

## Planning and Regulatory Committee

**Tuesday, 25 September 2018, County Hall, Worcester - 10.00 am**

		<b>Minutes</b>
<b>Present:</b>		Mr R C Adams (Chairman), Mr R M Bennett, Mr G R Brookes, Mr P Denham, Mr A Fry, Mr I D Hardiman, Mr P B Harrison, Mrs A T Hingley, Dr C Hotham, Mrs J A Potter and Prof J W Raine
<b>Also attended:</b>		Mrs E A Eyre as local councillor for Agenda item 7.
<b>Available papers</b>		The Members had before them: <ul style="list-style-type: none"><li>A. The Agenda papers (previously circulated);</li><li>B. A copy of the summary presentations from public participants invited to speak (previously circulated); and</li><li>C. The Minutes of the meeting held on 3 July 2018 (previously circulated).</li></ul>
<b>992</b>	<b>Named Substitutes (Agenda item 1)</b>	Ms C M Stalker for Ms P Agar.
<b>993</b>	<b>Apologies/ Declarations of Interest (Agenda item 2)</b>	Apologies were received from Ms P Agar, Mr C Rogers and Mr P Tuthill.
<b>994</b>	<b>Public Participation (Agenda item 3)</b>	Those presentations made are recorded at the Minute to which they relate.
<b>995</b>	<b>Confirmation of Minutes (Agenda item 4)</b>	<b>RESOLVED</b> that the Minutes of the meeting held on 3 July 2018 be confirmed as a correct record and signed by the Chairman.
<b>996</b>	<b>Application to vary conditions 2 (Approved</b>	The Committee considered a County Matter planning application under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary conditions 2 (approved drawings), 14 (control of noise), 18 (control of

**drawings), 14  
(Control of  
noise), 18  
(Control of  
odour), 29  
(Control of  
external  
operations) and  
32 (Closing of  
doors) of  
planning  
permission  
reference  
number  
14/000050/CM,  
dated 26 March  
2015 to facilitate  
amendments to  
the EnviroSort  
Facility and its  
operation (part-  
retrospective) at  
EnviroSort, off  
Woodbury  
Lane, Norton,  
Worcestershire  
(Agenda item 5)**

odour), 29 (control of external operations) and 32 (closing of doors) of planning permission reference number 14/000050/CM, dated 26 March 2015 to facilitate amendments to the EnviroSort facility and its operation (Part-Retrospective) at EnviroSort, off Woodbury Lane, Norton, Worcestershire.

The report set out the background of the proposal, the proposal itself, the relevant planning policy and details of the site, consultations and representations.

The report set out the Head of Strategic Infrastructure and Planning's comments in relation to External Storage, Residential Amenity (Pests, Noise, Dust, Odour and Health Impacts), Landscape Character and Visual Impacts, Traffic and Highway Safety, and Other Matters – Water Environment, Ecology and Biodiversity, Integrity of the rail line, consultation, enforcement and the Human Rights Act 1998.

The Head of Strategic Infrastructure and Planning concluded that based on the advice of the Environment Agency, Public Health England and Worcestershire Regulatory Services, the proposal would have no adverse pests, noise, dust, odour or health and safety impacts on residential amenity or that of human health, subject to the imposition of appropriate conditions.

The proposed development would not have an adverse or detrimental impact upon the character and appearance of the local area, subject to the imposition of appropriate conditions.

The proposed amendments would not result in any additional operational HGV deliveries or collections to / from the site. The County Highways Officer had been consulted and had raised no objections to the proposal. In view of this, the Head of Strategic Infrastructure and Economy was satisfied that the proposal would not have an unacceptable impact upon traffic or highway safety, subject to the imposition of appropriate conditions, as imposed on the extant planning permission.

Taking into account the provisions of the Development Plan and in particular Policies WCS 1, WCS 2, WCS 3, WCS 6, WCS 8, WCS 9, WCS 10, WCS 11, WCS 12, WCS 14 and WCS 15 of the Adopted Worcestershire Waste Core Strategy and Policies SWDP 1, SWDP 2, SWDP 4, SWDP 8, SWDP 12, SWDP 21, SWDP 22, SWDP 25, SWDP 28, SWDP 29, SWDP 30 and SWDP 31 of the Adopted South Worcestershire Development

Plan, it was considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

The representative of the Head of Strategic Infrastructure and Planning introduced the report and commented that members had visited the site and observed the proximity of the Worcestershire Parkway site. Members observed the workings of the plant from the viewing platform and walked around the outside of the building and over to rear of the nursing home on Woodbury Park. Members were also shown an example of baled materials. A further objection had been received, which had been emailed to all councillors, from the J7 Waste action group objecting on similar ground to those set out in the report. He reported a typographical error in condition s) which should say "any" instead of "nay".

Mr Munn, an objector to the application on behalf of J7 Waste addressed the Committee. He commented that Mercia Waste stated under the first planning application "All" of their activities would be carried out within the building with all the doors closed. By their own admission as stated in their planning report. contravention of the original planning conditions have been on-going soon after the facility was opened.

He added that Mercia Waste by their actions or inaction since the start of operations, appeared to have scant regard for 'Planning Conditions' or their 'Duty of Care'. When asked to extend the existing building they stated 'It was not cost effective'. However, they disregarded the hazards that stored waste in an open space would give. It appeared that Europe leads in the investigation regarding this type of facility. From their findings they have decided to stop using this type of waste plant mainly due to its ineffectiveness and ensuing health problems. This request to change the existing planning conditions would in reality mean open air activity. A situation that was wholly unacceptable; even more so at a time when Parkway Station would shortly be open. Parkway Station was adjacent to this waste facility and was sited downstream of the prevailing winds. Shortly therefore, it would not only be the local residents who stand to be affected; but thousands of Worcestershire residents and other passengers from further afield.

He did not believe that ad hoc changes to the planning conditions was the right way forward and a meaningful review in the light of today's demand should take place, until then:

- 1) a deferment of this application should be sought; and;
- 2) the original planning conditions remained in place until adequate solutions were agreed. That might include:
  - A) The installation of some form of air conditioning with air wash; and
  - B) Any outside storage was not allowed during Spring and Summer.

In response to Mr Munn's presentation, the following query was raised:

- Mr Munn confirmed that when the original application was granted permission, the understanding was that all the operations would be carried out inside the building
- According to the report, few complaints had been received from local residents regarding odour. Was this a result of the plant operating in a satisfactory manner or complaints fatigue? Mr Munn responded that the issues associated with the plant were unseen and intangible but it was likely that the prevailing wind would mean that the impact would be greatest in the direction of the Parkway site and properties to the south and west.

Mr Capelastegui, the Operations Manager and Mr Hornby, the Operations Co-ordinator at Severn Waste Services, the applicant did not address the Committee but the following queries were raised with them:

- It was important that the health of visitors to the plant and site operatives was protected. Mr Capelastegui responded that the plant had received 5,000 visitors over the last 2 ½ years and he was not aware of any resultant health issues. Additionally the long-term sickness records of staff at the plant were monitored and no difference had been noted from any other staff working elsewhere for the company
- What was reason that the applicant was not proposing to extend the building? Mr Capelastegui explained that the site previously had a traffic management system using cones to guide visiting vehicles on the site but the Health and Safety Executive advised that these cones were not suitable. Consequently, the cones were replaced

by plastic fencing. An extension to the building had been considered however this was ruled out on health and safety grounds because vehicles were unable to manoeuvre safely within the restricted space. Additionally, it was possible that vehicles would tail back onto the public highway

- In response to a query, Mr Hornby explained that the sealed containers were used for rejected materials which were then compacted for transportation. The open container contained glass and would be covered by a sheet before removal from the site. Odour had not been a problem
- Had there been any accidents as a result of vehicle movements on site over the last couple of years? Mr Hornby reported that due to the clarity of the traffic management system, no accidents had occurred
- Had the applicant received any complaints directly from the public? Mr Hornby responded that any complaints were passed directly to the Council so that all complaints were kept together on the same record
- In response to a query about the baling operations, in particular for plastics, Mr Hornby explained that on the occasions that a bale failed to form correctly, the bale would not be stockpiled or loaded and the loose materials would be reprocessed through the system
- How did the applicant envisage the throughput of the plant changing in the future, given future housing proposals in the county? Mr Capelastegui commented that the contractual capacity of the plant was 105,000 tonnes. At present the plant was not being operated within its full hours of operation apart from on a few limited occasions, for example when there was a plant breakdown and materials started to pile up. When extra capacity was required, the site would operate from 6am to 11pm within the existing planning permission and the available option to operate on Saturdays from 8am to 5pm would be utilised
- Did the applicant have any control on the type of vehicle accessing the site? Mr Capelastegui advised that the site received four different types of vehicles at the site. He emphasised that, whatever vehicle was used, no materials would be discharged outside of the plant itself. The representative of the Head of Strategic Infrastructure and Planning commented that the Committee should be concerned with the

appropriate use of the land rather than the control processes which were the subject of a different control regime. The EA had confirmed that an Environmental Permit had been granted for the site. In addition, the extant planning permission would be carried forward which included a condition relating to odour and noise.

Worcestershire Regulatory Services had no objections or comments to make about odour

- Could hanging curtains be introduced over the doors to seal the unit when walking floor trailers were used for loading? Mr Capelastegui indicated that he was happy to consider this suggestion.

In the ensuing debate, the following principal points were raised:

- The local councillor commented that he chaired the Liaison Group. Every 6 months representatives on the group were asked to put forward items for the agenda. However until a recent meeting was held to discuss this application, it had not met for 2 ½ years as no issues had warranted the meeting being called. His main concern about the application was the fear expressed by local residents about odour and dust etc. He was also concerned that EnviroSort was not running at its full capacity of 105,000 tonnes and believed that the facility was not large enough for its capacity. It was important to establish whether there were any health issues associated with the plant. He did not support the proposal to stack items outside, particularly as the bales were not shrink-wrapped
- Ideally the building should be extended to allow all operations to take place internally, however the Committee had to determine the application before it. No breaches of the original planning permission had been identified by officers during routine inspections and no complaints had been made since 2015 despite activities taking place outside the building in breach of the original consent. The key issue was Government Guidance as to whether the development was suitable for the use of the land. The Environment Agency had issued a permit and the land use was deemed suitable. In addition, Worcestershire Regulatory Services were content with the application
- The type of material (metals and plastics) stored outside did not give rise to the concerns

expressed by the local councillor

- The proposal to store materials outside the building was not in keeping with what was generally a tidy and well-maintained site. There was a danger that the bales could break up. This could be resolved with the provision of a shelter
- The proposal to allow the doors to remain open for the purposes of loading was a concern and could be ameliorated by the introduction of curtains or sliding doors. The representative of the Head of Strategic Infrastructure and Planning indicated that a condition could be added to this effect but queried the need as the technical consultees had raised no objections on noise grounds
- Although concerns had been expressed by local residents about the health implications, it should be borne in mind that the site previously had a foundry on it, billowing smoke
- The outside storage of plastic bales was a concern with the potential for bales to burst. In addition, the rejected materials could contain anything that was not recyclable. The open containers would be sited in close proximity to the Parkway Station with the potential odour impact on station users in the future and should have a removable lid. The Liaison Group should be able to request odour monitoring to take place whenever necessary
- It was unnecessary that permission was being sought for all vehicles to be unloaded outside the building. In addition, it was unnecessary for delivery vehicles to be unloaded outside the building
- Was it possible to grant a temporary permission for a year to enable the site to be monitored during this period? The representative of the Head of Strategic Infrastructure and Planning stated that although it was possible to approve a temporary permission, Government guidance did not encourage temporary permissions where all the evidence was available and therefore he would encourage members to make a decision on the information before them
- There was sufficient information before the Committee to accept the officer's recommendation for approval without the need to grant temporary permission
- The wording of condition k) was confusing, would it prevent educational visits from taking place? The representative of the Head of Strategic Infrastructure and Planning commented that this

was an extant condition from the previous permission. The key word in the condition was "use" of the site by the public. This had been interpreted to mean the disposal of waste by the public. He was satisfied that educational visits could still take place

- An amendment that permission be granted subject to an additional condition requiring the introduction of hanging curtains over the doors, was lost.

**RESOLVED** that planning permission be granted for the carrying-out of development pursuant to planning permission reference number 14/000050/CM, dated 26 March 2015 without complying with conditions 2 (approved drawings), 14 (control of noise), 18 (control of odour), 29 (control of external operations) and 32 (closing of doors) of that permission so as to facilitate amendments to the EnviroSort facility and its operation (Part-Retrospective) at EnviroSort, off Woodbury Lane, Norton, 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 and maintained in accordance with the following documents: Planning application and supporting statement dated 14 August 2006, the following drawings, except where otherwise stipulated by conditions attached to this permission:
  - Drawing CMRF-A7-PA-MWM-001 Statutory Plan
  - Drawing 2362-01-03 Proposed Site Layout
  - Drawing 2362-01-02 Elevations
  - Drawing K628-L102 (B) Office Facility Floor Plan
  - Drawing K628-L 105 (A) Weighbridge Office
  - Drawing CMRF-SFDA7-MWM001 Typical Process Arrangement
  - Drawing K628-L104 (A) Typical Cross Section
  - Drawing 425-01-01 Proposed Landscape and Ecological Enhancement Scheme
  - Drawing C/ST96/200 Schematic Drainage Layout



- Drawing C/ST/90/001 Section 278 Works
  - Drawing K628-L 108 Proposed CMRF Facility 3D Images
  - Drawing K628-L 107 Site Sections
  - Drawing K628-L 109 Security Fencing and Gate
- c) The development shall be carried out and maintained in accordance with the approved Agreement pursuant to Sections 38 and 278 of the Highways Act 1980, dated 9 July 2008 between Worcestershire County Council and Mercia Waste Management Limited, Ref: LB/3637/565:10460;
- d) The development shall be carried out and maintained in accordance with approved drawing numbered: SK08, titled: Road Detail, and drawing numbered: CMRF-MOR-MWM-002 Rev A, titled: Full Morganite Access Proposal;
- e) Means of vehicular access to the development hereby approved shall be from the B4084 and Woodbury Lane to the east of the application site only. The approved signs enforcing this requirement instructing all traffic to turn right only, as shown on drawing C/SA/90/101 Rev H and reference 1, location 1 shown on that drawing shall be maintained for the duration of the development;
- f) No waste other than those waste materials defined in the application shall be either deposited or processed at the site;
- g) The operators shall ensure that the amount of waste sorted at the facility does not exceed 105,000 tonnes per annum;
- h) Notwithstanding the provisions of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification):
- i. No fixed or mobile plant or machinery, building structures and erections, or private ways shall be erected, extended, installed or replaced within the site; and
  - ii. No additional lights or fences shall be

**installed or erected at the site;**

- i) No mud, dust or debris shall be deposited on the public highway;**
- j) All loads of waste materials carried on heavy goods vehicles into and out of the building hereby permitted, shall be enclosed or covered so as to prevent spillage or loss of such material at the site or on the public highway;**
- k) There shall be no general public use of the site;**
- l) The development shall be carried out and maintained in accordance with the approved green Travel Plan, titled: Travel Plan Framework, Ref: APB/425-01-03c, dated 13 November 2007. The approved scheme shall be implemented for the duration of the co-mingled materials reclamation facility operations on this site;**
- m) All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, this shall include the fitting and use of effective silencers;**
- n) The development shall be carried out in accordance with the approved Noise Assessment prepared by Noise and Vibration Consultants Ltd, dated 16 July 2009, Report Ref: R08.1639/1/DRK, Compliance Noise Monitoring Scheme; and the Noise Assessment to Vary Planning Conditions on Permission Ref: 14/000050/CM (15/000041/CM) to Facilitate Amendments to the Facility and its Operation, dated 13 June 2018, Report Ref: R18.0603/DRK. The approved scheme shall be implemented for the duration of the development;**
- o) The development shall be carried out in accordance with the approved Dust Control and Mitigation Statement, received by the County Planning Authority 17 April 2008 and approved 20 May 2008. The approved scheme shall be implemented and maintained for the duration of all operations associated with the co-mingled materials reclamation facility;**

- p) The development shall be carried out and maintained in accordance with the approved bbs-tek Backalarm system, product reference BBS-90 (NSR) or similar, and accompanying statement outlining the details and the type of vehicle alarms to be used at the site, received by the County Planning Authority 21 January 2008 and approved 3 April 2008;
- q) Notwithstanding the submitted details, within 1 month of the date of this permission, an updated scheme for controlling fly levels shall be submitted to the County Planning Authority for approval in writing. The scheme shall include measures for monitoring and recording fly levels at the site including details of measures to be undertaken if fly levels are recorded as excessive. Thereafter, the approved scheme shall be implemented for the duration of the development;
- r) The development shall be carried out and maintained in accordance with the Management Plan – Protocol for the Control of Odour, Version 2, dated June 2018. The Protocol shall be implemented for the duration of the development;
- s) There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways;
- t) No additional or increased flows of surface water shall be discharged onto Network Rail land or into Network Rail's culvert or drains. No soakaways shall be constructed within 10 metres of Network Rail's boundary;
- u) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage

system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow outlets shall be detailed to discharge downwards into the bund;

- v) Surface water from vehicle parking and hard standing areas shall be passed through an interceptor or adequate capacity prior to discharge. Roof drainage shall not be passed through any interceptor;
- w) Water pipes used to serve the development must not be susceptible to residual contamination on the site and buried services must be laid within 0.5 metres surround of clean sand in areas of ash and graphite fill;
- x) The development shall be carried out and maintained in accordance with approved drawing numbered: 50299/ST/60/100, Rev D, titled: Proposed External Lighting Layout, and subsequent approved amendments as shown on drawing number: 9685(P)100, titled: Front Elevation, document titled: External Lighting prepared by Cooper Lighting and Safety, dated 25 November 2008, and cover letter dated 24 September 2009, Ref: JC/AJ/9685;
- y) The development shall be carried out and maintained in accordance with approved landscaping scheme and revised native landscaping scheme for the frontage of the site, as shown on drawing numbered: 425-01.01, Rev E, titled: Proposed Landscape and Ecological Enhancement Scheme. Within 5 years of planting, any trees, shrubs or plants that die, become diseased or are moved or damaged, shall be replaced in the first available planting season with others of a similar size and species and in accordance with the approved scheme, unless the County Planning Authority gives written approval of any variation;
- z) The permitted hours of operation in connection with the CMRF shall be 06:00 to 23:00 hours Mondays to Fridays, inclusive and 07:00 to 17:00 hours on Saturdays with no operations on Sundays, Christmas Day,

**Boxing Day or New Year's Day;**

- aa) Plant maintenance (within the building only) shall be carried out at any time during the week Mondays to Sundays, except on Christmas Day, Boxing Day or New Year's Day;**
- bb) No HGVs shall enter and leave the site between 22:00 hours and 06:00 hours on any day;**
- cc) No handling, deposit, storage or transfer of waste shall take place outside the confines of the building hereby permitted, except in the following limited circumstances:-**
  - Sheeted metal containers holding glass and rejects may be stored outside of the building temporarily, awaiting collection on either the same or next weekday working day. Such storage must only take place in the approved storage areas, as shown on Drawing Numbered: 2362-01-03, titled: 'Proposed Site Layout';**
  - Sorted baled plastics and metals may be stored outside of the building for up to a maximum of 25 days in any single calendar year, and records of what dates the sorted baled plastics and metals are stored externally shall be kept by the operator and made available to the County Planning Authority on written request for the duration of the operations on the site. Storage of sorted bales is only authorised in the approved storage area, as shown on Drawing Numbered: 2362-01-03, titled: 'Proposed Site Layout' from where external loading of the bales can take place in order to export the material from site. The external sorted baled plastics and metals shall not exceed a maximum height of 2.5 metres.**
  - Damaged wheelie bins may be stored outside of the building awaiting collection. Such storage must only take place in the approved storage area, as shown on Drawing Numbered: 2362-01-03, titled: 'Proposed Site Layout'.**

**dd) No materials shall be burnt on the site;**

**ee) The development shall be carried out and maintained in accordance with approved external materials and colours of the new building details, as shown on drawing numbered: 9685(P)3, titled: Elevations and cover letter from Mr John Charles, Ref: 9685/JC/JSW received by the County Planning Authority 14 May 2008 and approved 20 May 2008;**

**ff) All doors to the building shall be kept closed, except in the following limited circumstances:-**

- When the delivery vehicle is, owing to its length and the available capacity in the reception area, unable to discharge its load whilst fully inside the building with the doors closed, unloading may take place with the doors open. Such unloading shall take place as rapidly as is practicable and the doors closed immediately thereafter; and**
- When the collection vehicle is, owing to its length, unable to be loaded whilst fully inside the building with the doors closed, loading may take place with the doors open. Such loading shall take place as rapidly as is practicable and the doors closed immediately thereafter.**

**gg) The development shall be carried out and maintained in accordance with the approved details of the design and height of the security fencing and gates along the boundaries, as shown on drawing numbered: 425-01.01, Rev E, titled: Proposed Landscape and Ecological Enhancement Scheme and drawing numbered: K628 L109, titled: security fencing & Gate As Proposed; and**

**hh) Prior to the site operating during the extended Saturday (13:00 to 17:00 hours) operating hours, acoustic treatment of the suction fan that powers the polythene film extractor unit, located at the north-east corner of the process building, in accordance with Section 7.1 Recommendations & Residual Effects of the submitted Noise Assessment, dated 2 October**

**997      Proposed  
Retrospective  
change of use  
from a  
workshop to a  
waste transfer  
station for  
metals at Unit 5,  
Moorlands  
Farm, Manor  
Lane, Waresley,  
Hartlebury,  
Worcestershire  
(Agenda item 6)**

**2014, Ref: R14.0904/DRK, prepared by Noise and Vibration Consultants Ltd shall be implemented and maintained for the duration of the development; and**

- ii) Notwithstanding the submitted details, prior to the installation of ventilation louvres as shown on drawing numbered: 2362-01-02, titled: 'Elevations', the detailed design of the ventilation louvres including colour and dimensions shall be submitted to the County Planning Authority for approval in writing. These ventilation louvres shall be fitted with an acoustic louvre, attenuator or acoustic baffle to reduce noise break-out by at least 15 dB(A). Thereafter, the development shall be carried out in accordance with the approved details.**

Mr R A Adams asked that his abstention from the vote be recorded in the Minutes.

The Committee considered a County Matter planning application for a proposed retrospective Change of Use from a Workshop to a Waste Transfer Station for Metals at Unit 5, Moorlands Farm, Manor Lane, Waresley, Hartlebury, Worcestershire.

The report set out the background of the proposal, the proposal itself, the relevant planning policy and details of the site, consultations and representations.

The report set out the Head of Strategic Infrastructure and Planning's comments in relation to Waste Hierarchy, Location of the Development, Green Belt, Residential Amenity, Ecology and Biodiversity, and Other Matters – Economic impact.

The Head of Strategic Infrastructure and Planning concluded that the application was seeking to regularise the material change of use at the site which occurred over 1 year ago. The applicant had been operating since May 2017 under an Environment Agency T9 Waste Exemption for recovering scrap metal.

The Head of Strategic Infrastructure and Economy had examined the Waste Hierarchy, Location of the development, Green Belt, Residential Amenity, Ecology and Biodiversity, and Other Matters (Economic Impact).

In terms of the waste hierarchy, the Head of Strategic

Infrastructure and Economy considered that the proposal would enable the recycling of metals, would contribute to Objective WO3 of the Worcestershire Waste Core Strategy, and accord with the National Planning Policy for Waste's requirement for waste planning authorities to drive waste management up the waste hierarchy.

In terms of location, the Head of Strategic Infrastructure and Economy considered that the proposal would be located at the highest level of the geographic hierarchy for waste in Level 1 and that it would, therefore, accord with Policy WCS3 of the Worcestershire Waste Core Strategy. In addition, the Head of Strategic Infrastructure and Economy considered that the proposal would accord with Policy WCS6 because the existing redundant agricultural building housing the waste transfer station would be a compatible land use for an enclosed waste transfer facility according to Table 7 of the Policy.

In terms of Green Belt, the Head of Strategic Infrastructure and Economy considered that the proposal would not constitute inappropriate development in the Green Belt for the purposes of Paragraph 143 of the NPPF. An exercise, therefore, had to be undertaken to determine whether any other harm to the Green Belt would occur as a result of the proposal because Planning Authorities were required to give substantial weight to harm to the Green Belt in accordance with Paragraph 144 of the NPPF. In this regard, the Head of Strategic Infrastructure and Economy considered that the proposal would not cause any harm to the Green Belt due to the proposal for waste transfer activities to take place wholly within the existing metal shed unit at the site, apart from vehicle parking during business hours, the loading and unloading of waste, and the collection of skips. Because of this, it was considered that there would be no harm to openness, or to the purposes of including land within the Green Belt. The Head of Strategic Infrastructure and Economy, therefore, considered that the proposal would be acceptable in terms of Green Belt.

The Head of Strategic Infrastructure and Economy considered a number of issues relating to residential amenity including noise, conditions for controlling amenity impact, visual impact, and amenity impacts on the Highway. It was considered that there would be no unacceptable adverse impacts on amenity as a result of the proposal and that it would, therefore, accord with the development plan, subject to conditions.

In terms of Ecology and Biodiversity, the Head of



Strategic Infrastructure and Economy considered that a suitably worded condition requiring the installation of bird and bat boxes would result in the proposal according with the relevant development plan policies for biodiversity enhancement.

Finally, the Head of Strategic Infrastructure and Economy considered that the proposal would accord with the NPPF's aim to build a strong competitive economy as set out in Section 6 of the NPPF.

Taking in to account the provisions of the Development Plan and in particular Policies WCS 1, WCS 2, WCS 3, WCS 6, WCS 8, WCS 9, WCS 10, WCS 11, WCS 12, WCS 13, WCS 14 and WCS 15 and WCS 17 of the Worcestershire Waste Core Strategy and Policies SWDP 1, SWDP 2, SWDP 4, SWDP 5, SWDP 8, SWDP 12, SWDP 21, SWDP 22, SWDP 25, SWDP 28, SWDP 29, SWDP 30, SWDP 31 and SWDP 33 of the South Worcestershire Development Plan, it was considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

The representative of the Head of Strategic Infrastructure and Planning introduced the report and indicated that no comments had been received from the local councillor.

In the ensuing debate, the following principal points were raised:

- If planning permission was granted, would there be an issue in relation to the licensing of the operations on the site? The representative of the Head of Strategic Infrastructure and Planning responded that the applicant had a T9 Waste Exemption for recovering scrap metal, issued by the EA
- How would any potential unauthorised trading on the site be monitored? The representative of the Head of Strategic Infrastructure and Planning advised that compliance with that license was a matter for Wychavon District Council
- The main concern was the location of the application site in the Green Belt. The Head of Strategic Infrastructure and Planning had explained in the report that the applicant was proposing continuous use in an existing building which was considered to be in a suitable location. In addition, the site would be monitored by the Environment Agency therefore the application

should be approved.

**RESOLVED** that planning permission be granted for proposed retrospective Change of Use from a Workshop to a Waste Transfer Station for Metals at Unit 5, Moorlands Farm, Manor Lane, Waresley, Hartlebury, Worcestershire subject to the following conditions:

#### **Details**

- a) The development hereby permitted shall be carried out in accordance with the details shown on the following submitted Drawings, except where otherwise stipulated by conditions attached to this permission:
- "Location Plan" (Project Number: 2027), which was submitted to the County Planning Authority on 05/06/2018; and
  - "Planning Drawing" (Drawing No. 2027/P1), which was submitted to the County Planning Authority on 28/03/2018

#### **Ecology and Biodiversity Enhancement**

- b) Within 6 months of the date of this planning permission, the specifications and locations of one Sparrow nesting terrace and one Bat box shall be submitted to and approved in writing by the County Planning Authority. It must be demonstrated that the Sparrow nesting terrace and Bat box would not be disturbed by external lighting. The Sparrow nesting terrace shall be erected on the northern end of Unit 5 identified on the Drawing titled "Block Plan" (Project Number: 2027), which was submitted to the County Planning Authority on 28/03/2018, whilst the Bat box shall be erected on the southern end of Unit 5. Following approval, the Sparrow nesting terrace and Bat box shall be installed in accordance with the approved specifications and locations within 3 months;

#### **Vehicle Access and Parking**

- c) Vehicle Access to the site shall only be from Manor Lane. Parking and turning arrangements shall be maintained in

accordance with the Drawing titled "Location Plan" (Project Number: 2027), which was submitted to the County Planning Authority on 05/06/2018;

#### **Vehicle Routing**

- d) When commercial vehicles are exiting the site on to Manor Lane to access the Local Road Network, they shall turn right towards the A449. A sign shall be erected at the site within 28 days of the date of this permission directing commercial vehicles exiting the site to turn right towards the A449;

#### **Throughput**

- e) The annual throughput of material through the site shall be limited to a maximum of 158 tonnes per annum and records shall be kept and made available to the County Planning Authority on written request for the duration of operations at the site;

#### **Equipment**

- f) Only non-powered hand tools shall be used in connection with processing materials at the site;

#### **Outside Storage**

- g) No materials, including skips or storage containers, shall be stored outside the confines of the Unit 5 Workshop building (identified on the Drawing titled "Location Plan" (Project Number: 2027), submitted to the County Planning Authority on 05/06/2018) outside of the approved operating hours or overnight;

#### **Hours of Operation**

- h) The development hereby approved shall only operate between the hours of 09:00 to 17:00 Monday to Friday and 09:00 to 12:00 on Saturdays. No operations shall take place on Sundays, Bank Holidays, or Public Holidays; and

#### **External Lighting**

**998      Proposed  
renewal of  
planning  
consent for a  
mobile  
classroom at  
Sedgeberrow  
CE First School,  
Main Street,  
Sedgeberrow,  
Evesham  
(Agenda item 7)**

**i) Prior to the installation of any lighting not permitted by this permission, a lighting strategy shall be submitted to and approved in writing by the County Planning Authority. The lighting strategy shall include the following details:**

- i. A detailed lumen contour plan which shows predicted intensity and the spread of any new external lighting;**
- ii. Measures to ensure that new external lighting will avoid negatively impacting on bird nesting terraces and bat boxes and/or their occupants at the site; and**
- iii. Measures to ensure that new external lighting will be controlled by Passive Infra-Red (PIR) or timers so that they are not in use outside of working hours**

**Thereafter the development shall be carried out in accordance with the approved lighting strategy.**

The Committee considered a Regulation 3 planning application for a Proposed Renewal of Planning Consent to retain a Mobile Classroom at Sedgeberrow CE First School, Main Street, Sedgeberrow, Evesham.

The report set out the background of the proposal, the proposal itself, the relevant planning policy and details of the site, consultations and representations.

The report set out the Head of Strategic Infrastructure and Planning's comments in relation to Need to retain school places, and Design.

The Head of Strategic Infrastructure and Planning concluded that the retention of the existing double mobile classroom would, overall, accord with the development plan in a planning balance exercise for the following reasons.

Firstly, whilst the concerns expressed regarding the physical condition of the mobile in terms of its suitability for giving pupils the best possible learning environment (and the absence of high quality design which complements the character of the local area) were important, the weight carried by these concerns was not considered sufficient to outweigh the great weight that should be applied to the need to retain an existing

community facility required by Policy SWDP37 and Paragraph 94(a) of the NPPF. The Head of Strategic Infrastructure and Economy considered that it would be wholly unreasonable to refuse planning permission and remove approximately one third of Sedgeberrow CE First School's classroom spaces with no alternative provision in place without considering the use of a planning condition that would allow the applicant sufficient time to develop a plan for permanent accommodation.

Secondly, the concerns expressed regarding the suitability of the double mobile classroom for those with disabilities, whilst sensitive and material considerations, were considered to be manageable in the way the school uses its buildings. The Development Plan policies did not require the addition of ramps to the double mobile classroom. In addition, the County Planning Authority's Principal Planning Solicitor had confirmed that the applicant's approach to undertake reasonable adjustments at the appropriate time would accord with the County Council's Equalities duties.

Overall, the Head of Strategic Infrastructure and Economy considered that the planning balance lies in favour of retaining the existing double mobile classroom on site, subject to a condition requiring its removal within five years in order to allow the applicant time to develop a plan for permanent accommodation at the site.

Notwithstanding the above conclusion, the Head of Strategic Infrastructure and Economy agreed that permanent accommodation solutions for temporary mobile classrooms across Worcestershire should be sought as a priority in the interests of providing good quality learning environments for children in Worcestershire.

Taking in to account the provisions of the Development Plan and in particular Policies SWDP 1, SWDP 2, SWDP 4, SWDP 21, SWDP 22, SWDP 25, SWDP 27, SWDP 28, SWDP 29, SWDP 30, SWDP 31 and SWDP 38 of the South Worcestershire Development Plan, it was considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

Mr Edwards, Chairman of Sedgeberrow First School and an objector to the application addressed the Committee. He commented the governors believed that the 'temporary mobile' classroom subject to this planning application was sub-standard and no longer provided a fit

for purpose teaching environment and pupils and teachers faced a number of challenges on a daily basis.

The rooms were also comparatively small for modern classrooms, with very little storage space and did not provide breakout spaces for teachers and teaching assistants to work with smaller groups of children. The size was also restricting the teachers' ability to deliver lessons in an interactive and imaginative manner as there was little space for the pupils to do anything other than sit in rows of desks. The school had a very small capital expenditure budget of £5k per annum which was more than consumed on the up keep of the 'temporary mobile' classroom meaning that ongoing repairs and maintenance were having to be funded from the school's education budget.

The basis of the Governors objection to the application for a further 5 years of planning permission for the 'temporary mobile' classrooms was based on the following:

- Granting planning permission for a further 5 years (to 2023) was too long a period of time and would only reinforce the lack of progress that the school had made to get these 'temporary mobile' classrooms replaced with a permanent structure
- The planning application as currently worded was vague and provided the governing body with no confidence or reassurance that the Council were committed to replacing the 'temporary mobile' classrooms with a permanent structure in the timeframe quoted
- Due to the issues noted above the classrooms were sub-standard and no longer fit for purpose
- The 'temporary mobile' classrooms were not suitable for pupils with disabilities who need the use of a wheelchair. This would become a problem in the future as there was currently a child in Year 1 who would need the use of a wheelchair

Mr Edwards concluded that the Governors of Sedgeberrow C of E First School were requesting the following:

- A shorter planning permission period of 1 year not 5
- A planning condition to include a commitment to complete a full structural condition survey (including the roof) of the 'temporary mobile' classrooms. A stronger, definitive commitment

from the council to commit funding for a permanent replacement structure, as well as agreement of a proactive, approach from all parties to ensure that this could be achieved.

In the ensuing debate, the following principal points were raised:

- The local councillor commented that there was a lack of confidence that the Council would be able to meet the needs of a child with a disability in attendance at the school. Condition surveys were not comprehensive in nature and had not picked up all the faults with the mobile classroom. The state of the building was impacting on children's learning despite the school's efforts to make it as habitable as possible. The same issue arose in 2011 and she was given an assurance that the mobile would be replaced within 5 years. Given these circumstances, permission should only be granted for one year and certainly not for 5 years
- In response to a query, the representative of the Head of Legal and Democratic Services advised that if a child with a disability required access to the mobile unit then the applicant would need to make reasonable adjustments. That need had not yet arisen therefore the duty to make reasonable adjustment did not apply. In response concern was expressed that the Council's Equality Officer had not been consulted and account had not been taken of the potential use of the unit by a disabled child
- Mobile accommodation was inappropriate for children from a safeguarding perspective. In the circumstances, the school required a new build rather than an extension to the permission for the mobile classroom
- Planning permission should have been sought at the time the previous permission ran out in 2016
- If permission for the renewal of planning consent was refused, what would be the effect on the school? The representative of the Head of Strategic Infrastructure and Economy explained that the mobile classroom would not have planning permission. A decision would then need to be made whether to take enforcement action and consideration of the implications of such action on the school. In accordance with Government Guidance, very good reasons were required for removing a classroom without community use
- The school should not be expected to spend any

further money on accommodation that was not fit-for-purpose and permission should only be granted for one year

- It was unacceptable that children had been educated in temporary classrooms in this school for 23 years. However it was clear that there was insufficient funding available for a permanent replacement classroom. The applicant had asked for a renewal for 5 years however this should be taken from the date that the previous permission expired which would focus the mind of the applicant in seeking to address the accommodation issues at the school. The representative of the Head of Strategic Infrastructure and Economy advised that officers usually imposed a time-limit of 5 years due to the temporary nature of the permission. Some district councils had policies that restricted the length of permission for temporary buildings but this was not the case in Wychavon
- The proposal to restrict permission to 3 years was still too long and 12 months would be more appropriate. In response, it was commented that realistically 3 years would provide sufficient time for the applicant to find alternative solutions to the problem. The local councillor accepted that that 3 years was a more realistic period to allow for a permanent solution to be found
- An amendment that the double mobile classroom be removed from the site by 31 December 2021 was agreed.

**RESOLVED** that planning permission be granted for the Proposed Renewal of Planning Consent to retain a Mobile Classroom at Sedgeberrow CE First School, Main Street, Sedgeberrow, Evesham, subject to the following condition:

**Requirement to remove the temporary mobile classroom**

**The double mobile classroom and all associated infrastructure shall be removed from the site by 31 December 2021. Prior to the removal of the double mobile classroom and associated infrastructure, a scheme for the reinstatement of the land on which the double mobile classroom is 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.**



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The meeting ended at 11.55am.

Chairman .....