

PLANNING AND REGULATORY COMMITTEE
9 February 2016**PROPOSED CHANGE OF USE FROM LIGHT INDUSTRIAL TO A SUI GENERIS USE TO ENABLE RECEIPT, TRANSFER AND TEMPORARY STORAGE OF ASBESTOS IN TWO SEALED, FREE-STANDING METAL CONTAINERS, PENDING REMOVAL TO A LICENSED WASTE FACILITY AS LANDFILL WASTE. NO TREATMENT OF ASBESTOS WASTE WILL TAKE PLACE. UNITS 231-232, IKON TRADING ESTATE, DROITWICH ROAD, HARTLEBURY**

Applicant

Safeline Environmental Limited

Local Member(s)

Mr M H Broomfield

Purpose of Report

1. To consider a County Matter planning application for a change of use from light industrial to a Sui Generis use to enable the receipt, transfer and temporary storage of asbestos in two sealed, free-standing metal containers.

Background

2. Safeline Environmental (Safeline) is an asbestos removal, survey and management company. Safeline operates a nationwide service to all sectors of industry. Much of their asbestos removal is carried out on behalf of insurance companies. Safeline is also a registered waste carrier which allows its staff to transport hazardous waste safely.
3. Current Hazardous Waste Regulations stipulate asbestos waste must be taken directly to an authorised landfill or a waste transfer station. There are currently no landfill facilities for asbestos in Worcestershire. The nearest authorised waste transfer station for asbestos to Hartlebury is located at 9 Shaw Rd., Dudley, at a distance of approximately 26.5km. The nearest landfill site which can accept asbestos is about 24.9km from Hartlebury at Oak Farm Quarry, Crooked House Lane, Dudley.
4. Safeline is proposing to change the use of part of its site at Ikon Estate in Hartlebury from light industrial to a Sui Generis use to enable the transfer of asbestos waste only. The change of use is intended to facilitate better business practice for Safeline as they currently have to leave asbestos waste on their customer's premises, or in their vans, when work is undertaken outside normal hours.

5. The company states the waste transfer station must be situated as near as possible to their premises at units 231-232 on Ikon Estate, Hartlebury in order to minimise additional journeys. These journeys would harm the environment and impact the company in terms of additional costs.

6. All asbestos waste passing through the proposed waste transfer station would be transported out of the county to a licensed asbestos landfill site (usually the site at Crooked House Lane, Dudley).

The Proposal

7. Safeline is proposing a change of use to a Sui Generis use and the installation of two fully sealed, lockable containers for the temporary storage of packaged asbestos waste on part of its yard at Ikon Estate which would act as a Waste Transfer Station for asbestos. One container would receive packaged fibrous asbestos whilst the other would receive packaged bonded asbestos. The lockable containers would not exceed more than 6.1 metres in length, 2.2 metres in width and 2.4 metres in height and would be sited within a bunded area measuring 9 metres by 7 metres.

8. A throughput of approximately 720 tonnes per annum is proposed. This would involve the delivery of one empty container and the removal of one full container for emptying at a registered landfill site twice a week (four HGV movements weekly).

9. The bunded area would be located on part of Safeline's yard area currently used for parking. The bunded area would be edged on three sides by concrete kerbing, whilst the fourth boundary would be a raised rubber kerb ramp to allow the delivery and collection of waste containers.

10. The proposed operating hours for the Waste Transfer Station would be 06:00-19:00 Mondays-Sundays inclusive, including Bank Holidays.

11. No lighting is proposed.

The Site

12. The proposed development is situated within Safeline's yard at Units 231-232 at Ikon Estate, Hartlebury. The site is located approximately 2.1km northeast of the village of Hartlebury.

13. The site measures approximately 545m².

14. The site is accessed by Ikon Estate's private road directly off Droitwich Road (A442) as shown on the attached plan.

15. The yard which forms the site area comprises hard standing which is currently used for the parking of vehicles associated with the existing asbestos business. The yard is surrounded by palisade fencing approximately 2 metres high and a set of gates on the western side. To north of the site are industrial units which extend for approximately 160 metres. Beyond these units are arable fields which are eventually bounded by the village of Shenstone, roughly 1.2 km north of the site. To the east of the site is an arable field which extends for approximately 375 metres to the east before reaching a hedge and further arable fields beyond that. To the south of the site

are industrial units extending for approximately 100 metres. Beyond the units is an arable field which is bounded by the A442, roughly 270 metres south of the site. Roughly 200 metres southeast of the site lies a residential property (Podmore House). To the west of the site are further industrial units which extend for approximately 165 metres. Immediately beyond these industrial units is a treeline which screens the western edge of Ikon Estate. Beyond the treeline is an arable field which is bounded by Worcester Road (A450), roughly 620 metres west of the site. There is a residential property (Plantation House) contained within this arable field which is approximately 400 metres west of the site.

16. There are a number of commercial addresses in units directly adjacent to the site. A wide range of businesses currently occupy the units across various sectors including: creative industry, engineering, food production, landscaping and storage. All commercial addresses on the Ikon Estate are within a 325 metre radius of the site. The nearest residential address is Podmore House which lies approximately 200 metres south-east of the site.

17. The site is in Flood Risk Zone 1 (a low risk zone).

Summary of Issues

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

- The Waste Hierarchy
- Green Belt
- Location of the Development
- Landscape Character and Appearance
- Residential Amenity
- Health and Safety and Pollution Control
- Traffic and Highways Safety
- Other Matters.

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:

National Planning Policy for Waste

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

The Development Plan

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 Wychavon District Local Plan 2006.

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).

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 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 13: Green Belt

Policy WCS 14: Amenity
Policy WCS 15: Social and economic benefits
Policy WCS 17: Making provision for waste in all new development

Wychavon District Council Local Plan 2006

GD1 Location Strategy for New Development
GD2 General Development Control
SR7 Development in the Green Belt
SR9 Areas of Development Restraint
RES3 Minimising waste
ENV1 Landscape Character
ENV23 Development Involving Hazardous Substances

Draft South Worcestershire Development Plan

27. 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.

28. 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.

29. Following the Inspector's interim conclusions, the three South Worcestershire Councils agreed at their meetings held on 30 September 2014 to undertake formal consultation (between 6 October and 17 November 2014) into the proposed uplift in housing numbers in the SWDP. The Phase 2 hearings took place in February, April and May 2015, relating to SWDP Policies 1 to 7 and Strategic Sites, Development Management Policies, and Proposed Sites in the Main Town and Villages, respectively.

30. Following the discussions during the examination hearing on 9 April the Councils submitted copies of revised housing trajectories to the examination. It had become clear that there was a need for further amendments to the housing trajectories. As a result, the Inspector decided to hold a further procedural session on the trajectories on 3 June. In addition, a further hearing session was held on 17 June 2015 to discuss formal sports pitches/courts.

31. On 9 September 2015 the Councils published the proposed Main Modifications which have arisen from the examination of the SWDP. These were considered by meetings of the full Councils in September 2015 (22 September and 30 September 2015), who voted to agree to hold a six-week public consultation on the proposed Main Modifications. This consultation ran from 9 October to 20 November 2015, and

gave members of the public a chance to have their say on this latest stage of the SWDP's development.

32. The Examination formally remains open until the Inspector issues his binding report and it is possible that further hearings could be held if the Inspector chooses to do so. In the circumstances the SWDP cannot yet be declared sound and cannot be adopted. It is not yet, therefore, part of the development plan. Having regard to the advice in the NPPF, Annex 1, it is the view of the Head of Strategic Infrastructure and Economy, that little weight will be attached to the SWDP in the determination of this application. The draft SWDP policies that are relevant to the proposal are listed below:

Policy SWDP 1 Overarching Sustainable Development Principles
Policy SWDP 2 Development Strategy and Settlement Hierarchy
Policy SWDP 4 Moving Around South Worcestershire
Policy SWDP 12 Rural Employment
Policy SWDP 22 Biodiversity and Geodiversity
Policy SWDP 33 Waste

Waste Management Plan for England (2013)

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

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

35. 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.

36. 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.

The Government Review of Waste Policy England 2011

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

Consultations

38. **Wychavon District Council** have no objections to the proposal but have highlighted matters they would like to be considered:

- The proposed development is located in the Green Belt. The Officer should consider whether the development constitutes appropriate development in the Green Belt and whether it would have an adverse impact on the openness of the Green Belt
- The applicant states that the storage area of the site would be reorganised so that parking spaces lost as a result of the Waste Transfer Station can be relocated elsewhere within the site. The district council recommends further information regarding the location of these parking spaces to ensure the development would not compromise highway safety.

39. **Hartlebury Parish Council** object to the proposal on the following grounds:

- A highly dangerous material would be lodged in the parish
- Proper transport management would ensure that the product is sent directly to landfill
- Car parking would be reduced on the site.

40. **The County Ecologist** has no objection to the proposal. They state that "there appear to be no obvious ecological implications nor opportunities for enhancement".

41. **The Environment Agency** have no objections to the proposal and provide the following comments:

- The applicant will need to obtain a Standard Rules Permit (SRP) – Standard rules SR2008No9 – asbestos waste transfer station; for the proposed activity and comply with the permit regarding safe handling of the waste and surface water quality.

42. **The Health and Safety Executive** have no comments.

43. **The County Highways Officer** has no objection to the proposal based on anticipated vehicle activity and trip rates associated with a throughput of about 720 tonnes per annum.

44. **Hereford and Worcester Fire and Rescue Service** have no comments.

45. **The County Landscape Officer** has no objections to the proposal. They state that the "scope of the development is within the existing site and I conclude there will be no adverse effect to the landscape setting".

46. **Public Health England's Centre for Radiation, Chemical and Environmental Hazards (CRCE)** has no objection to the proposal providing the applicant takes all appropriate measures to prevent or control environmental emissions in accordance with industry best practice.

47. **West Mercia Police** have no objections to the proposal.

48. **Worcestershire Regulatory Services** have no comments from a nuisance perspective.

49. **South Worcestershire Land Drainage Partnership** have no comments.

Other Representations

50. The application has been advertised in the press and on site. 9 letters of representation objecting to the proposal have been received. The letters of representation are available in the Members' Support Unit. Their main comments are summarised below:-

Green Belt

- In principle objection to development in the Green Belt.
- A claim that "Safeline only propose to fill ¼ of each container. Thus ¾ will not be used and this shows that this size of development is unnecessary and falls within over development of the site. As per the guideline by government on green belt land."
- Development would be in breach of the South Worcestershire Joint Core Strategy green belt review July 2010 and District and Parish Council guidelines on green belts.

Need for a Waste Transfer Facility

- Following a Freedom of Information request to the Environment Agency, there is a suggestion that there are numerous other Waste Transfer Facilities in Worcestershire available for Safeline to use. In addition, it is suggested that Safeline "state there are no other facilities within Worcestershire." Therefore, it is argued that Safeline's proposal for an additional Waste Transfer Station is unnecessary.

Landscape Character and Appearance

- Concern that the proposal would not be screened from view of surrounding properties with either plants or fencing. A suggestion that the visual impact could be reduced by locating skips in Safeline's warehouse.

Health and Safety

- Concern that the proposal would worsen a breathing condition.
- A suggestion that the proposal would breach Health and Safety Executive guidelines. It is suggested that these guidelines require lorries collecting containers to be able to drive straight in to the facility on a one way system and to not reverse when collecting a container. It is also suggested that the proposal would be in breach of these guidelines because Safeline do not own the road approaching their site
- A suggestion that the proposal would be against the Health and Safety Executive's rules because it is "not best practice to transport any asbestos unless necessary." In addition, it is suggested Health and Safety Executive rules advise against the bulking of asbestos waste before it is taken to landfill.
- Concern that no measures have been put in place to prevent a spillage at the proposed facility
- A suggestion that, following a conversation with the Director of Safeline, "there are currently no proposals in place to prevent cross contamination of the neighbouring fields."

Nature of the Land

- A suggestion that the proposed development would take place on Greenfield land.

Other issues

- Concern from residents of Shenstone that the area is "constantly being used as a dumping ground for waste products."

The Head of Strategic Infrastructure and Economy's Comments

51. 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

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

- Delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy
- Ensuring that waste management is considered alongside other spatial planning concerns...recognising the positive contribution that waste management can make to the development of sustainable communities
- Providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of
- Helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment and,
- Ensuring the design and layout of new... commercial development and other infrastructure (such as safe and reliable transport links) complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate high quality collections of waste.

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

54. The Head of Strategic Infrastructure and Economy considers that asbestos cannot be reused under The Waste (England and Wales) Regulations 2011 and that there is currently no means of recycling in the UK. Currently, the only waste management option for asbestos waste is landfill. Under Hazardous Waste Regulations asbestos waste must be taken directly to an authorised landfill or waste transfer facility. There are currently no authorised landfill sites for asbestos waste in Worcestershire. In addition, the nearest authorised Waste Transfer Station for asbestos waste is in Dudley (about 26.5km away). This means that the applicant's vans currently need to drive to a disposal facility outside the County. This is not

considered to be economically or environmentally friendly when compared with the applicant's proposal for a Waste Transfer Station for asbestos. The proposal would allow for asbestos waste to be bulked up on Safeline's premises before being taken to landfill by lorry. Bulking is beneficial for the company in economic terms because it avoids incurring the costs associated with extra trips to landfill or transfer facilities outside the County which also accords with Section 1 of the NPPF 'Building a strong, competitive economy'. It is also environmentally beneficial because fewer vehicle trips would be made overall, thus reducing vehicle emissions.

55. The Head of Strategic Infrastructure and Economy considers that the proposal for a waste transfer station for asbestos would accord with the National Planning Policy for Waste, despite alternatives to landfill being unavailable. This is because the facility could be considered as delivering wider climate change benefits owing to the absence of existing facilities in Worcestershire. The proposal would also accord with paragraphs 30 and 35 of the NPPF in this regard because it proposes a solution to reduce vehicle emissions and is also a suitable location for a more efficient delivery of goods compared with the current transport arrangements of the business.

Green Belt

56. 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.

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

58. 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".*

59. The proposal does not fall within the categories of development set out in Paragraphs 89 and 90 of the NPPF. Consequently, the proposed development would constitute inappropriate development in the Green Belt. Inappropriate

development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

60. The NPPF goes on to state that "when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations". As a result, a balancing exercise needs to be undertaken weighing the harm of the proposal with other circumstances in order to ascertain whether very special circumstances exist which justify granting planning permission.

Applicant's reasons for very special circumstances

61. The applicant cites Policy WCS 13 of the Worcestershire Waste Core Strategy. Policy WCS 13 states that 'waste management facilities will be permitted in areas designated as Green Belt where the proposal does not constitute inappropriate development or where very special circumstances exist'. The Worcestershire Waste Core Strategy refers to the National Planning Policy Framework in identifying inappropriate development. The combination of the following factors constitutes very special circumstances:-

- This particular waste management facility has particular locational needs in that it must be at, or very close to, the applicant's premises
- There are environmental benefits in locating the facility at Ikon Estate through a reduction in overall trips throughout the West Midlands
- No construction would take place and the containers would be sited in an existing industrial area
- No harm would come to the Green Belt because the proposal would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

Considering the applicant's very special circumstances

Locational Requirement

62. The applicant argues that operational reasons require the Waste Transfer Facility to be located at, or very close to, their existing premises. This is considered to be a valid reason because locating the site at an extended distance from their premises would not be practical in terms of reducing fuel and staff costs to the business and would be detrimental to the environment in terms of increased vehicle emissions.

Environmental Benefits

63. The proposal would result in significant benefits for the environment in terms of reduced vehicle emissions. The company's current procedures for asbestos disposal are as efficient as they can be considering the requirement that asbestos waste must be transported directly to an authorised landfill site or suitable Waste Transfer Station. The environmental benefits of the proposal are therefore considered to contribute significantly to its sustainability which is a key feature of national and local policy.

No construction to take place and landscape impact

64. The applicant states that no construction would take place. This is not considered to be a very special circumstance because the proposal to install two free-standing containers would still constitute development which would impact on the openness of the Green Belt. It is noted that the scale of the development is relatively small in comparison to the industrial buildings in its immediate surroundings however. The applicant states that the proposal would be situated within the confines of an existing industrial estate and as such there would be very limited impacts on the openness of the landscape character of the surrounding area. The proposed containers would be installed on an existing area of hardstanding surrounded by palisade fencing and would not extend beyond the boundary of the industrial estate.

Harm to the Green Belt

65. In assessing the impact on the openness of the Green Belt and the purpose of including land within it, weight is given to the fact that the proposal would be detrimental to the openness of the Green Belt in terms of it being permanently open, as stated in paragraph 79 of the NPPF. Weighing against this is the consideration that keeping the Green Belt open is fundamentally to prevent urban sprawl. The proposal for the installation of two free-standing containers within the confines of an existing industrial estate is not considered to contribute to urban sprawl. The development would not encroach on greenfield land in the direction of any urban settlements. Members should also be aware that the size of Ikon Estate is approximately 7.6 hectares and contains large warehouses within it. The proposal is for two containers measuring approximately 6.1 metres in length by 2.2 metres in width by 2.4 metres in height. In view of this, the Head of Strategic Infrastructure and Economy does not consider that an objection to the development on the grounds of loss of openness can be reasonably sustained. In addition, the applicant states that each container would be filled to its limits in response to the claim that they only propose to fill $\frac{1}{4}$ of each container.

66. The Head of Strategic Infrastructure and Economy considers that very special circumstances have been demonstrated by the applicant which justifies an exception in terms of Green Belt Policy and it is considered that the proposal is not in direct conflict with the NPPF.

67. 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 development in the Green Belt it intends to approve that would be inappropriate development and would create new floorspace in excess of 1000 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. As the proposed free-standing containers would not create any new floor space and are of a very small scale in the context of an existing industrial estate; this application would not need to be referred to the Secretary of State.

Location of the Development

68. The application site is located within the confines of Ikon Estate, an area of light industrial land composed of warehouses and hardstanding. The Head of Strategic Infrastructure and Economy considers that the proposal is compatible with the site location in accordance with Policy WCS 6 of the Worcestershire Waste Core

Strategy. This is because Ikon Estate is considered to be existing employment land and, therefore, compatible with new enclosed reuse and recycling development according to table 7 of the Waste Core Strategy. The Waste Core Strategy includes waste transfer facilities under the blanket term reuse and recycling facilities.

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

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

71. The Head of Strategic Infrastructure and Economy considers that the application site lies within Level 1 (the highest level) of the Geographic Hierarchy. In addition, Ikon Estate is identified as an Area of Search in Annex A of the Waste Core Strategy. Areas of Search have been identified as potentially suitable for most waste management facilities according to the policy framework, Habitat Regulations Assessment and Strategic Flood Risk Assessments. Taking in to account these policies, the Head of Strategic Infrastructure and Economy considers the location is appropriate for the proposed development in terms of compatibility (WCS 6) and the spatial strategy for reuse and recycling facilities (including Waste Transfer facilities) in Worcestershire (WCS 3).

72. The Head of Strategic Infrastructure and Economy considers the proposed development accords with Policies WCS 8, WCS 9 and WCS 10 of the Waste Core Strategy. The proposed development is supported by adequate infrastructure and site access (WCS 8). Ikon Estate provides safe access to the site on a private road network. The Estate also joins the A442 directly and the County Highways Officer has raised no objections to the proposal in terms of its impact on the road network. The proposal would have no adverse impact on environmental assets (WCS 9). There are no nearby local, national, or international wildlife sites, Sites of Special Scientific Interest, or heritage assets. The proposal is in an area of low flood risk (flood zone 1) and therefore accords with Policy WCS 10.

Landscape Character and Appearance

73. The Head of Strategic Infrastructure and Economy considers that the site sits within an established area of light industrial land composed of warehouses and hardstanding. The existing warehouses greatly exceed the dimensions of the proposed free-standing containers. In addition, the yard of another business on Ikon Estate immediately adjacent to the applicant's site already contains a small number of containers and storage facilities of approximately similar height to the proposed two free-standing containers. The site is currently partially screened by a palisade fence with attached netting on the eastern side and a gate on the western side. The County Landscape officer has raised no objections to the proposal and considers that there would be no adverse effect on the landscape setting.

74. Taking in to account the nature of the existing industrial estate and the small scale of the proposal, the Head of Strategic Infrastructure and Economy considers that the proposal would not have a significant impact on landscape character and appearance. In addition, it is considered that the existing screening would be sufficient in the context of the existing light industrial development on site.

Residential Amenity

75. The proposal would involve the transfer of asbestos waste from the applicant's vans to securely locked containers. The containers would then be removed from the site by an HGV between the hours of 08:00-17:00 Monday-Friday. The proposal is based on a throughput of about 720 tonnes of asbestos per year. This would necessitate the delivery of one empty container and removal of one full container twice a week by an HGV (4 vehicle movements).

76. The transfer of packaged asbestos from the applicant's vans to the containers would occur manually. Activity involving the vans would occur approximately during the same hours under which the applicant currently operates from 06:30-19:00 Monday-Sunday inclusive.

77. Asbestos is odourless and not attractive to vermin. In addition, all asbestos would be securely packaged before being stored in the proposed containers in accordance with industry best practice and licensing.

78. Worcestershire Regulatory Services have no objections to the proposal in terms of nuisance.

79. In terms of noise, the Head of Strategic Infrastructure and Economy considers that the proposed HGV movements between the hours of 08:00-17:00 Monday-Friday would be suitable for mitigating any potential impacts. In addition, the industrial estate already experiences regular HGV vehicle movements. The activity involving the applicant's vans would not result in adverse noise impacts due to the asbestos waste being transferred by hand. Activity involving the applicant's vans would occur approximately in line with the applicant's existing hours and the activities of surrounding businesses on the industrial estate.

80. The proposal would result in a reduction in vehicle trips through the bulking up of asbestos waste. The County Highways Officer has no objections to the proposal based on a throughput of about 720 tonnes of asbestos per year. In view of this, the Head of Strategic Infrastructure and Economy considers that the proposal would reduce the impact on residential amenity in terms of traffic compared to the applicant's current vehicle movements.

81. In terms of odour, vermin, and windblown litter, the Head of Strategic Infrastructure and Economy considers that licensing regime in place for asbestos handling would prevent any adverse impacts.

82. In view of the comments of Worcestershire Regulatory Services and the County Highways Officer; the Head of Strategic Infrastructure and Economy considers the proposal would have no impact on residential amenity.

Health and Safety and Pollution Control

83. The Head of Strategic Infrastructure and Economy considers that the proposal would have no adverse impact on the health and safety of the public. The proposal has received no objections from Public Health England, the Environment Agency, or the Health and Safety Executive. The applicant has obtained a Standard Rules Permit (SRP) – Standard rules SR2009No9 from the Environment Agency for a Waste Transfer Station and has also been licensed by the Health and Safety Executive to remove asbestos of all types since 2006.

84. The applicant states that asbestos must be handled in strict accordance with HSE guidelines and that contravention of these would result in the company losing its licence. In addition, the applicant would ensure that no asbestos fibres are present on the outside of the packaging before it is taken off site. The packaging is also drop tested to protect employees. The applicant considers that these measures would be sufficient for preventing contamination or a spillage.

85. Furthermore, paragraph 122 of the NPPF provides the following advice for local authorities in considering applications of this nature:

- *'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.'*

86. Taking in to account paragraph 122 of the NPPF, the comments of the consultees, and the applicant's appropriate permitting and licensing; the Head of Strategic Infrastructure and Economy considers that the proposal would have no unacceptable adverse impacts on health and safety (in accordance with policy WCS 14 of the Waste Core Strategy and policy ENV 23 of the Wychavon District Local Plan 2006).

Traffic and Highways Safety

87. The Head of Strategic Infrastructure and Economy considers that the proposal would have no adverse impact on traffic and highways safety. The County Highways Officer has no objections to the proposal. The proposal would reduce the volume of traffic on the county's highways overall through greater efficiency in the movements of the applicant's vans. It is anticipated that the proposal would generate up to 4 HGV movements per week between 08:00-17:00 Monday to Friday inclusive. Van movements would continue approximately in line with the applicant's current operating hours of 06:30-19:00 Monday-Sunday inclusive. The proposal would, therefore, accord with Policy WCS 8 of the Worcestershire Waste Core Strategy through a reduction in vehicle trips.

88. The comments of Wychavon District Council and Hartlebury Parish Council relating to concern over a potential reduction in parking spaces at the application site have been taken in to account. The applicant has provided a parking plan. The plan indicated that items in the currently underutilised storage area would be consolidated in to a much smaller area which would leave enough room for all company vehicles and visitors. In addition, the County Highways Officer has raised no objection to the proposal. The Head of Strategic infrastructure and Economy, therefore, considers that the proposal would have no impact in terms of adequate parking provision.

Other Matters

89. The Head of Strategic Infrastructure and Economy considers that no significant ecological impacts would result from the proposal. The site is an area of existing hardstanding with very low potential for biodiversity. No lighting is proposed which could impact on wildlife. The County Ecologist has raised no objections to the proposal.

90. The Head of Strategic Infrastructure and Economy considers that the proposal is sustainable in terms of the economy and the environment. The proposal would be expected to increase the number of staff employed at the facility by 1 full time equivalent. The proposal would also reduce the harm to the environment in terms of a reduction in vehicle emissions through the bulking up of asbestos waste.

Conclusion

91. The proposal demonstrates accordance with the waste hierarchy and meets very special circumstances for development in the Green Belt. The proposal accords with the geographic waste hierarchy by being located in level 1 (the highest level). There would be no unacceptable adverse impacts on landscape character, health and safety, traffic and highways safety, or ecology and biodiversity.

92. Taking in to account the provisions of the Development Plan and in particular Policies WCS 1, WCS 2, WCS 3, WCS 6, WCS 8, WCS 9, WCS 10, WCS 11, WCS 13, WCS 14, WCS 15 and WCS 17 of the Worcestershire Waste Core Strategy, Policies GD 1, GD 2, SR 7, SR 9, RES 3, ENV 1 and ENV 23 of the Wychavon District Local Plan and the National Planning Policy for Waste, it is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies, or highway safety.

Recommendation

93. The Head of Strategic Infrastructure and Economy recommends that planning permission be granted for the change of use from light industrial to a Sui Generis use to enable receipt, transfer and temporary storage of asbestos in two sealed, free-standing metal containers, pending removal to a licensed waste facility as landfill waste with no treatment of asbestos waste taking place at Ikon Estate, Droitwich Road, Hartlebury, Worcestershire, subject to the following conditions:

- a) The development must be begun not later than the expiration of three years beginning with the date of this permission;**
- b) The development hereby permitted shall be carried out in accordance with the details shown on submitted drawings titled: 'Plan 2 – Location plan', and 'Plan 3 Detailed Site Plan';**
- c) Construction works shall only be carried out on the site between 08:00 to 18:00 hours on Mondays to Fridays inclusive, and 08:00 to 13:00 hours on Saturdays with no construction work on Sundays or Bank Holidays;**

- d) Asbestos Waste Transfer operations within the development (excluding the collection and delivery of containers) hereby approved shall only take place between the hours of 06:00 and 19:00 hours Mondays to Sundays inclusive, including Bank Holidays;**
- e) The collection and delivery of containers within the development hereby approved shall only take place between the hours of 08:00 and 17:00 hours Mondays to Fridays inclusive, no collection or delivery of containers shall take place on Saturday, Sunday, or on Bank Holidays;**
- f) In the event of a cessation of use of this Waste Transfer facility, the containers and bunded area shall be removed from the site;**
- g) Prior to Asbestos Waste Transfer operations commencing, details of car parking areas to be provided in the site shall be submitted to the County Planning Authority in writing. The approved parking areas shall be retained for the duration of Asbestos Waste Transfer operations.**

Contact Points

County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

Email: worcestershirehub@worcestershire.gov.uk

Specific Contact Points for this report

Case Officer: Joshua Scholes, Planning Officer

Tel: 01905 728561

Email: jscholes@worcestershire.gov.uk

Mark Bishop, Development Control Manager:

Tel: 01905 766709

Email: mbishop@worcestershire.gov.uk

Background Papers

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

The application, plans and consultation replies in file reference 15/000037 CM