

Worcestershire County Council

Agenda

Planning and Regulatory Committee

Tuesday, 15 July 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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ਪੰਜਾਬੀ। ਜੇ ਤੁਸੀਂ ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਮਸ਼ਹੂਰ ਸਮਝ ਨਹੀਂ ਸਕਦੇ ਅਤੇ ਕਿਸੇ ਅਜਿਹੇ ਵਿਅਕਤੀ ਤੱਕ ਪਹੁੰਚ ਨਹੀਂ ਹੋ, 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, 15 July 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, 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 To confirm the Minutes of the meeting held on 20 May 2014. (previously circulated – pink pages)	
5	Application for planning permission for the carrying-out of development pursuant to planning permission reference number 13/000058/REG3 dated 14 February 2013 without complying with conditions 2, 3 and 4 of that permission so as to allow the increase in throughput of material from 6,000 tonnes per annum to 9,000 tonnes per annum; The sale of bulk loads of compost to local farmers and other trade/bulk users and for the compost to be used on the applicant's land and also on land elsewhere at Pendock Environmental, Eldersfield, Worcestershire	1 - 18
6	Retrospective proposal to vary the approved planning permission restoration levels at Chadwich Lane Quarry, Madeley Heath, Bromsgrove, Worcestershire	19 - 44

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>

Date of Issue: Friday, 4 July 2014

Item No	Subject	Page No
7	Proposed alteration and extension to the existing east car park to provide 195 spaces, including new lighting and cctv cameras at Worcestershire County Council offices, County Hall, Spetchley Road, Worcester	45 - 62

NOTES

- **Webcasting**

Members of the Committee are reminded that meetings of the Planning and Regulatory Committee 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
15 July 2014

5. APPLICATION FOR PLANNING PERMISSION FOR THE CARRYING-OUT OF DEVELOPMENT PURSUANT TO PLANNING PERMISSION REFERENCE NUMBER 13/000058/CM DATED 14 FEBRUARY 2014 WITHOUT COMPLYING WITH CONDITIONS 2, 3 AND 4 OF THAT PERMISSION SO AS, TO ALLOW THE INCREASE IN THROUGHPUT OF MATERIAL FROM 6,000 TONNES PER ANNUM TO 9,000 TONNES PER ANNUM; THE SALE OF BULK LOADS OF COMPOST TO LOCAL FARMERS AND OTHER TRADE/BULK USERS AND FOR THE COMPOST TO BE USED ON THE APPLICANT'S LAND AND ALSO ON LAND ELSEWHERE AT PENDOCK ENVIRONMENTAL, ELDERSFIELD, WORCESTERSHIRE

Applicant	Pendock Environmental
Local Councillor	Mr T A L Wells
Purpose of Report	<ol style="list-style-type: none">1. To consider a County Matter planning application for the variation of planning conditions 2 and 4 and removal of planning condition 3 on planning permission reference number: 13/000058/CM so as to allow the increase in throughput of material from 6,000 tonnes per annum to 9,000 tonnes per annum; the sale of bulk loads of compost to local farmers and other trade/bulk users and for the compost to be used on the applicants land and also on land elsewhere at Pendock Environmental, Eldersfield, Worcestershire.
Background	<ol style="list-style-type: none">2. Planning permission for an open windrow green waste composting facility with a throughput of 6,000 tonnes per annum of green waste, on land off the B4208 South of Pendock (Reference Number: 407703) was granted by the Planning and Regulatory Committee at its meeting on 18 March 2008 (Minute 589 refers). The site is now known as Pendock Environmental. The applicant states that the site was developed as a farm diversification project and the aim was to generate an alternative income stream for the business whilst producing a suitable soil improver to avoid reliance on expensive artificial fertiliser.3. On 7 February 2012 the Planning and Regulatory

The Proposal

Committee granted planning permission for a temporary period of 2 years for the increase in the annual throughput of material from 6,000 tonnes per annum to 9,000 tonnes per annum (Minute 762 refers). The two year temporary permission expired on 20 February 2014 (Reference 11/000029/CM). A planning condition to establish a Community Liaison Group was attached to this temporary planning permission. The first Community Liaison Group meeting was held on 31 May 2013 and the group has met 9 times.

4. On 11 February 2014 the Planning and Regulatory Committee granted planning permission (Reference: 13/000058/CM) for an extension to the delivery hours at Pendock Environmental from 09:00 hours to 08:00 hours Monday to Saturday (Minute 864 refers).

5. The applicant proposes to vary the following planning conditions which were imposed on planning permission reference 13/000058/CM:

- **Condition 2** - The annual throughput of material through the site shall be limited to a maximum of 6,000 tonnes per annum and records shall be kept for inspection by the County Planning Authority on request of the amount of throughput of material for the duration of operations on site
- **Condition 4** - There shall be no public sale of compost from the site and the site shall not be open to the public

6. The applicant is also seeking to remove the following planning condition which was imposed on planning permission reference 13/000058/CM:

- **Condition 3** - The compost shall only be applied to land within the applicant's ownership.

7. The applicant proposes to increase the throughput of material from 6,000 tonnes per annum to 9,000 tonnes per annum. The applicant has stated that many large waste suppliers operate on a 3, 5 and 7 year contract and therefore the applicant has been unable to obtain contracts a the two year temporary planning permission.

8. The applicant proposes to sell bulk loads of compost to local farmers and other trade bulk users. The applicant states that the facility is not open to the public and there are no proposals to accept or sell compost to the general public. In addition the applicant also requests that the compost can be spread on land outside of the applicant's ownership.

9. The applicant has stated that 6,000 tonnes of green waste turns into approximately 4,800 tonnes of compost and 9,000 tonnes of waste would turn into approximately 7,200 tonnes of compost.

The Site

10. The applicant has stated that if the site operated at 6,000 tonnes per annum, there would be approximately 550 vehicles bringing waste to the site per annum and approximately 400 vehicles removing compost from the site per annum. If the throughput is increased to 9,000 tonnes per annum, it is proposed that the number of vehicles bringing waste to the site would be approximately 750 per annum and there would be approximately 600 vehicles per annum removing compost from the site. This would equate to approximately 26 vehicles entering and leaving the site per working week equating to approximately 4 vehicles entering and leaving the site per working week.

11. It is not proposed to increase the existing area of the site which also includes an area of hard standing, and it is not proposed to increase the height of the windrows.

12. Pendock Environmental operates under an Environment Agency Standard Rules Permit.

13. The applicant is in the process of gaining Publicly Available Specification (BSI PAS) 100 accreditation which would allow the material to be sold as a compost rather than a soil conditioner. The PAS 100 specification *improves confidence in composted materials among end-users, specifiers and blenders, and helps producers differentiate products that are safe, reliable and of high performance – wrap.org.uk*

14. Pendock village is located on the south-west edge of Worcestershire on the Worcestershire/Gloucestershire border, approximately 13 kilometres south of Malvern. The site is located west of the B4208 approximately 800 metres south of Pendock village. Pendock Primary School is located approximately 2 kilometres by road from the site. The site lies within Eldersfield Parish.

15. The site is located on a plateau on former agricultural land in the open countryside. Access to the site is off the B4208 and the nearest Public Right of Way (EF-562) is located approximately 60 metres north of the site. The site consists of an area of hard standing, a weighbridge and a small building/office. Between the site and the B4208 is a hedgerow containing some trees.

16. The Burley Dene Meadows Site of Special Scientific Interest (SSSI) is located approximately 2.1 kilometres east of the site and the Gadbury Bank Fort Special Wildlife Site (SWS) is located approximately 300 metres south east of the site. The Gadbury Camp Scheduled Ancient Monument (SAM) is located approximately 650 metres south-east of the site on the eastern side of the B4208.

17. The nearest residential properties (Greystones and the house at New Barn Farm) are located north and south of the site, the curtilage (boundary) of these properties are located

approximately 260 metres from the site, with the actual residential properties located approximately 300 metres from the site.

Summary of Issues

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

- The Waste Hierarchy
- Location of Development
- Residential Amenity
- Traffic and Highways Safety, and
- Ecology.

Planning Policy

19. National Planning Policy

PPS 10 Planning for Sustainable Waste Management

20. National Planning Policy Framework (NPPF)

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.

21. 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".

22. 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.

23. 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 3: Supporting a prosperous rural economy

The Development Plan

24. 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 Malvern Hills 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.

25. 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).

26. 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 6: Compatible land uses

Policy WCS 8: Site infrastructure and access

Policy WCS 9: Environmental assets

Policy WCS 10: Flood risk and water resources

Policy WCS 11: Sustainable design and operation of facilities

Policy WCS 12: Local characteristics

Policy WCS 14: Amenity

27. Malvern Hills District Local Plan

Policy DS1 The Location of Development

Policy DS3 General Development Requirements

Policy EP7 Farm Diversification Schemes

Policy QL21 Landscaping

28. Draft South Worcestershire Development Plan

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.

Draft Planning Policy

Waste Management Plan for England 2013

The Government Review of Waste Policy in

29. 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.

30. 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.

31. 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.

32. 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.

33. 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.

34. 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

35. The Government Review of Waste Policy in England 2011 seeks to move towards a green, zero waste economy,

Consultations

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.

36. Malvern Hills District Council objects to the proposal on the basis that the applicant has failed to justify the expansion of the capacity at the site in terms of the geographical hierarchy set out in Policy WCS3 of the Waste Core Strategy. Furthermore, it is considered that insufficient information has been submitted to demonstrate that condition 3 should be removed and condition 4 varied. In particular the Pendock site occupies an isolated location within the countryside. It is understood that it is the applicant's intention to only sell compost in bulk, however the information submitted in support of the application does not set out how this will be achieved nor does it adequately address how sales to the general public will be prevented.

37. Eldersfield Parish Council – It is noted that the general consensus is that, although the problems associated with the site have reduced in frequency, there are still major concerns about the possible impact of an increase to 9,000 tonnes.

38. The annual throughput has been considerably less than the permitted amount - in 2013 the throughput was only 3,100 tonnes. When permission for the increased tonnage was granted at the Planning and Regulatory Committee Meeting on 7 February 2012 for a temporary period of two years it was surely presumed that during that period the annual throughput would at least approximate to the new limit. But this has not happened - indeed not even the original limit of 6,000 tonnes been reached. So it is not yet possible to give a verdict on the impact of a throughput of 9,000 tonnes but there are fears that such an increase, with the associated increase in the processes of shredding and turning, could have a very detrimental effect. It is therefore considered that if the Committee decides to grant permission for 9,000 tonnes, it should again impose a condition which limits the permission to a period of two years in order that the potential adverse results of a permanent increase to 9,000 tonnes be better assessed.

39. There are still problems with the existing limited tonnage and so there are serious fears that any increase will result in further problems. If a trial period at or near 9,000 tonnes had shown otherwise then that would be a different matter, but the operator has chosen not to use this two year trial period granted in 2012 to demonstrate this - his throughput has not got anywhere near this. The knowledge we have now in 2014 as to the potential impact of 9,000 tonnes has not advanced on that available in 2012. Therefore it would be inconsistent for the Planning Committee to approve a permanent increase to 9,000 tonnes in 2014 when they were not prepared to do so in 2012.

40. It is considered that the Liaison Group has been a

useful forum for the discussion and resolution of problems associated with the site. And therefore it is suggested that, if the Committee were to grant planning permission for a limited period (as suggested above), a condition be that the Liaison Group continue to meet.

41. Pendock Parish Council requests that the application be refused due to the following:

- Correlation between tonnage and complaints
- Site currently processing +3000 tonnes per annum
- Nuisance to local residents – odour, flies and drainage and any increase in tonnage will only increase the unpleasantness of the site to local residents.
- Concerns that the site is no longer manned for deliveries/no quality control
- Speeding through the village; vehicle activated sign exceeding 30mph approximately 12,000 hits a month
- No pavements and no verge
- Danger to school children
- Increased vehicles will create a high risk of accidents and pressures on local infrastructure
- No intention of achieving PAS 100
- Not in accordance with the waste hierarchy
- Waste spilling off the trailers
- Peaks and troughs of vehicle movements – not 8 movements a day its 22 movements per day
- Not in accordance with Local Transport Plan, Local Plans and Local Development Frameworks
- Not in accordance with the Waste Core Strategy Geographic Hierarchy
- Infrastructure on site needs to be adequate.

42. The Parish Council have requested that they would like to draw the Planning and Regulatory Committees attention to some key points in their response to this application, and therefore, their response has been placed in the members support unit.

43. Redmarley Parish Council wishes to support both Eldersfield and Pendock Parish Council in their objections to the proposal. The whole operation is escalating way beyond the original permission granted in 2007. This proposal will create a high level of increased traffic movements and exacerbate other problems connected to the site.

44. Worcestershire Regulatory Services has no comments from a nuisance point of view.

45. The Environment Agency has no objection in principle to the removal of conditions as proposed.

46. The site enjoys a Standard Rules Permit (SRP) that is regulated by them and this allows a throughput of up to 75,000 tonnes per annum.

47. The site will continue to be monitored under the Environmental Permit Regulations (EPR), and attendance at the Community Liaison Group, to ensure the site is appropriately regulated.

48. Public Health England has no comments subject to the site complying with the existing conditions and is properly maintained.

49. The County Ecologist has no comments to make on the proposal.

50. The County Highways Officer has no objection to the proposal, provided the processed materials are transported from the site in bulk loads.

51. The County Countryside and Access Officer have no comments to make regarding the proposal.

52. English Heritage recommends that the application should be determined in accordance with national and local policy guidance.

53. Natural England has no comments to make on the proposal.

Other Representations

54. 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. 20 letters/emails of representation have been received. 10 objecting to the proposal and 9 in support of the proposal and 1 showing an interest in supplying Pendock Environmental with compostable waste. The letters/emails of representation have been made available in the members support unit. The comments contained in the objection letters/emails are summarised below:

- Why is the increase being requested?
- Struggling to manage 3,000 tonnes per annum
- Nuisances caused by the site include odour, flies
- Increase in traffic/ concerns over traffic safety & school
- Impact on highway infrastructure
- Vehicle numbers misleading; peak delivery numbers July to September
- Uncovered lorries
- Industrial level of activity into a small village
- Inadequate site infrastructure
- Impact on local wildlife
- Facility not increased to 9,000, therefore, not been tested
- A further trial period should be granted
- Not PAS100/material is regarded as waste
- Material produced is waste not compost
- Not in accordance with the Environmental Permit
- Dirty water discharged into the water course/land drains
- The wrong location

- Irresponsible behaviour by the site management
- Little respect to the surrounding area
- Lack of proven track record in management of the site
- Health impact to animals and local people
- Site should be closed down
- Site cannot safely take 9,000 tonnes per annum
- Site not manned for deliveries
- Waste contaminated with plastic
- Doesn't accord with Waste Core Strategy
- There have been improvements to the offensive smells
- Following management changes & reduced throughput problems have been significantly reduced.

55. The comments contained in the letters/emails of support are summarised below:

- Beneficial to local businesses to dispose of green waste and use the compost
- Minimal increase to traffic
- Never encountered problems: noise, smell or traffic
- Provides a useful resource/ benefits the soil
- Natural fertiliser
- Reduces use of artificial phosphate chemical
- Local community should be supporting rural businesses
- A clean well run site.
- Causes little disturbance
- More regular turnover = reduce odour
- Environmental conditions and odour mitigation measures should remain in place and local residents concerns should continue to be addressed.

The Head of Economic Development and Planning's comments

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

The Waste Hierarchy

57. The Waste Management Plan for England 2013 sets out the Government's vision to work towards a zero waste economy as part of the transition to a sustainable economy. In particular, this means using the "waste hierarchy" (waste prevention, re-use, recycling, recovery and finally disposal as a last option) as a guide to sustainable waste management.

58. National Planning Policy Statement 10: Sustainable Waste Management (PPS10) states that the overall objective of Government policy on waste, as set out in the strategy for sustainable development, is to protect human health and the environment by producing less waste and by using it as a resource wherever possible. By more sustainable waste management, moving the management of waste up the 'waste hierarchy' of prevention, preparing for reuse, recycling, other recovery, and disposing only as a last resort, the Government aims to break the link between economic growth and the environmental impact of waste. This is echoed in the Waste

Core Strategy that waste in Worcestershire will be managed increasingly as a resource and, therefore, managed at the highest appropriate level of the Waste Hierarchy.

59. In accordance with the Waste Core Strategy, composting facilities are classed as recycling facilities, and, therefore, in principle are supported by PPS10 and the Waste Core Strategy in relation to the diverting waste from landfill and driving waste up the waste hierarchy.

Location of Development

60. Policy WCS 3 of the Waste Core Strategy states that waste management facilities that enable recycling will be permitted at all levels of the geographic hierarchy where it has been demonstrated that it's located in the highest appropriate level. Pendock Environmental is located in level 5, which is the lowest level of the geographic hierarchy.

61. The explanatory memorandum for Policy WCS 3 sets out a list of potential reasons to justify a proposed location in lower levels of the geographic hierarchy including proximity to the producers of the waste to be managed, proximity to end users and proximity to other waste management facilities in the same treatment chain.

62. Policy WCS 6 of the Waste Core Strategy relates to compatible land uses for waste management facilities. Policy WCS 6 states that open windrow composting facilities and sites with current use rights for waste management purposes are compatible land uses. Policy WCS 6 does also state that open windrow composting facilities and greenfield land are compatible land uses where strongly justified.

63. Pendock Environmental is an existing open windrow composting facility with a permanent planning permission to manage 6,000 tonnes of material per annum. The facility is used by 4 large providers of green waste and 3 local gardening businesses. End users of the compost include the Pendock Estate and local businesses based in Castlemorton, Bromsberrow, Corse, Staunton and Forthampton. The applicant is proposing to increase the throughput of material to 9,000 tonnes per annum which would be managed on the existing open windrow composting site and the applicant does not propose to expand the site area onto the surrounding Greenfield land. Therefore, in view of the above, it is considered that the location of the proposed development is acceptable in accordance with Policy WCS 3 and WCS 6 of the Waste Core Strategy. In addition, the Environment Agency guidance recommends that open windrow composting facilities should be located a minimum of 250 metres from sensitive receptors which include residential properties, and therefore, it is considered that this countryside location is appropriate and acceptable.

Residential Amenity

64. The Parish Councils and the local residents have raised concerns regarding the nuisances from the site including,

odour, flies and dust and the potential for those nuisances to increase if planning permission is granted for the increase in throughput.

65. Comments have been received from the Pollution Control Bodies; Worcestershire Regulatory Services and the Environment Agency. Worcestershire Regulatory Services have stated that they have no comments to make on the proposal from a nuisance point of view. Furthermore the Environment Agency has no objections to the proposal.

66. The site is currently and will continue to be monitored by the Environment Agency under an Environmental Permit. The purpose of an Environmental Permit is to protect human health and the environment. Officers are aware that the Environment Agency and the applicant have been working to reduce nuisances caused by the site as part of the Environmental Permit regime. These matters have been the subject of regular discussions at the Community Liaison meetings which are chaired by the local member.

67. The Head of Economic Development and Planning notes that paragraph 122 of the NPPF states:

Local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

68. The Community Liaison Group was established under the two year temporary planning permission granted in 2012. The County Planning Authority attends these meetings and considers that it is a good forum for concerns to be aired and discussed. Therefore, it is recommended that a condition is imposed regarding the continuation of the Community Liaison Group.

69. Given the absence of objections from the pollution control bodies, the Head of Economic Development and Planning does not consider that objections to the proposal on the grounds of adverse impact on residential amenity can be substantiated.

Traffic and Highways Safety

70. The Parish Councils and local residents have raised concerns regarding the adverse impact the proposal would have on highway safety, the local highway infrastructure and that traffic generated is greater during different times of the year.

71. The County Highways Officer has no objection to the

Conclusion

proposals subject to the compost being transported from the site in bulk loads. The Head of Economic Development and Planning confirms that the applicant is not proposing to sell compost to the general public from the site. However, it is recommended that a planning condition is imposed to prevent the sale of compost to the general public from the site to prevent additional traffic being generated.

Other Matters

72. Concerns have been raised that the material is not PAS 100 standard, however, this is not considered to be a material planning consideration.

73. In principle open windrow composting facilities are supported by PPS10 and the Waste Core Strategy in terms of moving waste up the waste hierarchy diverting it from landfill. Therefore, the County Planning Authority in principle welcomes the expansion of open windrow composting facilities.

74. The Head of Economic Development and Planning considers the location for the composting facility is acceptable in accordance with Policy WCS 3 and WCS 6 of the Worcestershire Waste Core Strategy.

75. Based on the comments received from the pollution control bodies; Worcestershire Regulatory Services and the Environment Agency, the Head of Economic Development and Planning considers that the proposals would not have an unacceptable adverse impact on residential amenity or the amenity of the surrounding area in accordance with Policy WCS 14 of the Waste Core Strategy.

76. The proposals have been assessed by the County Highways Officer, and based on their comments, the Head of Economic Development and Planning considers the proposal would not have a detrimental impact on highway safety or the local highway infrastructure in accordance with Policy WCS 8 of the Waste Core Strategy.

77. The Head of Economic Development and Planning, therefore, considers that the variation of conditions 2 and 4 and removal of planning condition 3 on planning permission reference number: 13/000058/CM so as to allow to the increase in throughput of material from 6,000 tonnes per annum to 9,000 tonnes per annum; the sale of bulk loads of compost to local farmers and other trade/bulk users and for the compost to be used on the applicants land and also on land elsewhere is acceptable.

78. 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 WCS6; Policy WCS 8; Policy WCS 9; Policy WCS 10; Policy WCS 11; Policy WCS 12; Policy WCS 14 of the Worcestershire Waste Core Strategy Development Plan Document and Policies DS1, DS3, EP7 and QL21 of the Malvern Hills District Local Plan,

Recommendation

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

79. The Head of Economic Development and Planning recommends that planning permission be granted for the carrying-out of development pursuant to planning permission reference number 13/000058/CM without complying with conditions 2, 3 and 4 on the planning permission so as to allow the increase in throughput of material from 6,000 tonnes per annum to 9,000 tonnes per annum; the sale of bulk loads of compost to local farmers and other trade/bulk users and for the compost to be used on the applicants land and also on land elsewhere at Pendock Environmental, Eldersfield, Worcestershire, subject to the following conditions:

- a) The development hereby approved shall only be carried out in the area outlined in red on drawing number WCC-8 received by the County Planning Authority on 14 December 2007;**
- b) The annual throughput of material through the site shall be limited to a maximum of 9,000 tonnes per annum and records shall be kept for inspection by the County Planning Authority on request of the amount of throughput of material for the duration of operations on site;**
- c) There shall be no sale of compost from the site to the general public;**
- d) Within three months of the date of this permission a written scheme shall be submitted and approved by the County Planning Authority which shall set out measures for continued liaison arrangements with the local community. The approved scheme shall be implemented for the duration of this permission;**
- e) Deliveries to the site shall only take place between 08:00 hours and 17:00 hours Mondays to Fridays and 08:00 hours and 13:00 hours on Saturdays, with no deliveries on Sundays or Bank Holidays;**
- f) All shredding, chipping or windrow turning operations shall take place between 09:00 hours and 17:00 hours Monday to Fridays with no shredding, chipping or windrow turning operations on Saturdays, Sundays or Bank Holidays;**
- g) There shall be no export of any soils or subsoils from the site;**
- h) There shall be no fires lit and no wastes burnt on the site;**

- i) No skips or containers shall be stored on the site unless otherwise agreed in writing by the County Planning Authority;**
- j) There shall be no storage of any imported green waste or processed compost outside the area of the hard standing;**
- k) The composted material shall be restricted to green waste materials as defined in the Environmental Permit from the Environment Agency;**
- l) The maximum height of the windrows shall not exceed 3 metres and a height bar shall be maintained on site for the duration of the works to maintain the 3 metre height restriction;**
- m) The development hereby approved shall be operated in accordance with the Noise Mitigation Measures titled 'Condition 8 – Noise Mitigation' on page 5 of the document titled 'Proposals to satisfy conditions as part of Planning application 11/000029/CM' dated 2 May 2012 and approved by the County Planning Authority on 12 July 2012. The approved Noise Mitigation Measures shall be maintained for the duration of the operations on the site;**
- n) The development hereby approved shall be operated in accordance with the Odour Mitigation Measures titled 'Condition 9 – Odour Mitigation' on page 7 of the document titled 'Proposals to satisfy conditions as part of Planning application 11/000029/CM' dated 2 May 2012 and approved by the County Planning Authority on 12 July 2012. The approved Odour Mitigation Measures shall be maintained for the duration of the operations on the site;**
- o) The development hereby approved shall be operated in accordance with the Dust Mitigation Measures titled 'Condition 10 – Dust Mitigation' on page 8 of the document titled 'Proposals to satisfy conditions as part of Planning application 11/000029/CM' dated 2 May 2012 and approved by the County Planning Authority on 12 July 2012. The approved Dust Mitigation Measures shall be maintained for the duration of the operations on the site;**
- p) The development hereby approved shall be operated in accordance with the Wheel Cleaning Measures titled 'Condition 14 – Wheel Cleaning Apparatus' on page 10 of the document titled 'Proposals to satisfy conditions as part of Planning application 11/000029/CM' dated 2 May 2012 and approved by the County Planning Authority on 12 July 2012. The approved Wheel Cleaning Measures shall be maintained for the duration of the operations on the site;**

- q) The development hereby approved shall be operated in accordance with the Plastic waste material and wind blown litter mitigation measures titled 'Condition 17 – Plastic waste material and wind blown litter ' on page 11 of the document titled 'Proposals to satisfy conditions as part of Planning application 11/000029/CM' dated 2 May 2012 and approved by the County Planning Authority on 12 July 2012. The approved Plastic waste material and wind blown Mitigation Measures shall be maintained for the duration of the operations on the site;
- r) The development hereby approved shall be carried out in accordance with the Landscaping Scheme titled 'Condition 18 – Landscaping Scheme' on page 12 and 13 of the document titled 'Proposals to satisfy conditions as part of Planning application 11/000029/CM' dated 2 May 2012 and details contained within the County Landscape Officer's memo dated 6 June 2012 to Mr Philipson-Stow. Any trees or plants, which within a period of 5 years from the completion of the planting hereby approved die, are removed, or become diseased, shall be replaced in the next planting season with others of a similar size and species; and
- s) In the event of composting operations ceasing on the site the development hereby approved shall be removed from the site and the land upon which the development stood shall be restored to agricultural use within six months after such removal in accordance with a scheme which shall be submitted to and be approved in writing by the County Planning Authority prior to such removal.

Contacts

County Council Contact Points

Worcester (01905) 763763, Kidderminster (01562) 822511

Specific Contact Points for this Report

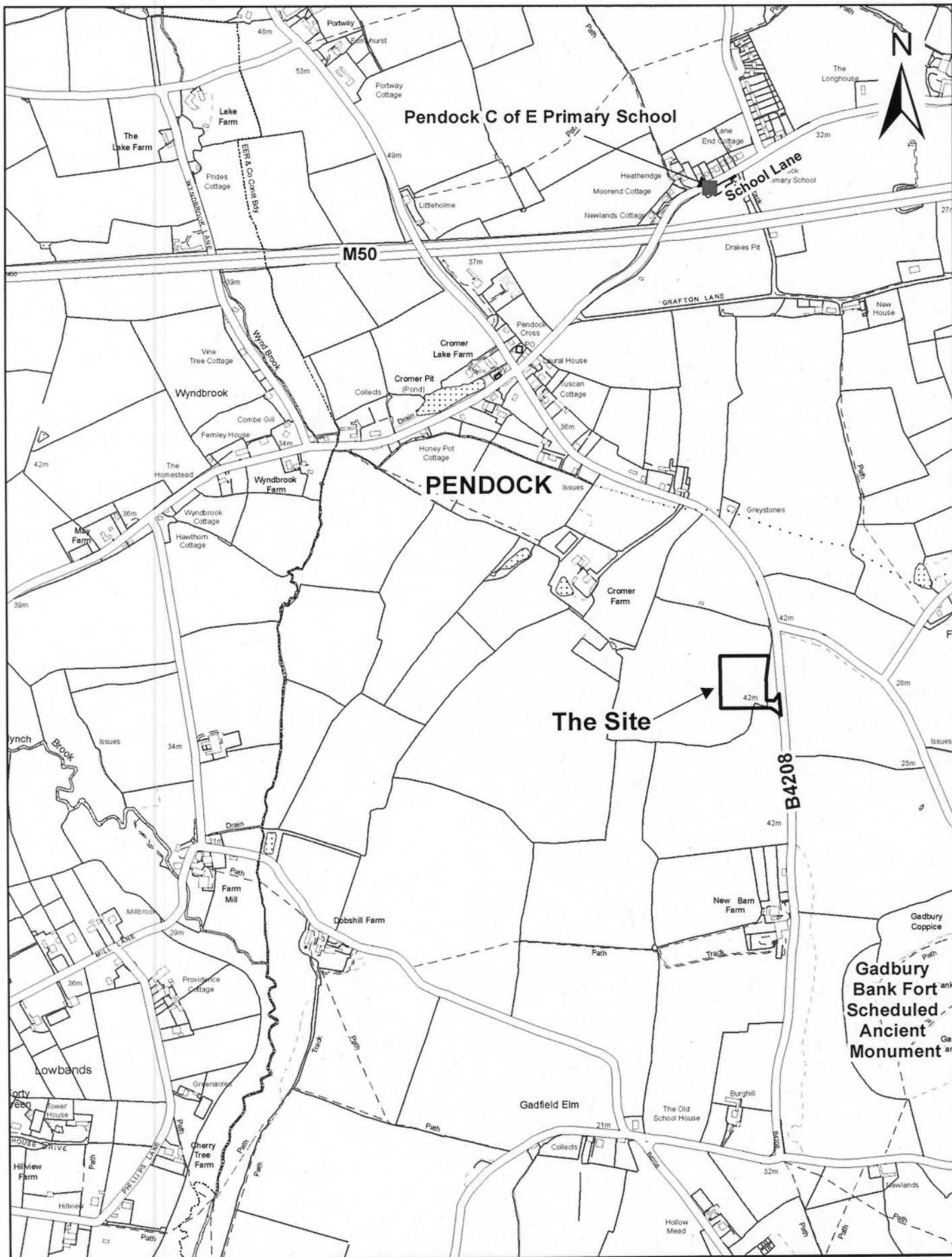
Lucy Yates, Principal Planning Officer:
01905 728561, lucyyates@worcestershire.gov.uk

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

List of Background Papers

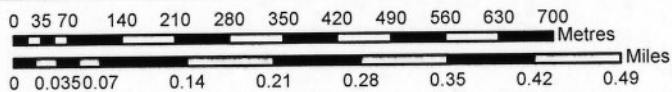
In the opinion of the proper officer (in this case the Head of Economic Development and Planning) the following are the background papers relating to the subject matter of this item:

The application, plans and consultation replies in file reference 14/000013/CM.



worcestershire
county council

Scale:
1:10,000



County Hall,
Spetchley Road,
Worcester
WR5 2NP

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Planning and Regulatory Committee
15 July 2014**6. PART RETROSPECTIVE PROPOSAL TO VARY THE APPROVED PLANNING PERMISSION RESTORATION LEVELS, AT CHADWICH LANE QUARRY, MADELEY HEATH, BROMSGROVE, WORCESTERSHIRE**

Applicant	Chadwich Lane Quarry Limited
Local Councillor	Mrs S L Blagg
Purpose of Report	1. To consider a County Matter planning application for a part retrospective proposal to vary the approved planning permission restoration levels at Chadwich Lane Quarry, Madeley Heath, Bromsgrove, Worcestershire.
Background	<p>2. The site is an established minerals working, which was originally granted planning permission for sand and gravel extraction by Hereford and Worcester County Council in February 1983, subject to conditions and a legal agreement relating to the routing of lorries (Mineral Planning Authority (MPA) Ref: 404360). The restoration proposals were to infill the void to original levels and to restore the land to agricultural use.</p> <p>3. An application for the determination of new planning conditions (under the Review of Old Mineral Permissions (ROMPs) procedures) was granted by Worcestershire County Council in July 1998 (MPA Ref: 107108; Minute No: 26 refers).</p> <p>4. An application for inert recycling and treatment operations at the site was also refused permission by Members of the Planning and Regulatory Committee in February 2003 (MPA Ref: 407546; Minute No: 215 refers) and subsequently refused on appeal in June 2003.</p> <p>5. A planning application to extend Chadwich Lane Quarry to the west – "<i>extension to the quarry, infilling the void using inert materials only, restoration of the land to agriculture use together with access, creation of geological exposure, landscaping and associated works on land adjacent to Chadwich Lane Quarry</i>", was refused by the Planning and Regulatory Committee in January 2008 (MPA Ref: 407642, Minute number 579 refers). This decision was the subject of an appeal by the applicant - Salop Sand and Gravel Ltd and following a Public Inquiry held between 6 May 2009 to 8 May 2009, the appeal was allowed and planning permission was granted by the Planning Inspectorate (Appeal Ref:</p>

APP/E1855/A/08/2069139, dated 11 June 2009), subject to conditions, one of which required the restoration of the existing Chadwich Lane Quarry, before commencing soil stripping operations of the extension area, in accordance with the approved plans pertaining to planning permission ref: 107108.

6. In December 2012, the Planning and Regulatory Committee granted planning permission (MPA Ref: 12/000036/CM, Minute No. 815 refers) for an extension of the time limit within which to implement planning permission: APP/E1855/A/08/2069139, subject to conditions. This permission also imposed the condition referred to above, requiring the existing Chadwich Lane Quarry to be restored before the commencement of soil stripping operations in the extension area:

7. Condition (6) "No soil stripping operations shall take place within Phases 1, 2, 3 and 4 shown on Drawing No. SA1994/04A Rev D until the restoration of the land at Chadwich Lane Quarry relating to planning permission 107108 (B98/0082) has been confirmed in writing by the County Planning Authority as having been completed in accordance with the plans pertaining to that permission".

8. In September 2012, Worcestershire County Council undertook a topographical survey of the Chadwich Lane Quarry site to verify the existing levels. The results of this showed that the levels of the site had been over tipped by approximately 3 to 4 metres across the site. In view of this, the applicant confirmed that it was their intention to apply for a part retrospective planning application to vary the approved planning permission restoration levels of the site.

9. The proposal is for a part retrospective planning application to vary the approved planning permission restoration levels at Chadwich Lane Quarry, Chadwich Lane Belbroughton, Worcestershire. The proposal seeks to regularise the existing levels, which are on average approximately 3 to 4 metres above the approved planning permission restoration levels. Generally the levels are in accordance with the approved planning permission restoration levels along the western boundary and the in south-west corner of the site, however, the levels are approximately 2 to 6 metres over the approved planning permission restoration levels in the northern and eastern part of the site, with the maximum over level being about 9 metres in the centre of the site.

10. The proposal would not involve any further mineral extraction and would not involve any further importation of construction waste materials. The applicant proposes to undertake minor re-grading works at the edges of the site.

11. The proposed restoration scheme would be to agriculture (grazing), with a hedgerow running north to south

The Proposal

along the centre of the site, and a hedgerow running west to east adjoining the hedgerow running vertically through the site. Further tree planting is proposed on the eastern boundary of the site.

12. A drainage scheme is proposed which includes two open ditches, both of which would run from Chadwich Lane in a southern direction for about half of the width of the site. One would be located within the centre of the site, the other would be located along the western site boundary and upon reaching the centre of the site would run in a westerly direction through the adjacent field and permitted quarry extension area (MPA Ref: 12/000036/CM), to a proposed balancing pond, situated in the south-east corner of the field. All of which is on land within the control of the applicant.

13. The applicant states that there was a discrepancy between the approved planning permission restoration levels and the approved Environmental Permit restoration levels, with the Permit allowing restoration to higher levels. This has led to a misunderstanding of the approved levels by the applicant, and the site has subsequently and incorrectly been restored to the approved Environmental Permit restoration levels, rather than those permitted by the planning permission.

The Site

14. The site lies in the open countryside of north Worcestershire, approximately 1.6 kilometres west of junction 4 of the M5 Motorway. Bromsgrove is situated approximately 5 kilometres south of the site; Rubery is about 3 kilometres east and Fairfield, which is the nearest village, lies approximately 2 kilometres away to the south-west. The application site is approximately 6 hectares in area.

15. The site is within the West Midlands Green Belt and also the Landscape Protection Area that is designated in the adopted Bromsgrove District Local Plan. The site is rectangular in shape and is bounded to the north by Chadwich Lane, to the east and west by well-established hedgerows and to the south by post and wire fencing. The Chadwich Lane Quarry extension area is located in the agricultural field immediately to the west of the site, but the planning permission (MPA Ref: 12/000036/CM) has yet to be implemented. The restored former County Council landfill site of Madeley Heath abuts the eastern boundary of the site. Access to the site is from Chadwich Lane. The site is crossed from east to west by a 275kV overhead power line and there is an electricity pylon located in the north-east corner of the site.

16. The Madeley Heath Pit geological Site of Special Scientific Interest (SSSI) is situated within the eastern side of the site, and is covered by previous landfilling of the site. One Local Wildlife Site (LWS) is located within 1 kilometre of site, which is the Great Farley and Dale Woods situated approximately 930 metres north of the site.

17. Three Public Rights of Way (Footpaths BB-594, BB-595, and BB-596) are located adjacent to the site. The current line of footpath BB-594 runs along the western boundary of the site and is a result of an earlier permanent diversion order that was imposed to allow the quarrying operations to be undertaken. Footpath BB-596 runs horizontally along the southern edge of the site; and footpath BB-595 is located to the south of the site and intercepts footpaths BB-594 and BB-596, running vertically south away from the site, eventually adjoining Harbours Hill.

18. The nearest residential property to the site is that of Upper Madeley Farm, located approximately 190 metres north of the site. The curtilage of Oak Villa, located along Harbours Hill is approximately 240 metres south-west of the site. The curtilage of Lilac Cottage, situated along the Gutter is situated approximately 300 metres north of the site. The Grade II Listed Building of Lower Madeley Farm and the Stables are located about 375 and 345 metres west of the site, respectively; and the residential property of the Thatchers Cottage, located along Chadwich Lane is situated approximately 330 metres east of the site.

Summary of Issues

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

- Green Belt
- Character and appearance of the local area, landscape and residential amenity
- The water environment
- Ecology, biodiversity and the geological Site of Special Scientific Interest (SSSI), and
- Traffic and highway safety.

Planning Policy

National Planning Policy

PPS 10 Planning for Sustainable Waste Management

National Planning Policy Framework (NPPF)

20. 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.

21. 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".

22. 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.

23. 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 1: Building a strong, competitive economy
- Section 4: Promoting sustainable transport
- Section 8: Promoting healthy communities
- Section 9: Protecting Green Belt land
- Section 10: Meeting the challenge of climate change, flooding and coastal change
- Section 11: Conserving and enhancing the natural environment
- Section 12: Conserving and enhancing the historic environment
- Section 13: Facilitating the sustainable use of minerals

The Development Plan

24. 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 Saved Policies of the Adopted County of Hereford and Worcester Minerals Local Plan; Adopted Worcestershire Waste Core Strategy; and the Saved Policies of the Adopted Bromsgrove District Local Plan.

25. 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.

26. 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).

County of Hereford and Worcester Minerals Local Plan

27. Whilst none of the Saved Policies of the Minerals Local Plan are relevant to this proposal, it is considered that the following sections of the Local Plan are pertinent to this application, and are generally in accordance with the National Planning Policy Framework (NPPF) and the Government's Planning Practice Guidance (PPG) and is a material consideration to the determination of this application:-

- After-Use of Mineral Working Sites;
- Restoration Using Imported Fill – Sand and Gravel; and
- Aftercare of Restoration Schemes.

Worcestershire Waste Core Strategy Development Plan Document (WCS)

Policy WCS 1: Presumption in favour of sustainable development

Policy WCS 2: Enabling Waste Management Capacity

Policy WCS 5: Landfill and Disposal

Policy WCS 6: Compatible land uses

Policy WCS 8: Site infrastructure and access

Policy WCS 9: Environmental assets

Policy WCS 10: Flood risk and water resources

Policy WCS 11: Sustainable design and operation of facilities

Policy WCS 12: Local characteristics

Policy WCS 13: Green Belt

Policy WCS 14: Amenity

Bromsgrove District Local Plan (Saved Policies)

Policy DS1 Green Belt designations

Policy DS2 Green Belt development criteria

Policy DS13 Sustainable development

Policy C1 Designation of Landscape Protection Areas

Policy C4 Criteria for assessing development proposals

Policy C5 Submission of landscaping scheme

Policy C9 Development affecting SSSI's and NNR's

Policy TR1 The road hierarchy

Policy RAT12 Support for public rights of way

Policy ES4 Groundwater protection

Policy ES14 Development near pollution sources

Policy ES14A Noise sensitive development

Policy ES16 Reforming of land

Draft Bromsgrove District Plan (formerly Core Strategy)

28. The Bromsgrove District Plan will outline the strategic planning policy framework for guiding development in Bromsgrove District up to 2030. It will contain a long-term vision and strategic objectives, a development strategy, key policies, strategic site allocations and a monitoring and implementation statement. The Plan will also include a copy of the Redditch Cross Boundary Development Policy (Policy RCBD1), which appears in the Draft Borough of Redditch Local Plan No.4.

29. On 12 March 2014 Bromsgrove District Council submitted the Bromsgrove District Plan to the Secretary of State for independent examination. The Secretary of State has appointed an independent Inspector (Mr Michael J Hetherington) to undertake an independent examination into the soundness of the Bromsgrove District Plan. The Bromsgrove District Plan and the Borough of Redditch Local Plan No.4 examinations are being held concurrently and will include several joint hearing sessions as well as separate hearing sessions relating to each Local Plan. Following the initial hearing sessions on 16-17 June 2014, the Councils have submitted further requested information to the Inspector. The Inspector has indicated that he will publish his Interim Conclusions by Friday 18 July 2014. Further hearing sessions are scheduled to be held in September/early October. Bromsgrove District Council is anticipating adoption in early 2015.

30. The Bromsgrove District Plan has not, therefore, been fully 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 attached to the Bromsgrove District Plan in the determination of this application. The Bromsgrove District Plan policies that are relevant to this planning application are listed below:-

Policy BDP 1 Sustainable Development Principles
Policy BDP 4 Green Belt
Policy BDP 16 Sustainable Transport
Policy BDP 20 Managing the Historic Environment
Policy BDP 21 Natural Environment
Policy BDP 22 Climate Change
Policy BDP 23 Water Management
Policy BDP 24 Green Infrastructure

Waste Management Plan for England (2013)

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

32. There are comprehensive waste management policies in the Waste Management Plan England, which taken together deliver the objectives of the revised Waste Framework Directive, therefore, it is not the intention of the

The Government Review of Waste Policy England 2011

Consultations

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.

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

34. 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.

35. 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.

36. Mrs S L Blagg comments that the Planning and Regulatory Committee should be aware of the long standing flooding issues, which local residents have endured and which she would like to be sure are considered within this part retrospective planning application. She considers that appropriate conditions should be imposed if Members are minded to approve the application, which she trusts would include the management of site surface water, comprehensive land restoration, and drainage plans as part of the solution, prior to the quarry extension area being commenced.

37. She praises North Worcestershire Water Management for their persistent approach, thoroughness and professional expertise in advising the County Planning Authority on the submitted drainage scheme and liaising with the applicant to find an acceptable solution.

38. She believes that the necessary flood mitigation measures are now covered in the application, as indicated by North Worcestershire Water Management's comments. She supports North Worcestershire Water Management's request that the drainage system should be designed to cope with a 1 in 100 year rainfall event plus climate change; and the discharge from the balancing pond should be limited by a hydrobrake or similar device to a Greenfield run-off rate up to a 1 in 100 year storm event. She considers the intention to do this (instead of using the 250mm pipe as a limited outfall) must be clear and should not be left to be detailed into a condition only.

39. She requests that the imposition of an aftercare scheme condition is imposed should planning permission be granted. She would also like the Committee to be clear on what conditions are still binding from the original planning permission so that no room is left in doubt, misunderstanding, interpretation or expectation.

40. Bromsgrove District Council has no comments.

41. Belbroughton Parish Council objects to the proposal, due to the excess levels of infill and apparent increase in the levels of flooding occurring on neighbouring farmland, and request that enforcement measures are considered to restore the site to the levels permitted.

42. Romsley Parish Council (Neighbouring Parish Council) has no comments.

43. The County Landscape Officer has no objections, she recommends the site boundaries are checked later in the year for final marrying in of levels and debris removal; and that the proposed east to west hedge is omitted.

44. The restored profile does not look unnatural and, once a sward is established, will blend in with the surrounding landscape. The alternative, of removing excess material, would cause excessive disruption, inconvenience to local residents and may result in a less satisfactory finish.

45. There is however, an issue with the finishing around the margins where soil and debris have been pushed into the hedges. This should be 'feathered out' so that the levels marry seamlessly and all surface debris should be removed from the site to a licensed tip.

46. The Final Restoration drawing DESID 5 shows two hedges to be planted across the site, dividing it into three smaller fields. The landowner would prefer to omit the shorter east to west hedge as the resulting fields are limited in size for his flock numbers. Having checked the first edition Ordnance Survey maps it is apparent that these hedges are located along the lines of the original hedges, but subsequent re-arrangement of fields has made the east to west hedge superfluous. The County Landscape Officer, therefore, has no objection to removing this hedge as long as the north to south hedge is planted.

47. Public Health England has no objections, stating that they consider that there are no public health issues associated with this application.

48. The Environment Agency has no objections, they confirm that the Environmental Permit for the site has been surrendered and the proposals would not require any action under Environmental Permitting Regulations.

49. They note the drainage plan submitted to address local

surface water issues. The Lead Local Flood Authority has responsibility for matters relating to surface water management so they do not wish to make comment on this matter.

50. Natural England has no objections, subject to the imposition of a condition requiring the submission of an aftercare scheme. They also state that whilst the proposal is in close proximity to the Madeley Heath Pit SSSI, they are satisfied that the proposal would not damage or destroy the interest features for which the site has been notified. They, therefore, advise the MPA that this SSSI does not represent a constraint in the determination of this application.

51. North Worcestershire Water Management has no objections, and is content with the drainage scheme in principle providing that the applicant confirms that they would limit the discharge to Greenfield run-off levels using a hydrobrake or similar, which would be installed within the balancing pond. They think the intention to do this (instead of using the existing 250 mm pipe as a limited outfall) must be clear and should not be left to be detailed into a condition only.

52. They also comment that they believe that most of the outcomes of discussions with the applicant have been taken into account, but raise the following additional comments:

- They ask that after the five year aftercare period, that regular ditch maintenance is carried out to maintain the structural integrity and discharge capacity of the proposed ditches
- The proposed ditch is 0.5 metres deep and 1 metre wide at the top. No value is given for the width of the channel at the bottom of the ditch. A minimum value of the bottom of the ditch is usually 0.3 metres. Given the sandy soil conditions, they consider that the ditch should not be just 1 metre wide, as this would make the slopes too steep (which can cause stability issues). As a minimum, the top width of the ditch should be 1.3 metres, but 1.5 metres would be preferable.

53. National Grid has no objections, noting the proposal is in close proximity to their High Voltage Transmission Overhead line.

54. Worcestershire Regulatory Services makes no adverse comments.

55. The County Highways Officer has no objections.

56. The County Ecologist has no objections.

57. Worcestershire Wildlife Trust has no objections and wishes to defer to the opinions of the County Ecologists for

all detailed on-site matters relating to this proposal.

58. The County Archaeologist has no objections, stating that they have consulted the Worcestershire Historic Environment Record and can confirm that this proposal is unlikely to affect any heritage assets or impact on a historic landscape.

59. The County Footpath Officer has no objections, but notes that the proposal is adjacent to three Public Rights of Way (Footpaths BB-594, BB-595 and BB-596) as recorded on the Definitive Map. Although these footpaths are outside the application site, they would nevertheless request the Mineral Planning Authority to advise the applicant of their responsibilities to the footpaths.

60. The Ramblers Association have no concerns with the restoration levels, but is concerned that the adjacent footpath BB-594 is not proposed to be restored to its original alignment crossing the application site.

61. Earth Heritage Trust has no comments.

62. The Campaign to Protect Rural England has no comments.

Other Representations

63. In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010, the application has been advertised on site, in the local newspaper, and by neighbour notification. To date 11 letters of representations have been received from local residents, including Wildmoor Residents Association objecting to the proposal. These letters of representation are available in the Members' Support Unit. The main concerns are summarised below:

Flooding and Drainage

- Overfilling of this site, together with the adjacent County Council Restored Landfill has led to flooding in this area, including Lower Madeley Farm and properties along Harbours Hill, which had led to substantial flood damage to properties
- Water flow was intensified by the inert landfill 'foreign' material being different to the previous sand and gravel material and the excessive heights causing steeper gradients for surface water run-off
- Until the flooding issues are resolved it would be inappropriate to grant retrospective planning permission
- Conditions regarding drainage should be imposed, requiring a drainage scheme to be implemented prior to the commencement of the approved quarry extension area
- Anxious that the County Council will accept an inadequate drainage scheme from the applicant.

The Head of Economic Development and Planning's Comments

Monitoring and Enforcement

- The height of this site has been an on-going concern for residents
- Request the over tipped material is removed off-site.
- Would not be pleased if lorries were to return to remove material off-site. An alternative route must be identified
- At the Planning Inquiry in June 2009 (appeal Ref: APP/E1855/A/08/2069/39) the inspector commented that the quarry had been '*significantly overfilled*'. He also stated that with regards to the need for the restoration of the site to the original agreed levels "*I have not seen anything to suggest that the MPA would not require this to be done, and the remaining void at the existing quarry would be able to accommodate the excess material.*" This did not happen
- There has been a lack of effective enforcement on behalf of the MPA together with poor management of the quarry
- If permission was granted without remedial works being required it may set a precedent for subsequent decisions
- Had the quarry not been overfilled, then the length of time and the amount of lorries entering the site, causing destruction to roads and verges would have lessened considerably.

64. 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.

Green Belt

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

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

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

Green Belt areas.

67. 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".*

68. The NPPF considers that the construction of new buildings is inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, there are a number of exceptions in paragraphs 89 and 90 of the NPPF, which are considered to be appropriate forms of development in the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. Paragraph 90 includes mineral extraction.

69. It is considered that the proposal is for the variation to the restoration levels of a worked quarry, albeit over and above the originally approved planning permission level. The restoration of the site is required by condition 14 of the extant planning permission MPA Ref: 107108 to restore the land back to an acceptable after-use, and therefore, is considered to fall under the above Green Belt exemption, as an appropriate form of development in the Green Belt.

70. The Head of Economic Development and Planning considers that the proposal would not conflict with the fundamental aim of Green Belt policy, which is to prevent urban sprawl by keeping land permanently open or that of the five purposes of Green Belt. Openness is not defined in the NPPF, but it is commonly taken to be the absence of built development. The proposal would not involve the construction of any buildings, and would also not involve any further importation of material.

71. When planning permission was granted for the quarry in 1983 and subsequently reviewed under the Review of Old Mineral Permissions (ROMP) procedure in 1998, the objective was to restore the land back to agricultural use. The applicant is seeking planning permission to regularise the overtipping of the site and to complete the restoration of

the development to agricultural use, which would be in accordance with this objective. It is also considered that should planning permission be refused consideration would need to be given to the removal of a substantial amount of material off site to restore the land back to the originally approved planning permission levels. The Head of Economic Development and Planning considers the restored profile does not look unnatural, and blends in with the surrounding landscape and is an acceptable landform, and consequently would have a limited impact on the landscape and openness of the Green Belt. Furthermore, it is considered that should planning permission be refused and the over tipped material is required to be removed off site, this would result in considerable disruption and inconvenience for local residents from noise, dust, and traffic impacts, and may result in a less satisfactory restored landform.

72. The Head of Economic Development and Planning considers that in terms of the NPPF the development is appropriate development within the Green Belt, and that the development is compliant with the aims of Green Belt policy in terms of maintaining the openness and would not conflict with the purposes of including land in Green Belt, in accordance with the NPPF, Policy WCS 13 of the Worcestershire Waste Core Strategy and Policies DS1, DS2 and DS13 of the Bromsgrove District Local Plan.

73. 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. It is considered that the proposal would fall under the exemption to Green Belt policy for mineral extraction; and therefore, would not be inappropriate development. Furthermore, it is considered that by reason of its scale, nature or location it would not have a significant impact on the landscape and openness of the Green Belt; therefore, this application would not need to be referred to the Secretary of State.

Character and appearance of the local area, landscape and residential amenity

74. The proposal seeks to regularise the existing levels, which are on average approximately 3 to 4 metres above the approved planning permission restoration levels. Generally the levels are in accordance with the approved planning permission restoration levels along the western boundary and the in south-west corner of the site, however, the levels are approximately 2 to 6 metres over the approved planning permission restoration levels in the northern and eastern part of the site; and are substantially above the approved planning permission levels in the centre of the site, with the

maximum over level being about 9 metres in places.

75. Belbroughton Parish Council objects to the proposal, due to the excess levels of infill and request that enforcement measures are considered to restore the site to the levels permitted. Objections have also been raised by local residents regarding the over tipping of the site.

76. With regards to noise, dust and odour impacts to residential amenity. This application does not propose any further mineral extraction, or importation of materials. Worcestershire Regulatory Services has no adverse comments and the Environment Agency has no objections.

77. With regards to visual and landscape character impacts. The County Landscape Officer has also been consulted and has no objections, subject to the site boundaries being re-graded to marry in with the surrounding ground levels; debris removal; and the proposed east to west hedge being omitted. They also state that the restored profile does not look unnatural and, once a grass sward is established, will blend in with the surrounding landscape.

78. Natural England has been consulted and have commented from a soils and land restoration point of view, confirming they have no objections, subject to the imposition of an aftercare scheme condition.

79. Based on the advice of the County Landscape Officer and Natural England, the Head of Economic Development and Planning can see no benefit from a landscape point of view in requiring the over tipped material to be removed off site, and considers that the proposal would not have a detrimental impact upon landscape character or residential amenity.

The Water Environment

80. The proposal is within the Flood Zone 1 (low probability), as identified on the Environment Agency's Indicative Flood Risk Map. The Government's Planning Practice Guidance (PPG) identifies that all uses of land are appropriate within this zone. The Environment Agency's Surface Water Map indicates that the application site has a 'very low' risk of surface water flooding, which means that each year the chance of flooding is less than 1 in 1000 (0.1%). Notwithstanding this, land to the south-west of the site, along Harbours Hill has a 'low' to 'high' chance of flooding, up to 1 in 30 (3.3%).

81. Local residents and Belbroughton Parish Council have raised objections to the application on the grounds of flooding caused to the surrounding area. Stating that overfilling of the application site, together with the adjacent County Council restored landfill has led to flooding in this area, including Lower Madeley Farm and properties along Harbours Hill, which had led to substantial flood damage to properties; and that water flow was intensified by the inert landfill 'foreign' material being different to the previous sand and gravel

material, and the excessive heights causing steeper gradients for surface water run-off.

82. The applicant has submitted a drainage scheme, this includes two open ditches, measuring approximately 0.5 metres deep by 0.6 metres wide metres on the application site, which adjoin a further open ditch, leading to a proposed future balancing pond, situated in the south-east corner of the adjacent field and permitted quarry extension area (MPA Ref: 12/000036/CM).

83. It is considered that whilst the proposed balancing pond and associated ditch are located outside of the application site (red line boundary), conditions could be imposed to control these drainage elements, as they are within other land within the applicant's control. Consequently, it is the Head of Economic Development and Planning's view that these proposed drainage elements, including the balancing pond should be implemented as part of this planning application as permanent features, unless and until such a time that the permitted quarry extension is implemented. Condition 20 of the quarry extension (MPA Ref: 12/000036/CM) requires a foul and surface water drainage scheme to be approved by the MPA prior to the commencement of the quarry extension. Therefore, the drainage arrangements could then be reviewed and if considered appropriate the balancing pond could be incorporated into the drainage scheme required by Condition 20 of planning permission 12/000036/CM.

84. The Environment Agency has no objections, and confirms that the Lead Local Flood Authority has responsibility for matters relating to surface water management, and consequently do not wish to make any comments on the proposed drainage scheme.

85. North Worcestershire Water Management, are commenting on the application on behalf of the Lead Local Flood Authority. They have no objections, and are content with the drainage scheme in principle providing that the applicant confirms that they would limit the discharge to Greenfield run-off levels using a hydrobrake or similar. They think the intention to do this (instead of using the existing 250 mm pipe as a limited outfall) must be clear and should not be left to be detailed into a condition only. Councillor Blagg concurs with the drainage officer comments.

86. The applicant has confirmed that the proposal would be carried out in accordance with North Worcestershire Water Management's comments; and has amended the drainage scheme to confirm that the discharge would be limited to Greenfield run-off level using a hydrobrake or similar.

87. Based on the advice of North Worcestershire Water Management, the Head of Economic Development and Planning considers that the proposed drainage scheme is acceptable in principle. Consequently, it is considered that the

proposal would have no adverse effects on the water environment and would accord with Policy WCS 10 of the Worcestershire Waste Core Strategy, subject to the imposition of appropriate conditions.

Ecology, biodiversity and the geological Site of Scientific Interest (SSSI)

88. The Madeley Heath Pit geological SSSI is situated within the eastern side of the site, and is covered by previous landfilling of the site. The applicant states that the extent of the SSSI located within the application site was destroyed during the previous landfilling of the site; and submitted a report reviewing the SSSI in 2003 by English Nature (now Natural England) which confirmed this to be the case. Natural England has been consulted and has raised no objections, advising the MPA that this SSSI does not represent a constraint in the determination of this application.

89. It must also be noted that conditions 32 to 34 of the quarry extension planning permission (MPA Ref: 12/000036/CM) requires a new geological exposure to be created to replace the geological SSSI in the existing quarry that was lost during the course of the infilling operations.

90. The Great Farley and Dale Woods LWS is situated approximately 930 metres north of the site. Worcestershire Wildlife Trust has raised no objections, deferring to the opinion of the County Ecologist. The County Ecologist has no objections to the proposal.

91. The Head of Economic Development and Planning considers that the proposal would not have any adverse impacts on ecology and biodiversity at the site or on the geological SSSI, and is therefore, in accordance with Policy WCS 9 of the Worcestershire Waste Core Strategy.

Traffic, highway safety and public rights of way

92. The applicant has confirmed that the proposal would not involve any further mineral extraction and would not involve any further importation of waste as restoration materials, and consequently there would be no further vehicles movements, as the site is complete. The County Highways Officer has been consulted and has raised no objections to the proposal.

93. Three Public Rights of Way (Footpaths BB-594, BB-595, and BB-596) are located adjacent to the site. The Ramblers Association is concerned that the adjacent Footpath BB-594 is not proposed to be restored to its original alignment crossing the application site. They understand that the current route of Footpath BB-594 is the result of an existing Diversion Order, to allow the existing quarrying operations to be undertaken. When land is restored the Footpath would be reinstated to its original line.

94. The County Footpath Officer has no objections, and confirms that the current alignment of Footpath BB-594 is the result of a permanent and not a temporary Diversion Order,

as is suggested by the Ramblers Association. They have also confirmed that whilst Footpath BB-594 is within the wider application site of the permitted quarry extension (MPA Ref: 12/000061/CM) it would remain useable, as it passes along a wide strip of ground that would remain undisturbed due to the proximity of the electricity pylon.

95. Based on the advice of the County Highways Officer and County Footpath Officer, the Head of Economic Development and Planning is satisfied that the proposal would not have any adverse impact upon traffic, highway safety or Public Rights of Ways, in accordance with Policy WCS 8 of the Worcestershire Waste Core Strategy.

Other Matters

Monitoring and enforcement

96. Objections have been raised by local residents to the proposal, and they raise concerns that there has been a lack of effective enforcement by the MPA, together with poor management of the quarry by the operator.

97. The Head of Economic Development and Planning advises members that the County Planning Monitoring Officer has been regularly visiting the site, and as result of this monitoring and concerns about the final levels, the County Council undertook a topographical survey of the application site to verify the restoration levels. The results of this survey showed that the quarry had been overfilled by an average of 3 to 4 metres across the site. A consequence of which has resulted in the cessation of further materials being imported to the site and discussions with the operator which has led to this planning application to seek to regularise the levels.

98. It should also be noted that condition 61 of the permitted quarry extension area (MPA Ref: 12/000036/CM) requires the applicant to submit a scheme that sets out measures for liaison arrangements with the local community, and for this local liaison to be carried out for the duration of the development.

99. With regard to Councillor Blagg's comments that she would like the Committee to be clear on what conditions are still binding from the original planning permission. The Head Economic Development and Planning can confirm that this application would result in a new planning permission, which would be separate to the extant permission (MPA Ref: 107108), therefore, the applicant would have to only comply with the conditions imposed on any new permission. Having said that, an aftercare scheme is recommended to be imposed on any new permission.

Conclusion

100. The proposal seeks to regularise the existing levels of the site, which are on average approximately 3 to 4 metres over and above the approved planning permission restoration levels.

101. The proposal is located within the West Midlands Green Belt. The Head of Economic Development and Planning considers that in terms of the NPPF the development is appropriate development within the Green Belt, but notwithstanding this, it is considered that very special circumstances exist to justify the proposal within this Green Belt location; and that the development is compliant with the aims of Green Belt policy in terms of maintaining the openness and would not conflict with the purposes of including land in Green Belt, in accordance with the NPPF, Policy WCS 13 of the Worcestershire Waste Core Strategy and Policies DS1, DS2 and DS13 of the Bromsgrove District Local Plan.

102. The Head of Economic Development and Planning can see no benefit from a landscape point of view in requiring the over-tipped material to be removed off site, and considers that the proposal does not have a detrimental impact upon landscape character or residential amenity. The proposed final landform is considered to be acceptable in landscape terms.

103. Based on the advice of North Worcestershire Water Management, the Head of Economic Development and Planning considers that the proposed drainage scheme is acceptable in principle. Consequently, it is considered that the proposal would have no adverse effects on the water environment and would accord with Policy WCS 10 of the Worcestershire Waste Core Strategy, subject to the imposition of appropriate conditions.

104. Based on the advice of the County Ecologist, Worcestershire Wildlife Trust and Natural England, it is considered that the proposal would not have any adverse impacts on ecology and biodiversity at the site or on the surrounding area, including the geological SSSI.

105. Based on the advice of the County Highways Officer and County Footpath Officer, the Head of Economic Development and Planning is satisfied that the proposal would not have any adverse impact upon traffic, highway safety or Public Rights of Ways, in accordance with Policy WCS 8 of the Worcestershire Waste Core Strategy.

106. Taking into account the provisions of the Development Plan and particular Policies WCS 1, WCS 2, WCS 5, WCS 6, WCS 8, WCS 9, WCS 10, WCS 11, WCS 12, WCS 13 and WCS 14 of the Worcestershire Waste Core Strategy, and Saved Policies DS1, DS2, DS13, C1, C4, C5, C9, TR1, RAT12, ES4, ES14, ES14A and ES16 of the Bromsgrove District Local Plan, it is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies.

Recommendation

107. The Head of Economic Development and Planning recommends that planning permission be granted for the part retrospective proposal to vary the approved

planning permission restoration levels at Chadwich Lane Quarry, Madeley Heath, Bromsgrove, Worcestershire, subject to the following conditions:

- a) The development hereby permitted shall be carried out in accordance with the details shown on submitted Drawing Numbers: 13/098_01; 13/098-02; 13/098_03; 13/098_03A; 13/098_04; 14/082_14; DESID 4; DESID 5; DESID 14, Rev 1; and PS4; except where otherwise stipulated by conditions attached to this permission;**
- b) Notwithstanding the submitted details, within 3 months of the date of this permission, a Restoration Scheme shall be submitted to and approved in writing by the Mineral Planning Authority, this scheme shall include details of proposed tree and hedgerow planting, including planting species, sizes, spacing, densities, locations, planting methods, and planting timetable schedule. Thereafter the development hereby permitted shall be carried out in accordance with the approved scheme;**
- c) Notwithstanding the submitted details, within 3 months of the date of this permission, details of surface debris picking and removal off site; and details including levels of how it is proposed to grade the edges of the site with the surrounding land, shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter the development hereby permitted shall be carried out in accordance with the approved scheme;**
- d) No operations authorised or required by this permission, including any running of plant or machinery shall take place within the application site outside the hours of 07.00 to 19.00 hours Mondays to Fridays and 07.00 to 12:00 hours on Saturdays. There shall be no operations whatsoever on the site at any time on Sundays or Bank Holidays;**
- e) Within 6 months of the date of this permission, an Outline Aftercare Strategy in accordance with Paragraph ID: 27-057-20140306 of the Government's Planning Practice Guidance – Minerals Section for a five year Aftercare period, shall be submitted to and approved in writing by the Mineral Planning Authority. This shall specify steps to be taken and the period during which they are to be taken. The Scheme shall include provision of a field drainage system and provide for an annual meeting between the applicant and the Mineral Planning Authority;**
- f) A Detailed Annual Aftercare Programme, in accordance with Paragraph ID: 27-058-20140306 of the Government's Planning Practice Guidance – Minerals Section, shall be submitted to and approved**

in writing by the Mineral Planning Authority, not later than two months prior to each of the annual Aftercare meetings;

- g) Notwithstanding the submitted details, within 3 months of the date of this permission, details of a full drainage scheme for surface water and a maintenance strategy shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall be designed to cope with a 1 in 100 year rain event plus 20% allowance for climate change. The scheme shall include ditch and balancing pond locations and dimensions and details of the hydrobrake or similar which shall be installed to limit the discharge from the balancing pond to Greenfield run-off rates up to a 1 in 100 year storm event. The scheme shall be fully implemented in accordance with the approved details within 3 months of such details being approved; and
- h) Notwithstanding the submitted details, within 3 months of the date of this permission, details of a landscaping scheme for the balancing pond area hereby approved shall be submitted to the Mineral Planning Authority for approval in writing. The approved landscaping scheme shall then be implemented in accordance with the approved details.

Contact Points

County Council Contact Points

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

Specific Contact Points for this Report

Case Officer Steven Aldridge, Principal Planner:
01905 728507 saldridge@worcestershires.gov.uk

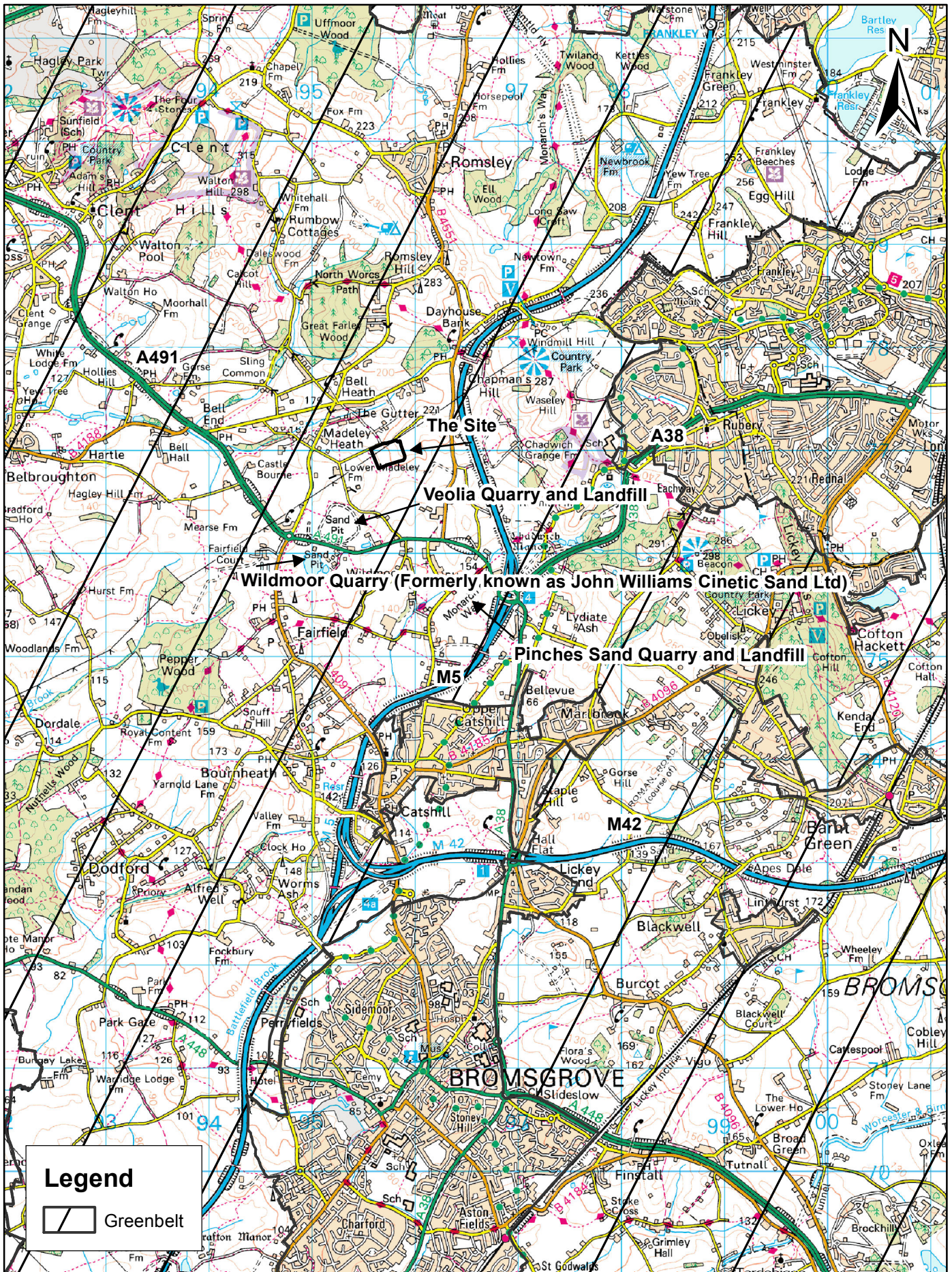
Mark Bishop, Development Control Manager:
01905 766709 mbishop@worcestershires.gov.uk

List of Background Papers

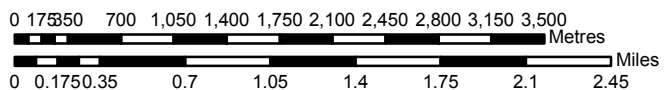
In the opinion of the proper officer (in this case the Head of Economic Development and Planning) the following are the background papers relating to the subject matter of this item:

The application, plans and consultation replies in file reference 13/000061/CM.

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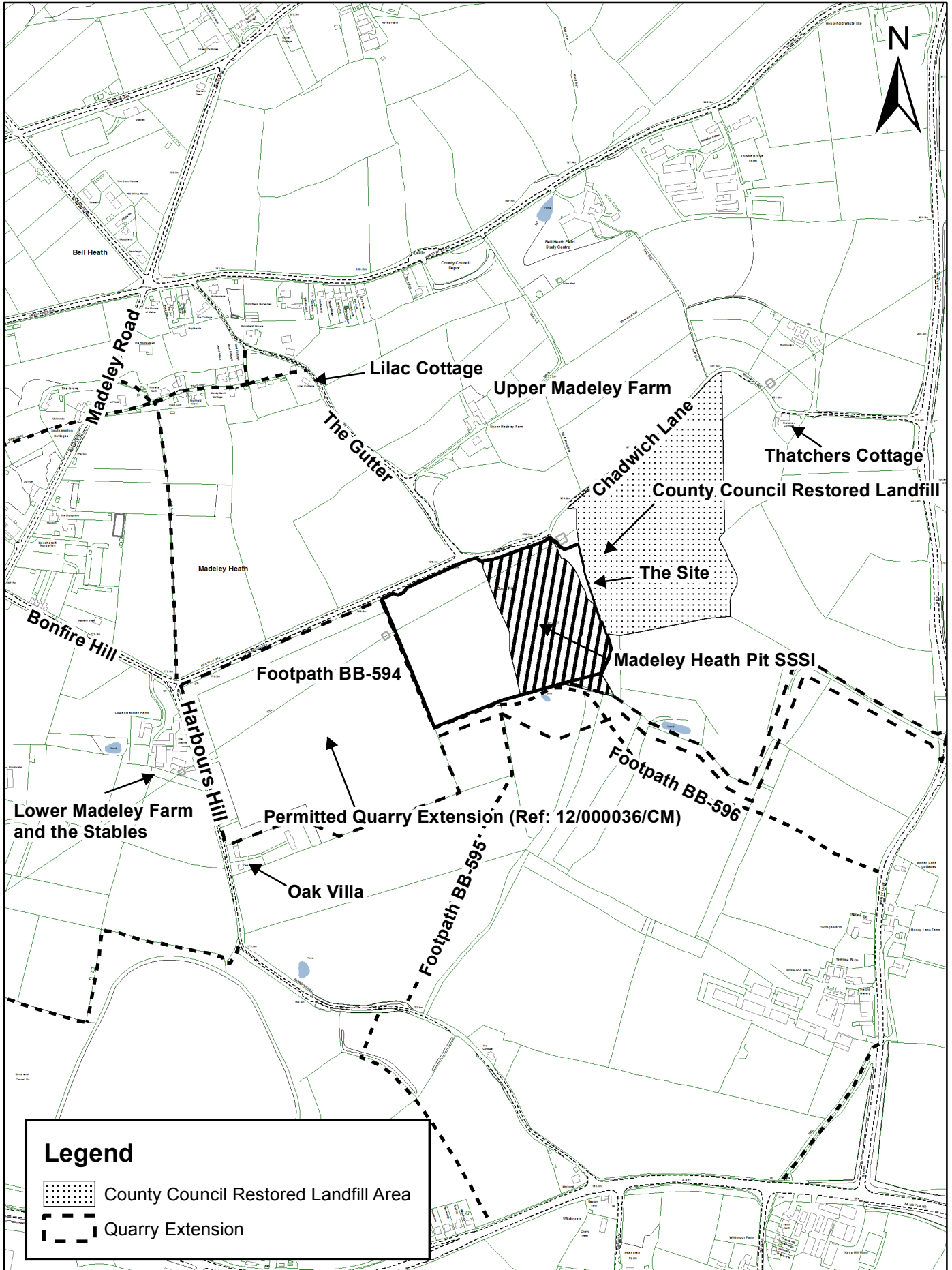
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

County Hall,
Spetchley Road,
Worcester
WR5 2NP

Retrospective proposal to vary the approved planning permission restoration levels at Chadwich Lane Quarry, Madeley Heath, Bromsgrove, Worcestershire
Ref: 13/000061/CM

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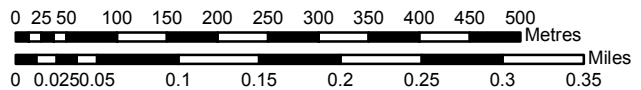


Legend

-  County Council Restored Landfill Area
-  Quarry Extension



Scale:
1:7,500



County Hall,
Spetchley Road,
Worcester
WR5 2NP

Retrospective proposal to vary the approved planning permission restoration levels at Chadwich Lane Quarry, Madeley Heath, Bromsgrove, Worcestershire Ref: 13/000061/CM

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Planning and Regulatory Committee
15 July 2014**7. PROPOSED ALTERATION AND EXTENSION TO THE EXISTING EAST CAR PARK TO PROVIDE 195 SPACES, INCLUDING NEW LIGHTING AND CCTV CAMERAS AT WORCESTERSHIRE COUNTY COUNCIL OFFICES, COUNTY HALL, SPETCHLEY ROAD, WORCESTER**

Applicant	Worcestershire County Council
Local Councillor	Mrs P Agar
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 alteration and extension to the existing east car park to provide 195 spaces, including new lighting and CCTV cameras at Worcestershire County Council Offices, County Hall, Spetchley Road, Worcester.</p>
Background	<p>2. The number of staff at the County Hall Campus has increased significantly over the last few years, with approximately 750 staff from other existing work bases moving onto the site, which has enabled the County Council to sell or dispose of buildings. In August 2008, there were 1686 members of staff based at County Hall and in December 2013 this number had increased to 2371.</p> <p>3. Parking along Spetchley Road has been an issue due to overflow parking of County Council staff and visitor vehicles. The proposed new car park and rearrangements will aim to reduce the number of vehicles parking along Spetchley Road.</p>
The Proposal	<p>4. Worcestershire County Council is seeking planning permission to provide an additional 195 car parking spaces in the east car park at County Hall Campus. The proposal to provide an additional 195 spaces would include some remarking of the existing car park and creating new car parking areas. The applicant also proposes new lighting and CCTV cameras to be installed in the new car parking areas.</p> <p>5. There are currently 270 existing car park spaces in the existing east car park and with the additional 195 car parking spaces there would be 465 spaces in total in the east car park. These would be a combination of 80 long stay spaces, 95 short stay spaces, 23 visitor car parking and 7 disabled</p>

spaces.

6. With regard to drainage, it is proposed to attenuate and limit to new run-off rates before discharging to the existing drainage network; however, the full detailed drainage design is subject to a survey of the existing drainage system and infiltration tests which are currently being undertaken by the applicant. The preferred means of drainage is to provide open attenuation storage, however, the applicant has stated that the physical space for this is very limited. The drawings submitted with the application show a swale with a wildflower mix.

7. The planning application is accompanied by an Extended Phase 1 Ecological Survey. The survey concludes that the proposed development is unlikely to impact on protected species and/or valuable habitats and the loss of the low to medium ecological value sites can be mitigated for and improved using the correct mitigation.

8. A lighting assessment accompanies this planning application and proposes to use luminaires in the new car park. The applicant states that the lighting of the car park has been designed to reduce light spillage and protect the amenity of nearby residents and local wildlife habitats whilst also ensuring the most energy efficient and cost effective luminaires are used.

9. A travel plan accompanies the planning application and states that County Hall Campus will be a multi-functional campus which is operationally efficient and as close to carbon neutral as possible. This is proposed to be achieved through breaking the reliance on single occupancy car use and supporting and promoting alternative modes of transport to the site and when conducting council business.

10. The applicant proposes to carry out the construction during extended hours including evening and weekends and there will be closure of some existing car parking spaces to facilitate the development.

11. The applicant carried out a pre-planning public consultation which included a week long consultation at County Hall including display boards and manned drop in sessions.

12. County Hall is located on Spetchley Road on the eastern edge of Worcester, approximately 2 kilometres from Worcester City Centre.

13. Nunnery Wood is located immediately north of County Hall campus, with St Richard's Hospice and the Countryside Centre to the east, Worcester Sixth Form College to the west and Spetchley Road and residential properties to the south.

14. The A4440 is located west of the site and access to the site from the A4440 is gained via Wildwood Drive. The second

The Site

access to the site is from Spetchley Road

15. The main County Hall buildings are located west of the site with car parking located to the east and north of the site. The proposed new car parking areas are shown on the attached plan labelled Proposed Car Park A, B, C and D. The proposed car park A would be located on an area of existing grass verge and the proposed car park B would comprise of remarked spaces on the existing car park and new spaces on an area of grass verge. The proposed car park C would be located on an area which is currently a vegetated earth bund and grass verge and car park D would be located on an area which is currently a vegetated earth bund and an area of trees. The new car parking areas would be accessed by the existing access roads into the car parks.

16. The County Hall campus has been allocated as Green Network which is protected by Policy NE.9 of the City of Worcester Local Plan.

17. The nearest residential properties are located approximately 95 metres from the site, south of Spetchley Road.

Summary of Issues

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

- Transport & Highway Safety
- Drainage
- Residential Amenity
- The Green Network, and
- Ecology and Biodiversity.

Planning Policy

National Planning Policy Framework (NPPF)

19. 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.

20. 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".

21. 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.

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

- Section 1: Building a strong, competitive economy
- Section 4: Promoting Sustainable Transport
- Section 10: Meeting the challenge of climate change, flooding and coastal change
- Section 11 Conserving and enhancing the natural environment

The Development Plan

23. 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 City of Worcester 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.

24. 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).

City of Worcester Local Plan (Saved Policies)

- Policy NE5 Landscape Protection
- Policy NE7 Landscaping Scheme
- Policy NE9 The Green Network
- Policy BE1 Environmental Standards for Development
- Policy TR12 Parking Standards

Draft Planning Policy

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.

Consultations

28. The City Archaeologist considers that as the site has been subject to substantial landscaping, the probability of archaeological remains surviving on the site is severely reduced. It is, therefore, recommended that an archaeological access condition (one day for unencumbered archaeological recording) in case any archaeological remains survive and are affected by the development.

29. Worcester City Council has no objection to the proposals subject to a suitably worded condition(s) requiring the submission and subsequent implementation of a landscaping scheme.

30. The City Council recommends that a landscaping scheme which includes heavy stock trees within the car park, one for every 10 spaces and native tree and shrub planting to the perimeter to mitigate the loss of the existing mature planting. In addition this is required to mitigate the impact on the Green Network to the satisfaction of Local Plan Policy NE9.

31. The Environment Agency refers the County Planning Authority to the Environment Agency Surface Water Management Advice Note.

32. Worcestershire Land Drainage Officer has no objection subject to a condition regarding details of surface water drainage.

33. Natural England has no objection to the proposal in terms

of statutorily protected sites or landscapes. It is recommended that the County Planning Authority refer to the standing advice on protected species.

34. (Adjoining) Warndon Parish Council has no objection to the proposal.

35. Whittington Parish Council has no objection to the proposal.

36. West Mercia Police has no objection to the proposal. It is considered that the car park is well laid out and new CCTV cameras are a welcome inclusion.

37. Worcestershire Regulatory Services (Air Quality) recommends that electric charging points are installed in 10% of the allocated parking spaces. The provision of more sustainable transport modes will help to reduce CO₂, NO_X and particulate emissions from transport.

38. WRS recommend 10% EV charging points are installed in all significant commercial/employer car parking space developments to mitigate pollution creep in line with sustainable measures outlined within NPPF (p29 and 35).

39. Worcester City currently has 2 Air Quality Management Areas (AQMAs), with one more to be declared and 2 more areas currently requiring assessment to determine if declaration is necessary. It is likely that in the next few years the number of AQMAs could increase to as many as 6. EV charging points and Low Emissions Strategies and Zones are all options posed in the Air Quality Action Plan, but in order to effect a reduction in emissions from traffic within the AQMAs clearly such actions require a greening of the vehicle fleet travelling into those areas of poor air quality from beyond.

40. Given the size of the Council's car parking facilities will increase to circa 1200 and currently has no EV charging points and the County Council's own responsibility to improving air quality in Local Transport Plan 3 it is considered that this recommendation is particularly appropriate to apply to this development. Consider also the opportunity for the County Council to 'lead by example' as a local authority and improve its green credentials. It is also worth noting the cost of installing in road/car park charging points now at the early development stage will be far more cost effective than retrospectively installing at a future date when substantial ground-works to lay cable increase costs substantially so there is an element of future-proofing against increased costs.

41. Worcestershire Regulatory Services (Pollution Control) recommends that the contractor refers to the Worcestershire Regulatory Services Construction and Demolition Guidance in order to minimise nuisance to local residents.

42. Severn Trent Water Limited has no objection to the proposal subject to a planning condition regarding surface water drainage.

43. The County Highways Officer has no objection to the proposal and has been involved in extensive pre-application discussions.

44. The main issue was the possibility of car parking "over provision" which is against the ethos of sustainable travel. Furthermore, because the site is within the City boundary, the scheme is subject to the City Local Plan car parking restraint policy which should be fairly and evenly applied to all development, both public and private.

45. Because of the "complexities" of County Hall usage (i.e. as opposed to for example "normal" B1 office accommodation), the submitted proposals were analysed against staff/visitor numbers rather than Ground Floor Area which is far too simplistic for a campus like County Hall.

46. In this respect, the current parking capacity plus the proposals represents approximately 52.4% in terms of provision which is well within the acceptable standards set out in The City of Worcester Local Plan which would allow up to 90% of full parking provision for a site in this particular location.

47. The County Landscape Officer has no objection to the proposal subject to conditions regarding a landscape and vegetation plan, Sustainable Drainage scheme, soil management methods and the contractors working area.

48. The County Ecologist has no objection to the proposal subject to conditions regarding a lighting scheme, biodiversity gain/habitat creation, protection of nesting birds and trees with the potential for roosting bats.

Other Representations

49. 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

50. 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.

51. Worcestershire County Council is seeking or planning permission for the alteration and extension to the existing east car park to provide 195 spaces, including new lighting and CCTV cameras at Worcestershire County Council Offices, County Hall, Spetchley Road, Worcester.

Traffic and Highway Safety

52. Worcestershire Regulatory Services recommend that electric vehicle charging points are installed in 10% of the

allocated spaces at County Hall.

53. There are currently two electric vehicle charging points in the existing County Hall car park. The Worcestershire County Council Transport Policy and Strategic Development Officer confirms that they have only been used once. The Officer considers that a demand is unlikely to materialise as most electric vehicle owners charge their batteries at night in their own home for convenience and cost, therefore are unlikely to need an electric hook-up at work given the current long battery lives and the average staff mileage.

54. The County Highways Officer accepts that provision of electric charging points will steadily increase in relevance and that the County Council are committed to air quality improvement and should lead by example. The Highways Officer has recommended that an area of the car park could be designated for a potential/future electrical vehicle parking area if the demand materialises and that the applicant could investigate what ducting could be sensibly included in the forthcoming car park works (i.e. no actual cabling or charging points until any such demand is realised). The applicant concurs with this suggestion and will investigate installing ducting in the new car park areas.

55. The County Highways Officer has been involved in extensive pre-application discussions regarding the proposal and has no objection to the proposed development. Therefore, the Head of Economic Development and Planning considers that the proposed development is acceptable on highways grounds.

Drainage

56. Based on the comments from the Worcestershire Land Drainage Officer, the Head of Economic Development and Planning recommends that a detailed drainage design is submitted to demonstrate how the surface water will be managed in a sustainable manner on site in order to prevent flooding. It is considered that this matter can be dealt with by the imposition of a pre-commencement planning condition.

Residential Amenity

57. It is considered the potential nuisance to local residents and St Richard's Hospice can be minimised during the construction period subject to the contractor complying with the Worcestershire Regulatory Services Construction and Demolition Guidance.

58. There is an existing earth bund with mature vegetation and trees on the southern boundary of the County Hall Campus which provides partial screening to residential properties on Spetchley Road. This bund would not be affected by the proposed development.

59. There is an existing earth bund located immediately adjacent to the south of the existing east car park, and along with the landscaping this also provides partial screening to the

nearest residential properties along Spetchley Road, which are located approximately 90 metres from the site. This earth bund would be removed to make way for the car park extension.

60. Although the car park extension would be located closer to the residential properties on Spetchley Road than the existing car park, it is considered that there is sufficient distance between the properties and the proposed car park extension to prevent any adverse visual impacts on amenity. It is considered that the existing and proposed landscaping would provide sufficient screening to these properties and, furthermore, the car park extension would not have any overlooking or overbearing implications on these properties.

61. The applicant has submitted a lighting assessment, however, notwithstanding these details the Head of Economic Development and Planning recommends that a condition is imposed requiring details of the lighting plan and the location of CCTV cameras be submitted and approved, to ensure that these would not adversely impact on residential amenity.

Green Network

62. All valuable open space in the City of Worcester has been allocated as Green Network in the City of Worcester Local Plan and is protected by Policy NE9. The whole of the County Hall campus is allocated as Green Network.

63. Worcester City Council consider that a landscaping scheme which includes heavy stock trees within the car park, one for every 10 spaces and native tree and shrub planting to the perimeter should be carried out to mitigate the loss of the existing mature planting and to ensure compliance with the Policy NE9 of City of Worcester Local Plan in terms of protecting the Green Network.

64. The Head of Economic Development and Planning concurs with this view and recommends that a condition is imposed requiring a landscaping scheme to be submitted and approved.

Ecology and Biodiversity

65. The County Ecologist has stated that some areas proposed to be cleared to facilitate the car park development were created as compensatory habitat and biodiversity gain when the previous car park extension was developed. The County Ecologist therefore recommends that the applicant submits a habitat creation and management plan to compensate for the loss of these habitats. The Head of Economic Development and Planning concurs with this view and recommends that this be imposed by a planning condition.

66. The Head of Economic Development and Planning considers that in principle the proposed extension to County Hall car park is acceptable in accordance with Policy TR12 of the City of Worcester Local Plan. Furthermore, it is considered that the proposed development is acceptable on highways

Conclusion

grounds.

67. The County Council Transport Policy and Strategic Development Officer has stated that there is zero demand for the two existing vehicle electric charging points on site, therefore, the Head of Economic Development and Planning considers that it would be unreasonable to require the applicant to provide more electric vehicle charging points. Furthermore, there are no Planning Policies to justify this recommendation from Worcestershire Regulatory Services. However, the Head of Economic Development and Planning is satisfied that the applicant will investigate the implementation of ducting should a demand ever materialise for electrical charging vehicle points.

68. Subject to the imposition of a pre-commencement condition requiring the submission and approval of further drainage details, it is considered that surface water can be suitably managed and that the proposal would not increase the risk of flooding at the site.

69. The Head of Economic Development and Planning considers that subject to planning conditions the proposal would not have an adverse impact on residential amenity.

70. Subject to the imposition of a condition requiring the submission of a comprehensive landscaping scheme, it is considered that this would provide adequate compensation for the loss of vegetation and green space to comply with Policy NE9 of the Local Plan in terms of the Green Network. It is considered that the proposed development would not have an adverse impact on ecology and biodiversity at the site and would provide enhancement opportunities in accordance with the NPPF.

71. On balance, taking into account the comments received from statutory consultees; members of the public and the provisions of the development plan in particular Policies NE5, NE7, NE9, BE1 and TR12 of the City of Worcester 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

72. The Head of Economic Development and Planning recommends that planning permission be granted for the alteration and extension to the existing east car park to provide 195 spaces, including new lighting and CCTV cameras at Worcestershire County Council Offices, County Hall, Spetchley Road, Worcester, subject to the following conditions:

- a) The development must be begun not later than the expiration of three years from the date of this planning permission;**
- b) The permission enures for the benefit of Worcestershire County Council only;**

- c) The development hereby permitted shall be carried out in accordance with the details shown on submitted Drawing Numbers: P01, P02, P04-D, P05 and P06 except where otherwise stipulated by conditions attached to this permission;**
- d) Before the development hereby approved is brought into use the layout of the car parking spaces shall be submitted to and approved in writing by the County Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details;**
- e) Notwithstanding the indication of materials which may have been given in the application, before the development hereby approved is brought into use a schedule and or samples of all surfacing materials shall be submitted to and approved in writing by the County Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details;**
- f) Prior to the commencement of the development hereby approved a scheme for surface water drainage shall be submitted to, and approved in writing by the County Planning Authority. Prior to submission of the scheme an assessment shall be carried out into the potential of disposing of surface water by means of a sustainable drainage system (SuDS), and the results of this assessment shall be submitted to and approved by the County Planning Authority. If infiltration techniques are used then the plan shall include the details of field percolation tests. There shall be no increase in surface water run-off from the site compared to the existing pre-application run-off rate up to a 1 in 100 year storm event plus an appropriate allowance for climate change. The scheme shall provide an appropriate level of runoff treatment. Thereafter the scheme shall be implemented in accordance with the approved details before the development is first brought into use;**
- g) Twenty one days before any development is commenced resulting in any excavation within the site, written notice shall be given to the County Planning Authority, whereupon the County Planning Authority shall, within twenty one days of receipt of such notice, specify in writing to the developer which persons authorised by the County Planning Authority shall be allowed access to the site whilst any excavations are in progress for the purpose of archaeological investigation. This access shall allow for a period of up to one day for unencumbered archaeological recording to take place within the trenches if in the opinion of the City Archaeological Officer features of interest are revealed;**

- h) Notwithstanding the submitted details, prior to the commencement of the development hereby approved a landscaping scheme, which shall include the retention of any existing trees and hedgerows and details of all walls, fences, surface treatments, new trees, shrubs and other planting, and details of the proposed planting species, sizes, spacing, densities, locations, planting methods and details of the provision of adequate growing medium and drainage, and details of the soil management including topsoil stripping, storage and replacement and de-compaction of impacted areas shall be submitted to and approved in writing by the County Planning Authority. Thereafter the scheme shall implemented in accordance with the approved details within 6 months of the completion of the development. Any new trees or shrubs, which within a period of five years from the completion of the planting die, are removed, or become damaged or diseased, shall be replaced in the next planting season with others of a similar size and species;**
- i) Details and locations of all external lighting and CCTV cameras shall be submitted to and agreed in writing by the County Planning Authority prior to the development being brought into use. Thereafter the development shall be carried out in accordance with the approved details;**
- j) All vegetation clearance shall be undertaken outside the bird nesting season which generally extends between March and September inclusive. If this is not possible then any vegetation that is to be removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them would have to be delayed until the young have fledged and the nest has been abandoned naturally;**
- k) The trees proposed to be felled on site should be reassessed for bats if the works are undertaken after 31 March 2015; and**
- l) Within 2 months from the date of this planning permission a habitat creation and management plan shall be submitted to and approved by the County Planning Authority. Thereafter the works shall be carried out in accordance with the approved management plan.**

Contacts

County Council Contact Points

Worcester (01905) 763763, Kidderminster (01562) 822511

Specific Contact Points for this Report

Lucy Yates; Principal Planner:

List of Background Papers

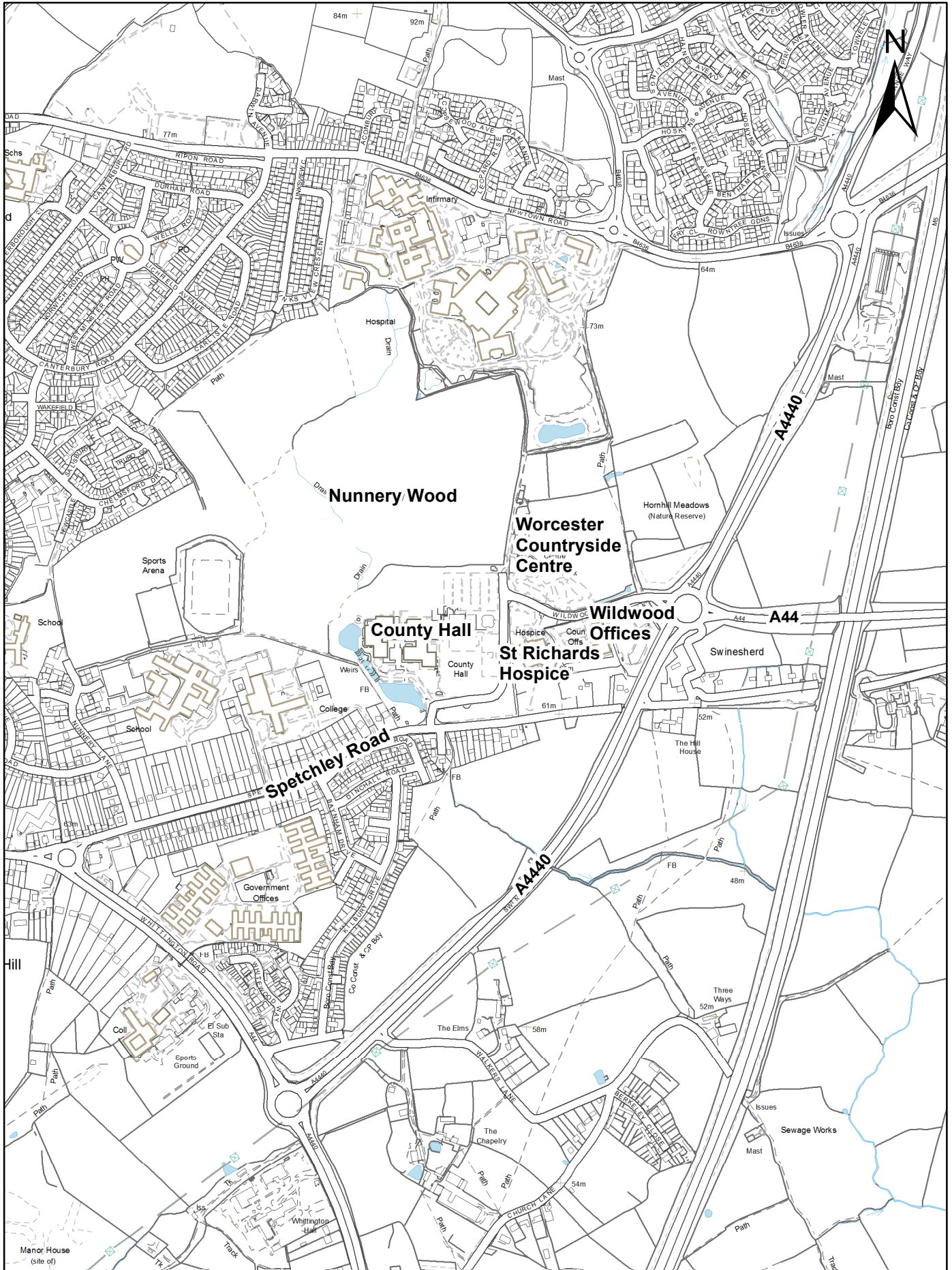
01905 728561, lucyyates@worcestershire.gov.uk

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:

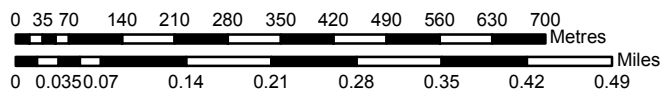
The application, plans and consultation replies in file reference 14/000019/REG3.

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county council

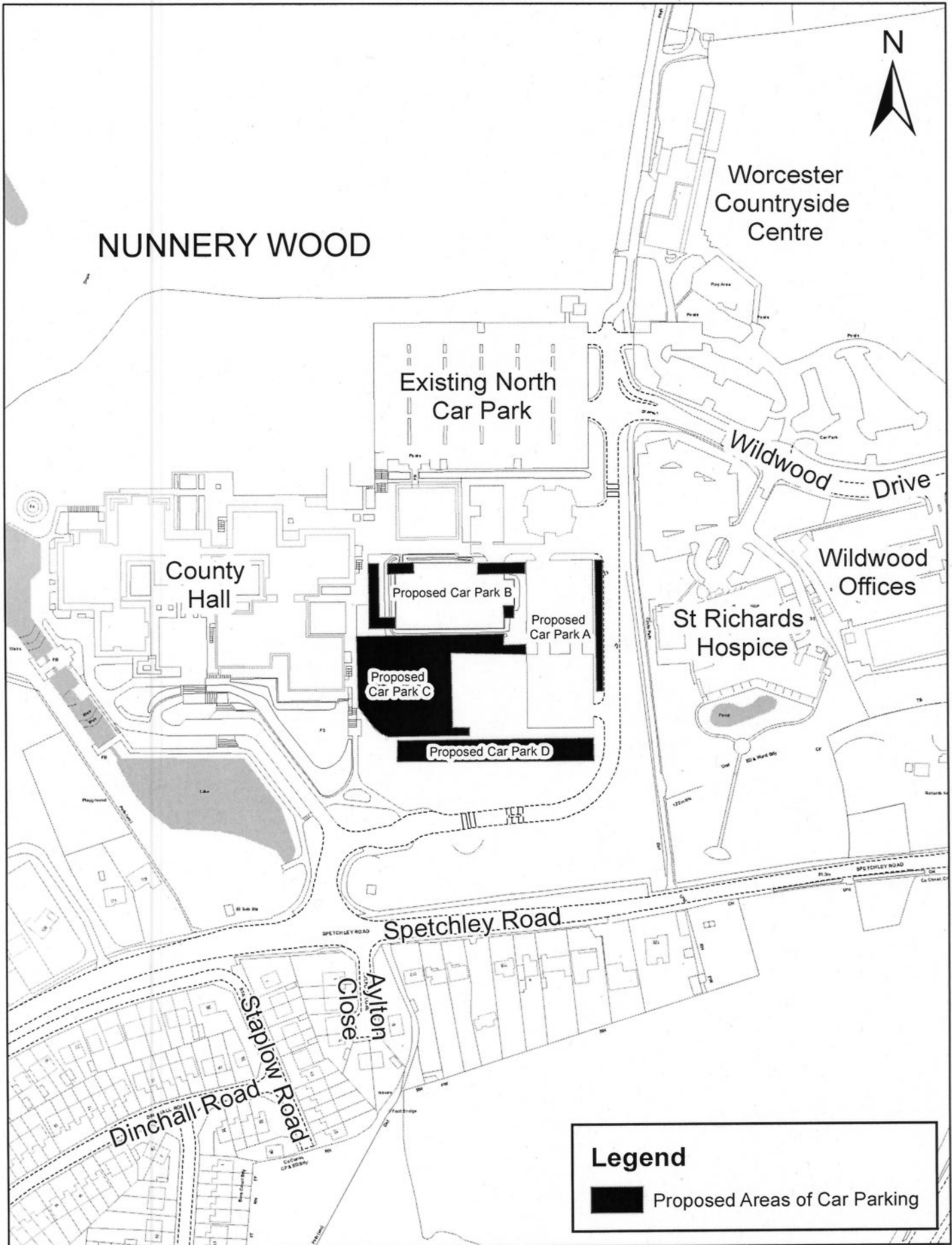
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1:10,000



County Hall,
Spetchley Road,
Worcester
WR5 2NP

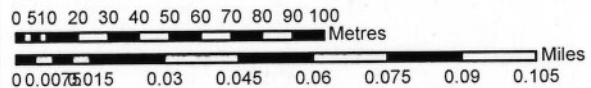
Proposed alteration and extension to the existing east car park at County Hall Campus for Worcestershire County Council to provide 195 spaces. Proposal includes new lighting and CCTV cameras at Worcestershire County Council, County Hall, Spetchley Road, Worcester (Reference: 14/000019/REG3)

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County Hall,
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Worcester
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