

Planning and Regulatory Committee

Tuesday, 3 November 2015, County Hall, Worcester - 10.00 am

		Minutes
Present:		Mr R C Adams (Chairman), Ms P Agar, Mrs S Askin, Mr S J M Clee, Mr P Denham (Vice Chairman), Mrs A T Hingley, Mr A P Miller, Mr D W Prodger MBE, Mr A C Roberts and Mr R J Sutton
Also attended:		Mr P Grove attended as a local councillor for Agenda item 5.
Available papers		The Members had before them: <ul style="list-style-type: none">A. The Agenda papers (previously circulated);B. A copy of the summary presentations from public participants invited to speak (previously circulated); andC. The Minutes of the meeting held on 25 August 2015 (previously circulated). A copy of documents A-B will be attached to the signed minutes.
917	Named Substitutes (Agenda item 1)	None.
918	Apologies/ Declarations of Interest (Agenda item 2)	An apology was received from Mr A Amos.
919	Public Participation (Agenda item 3)	Those presentations made are recorded at the Minute to which they relate.
920	Confirmation of Minutes (Agenda item 4)	RESOLVED that the Minutes of the meeting held on 25 August 2015 be confirmed as a correct record and signed by the Chairman.

921 Proposed Aggregates Material Recycling Facility, workshop building and ecological restoration and enhancement areas at Church Farm Quarry, Grimley, Worcestershire (Agenda item 5)

The Committee considered a County Matter planning application for a proposed aggregates material recycling facility, workshop building and ecological restoration and enhancement areas at Church Farm Quarry, Grimley, Worcestershire.

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

The report set out the Head of Strategic Infrastructure and Economy's comments in relation to the waste hierarchy, landscape character and appearance of the local area, residential amenities (noise and dust impacts), the water environment, ecology and biodiversity, traffic, highway safety and impact upon the Public Rights of Way, and other matters – economic impact, historic environment, planning consultation, and environmental impact assessment.

The Head of Strategic Infrastructure and Economy concluded that the application site was located on the site of an existing minerals processing plant area, which was due to be removed and the land restored following the cessation of mineral workings.

The Head of Strategic Infrastructure and Economy considered that as the proposed aggregates material recycling facility would involve recycling and reusing construction and demolition wastes that it would comply with the objectives of the waste hierarchy. Furthermore, it was considered that the proposal would make a significant contribution to conserving primary aggregates, through the substitution of recycled aggregates and recycled soils into the market, in accordance with paragraph 143 of the NPPF relating to facilitating the sustainable use of minerals. However, the Head of Strategic Infrastructure and Economy was not satisfied that there would be a clear benefit for the construction of an earth bund at this location, concluding that the construction of this feature would appear to be a waste disposal operation, contrary to Policy WCS 5 of the Waste Core Strategy.

It was noted that the NPPF affords significant weight to economic growth. By securing existing jobs and creating new opportunities, the proposal would support communities and thereby provided a social benefit. Furthermore, by providing jobs and a service to other businesses, it would contribute to the local economy. In so far as it provided these social and economic benefits,

it was considered that the proposal would accord with the aims of the NPPF.

The application site was situated within a predominantly rural setting interspersed by small villages and settlements. The proposed development of the 6.5 hectare site would significantly encroach into the open countryside, resulting in the loss of greenfield land. The area of hardstanding would be extensive measuring approximately 2.5 hectares in area. The proposed new building would measure some 540 square metres in area. The applicant also proposed new plant and equipment and the proposed retention of further buildings and structures. An earth bund was also proposed measuring approximately 178 metres long by 2.5 metres wide by 7 metres high. It was considered that this in itself would be an alien feature and would appear incongruous within the local landscape.

Policy WCS 6 of the Worcestershire Waste Core Strategy directed waste management development to land with compatible uses and identified greenfield land as not being a compatible land use. Annex 2 of the NPPF specifically excluded sites for mineral extraction from the definition of previously developed land. In view of this, it was considered that the application site constituted greenfield land, because it was awaiting restoration under an implemented restoration scheme, which would restore the site to broadleaf woodland, together with species rich grassland and open water. There was no evidence submitted with the application as to why the proposal had to be sited on greenfield land and to whether the applicant had considered siting the proposed development on land set out as compatible in Policy WCS 6.

The Head of Strategic Infrastructure and Economy considered that, subject to the imposition of appropriate conditions that there would be no adverse air pollution, noise or dust impacts on residential amenity or on that of human health. Based on the advice of the Environment Agency, South Worcestershire Land Drainage Partnership, Lead Local Flood Authority and Severn Trent Water Limited, it was considered that subject to appropriate conditions that there would be no adverse effects on the water environment and that the planning application accorded with Policy WCS 10 of the Worcestershire Waste Core Strategy.

Based on the advice of the County Highways Officer, the Head of Strategic Infrastructure and Economy was

satisfied that the proposal would not have an unacceptable impact upon traffic and highway safety. It was considered that users of the Public Right of Way (Footpath GM-600) would experience a detriment and an adverse impact on their amenity and enjoyment of the Public Right of Way in the countryside, compared to the implemented restoration scheme, but it was acknowledged that the proposed arrangements would cater for the legal line of the Public Right of Way (Footpath GM-600).

On balance, it was considered that permitting the proposed aggregates material recycling facility, workshop building and ecological restoration and enhancement areas at Church Farm Quarry, Grimley, Worcestershire, would be unacceptable in the proposed location contrary to Policy WCS 6 of the Worcestershire Waste Core Strategy; would have an unacceptable impact upon the open countryside and that of the landscape character and appearance of the local area contrary to a core principle of the National Planning Policy Framework as set out at paragraph 17 bullet point 5, Policy WCS 12 of the Worcestershire Waste Core Strategy and Policies DS3 and DS15 of the Malvern Hills District Local Plan; and was considered to have an unacceptable biodiversity impact, as it would not result in a net gain for biodiversity contrary to Section 11 of the National Planning Policy Framework, Policy WCS 9 of the Worcestershire Waste Core Strategy and Policies DS3 and QL19 of the Malvern Hills District Local Plan.

The representative of the Head of Strategic Infrastructure and Economy stated that members had visited the site. Members had walked along the public right of way through the centre of the site and observed the location of the existing plant equipment on site and the distant views of the village of Grimley. Members then observed the site from the road leading to Grimley and travelled into Grimley village itself to note the location of the local school. Members also noted the proximity of Holt Heath bridge to the application site.

Mr Humphreys an objector to the application addressed the Committee. He commented that the reuse and recycling of waste and aggregates was a good thing. However, the location for this activity had to be compatible with its surroundings: preferably where the waste arises and certainly in accordance with the provisions of the development plan or the conditions of any existing planning permission. The application site was proximate to an established SSSI, an important

watercourse and ancient woodland. It was also a few hundred metres from a school and a number of residential properties making it wholly unsuitable for the permanent noisy industrial process sought by the applicant: covering 6 hectares of greenfield land. Fundamentally, these proposals would lead to a permanent adverse change to the landscape and the habitats it was supporting. The significant concern also extended to further upscaling of the proposed activity.

He added that the site was not within Level 1 of the geographic hierarchy for waste management. This site was a restored greenfield site, once the final planning condition was discharged. It was not brownfield or previously developed land as suggested by the applicants. Extraction finished a year ago and the plant should have been removed and restoration commenced as required by this planning authority. It was not disputed that a previous application was granted in 2002 for materials recycling, but this was time-limited in accordance with WCS7; it was used for about 18 months and permission for which had long since expired.

He urged members to refuse this application. However, the Council had a duty to ensure the compliance with the existing consent, and requested that enforcement action be resumed so that this site once again made a positive contribution to biodiversity and the rural landscape. There was work to be done, but as the restoration of Retreat Farm demonstrated, considerable benefits could be achieved.

In response to a query, Mr Humphreys stated that the local footpath network was used extensively by a wide-range of users. He queried the accuracy of the location of the Severn Way as set out on the Council's plans. The Severn Way was a well-publicised national amenity.

Mr Jolly, the agent acting on behalf of the applicant addressed the Committee. He commented that 18 of the 22 external consultees including technical experts and other bodies had not objected. 3 of the 4 remaining objections were from the nearby Parish Councils as to be expected and the other was from the Ramblers, whose comments were at odds with the other two footpath Consultees. The important point was just how very discreet this site was within the local landscape and that members were being professionally reassured that residents simply would not suffer environmental nuisance of any sort (with or without the bund – which was not a necessary part of the development). Pencrofts were a

local company playing a vital role in the local construction industry. Their sustainability credentials and the way in which these recycling proposals completely fitted with the thrust of the Adopted Waste Core Strategy was not in doubt.

He added that an ambiguity or discrepancy in the Waste Core Strategy had affected the way in which this application has been judged. The applicant maintained that if Top Barn Business Park and Ball Mill Top were in Level 1 (of the geographical hierarchy) then so must the application site – and to have a plan (which was part of the Strategy) which was neither to scale nor based upon Ordnance Survey was asking for confusion. The application site was just a tiny fraction of the overall mineral restoration proposals at Grimley all of which could be completed. The applicant failed to see how its continued use for a purpose which was the same as what was specifically granted in 2002 could be out of line with the Development Plan.

He stated that planning applications were required to be assessed against the Plan as a whole rather than picking bits of Policy here and there as appeared to be the case. This was an appropriate site right on the main network and there was only one other similar in the County. The site was close to Worcester's urban area and sites for this type of use were not available in towns and cities. The applicant's Ecologist maintained that her restoration scheme was actually more favourable to the current habitat than the approved restoration. In landscape terms, the site was well screened. The recommendation was "on balance" and offered members the flexibility to say "yes" to this scheme.

In response to a number of queries, the agent commented that:

- The applicant did not realise that the proposed bund was such a major planning issue. It was not an essential noise attenuation measure and the applicant was happy to remove it from the proposal
- The machinery to be used on site would be driven by mains electricity
- The applicant had been requested by the County Council to consult with local residents. Two option dates had been offered to representatives of the parish council for a meeting but no response had been received.

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

- The local councillor commented that extraction of sand and gravel at the site dated back to the 1950s and local residents had suffered as a result over a prolonged period. The conditions on the existing permission were clear that once extraction was completed, the site would be restored to open countryside. As well as the parish councils, consultees including the County Ecologist and Landscape Officer had objected to the application. The applicant was able to make use of their mobile recycling license and therefore would be able to use their mobile recycling unit at various locations. In addition, there was already a recycling plant in Redditch. The site was not and never had been a brownfield site and was therefore contrary to Policy WCS 6 of the Waste Core Strategy. The restoration of Retreat Farm showed what could be achieved at this site. The National Planning Framework did not support planning applications of this nature in the open countryside. There had not been any formal open public consultation with local residents. He considered that local residents had suffered enough and permission should be refused. He confirmed that the local liaison group was still active
- Whilst the application was considered against the whole of the development plan and the NPPF, it was appropriate to justify whatever decision was made against the relevant aspects of the plan and in this case officers had selected the appropriate policies to justify refusal of the application. The application conflicted with the Waste Core Strategy in that the site was not in zone 1 or in an area close to commercial waste or concentrated resource demand and did not benefit from clustering opportunities. It failed to drive waste down the waste hierarchy. Whilst the application did not damage the historic environment and setting, it conflicted with the green infrastructure strategy and had potential to pollute the nearby watercourse. The site was also close to an SSSI. The site was due to be restored and it was unfortunate that this application had halted this work
- the local residents had had to put up with operations and associated vehicle movements on this site over many years. There was now an

opportunity to restore the site as provided by the previous planning permission and therefore permission should be refused

- It was disappointing that no reference had been made in the report about the reduction in the carbon footprint as a result of this application
- The positive aspect of this proposal was that it contributed to the economic development of the area. However, it prevented the restoration of the site, impacted on the amenity of the local area, and conflicted with the National Policy Framework as the site was in a greenfield location. On balance, the application should be refused
- There was no mention in the report of how long the proposed operations on the site would take. The representative of the Head of Strategic Infrastructure and Economy advised that the application was for permanent use of the site.

RESOLVED that planning permission be refused for a proposed aggregates material recycling facility, workshop building and ecological restoration and enhancement areas at Church Farm Quarry, Grimley, Worcestershire, for the following reasons:-

- a) The proposal is considered to be in an unacceptable location contrary to Policy WCS 6 of the Worcestershire Waste Core Strategy;
- b) The proposal is considered to have an unacceptable impact upon the open countryside and the landscape character and appearance of the local area contrary to a core principle of the National Planning Policy Framework as set out at paragraph 17 bullet point 5, Policy WCS 12 of the Worcestershire Waste Core Strategy and Policies DS3 and DS15 of the Malvern Hills District Local Plan; and
- c) The proposal is considered to have an unacceptable impact upon biodiversity and would not result in a net gain for biodiversity contrary to Section 11 of the National Planning Policy Framework, Policy WCS 9 of the Worcestershire Waste Core Strategy and Policies DS3 and QL19 of the Malvern Hills District Local Plan.

The meeting ended at 10.55am

Chairman