approximately 1.8 metres high, which the Head of Economic Development and Planning considers will lessen the impact of the proposed tanks, on the landscape.

64. It is recommended that a condition be imposed requiring details of the colour and finish of the materials proposed for the construction of the tanks so that the colour and finish would not detract from the landscape of the natural environment, in accordance with Policy ENV1 of the Wychavon District Local Plan and Policy WCS 12 of the Worcestershire Waste Core Strategy.

65. The County Landscape Officer has no concerns about the proposal.

66. A Public Right of Way runs approximately 100 metres to the north of the proposed reed bed. The Public Rights of Way Officer states that the proposal should not have a detrimental impact on the public right of way providing the applicant is aware of their obligations to protect the safety of the public.

67. 2 metre high sound proofed close boarded timber fencing is sited adjacent to the Public Right of Way to the south which will screen the proposal from public view.

68. The proposed pipelines included within the proposal will be placed underground where they cross under the Public Right of Way.

69. In view of the above, the Head of Economic Development and Planning is satisfied that the proposal will not have a detrimental impact on the Public Right of Way and considers that there will be no unacceptable adverse impact on the landscape character in accordance with Policy WCS 12 of the Worcestershire Waste Core Strategy, subject to a condition requiring details of the design, colour and materials of the proposal.

Residential Amenity

70. Public notices were erected around the site to advertise the proposal; advertised in the local newspaper and neighbour

notification letters were delivered to the nearest residential dwellings. The nearest dwellings are Walton Cottages, sited approximately 30 metres south-east of the proposed site.

71. There has been one letter of representation from a local resident objecting to proposal on health grounds.

72. Public Health England has been consulted on the proposal and has no objections to the proposal on health grounds.

73. Noise could be generated from the pre-aeration tank associated with this proposal. In view of this, Worcestershire Regulatory Services have recommended imposition of a condition with regards to the control of noise level.

74. There is approximately 3 metre high hedging to the south of the site which screens the proposal from public view from Walton Road. The hedge lowers to approximately 1 metre at the boundary with the rear gardens of the adjacent neighbouring properties, Walton Cottages. There are additional trees and shrubbery on this boundary, which screen the proposal in part from view at the residential properties.

75. The area is not accessible to the general public and it is not envisaged that a fence will be required.

76. The Head of Economic Development and Planning considers that the planning application accords with Policy WCS 14 of the Worcestershire Waste Core Strategy and is therefore satisfied that there will be no adverse impact on the amenity of neighbouring residential properties or the surrounding area subject to the levels of noise arising from the proposal being conditioned.

Water Environment/Flood Risk

77. The application site falls within Flood Zone 1 which has a low probability of flood risk. The Environment Agency and the North Worcestershire Water Management Team have no objections to the proposed development. In view of this, the Head of Economic Development and Planning is satisfied that the proposal would not have any adverse effects on the water environment and considers that the planning application accords with Policy WCS 10 of the Worcestershire Waste Core Strategy and Policy ENV19 of the Wychavon District Local Plan which requires that proposals will need to take full account of their impact on surface water run-off.

Traffic and Highway Safety

78. The proposed site would be accessed from the existing haul road which currently services both the restored landfill site and Biffa's operational landfill site. Following construction, the reed bed treatment system will be inspected on an ad-hoc basis and vehicular access is not anticipated unless repair works are required.

79. The County Highways Officer has no objections to the

proposal.

80. In view of this, the Head of Economic Development and Planning is satisfied that the planning application accords with Policy GD2 of the Wychavon District Local Plan which requires the efficient operation of the transport network and Policy WCS 8 of the Worcestershire Waste Core Strategy which requires that the infrastructure on the site is adequate to support the proposed waste management facility and would not have an adverse impact on highway safety.

Ecology

81. Great Crested Newts are known to be present on the restored landfill site and two ecological reports accompany the application. In summary, the updated Ecology Report (2013) considers that the proposal would not have a significant impact on any population of great crested newts associated with the site in terms of damage and destruction of terrestrial habitat as the proposal is considered to be of sufficiently small size. The updated Ecology Report states that the completed reed bed is considered very likely to offer a net enhancement in terms of substituting poor quality terrestrial habitat with higher quality foraging habitat.

82. The County Ecologist has no objections to the proposal subject to conditions regarding the location of the proposed Reed Bed Treatment System in the southernmost habitat compartment, which has a low risk of impacting Great Crested Newts, as outlined within the Ecological Report (2012), and the proposal to be carried out in accordance with the recommendations outlined within the Ecological Report (2012) and in accordance with the reasonable avoidance measures for great crested newts as outlined in the updated Ecology Report (2013).

83. Subject to the imposition of the conditions recommended by the County Ecologist, the Head of Economic Development and Planning is satisfied that the proposed development accords with Policy WCS 9 of the Worcestershire Waste Core Strategy and as such would have no detrimental impact on any protected species or biodiversity.

Conclusion

84. The Head of Economic Development and Planning considers that the applicant has demonstrated very special circumstances for this ancillary development to justify its location in the Green Belt. Furthermore, it is considered that the locational need together with the wider environmental and economic benefits of the proposed reed bed treatment system is in accordance with PPS 10 in terms of locating Waste Management Facilities in the Green Belt.

85. The Head of Economic Development and Planning considers that the proposed development is considered to be essential infrastructure associated with the landfill site and, therefore, in accordance with the Policy WCS 3 of the Worcestershire Waste Core Strategy, the proposed location for

the development is considered to be acceptable.

86. The Head of Economic Development and Planning considers that there will be no unacceptable adverse impact on the landscape character in accordance with Policy WCS 12 of the Worcestershire Waste Core Strategy, subject to a condition requiring details of the design, colour and materials of the proposal.

87. The Head of Economic Development and Planning is satisfied that there will be no adverse impact on health grounds given that Public Health England has no objections to the proposal on health grounds.

88. The Head of Economic Development and Planning considers that there will be no adverse impact on the amenity of neighbouring residential properties or the surrounding area subject to the imposition of a condition to control the noise levels arising from the development, in accordance with Policy WCS 14 of the Worcestershire Waste Core Strategy and Policy GD2 of the Wychavon District Local Plan.

89. The Head of Economic Development and Planning is satisfied that the proposal would not have any adverse effects on the water environment and considers that the planning application accords with Policy WCS 10 of the Worcestershire Waste Core Strategy and Policy ENV19 of the Wychavon District Local Plan.

90. The Head of Economic Development and Planning is satisfied that the proposal accords with Policy GD2 of the Wychavon District Local Plan which requires the efficient operation of the transport network, in accordance with Policy WCS 8 of the Worcestershire Waste Core Strategy and Policy GD2 of the Wychavon District Local Plan and would not have a detrimental impact on highway safety.

91. The Head of Economic Development and Planning is satisfied that the proposed development would not have a detrimental impact on any protected species or biodiversity, in accordance with Policy WCS 9 of the Worcestershire Waste Core Strategy and Policy ENV6 of the Wychavon District Local Plan.

92. On balance, taking into account the comments received from statutory consultees, members of the public and the provisions of the development plan in particular Policy WCS 1; Policy WCS 3; Policy WCS 8; Policy WCS 9; Policy WCS 10; Policy WCS 11; Policy WCS 12; Policy WCS 13; Policy WCS 14 of the Worcestershire Waste Core Strategy Development Plan Document and Policy GD2; Policy SR7; Policy ENV1; Policy ENV6; Policy ENV19; Policy SUR1 of the Wychavon District Local Plan, it is considered that the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

Recommendation

93. The Head of Economic Development and Planning recommends that planning permission be granted for the Construction of a Reed Bed Treatment System at Hartlebury Landfill Site, Whitlence Lane, Hartlebury, Worcestershire, subject to the following conditions:
- a) The development must be begun not later than the expiration of three years beginning with the date of this permission;
 - b) The development hereby approved shall be carried out in accordance with the details shown on the submitted drawings numbered: 1840/1/001, Rev A, and 1840/1/002 Rev A except where otherwise stipulated by conditions attached to this permission;
 - c) Notwithstanding any indication of the materials, which may have been given in this application, prior to the construction of the reed bed treatment system hereby approved, a schedule and/or samples of the materials and finishes for the proposed tanks 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;
 - d) The applicant shall ensure that noise from the proposed treatment system when measured on the southern boundary of the landfill site closest to the reed bed development will be no greater than the lowest background noise level (L90) at any time;
 - e) The development hereby approved shall be carried out in accordance with the recommendations outlined within the submitted Ecological Site Summary – short format report, dated 24 April 2012;
 - f) The development hereby approved shall be carried out in accordance with the reasonable avoidance measures for great crested newts as outlined in the submitted updated Ecology Report by Countryside Consultants Ltd, dated 20 August 2013; and
 - g) On the decommissioning of the facility all the equipment shall be removed from the site and the land restored in accordance with a scheme to be submitted to and approved in writing by the County Planning Authority.

Contact Points

County Council Contact Points

Worcester (01905) 763763, Kidderminster (01562) 822511 or
Minicom: Worcester (01905) 766399

Specific Contact Points

List of Background Papers

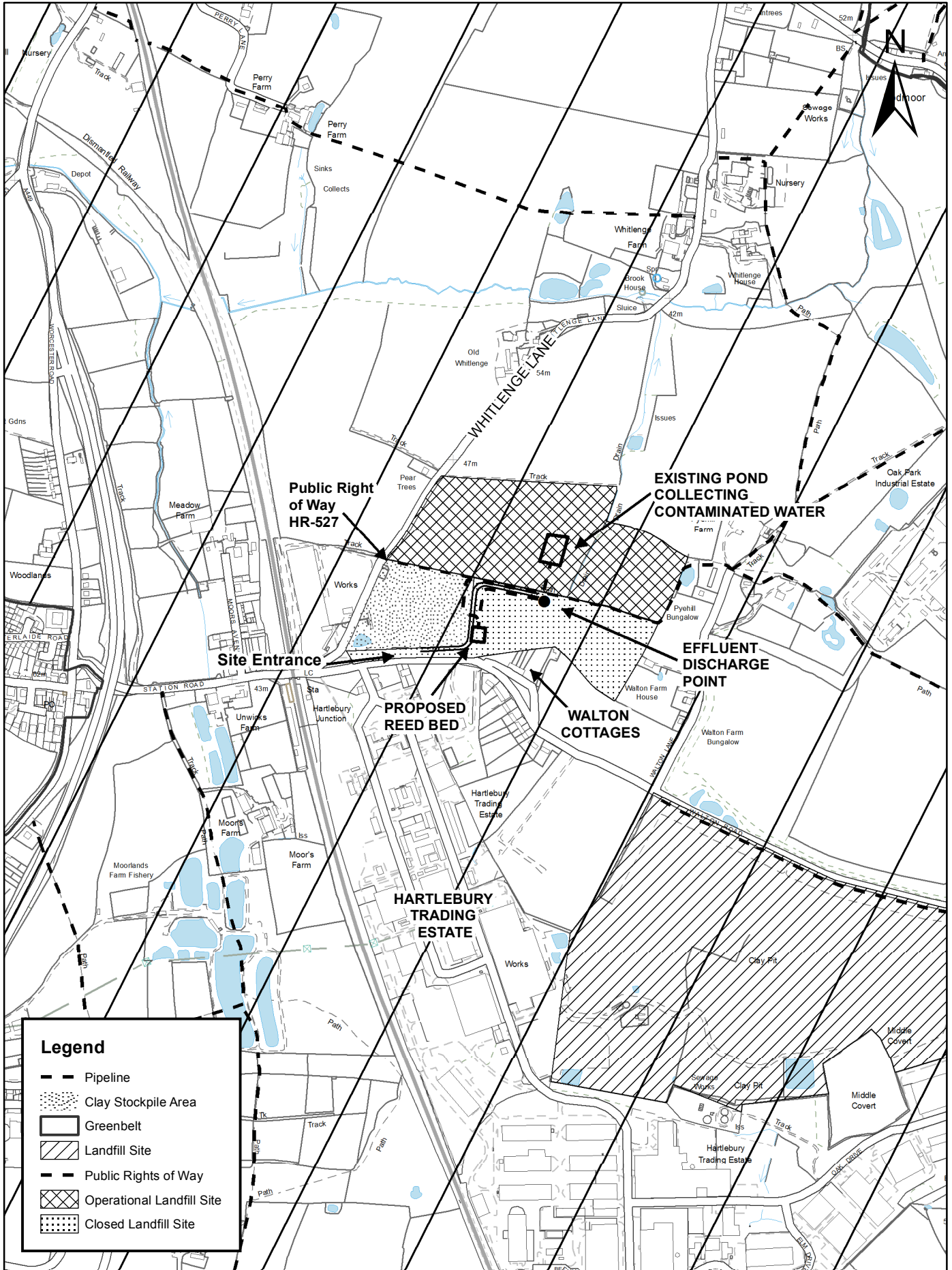
Emma Johnston, Planning Assistant:
01905 766711, ejohnston@worcestershire.gov.uk

Mark Bishop, Development Control Manager:
01905 766709, mbishop@worcestershire.gov.uk

In the opinion of the proper officer (in this case the Head of Economic Development and Planning the following are the background papers relating to the subject matter of this item:

Application, plans and consultation replies in file reference 13/000069/CM.

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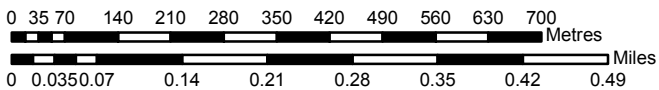


Legend

- Pipeline
- Clay Stockpile Area
- Greenbelt
- Landfill Site
- Public Rights of Way
- Operational Landfill Site
- Closed Landfill Site



Scale:
1:10,000

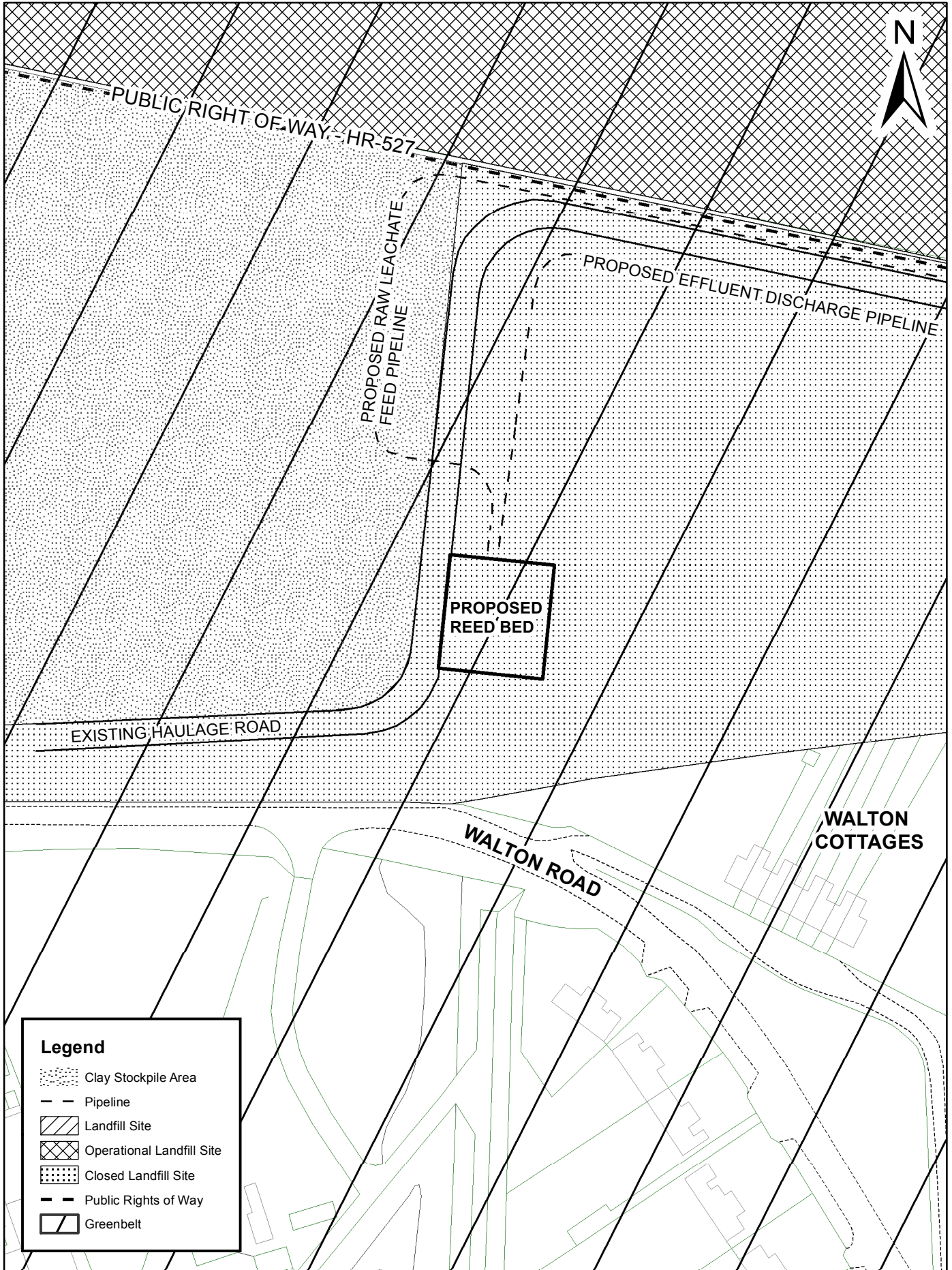


County Hall,
Spetchley Road,
Worcester
WR5 2NP

13/00069/CM Construction of Reed Bed
Treatment System at Hartlebury Landfill Site
Whiteleng Lane, Hartlebury

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Planning and Regulatory Committee
20 May 2014

7. APPLICATION FOR PLANNING PERMISSION FOR THE CARRYING-OUT OF DEVELOPMENT PURSUANT TO PLANNING PERMISSION REFERENCE NUMBER 603451 DATED 28 FEBRUARY 2007 WITHOUT COMPLYING WITH CONDITION 2 OF THAT PERMISSION SO AS TO ALLOW THE RETENTION OF 14 TEMPORARY CLASSROOMS FOR TWO YEARS AT WOLVERLEY C OF E SECONDARY SCHOOL, BLAKESHALL LANE, WOLVERLEY, KIDDERMINSTER, WORCESTERSHIRE

Applicant	Worcestershire County Council
Local Councillor	Mr G C Yarranton
Purpose of Report	<p>1. To consider an application under Regulation 3 of the Town and County Planning General Regulations 1992 for planning permission for the carrying out of development pursuant to planning permission reference number 603451 dated 28 February 2007 without complying with condition 2 of that permission so as to allow the retention of 14 temporary classrooms for two years at Wolverley C of E Secondary School, Blakeshall Lane, Wolverley, Kidderminster, Worcestershire.</p>
Background Information	<p>2. The 14 temporary classrooms were erected on site in 2007 to accommodate 428 additional pupils and enable the school to change from a High School to a 7 Form Entry Secondary School. At the time, it was anticipated that permanent accommodation would be funded through the Government's Building Schools for the Future (BSF) programme. Outline planning permission for the re-development of Wolverley Secondary School on this site (County Planning Application Reference Number: 10/000004/REG3) was granted by the Planning and Regulatory Committee at its meeting on 23 March 2010 (Minute 692 refers). However, funding for the school redevelopment through the BSF programme was withdrawn by the Government.</p> <p>3. Since then pupil numbers at the school have declined which has created the potential for all of the pupils to be</p>

accommodated within the existing permanent buildings. In order to achieve this, a programme of refurbishment and remodelling of the existing school buildings is required. It is anticipated that this work would be completed within two years.

4. In order to maintain the level of accommodation required while this project is implemented, the school need to retain the temporary classrooms on site, and will decant various functions into the temporary classrooms to enable spaces within the existing school to be upgraded.

The Proposal

5. Worcestershire County Council is seeking planning permission to vary condition 2 of the existing planning consent so as to allow the 14 mobile classrooms to remain on site for a further 2 years at Wolverley C of E Secondary School, Blakeshall Lane, Wolverley, Kidderminster, Worcestershire.

6. 12 of the 14 temporary classrooms are located as one block and measure approximately 72 metres by 22 metres by 3 metres high. Toilet and cloakroom facilities are provided within the block and there is a central shared raised platform area with ramped accesses into the classrooms.

7. The remaining 2 of the 14 temporary classrooms is a double mobile classroom and measures approximately 18 metres by 8 metres by 3 metres high. The double mobile classroom has a disabled toilet and a changing room, and there is a stepped and ramped access into the classroom.

8. The 14 temporary classrooms are painted green in colour.

The Site

9. Wolverley Secondary School is located on the northern edge of the village of Wolverley, on the western side of Blakeshall Lane. The site is bound by open fields to the north; Blakeshall Lane to the east; Drakelow Lane to the south and woodland to the west.

10. The whole site is within the Green Belt and Wolverley Conservation Area and there are several buildings within the School grounds which are considered as being of local interest.

11. The boundary treatments at the school site consist of open fields on higher ground to the north; shrubbery and post and rail timber fence to the east; mature trees and hedging to the south and a line of mature trees to the west.

12. 12 of the 14 temporary classrooms are located as one block to the north of the main school building and the remaining 2 of the 14 temporary classrooms are located as one block to the south of the main school building.

13. The block of 12 classrooms are sited approximately 97 metres south-west of the nearest residential properties; New Cottages, Blakeshall Lane. The classrooms are set at a lower level than the adjacent field and allied with the siting and design of the blocks; it is considered that there is minimal impact on

Summary of Issues

Policy

the character and appearance of the area.

14. The block of 2 classrooms is set in the context of mature trees and shrubbery allied with the green coloured finish, creating a minimal impact on the landscape setting. The classrooms are sited approximately 140 metres north-east of the nearest residential properties; Drakelow Lane.

15. The application site is accessed via the existing School access along Blakeshall Lane.

16. The main issues in the determination of this application are the impact of the proposal on:-

- Green Belt;
- Listed Building and Conservation Area and;
- Residential Amenity.

National Planning Policy Framework (NPPF)

17. 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.

18. 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".

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

- Section 7: Requiring good design
- Section 8: Promoting healthy communities
- Section 9: Protecting Green Belt land

The Development Plan

20. 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 Wyre Forest District Local Plan, Wyre Forest District Core Strategy and the Wyre Forest District Council Site Allocations and Policies Development Plan Document. 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.

21. 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).

Wyre Forest Local Plan (Saved Policies)

Policy GB.1: Control of Development in the Green Belt

Policy GB.2: Development in the Green Belt

Policy CA.1: Development in Conservation Areas

Wyre Forest District Core Strategy (Adopted December 2010)

Policy CP02: Water Management

Policy CP03: Promoting Transport Choice and Improving Accessibility

Policy CP07: Delivering Community Wellbeing

Policy CP11 Quality Design and Local Distinctiveness

Policy CP12 Landscape Character

Policy CP14 Providing Opportunities for Local Biodiversity and Geodiversity

Wyre Forest District Council Site Allocations and Policies Development Plan Document (DPD)

23. The Site Allocations and Policies Local Plan (SAPLP) was adopted by Wyre Forest District Council on 24 July 2013. The SAPLP allocates and designates areas of land for particular uses, most notably land to deliver housing but also for other major development needs such as employment, recreation, open space and community uses, in order to meet the requirements set out in the Adopted Core Strategy. Additionally, this plan sets out important development management policies which will apply across the whole of the District and will be used for determining planning applications.

24. The SAPLP policies that are of relevance to the proposal are set out below:

Policy SAL.PFSD1 Presumption in Favour of Sustainable Development

Policy SAL.DPL11 Community Facilities

Policy SAL.DPL12 Educational Sites

Policy SAL.UP6 Safeguarding the Historic Environment

Policy SAL.UP7 Quality Design and Local Distinctiveness

Consultation

25. **The County Archaeologist** confirms that the scheme is unlikely to affect any heritage assets or impact on a historic landscape and therefore has no comments to make on the proposal.

26. **Wyre Forest District Council** has no objections to the proposal.

27. **The Conservation Officer** has no objections to the scheme.

28. **The County Highways Officer** has no objections to the proposal.

29. **The County Ecologist** has no objections to the proposal.

30. **Wolverley and Cookley Parish Council** has no objections to the proposal.

Other Representations

31. In accordance with the Development Management Procedure Order 2010, the application has been advertised on site, in the local newspaper and through neighbour notification letters. No letters of representation have been received.

The Head of Economic Development and Planning's comments

32. 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.

33. Worcestershire County Council is seeking planning permission for the renewal of planning permission for 14 temporary classrooms for two years at Wolverley C of E Secondary School, Blakeshall Lane, Wolverley, Kidderminster, Worcestershire.

34. Pupil numbers at the school have declined and therefore the pupils can be accommodated in the existing permanent school buildings. However, a programme of refurbishment and remodelling of the existing school buildings is required to make them fit for purpose and it is anticipated that this work would be completed within two years. Therefore, the applicant is applying to retain the temporary classrooms for two years which will be used to decant various functions into the temporary classrooms to enable spaces within the existing school to be refurbished.

Green Belt

35. The proposed site is located within the Green Belt.

36. 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.*

37. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

38. 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."

39. The Head of Economic Development and Planning considers that in accordance with the NPPF, the classrooms are buildings and therefore would require very special circumstances to be located in the Green Belt.

40. The Head of Economic Development and Planning considers that applicant has demonstrated a need for retaining the 14 temporary classrooms for two years to enable the refurbishment of the existing permanent school buildings which will provide permanent accommodation for the pupils and enable the mobile classrooms to be removed. The Head of Economic Development and Planning considers that refurbishment of the school would ensure the school remains in the pupil catchment area providing an educational facility for the community in accordance with the NPPF and retaining the mobile classrooms on site would facilitate this process.

41. In view of the above the Head of Economic Development and Planning considers that very special circumstances do exist to justify this development in the Green Belt in accordance with the NPPF, Policies GB.1 and GB.2 of the Wyre Forest Local Plan and Policy SAL.UP1 of the Wyre Forest Site Allocations and Policies Local Plan.

42. If members are minded to grant planning permission for this proposal, it would be a departure from the Development Plan as the proposed development would be located within the Green Belt. Under the Town and Country Planning (Consultation) (England) Direction 2009, the County Council is required to consult the Secretary of State for Communities

and Local Government before it grants planning permission for new buildings in the Green Belt that exceed 1,000 square metres. The proposed development would be 1,049 square metres thus exceeding the 1,000 square metre threshold, and, therefore, the application would need to be referred to the Secretary of State if members are minded to approve the application for him to consider whether to call in the application for his own determination.

Listed Building and Conservation Area

43. Wolverley C of E Secondary School is located within the Wolverley Conservation Area and has several buildings within the grounds which are considered as being of local interest; including the main school house built in 1930's originally as Sebright School; Woodfield House, constructed late C18th of red brick with a hipped slate roof and portico which was extended to include additional houses in 1920's closely mimicking the style of the original house.

44. The District Conservation Officer has no objections to the proposal. The Head of Economic Development and Planning considers that the need for the classrooms for educational use allied with their temporary nature and sympathetic design, means that the classrooms are acceptable to retain at the site for two years and, therefore, is satisfied that retaining the mobile classrooms on site for a 2 year period will have no detrimental impact on the character and appearance of the local Conservation Area and the locally listed buildings at the school site in accordance with Policy CA.1 of the Wyre Forest Local Plan and the CP11 of the Wyre Forest District Core Strategy.

Landscape Character

45. The development site is bound by mature trees and fields to the north; Blakeshall Lane and residential properties to the east; woodland and Drakelow Lane to the south and fields and woodland to the west.

46. Given that the site is located within a predominantly rural area; careful consideration should be given to the design of the proposal so as to not detract from the landscape character.

47. The block of 12 classrooms is set at a lower level than the adjacent field and allied with the siting and design of the blocks; it is considered that there is minimal impact on the character and appearance of the area.

48. The block of 2 classrooms is set in the context of mature trees and shrubbery allied with the green coloured finish, creating a minimal impact on the landscape setting.

49. The classroom blocks are screened from view along the public highways running adjacent to the site; Blakeshall Lane and Drakelow Lane.

50. In view of the above, the Head of Economic Development and Planning does not consider that the proposal will have a detrimental impact on the character and appearance of the landscape in accordance with Policy CP12 of the Wyre Forest District Core Strategy.

Residential Amenity

51. Public notices were erected around the site to advertise the proposal; advertised in the local newspaper and neighbour notification letters were delivered to the nearest residential dwellings. The nearest dwellings to the 12 temporary classrooms are sited approximately 97 metres to the north east and the nearest dwellings to the 2 temporary classrooms are sited approximately 140 metres from the double mobile classroom.

52. There have been no representations made regarding the proposal.

53. The positioning of the classrooms within the school site is sympathetic to the amenity of the residents of the neighbouring properties; the block of 12 classrooms sited to the north of the main school building are set at a lower level, so that the roof of the structure is only visible to the neighbouring residential properties therefore lessening the mass of the structure. The block of 2 temporary classrooms sited to the south of the main school building is screened by mature trees and shrubbery.

54. The Head of Economic Development and Planning considers that there will be no adverse impact on the amenity of neighbouring residential properties or the surrounding area in accordance with Policy CP07 and CP11 of the Wyre Forest District Core Strategy.

Other Matters

55. The County Highway Officer has no objections to the proposal on highway safety grounds.

56. In view of the County Ecologists no objection, the Head of Economic Development and Planning considers that the proposal would not adversely impact ecology and biodiversity at the site.

57. The Head of Economic Development and Planning considers that in principle retaining the temporary classrooms for a further two years is acceptable to allow the refurbishment of the main school buildings to take place which will provide permanent accommodation for the pupils at the school.

58. The Head of Economic Development and Planning recommends that a planning condition should be attached to the planning permission limiting the retention of the 14 temporary classrooms for two years and requiring a scheme to be submitted for the reinstatement of the land.

Conclusion

59. The Head of Economic Development and Planning considers that very special circumstances exist to justify this development in the Green Belt in accordance with the NPPF, Policies GB.1, GB.2 of the Wyre Forest Local Plan and Policy SAL.UP1 of the Wyre Forest Site Allocations and Policies Local Plan.

60. In view of this, the Head of Economic Development is satisfied that the proposal will have no detrimental impact on the character and appearance of the locally listed buildings within the site in accordance with CP11 of the Wyre Forest District Core Strategy.

61. The Head of Economic Development and Planning does not consider that the proposal will have a detrimental impact on the character and appearance of the landscape in accordance with CP12 of the Wyre Forest District Core Strategy.

62. The Head of Economic Development and Planning considers that there will be no adverse impact on the amenity of neighbouring residential properties or the surrounding area in accordance with Policy CP07 of the Wyre Forest District Core Strategy.

63. On balance, taking into account the comments received from statutory consultees; members of the public and the provisions of the development plan in particular Policy GB.1; Policy GB.2 and Policy CA.1 of the Wyre Forest Local Plan; Policy CP02; Policy CP03; Policy CP07; Policy CP11; Policy CP12 and Policy CP14 of the Wyre Forest District Core Strategy and Policy SAL.PFSD1; Policy SAL.DPL11; Policy SAL.DPL12; Policy SAL.UP6 and Policy SAL.UP7 of the Wyre Forest District Council Site Allocations and Policies Development Plan Document (DPD) it is considered that the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

Recommendation

64. The Head of Economic Development and Planning recommends that the Committee resolve that they are minded to grant planning permission for the carrying out of development pursuant to planning permission reference number 603451 dated 28 February 2007 without complying with condition 2 of that permission so as to allow the retention of 14 temporary classrooms for two years at Wolverley C of E Secondary School, Blakeshall Lane, Wolverley, Kidderminster, Worcestershire and that the application be referred to the National Planning Casework Unit in accordance with the Town and Country Planning (Consultation)(England) Direction 2009, as the proposal is a departure from Green Belt Policy, and that if the Secretary of State does not wish to intervene planning permission be granted, subject to the following conditions:

- a) The permission enures for the benefit of Worcestershire County Council only;**

- b) The development hereby permitted shall be carried out in accordance with the details shown on submitted Drawing Numbers: 30101930 P01, 30101930 P02, 30101930 P03, and 30101930 P04 except where otherwise stipulated by conditions attached to this permission; and
- c) Two years from the date of this permission the 14 mobile classrooms and all associated infrastructure hereby approved shall be uplifted and removed from the site. Prior to the removal of the mobile classrooms and associated infrastructure, a scheme for the reinstatement of the land on which the mobile classrooms are situated shall be submitted to and approved in writing by the County Planning Authority. Thereafter the land shall be reinstated in accordance with the approved scheme.

Contact Points

County Council Contact Points

Worcester (01905) 763763, Kidderminster (01562) 822511 or Minicom: Worcester (01905) 766399

Specific Contact Points

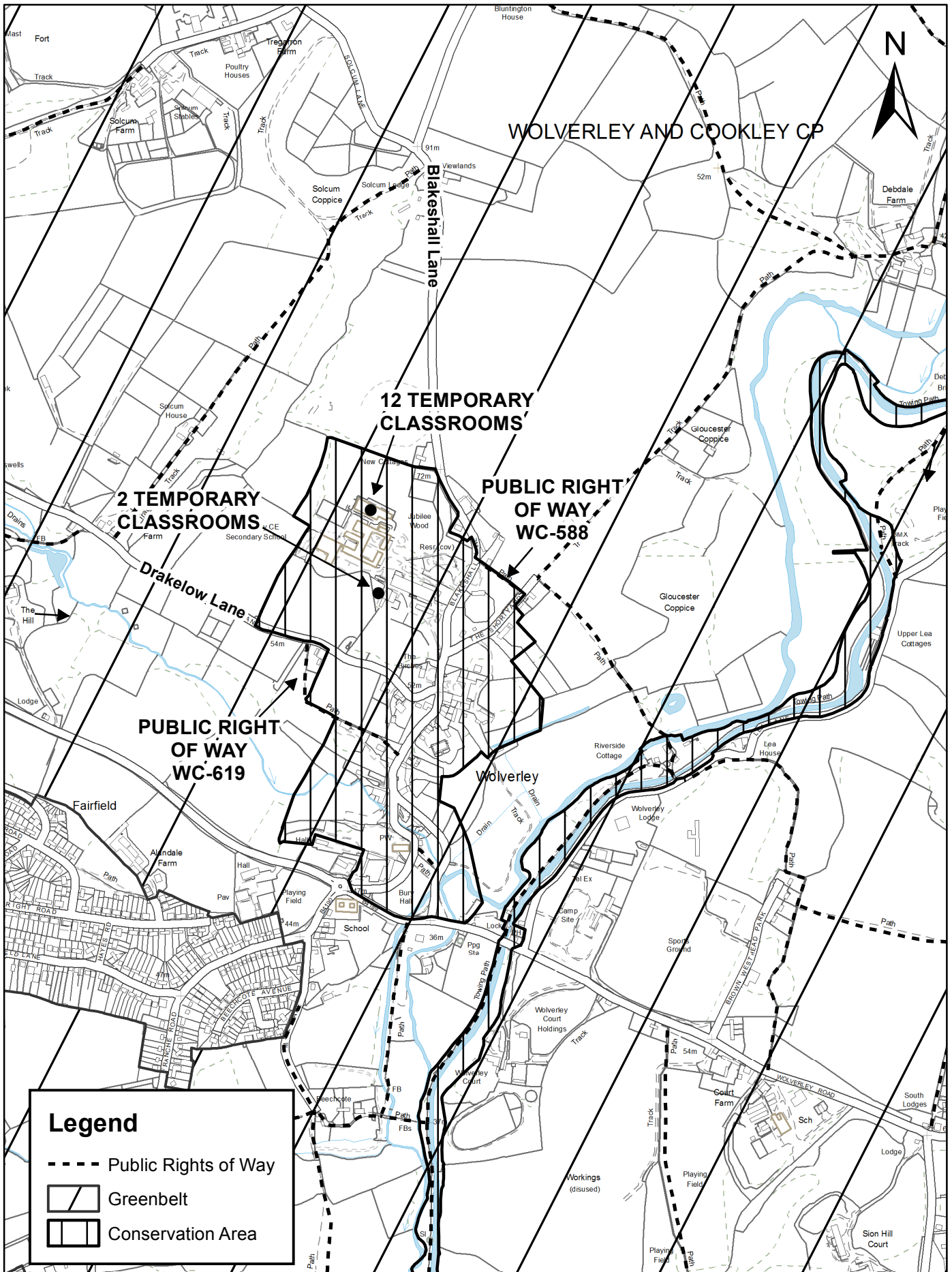
Emma Johnston, Planning Assistant:
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Mark Bishop, Development Control Manager:
01905 766709, mbishop@worcestershire.gov.uk

List of Background Papers

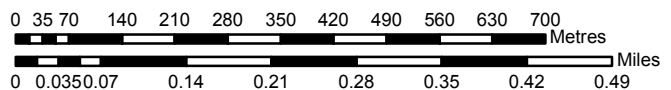
In the opinion of the proper officer (in this case the Head of Economic Development and Planning) the following are the background papers relating to the subject matter of this report:

The application, plans and consultation replies in file reference 14/000008/REG3.



worcestershire
county council

Scale:
1:10,000

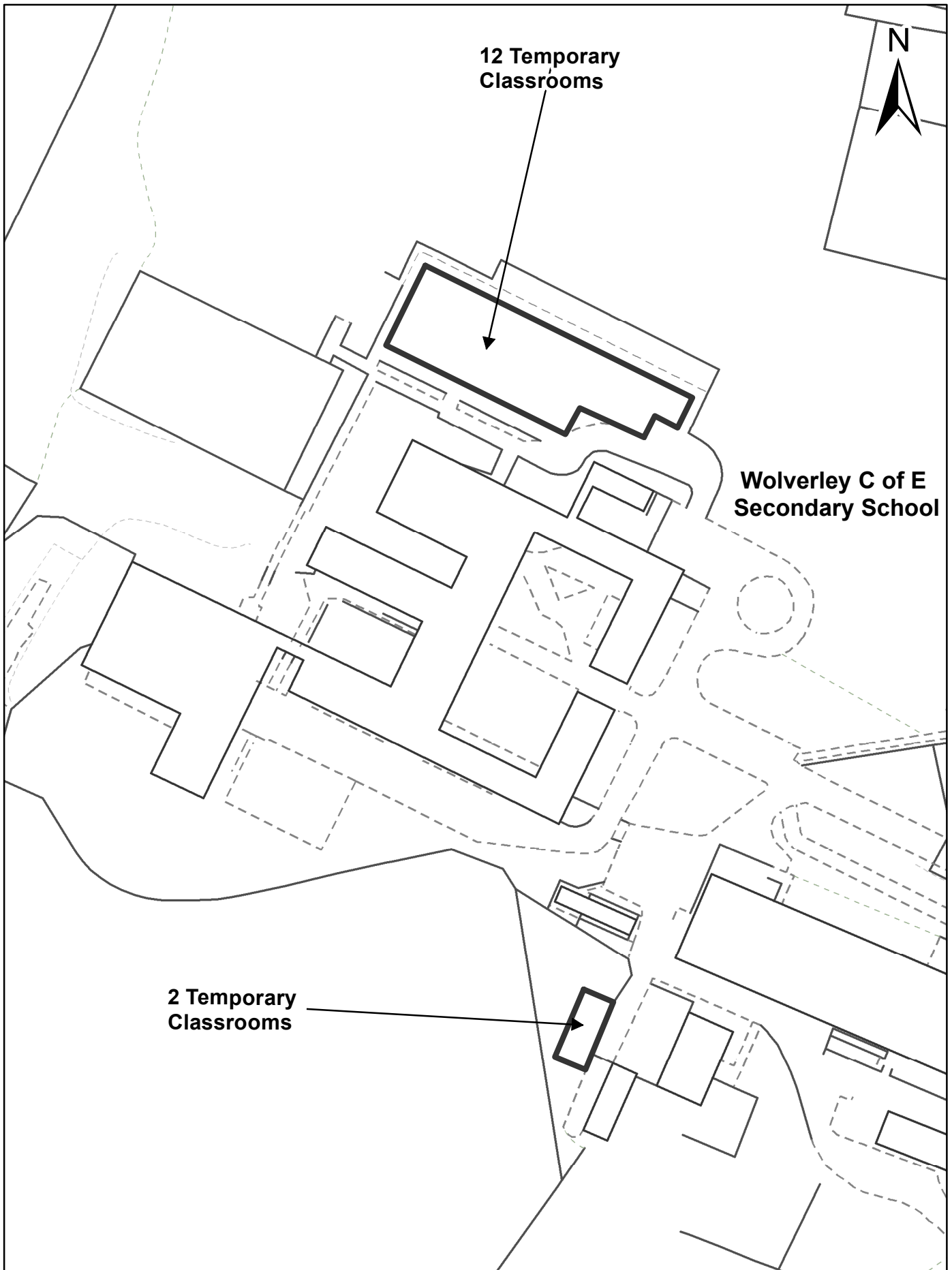


County Hall,
Spetchley Road,
Worcester
WR5 2NP

14/00008/REG3 Proposed Renewal of Planning
Permission for 14 Temporary Classrooms at Wolverley
C of E Secondary School, Blakeshall Lane, Wolverley,
Kidderminster, Worcestershire, DY11 1JL

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Planning and Regulatory Committee
20 May 2014**8. SAFETY OF SPORTS GROUNDS ANNUAL REVIEW 2013/2014****Local Councillors**

Mr N Desmond, Mr S E Geraghty, Mr L C R Mallett, Mr A P Miller, Mr A Roberts

Purpose of Report

1. To provide an annual review of activities carried out by the County Council to discharge its duties under the Safety at Sports Grounds (SatSGs) and related legislation during 2013/2014.

Background Information

2. This is the fourth SatSGs annual review presented to the Committee. Members will recall that the legislative background for the Council's responsibilities for SatSGs is based on the Safety of Sports Grounds Act 1975, Fire Safety and Safety of Places of Sport Act 1987 and the Regulatory Reform (Fire Safety) Order (FSO) 2005.

3. The County Council therefore has a particular interest in all sports grounds in the County but more specifically those that are formally "designated" and stadia that have "regulated stands" as follows:

4. "Designated" stadiums within Worcestershire as defined by the Department of Culture, Media and Sport:

- Sixways Stadium – home of Worcester Warriors Rugby Football Club
- Aggborough Stadium – home of Kidderminster Harriers Football Club used by Worcester City Football Club

5. The "Regulated Stands" within Worcestershire – stadia with stands that provide covered accommodation for 500 or more spectators being:

- The Grandstand – Pitchcroft Race Course, Worcester
- The Victoria Ground – home of Bromsgrove Sporting Football Club

6. The Worcestershire County Cricket New Road ground or the recently opened Worcester Arena is neither "designated" nor "regulated". Consequently, these venues are not subject to

Safety Certificates

Safety at Sports Grounds legislation due to the nature of definitions contained within that legislation. For example a sports ground having the following will require a safety certificate:-

- a capacity of more than 10,000 spectators
- a football club competing in the Football League or the Premiership having a capacity of at least 5000 (the legislation provides for the Secretary of State to designate such grounds)
- a covered stand that can accommodate 500 spectators or more (a regulated stand)

Sports Ground

Any place where sports or other competitive activities take place in the **open air** and where accommodation has been provided for spectators, consisting of artificial structures or of natural structures artificially modified for the purpose.

7. In discharging its responsibilities WCC must consider applications for, and issue to qualified persons, Safety Certificates for designated sports grounds with the aim of:

- **Securing reasonable safety** at the sports grounds
- **Serving a Prohibition Notice** in respect of a sports ground if the Council consider that "the admission of spectators to a sports ground or any part of a sports ground involves or will involve a risk to them so serious that, until steps have been taken to reduce it to a reasonable level, admission of spectators to that part of the ground ought to be prohibited or restricted".
- Issuing a **Safety Certificate** for Regulated Stands in the County to "secure reasonable safety in the Stand when it is in use for viewing the specified activity or activities at the ground".

8. The Regulatory Reform (Fire Safety) Order (FSO) 2005 ensures a risk based approach to fire safety. The County Council is the enforcing authority for the FSO to ensure that all necessary fire risk assessments have been made at all five grounds and their premises covered by the SatSGs legislation.

Safety Advisory Groups

9. Management and discharge of SatSGs legislation is administered through a site specific Safety Advisory Group (SAG) based on each Designated Ground and stadiums with a Regulated Stand. SAG meetings are convened regularly throughout the year under County Council (Emergency Planning Unit) Chairmanship. Membership is composed of Police, Fire Service, Ambulance Service, District Council (Building Control), Worcestershire Regulatory Services (Environmental Health Licensing) representatives and the host stadium Safety Officer.

10. All SAG decisions are taken on a multi agency basis under the chairmanship of the County Council. Under the terms of the Scheme of Delegation and Policy statements the Chair and

**Sixways Stadium,
Worcester Warriors
RFC**

Vice Chair of the Planning and Regulatory Committee are made aware of and consulted on any significant alterations and modifications to General and Special Safety Certificates issued.

11. During 2013/14 SAG's met at each stadium based on three meetings per year programme of "before", "during" and "after" season meetings.

12. Worcester Warriors' RFC have had some changes in staff and staff responsibility during the past year with a change to the Safety Certificate holder. There have been three incidents which have been investigated.

- Fireworks from an organised display landing on roof of main stand.
- Extreme problems with parking and pedestrians outside the ground
- Loss of hydraulic pressure on an outside broadcast 'cherry picker' which then lowered itself onto the North Stand causing damage to the roof.

13. The results from the investigations are as follows:-

- The fireworks display was well managed by a professional company, (and overseen by the Safety Officer). The weather and wind direction had been monitored every hour, on the day of the display (as advised by the SAG) from early morning, this had been continuously south westerly. This monitoring continued during the display. During the last 10 minutes of the display the wind suddenly changed direction leading to some fireworks landing on the top of two stands. This led the Safety Officer to immediately stop the event
- Pedestrian safety in Pershore Lane has been an issue since the opening of the stadium. Through SAG advice and Warriors management this issue has been mitigated by park and ride, media management and other traffic management solutions. However, on this occasion the pedestrian issue was made worse by inconsiderate parking causing pedestrians to walk into the roadway. The parking problem has emerged due to lack of traffic orders/signage, a change over in enforcement responsibilities and a consequent lack of enforcement itself

The enforcement and signage matters were in the process of being followed up at the time of the parking/pedestrian issue. Once the signage and enforcement were established and media warnings distributed, a number of car parking prosecutions followed

- The hydraulic failure of a cherry picker was an issue

**Aggborough Stadium,
Kidderminster Harriers
FC and Worcester City
Football Club**

**The Grandstand,
Worcester Racecourse**

**Victoria Ground,
Bromsgrove Sporting FC**

for the broadcaster which impacted on the live broadcast. It worked as it was supposed to and slowly descended as its inbuilt safety systems took over. This caused a tear in the Canvas roofing. Spectators were moved to other areas of the ground.

14. Sixways stadium continues to be managed (from a safety perspective) in a manner that meets current legislation.

15. Members of the SAG have carried out during performance inspections and found the safety systems to be satisfactory.

16. The Aggborough Stadium continued to be managed by the Kidderminster Harriers FC safety management team to meet current safety management criteria. Collaboration with the County Council and the SAG remains excellent.

17. Worcester City FC have been involved in a ground sharing agreement with Kidderminster Harriers. They have hired the ground from Kidderminster Harriers FC. The safety responsibilities are for KHFC to oversee as the certificate holders and for Worcestershire County Council to enforce as the issuing authority.

18. During the current season members of the SAG carried out "during performance inspections" examining the spectator safety standards set by the club. These were noted as satisfactory.

19. Worcester Racecourse is owned by Worcester City Council and is operated by Northern Leisure on a long term lease following their recent acquisition of Arena Leisure. The Grandstand is managed as a Regulated Stand under the SatSGs legislation.

20. The Racecourse SAG has again approved site specific working practices to meet the special safety considerations of horse racing courses. These arrangements recognise that crowd behaviour and dynamics at horse racing is very different to that found at football or rugby grounds.

21. During the season members of the SAG carried out "during" performance inspections and the satisfactory spectator safety standards set were noted.

22. A new safety certificate has been issued to cater for a change in the safety officer.

23. Bromsgrove Sporting FC leases the Victoria Ground on a long term basis from Bromsgrove District Council which owns the freehold. The main stand is treated as a Regulated Stand under the SatSGs legislation. The Directors of Bromsgrove Sporting have demonstrated a willingness to ensure that safety arrangements meet current safety management criteria and manage a schedule of maintenance works.

Other Advice

24. A new certificate has been issued to account for a change in Safety Officer.

25. The ground maintenance is carried out with cooperation from a number of agencies including Bromsgrove DC and West Mercia Probation Trust. The average gate at Bromsgrove Sporting is 225 persons. During Performance Inspections have taken place and found to be satisfactory.

26. The Planning and Regulatory Committee may wish to visit a sports ground on a match day. Worcester Racecourse is the only option during the summer, however from August until November all of the sport ground options are available. The Emergency Planning team will arrange a site visit to a sports ground venue for Committee members to see first-hand safety management practices in operation. This will necessitate giving the chosen ground(s) notice to arrange access for members.

27. The multi-agency members of the SAG have been asked collectively to give advice to The Three Counties Showground and Throckmorton Air Show. There has also been an appointment of a Safety Officer to Worcestershire County Cricket Club who has spoken to members of the SAG.

The Regulatory Reform (Fire Safety) Order (FSO)

28. This duty is currently administered by the County Council through a Service Level Agreement provided by H&W F&RS. There were no significant FSO issues at sites managed through the SatSGs legislation during 2013/14.

Recommendation

29. The Director of Adult Services and Health recommends that the 2013/14 Annual Review of activities carried out by the Council to manage and implement the Safety at Sports Grounds legislation be noted.

Contact Points

County Council Contact Points

Worcester (01905) 763763, Kidderminster (01562) 822511 or Minicom: Worcester (01905) 766399

Specific Contact Points

Nick Riding, Emergency Planning Officer
01905 766171 nriding@worcestershire.gov.uk

List of Background Papers

In the opinion of the proper officer (in this case the Director Adult Services and Health) the following papers relate to the subject matter of this item:

WCC Safety at Sports Grounds Policy (2010),
WCC Protocol for the Delegation of Decision Making relating to Safety at Sports Grounds (updated 2013).

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