

Planning and Regulatory Committee
Tuesday, 20 September 2016, County Hall, Worcester - 10.00
am

Present:

Minutes

Mr R C Adams (Chairman) (for items 1-8), Ms P Agar (for items 1-5 and 7-9), Mrs S Askin, Mr S J M Clee, Mr A Fry, Mrs A T Hingley, Mr I Hopwood and Mr D W Prodder.

Also attended:

Mr R Lunn was also in attendance as a local councillor for Agenda item 7.

Available papers

The Members had before them:

- A. The Agenda papers (previously circulated);
- B. A copy of the summary presentations from public participants invited to speak (previously circulated);
- C. The local member comments from Mr R Sutton in relation to Agenda item 6; and
- D. The Minutes of the meeting held on 12 July 2016 (previously circulated).

A copy of documents A – C will be attached to the signed Minutes.

**948 Named
 Substitutes
 (Agenda item 1)**

Mr A Fry substituted for Mr P Denham.

**949 Apologies/
 Declarations of
 Interest
 (Agenda item 2)**

Apologies were received from Mr A Amos, Mr P Denham and Mr R Sutton

Mr R C Adams declared a Disclosable Pecuniary Interest and left the room for Agenda item 9 as a tenant farmer on land owned by the applicant and left the room during the consideration of the item.

Ms P Agar declared an interest in Agenda item 6 as a personal friend of the public participant and left the room during the consideration of the item.

**950 Public
 Participation**

Those representations made are recorded at the Minute to which they relate.

(Agenda item 3)

951 Confirmation of Minutes (Agenda item 4)

RESOLVED that the Minutes of the meeting held on 12 July 2016 be confirmed as a correct record and signed by the Chairman.

952 Proposed minor material amendment to planning permission 12/000008/CM, dated 13 July 2012 for "Development of an Anaerobic Digestion Plant, Beef (Cattle) Unit and Ancillary Infrastructure at Rotherdale Farm, Long Lane, Throckmorton, Worcestershire" to vary condition 2 so as to construct two new Anaerobic Digestion Tanks (Agenda item 5)

The Committee considered a County Matter planning application under Section 73 of the Town and Country Planning Act 1990 (as amended) for a proposed minor material amendment to planning permission 12/000008/CM, dated 13 July 2012, as revised by Non-Material Amendment approvals, to vary Condition 2 so as to construct two new Anaerobic Digestion (AD) Tanks at Rotherdale Farm, Long Lane, Throckmorton, 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 landscape character and appearance, residential amenity, traffic and highway safety, and other matters – location of the development, ecology and biodiversity, the water environment and economic impact.

The Head of Strategic Infrastructure and Economy concluded that the proposed digestion tanks had been designed to match the existing AD tanks at the site and as such fitted into the wider context of the operating AD facility. Accordingly, the Head of Strategic Infrastructure and Economy considered that, based on the advice of the County Landscape Officer, the proposed development would not have an unacceptable impact upon the character and appearance of the surrounding area, subject to the imposition of conditions as imposed on the extant planning permission.

The proposed two new AD tanks would not have any emissions to air and the applicant had confirmed that the tanks would not generate noise emissions. Based on the advice of Worcestershire Regulatory Services and Public Health England, the Head of Strategic Infrastructure and Economy considered that there would be no adverse air pollution, noise, dust or light impacts on residential amenity or that of human health, subject to the imposition of appropriate conditions as imposed on the extant planning permission.

Condition 4 of the extant planning permission (Ref: 12/000008/CM) restricted the throughput of the facility to a maximum of 20,000 tonnes per annum of feedstock. The applicant did not propose to increase the throughput of the facility or amend this condition, therefore, subject to the carrying forward of this condition on to any new planning permission, it was considered that the proposal would not have an adverse impact on traffic or highway safety.

Taking into account the provisions of the Development Plan and in particular Policies WCS 1, WCS 2, WCS 3, WCS 6, WCS 8, WCS 9, WCS 10, WCS 11, WCS 12, WCS 14, and WCS 15 of the adopted Worcestershire Waste Core Strategy and Policies SWDP1, SWDP2, SWDP4, SWDP6, SWDP12, SWDP21, SWDP22, SWDP24, SWDP25, SWDP27, SWDP28, SWDP29, SWDP30 and SWDP31 of the adopted South Worcestershire Development Plan, it was considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

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

- The proposal to construct extra digesters at the site was welcomed. The application had satisfied environmental impact concerns. In addition, the County Highways Officer had not objected. On this basis the proposal should be supported
- It was noted that the concerns of Throckmorton Parish Council had been addressed through conditions. It was requested that the site be monitored to ensure compliance with the conditions
- What was the basis for digging the foundations of the plant to a depth of 1 metre rather than 2 metres? The representative of the applicant explained that it was not necessary for the foundations to be any deeper for the retention time of the feedstock material in the digester
- The Environment Agency had made reference to the area around the storage tanks and digester not being fully bunded, would this remain the case? The representative of Head of Strategic Infrastructure and Economy confirmed that the applicant had fully bunded the area.

RESOLVED planning permission be granted for the carrying-out of development pursuant to

planning permission reference number 12/000008/CM, dated 13 July 2012, as revised by Non-Material Amendment approvals, without complying with Condition 2 of that permission so as to construct two new Anaerobic Digestion Tanks at Rotherdale Farm, Long Lane, Throckmorton, 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 following approved drawings numbered:**
 - **JER5274-001 Revision A;**
 - **JER5274-003 Rev. A;**
 - **SPH/1001/011/Z;**
 - **JER5274-006 Rev.-;**
 - **SPH/1001/010/Z;**
 - **610-032 Revisions B;**
 - **JSL2143 0003-02 D; and**
 - **JPW0147-003;**
- c) **On the decommissioning of the facility all the equipment shall be removed from the site and the land restored to agricultural use in accordance with a scheme to be submitted and approved in writing by the County Planning Authority;**
- d) **The Anaerobic Digestion Plant shall have a maximum throughput of 20,000 tonnes, organic matter, per annum of Feedstock consisting of Energy Crops such as maize, sugar beet, rye grass and whole crop wheat, poultry droppings and cattle manure. Records shall be kept for inspection by the County Planning Authority on request of the amount of throughput of materials for the duration of the operation of the Anaerobic Digestion Plant;**
- e) **Construction works shall only be carried out on the site between 08:00 to 18:00 hours on Mondays to Fridays, 08:00 to 13:00 hours on Saturdays and there shall be no construction work on Sundays, or public and bank holidays;**
- f) **The permitted hours for deliveries of poultry droppings to the development hereby permitted shall be between 8:00 to 18:00 hours**

Mondays to Friday and between 08:00 to 17:00 hours on Saturdays with no deliveries on Sundays, or public and bank holidays;

- g) Plant maintenance (within the building only) shall only be carried out between 06.00 and 22.00 hours Mondays to Saturdays;**
- h) The storage clamps shall only be used for the storage of energy crops and not for the storage of any waste materials;**
- i) The height of the stockpiles within the storage clamps shall not exceed 5 metres in height; and a means of visually checking the height shall be implemented and maintained for the duration of the development, in accordance with the approved scheme: covering letter dated 19.12.13, referenced: JCD2066 and titled: 'Discharge of Condition 9 of Planning Decision Notice Ref 12/000008/CM for the development of an anaerobic digestion plant, beef unit and ancillary infrastructure at Rotherdale Farm, Long Lane, Throckmorton, Worcestershire'; Drawing titled: 'Sections showing the silage clamp' (drawing number: GA_P101); and Drawing titled: 'Foundation Plan showing the silage clamp (drawing number: GA_P100)';**
- j) All waste materials imported to the site shall be sheeted at all times during importation;**
- k) All external lighting and other illumination at the site shall be implemented and maintained in accordance with the approved lighting scheme: Appendix 1 titled: 'Details of Proposed External Lighting' (Plan: 'B6962-EX-001-A1' which sets out the location of the lighting and the Luminous Intensity Value; 'Details of Helvellyn bollards'; 'Q3-Q5 Pro Catalogue', which provides details of the lights and 'Rotherdale Farm site calculation surfaces') dated 16 August 2012;**
- l) The development shall be carried out and maintained in accordance with approved scheme of materials, colours and finishes: 'Appendix 2 titled: 'A sample of the Aluminium to be used for the digesters and beef unit, plastic to be used for the top of the digesters and end storage bag' dated 16 August 2012;**

Landscaping & Ecology

- m) The submitted landscape scheme as shown on drawings numbered 003-02, Rev D and Appendix B – Plant Schedules shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the County Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period;
- n) The development hereby approved shall be carried out in accordance with the recommendations set out in the document titled ‘Extended Phase 1 Habitat Survey’ dated February 2012 referenced JER5274;

Drainage

- o) The drainage scheme for the disposal of surface water and foul sewage shall be implemented and maintained in accordance with the approved details: Drainage Layout shown on plan numbered 610-032-01 Revision A dated 22/11/2012;

Pollution Control

- p) Any facilities for the storage of oils, fuels, or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets

should be detailed to discharge downwards into the bund;

- q) The approved scheme of noise attenuation measures titled: 'Rotherdale Farm Anaerobic Digester Discharge of Planning Conditions (Project Number JAL6723)' dated 28 November 2012 shall be implemented and maintained for the duration of the development;
- r) The emission of noise from the operation of the Combined Heat and Power (CHP) engine hereby approved shall be controlled by limiting the output thereof and by sound insulation if necessary so that the level of noise from the development hereby approved within any dwelling shall not exceed a level 10dB below the background level in all 1/3 octave frequency bands. This background noise shall be defined as LA90 measured in hourly intervals through a 24 hour period;
- s) The approved Dust Management Plan dated 15 August 2012 shall be implemented and maintained for the duration of all the operations associated with the Anaerobic Digestion facility;
- t) All vehicles and machinery associated with the facility use of the site shall be fitted with a non-audible safety device or a "smart" form of reversing alarm, which produces a sound only audible to personnel in the immediate vicinity of the vehicle to which it is fitted. The design specification for the safety reversing device shall be implemented and maintained in accordance with the approved scheme: 'Brigade Vehicle Safety Solutions bbs-tek White Sound Warning Alarms'; 'Brigade White Sound Smart Reversing Alarm which includes the following models'; 'SA-BBS-97 – Self adjusting – medium duty – 77-97 Decibels 1399' and 'SA-BBS-97HV – Self adjusting – electric forklift – 77-97 Decibels 1398';
- u) The vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, this shall include the fitting and use of effective silencers; and
- v) The approved Odour Management Plan dated 15 August 2012 shall be implemented and maintained shall be implemented for the

953 Proposed extension of a yard associated with an existing waste transfer station at Grove House Yard, Tewkesbury Road, Upton-Upon-Severn, Worcestershire (Agenda item 6)

duration of the development.

The Committee considered a County Matter planning application for a proposed extension of a yard associated with an existing Waste Transfer Station at Grove House Yard, Tewkesbury Road, Upton-upon-Severn, 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, location of the development, landscape character and appearance, residential amenity, traffic and highway safety, ecology and biodiversity, the water environment, and other matters – economic impact.

The Head of Strategic Infrastructure and Economy concluded that as the proposed development would involve the bulking up of various sources of waste in preparation for transfer and subsequent recycling by specialist operators it would comply with the objectives of the waste hierarchy.

The proposed yard extension would be located in an existing agricultural field adjacent to a small commercial estate. Policy WCS 6 of the Worcestershire Waste Core Strategy directed waste management development to land with compatible uses and identifies greenfield land as not being a compatible land use. 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. As a result, the proposed development was considered to be in an unacceptable location contrary to Policy WCS 6 of the Worcestershire Waste Core Strategy.

Based on the advice of Worcestershire Regulatory Services, Public Health England and the Environment Agency, it was considered that the proposal would be acceptable in respect to air pollution, noise, dust impacts on residential amenity and that of human health, subject to the imposition of appropriate conditions as imposed on the extant planning permission together with a condition limiting the height of any external inert material within the designated bays.

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, however, it was also noted that the County Highways Officer raised no objections to planning permission 14/000045/CM for the extension of the Waste Transfer Station building, as the location for the approved building extension would not impact on the areas required for vehicle access, turning and parking, and no evidence had been submitted with this application to demonstrate the operation of the facility would not be feasible.

The Head of Strategic Infrastructure and Economy considered that subject to the imposition of appropriate conditions as recommended by the County Ecologist and South Worcestershire Land Drainage Partnership, that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area or that of the water environment.

It was noted that the NPPF afforded 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.

On balance, it was considered that permitting the proposed extension of a yard associated with an existing Waste Transfer Station at Grove House Yard, Tewkesbury Road, Upton-upon-Severn Worcestershire would be unacceptable in the proposed location contrary to Policy WCS 6 of the Worcestershire Waste Core Strategy; and would have an unacceptable impact upon the open countryside 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 21 and 25 of the South Worcestershire Development Plan.

The representative of the Head of Strategic Infrastructure and Economy introduced the report and commented that members had before them the comments from the local councillor, Mr R Sutton had indicated that he supported the application. Since the publication of the agenda, 2 further letters had been received from representatives of GRRATE stating that further disturbances had been

experienced by local residents as well as dust emissions. Assurance were requested that no carcinogenic material was emitted from the site. It was also stated that meetings with local residents were not held as often as stated by in the Committee report and requested enforcement action to be taken. A further letter of representation was received that supported the application stating that the site was well-run and needed more space to operate.

Mr Weyman, a Ripple Parish councillor read out the presentation to the Committee on behalf of the objectors to the application (GRRATE). He commented that the residents did not object to the lawful operation of the waste transfer site. They had campaigned for some time to ensure that the occupiers of the site operated within the terms of the current planning authorisation. In particular:

1. Compliance with the requirement only to process waste in the warehouse with the doors closed; and
2. Compliance with the prescribed operating hours.

The residents believed that the granting of the extension of the site would lead to greater difficulty in ensuring compliance with the planning permission. In particular:

1. The storage bins to the south of the site would encourage more transfer of waste outside of the warehouse, and even nearer to the residents of the village;
2. This area was acknowledged in the report to provide significant noise harm;
3. The extension of the site into the field behind made the development more visible and increased the transfer of noise and dust over Ryall Grove; and
4. The significant extension of the site meant that the headlights from vehicles would spill excess light onto the bedroom windows of the residents particularly during winter months.

The residents had offered to advise the applicant on many occasions on how to become good neighbours, but the applicant had ignored the residents' advice.

The residents did not object to the creation of a small parking area, and would ask that the applicant create some earth bunds to protect the village from noise, dust and light spilling from the site. In addition, they urged the applicant to comply with the existing operating hours and conditions. However, the application was too large, intrusive, and would only lead to a further deterioration in

relationships between the residents and the operators of the site. They therefore strongly objected to the application.

Mr Greenaway, the agent acting on behalf of the applicant addressed the Committee. He commented that operating space at the yard was limited and this application would allow the creation of more space to allow work to take place in a safe environment with less impact on neighbours. Indeed the proposed landscape screening would be beneficial for local residents. The recommendation for refusal was on balance and he considered that the benefits of the application outweighed any negative impact. The only reason put forward for refusal related to a conflict with a Waste Core Strategy concerning new waste transfer stations. As the application was for an extension to an existing waste transfer station there was no basis for this refusal reason. The appeal decision related to a completely different site with a different set of circumstances that had no bearing on this application. There was considerable Policy support for the application in the NPPF, the SWDP and the Waste Core Strategy. None of the statutory consultees had raised any objections to the application.

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

- In response to a query, the representative of the Head of Strategic Infrastructure and Economy considered that contrary to the views of the applicant, the appeal decision supported the argument that Policy WCS 6 of the Waste Core Strategy applied to the extensions to existing waste transfer facilities. The site which was subject to the appeal was similar in nature to this site
- In response to a query, the representative of the Head of Strategic Infrastructure and Economy indicated that there was no evidence provided by the applicant to show that they had considered more compatible sites for this facility elsewhere
- Concern was expressed about the level of enforcement action taken at the site. The representative of the Head of Strategic Infrastructure and Economy commented that officers had and would continue to monitor activities on the site
- The proposed extension was too close to residential properties and was too large for its greenfield location and should be refused.

954 Proposed new two-form entry first school with associated external areas including access road, hard play, grass pitches, forest schools area, and parking on land at Brockhill East, adjacent to Lowan's Hill Farm, Redditch, Worcestershire (Agenda item 7)

RESOLVED that planning permission be refused for the proposed extension of a yard associated with an existing Waste Transfer Station at Grove House Yard, Tewkesbury Road, Upton-upon-Severn, 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; and
- b) The proposal is considered to have an unacceptable impact upon the open countryside 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 21 and 25 of the South Worcestershire Development Plan.

The Committee considered an application under Regulation 3 of the Town and Country Planning Regulations 1992 for a new two-form entry First School with associated external areas including access road, hard play, grass pitches, forest schools area, and parking on land at Brockhill East, adjacent to Lowan's Hill Farm, Redditch, 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 Green Belt, visual impact and residential amenity, sports provision, water environment, ecology and biodiversity, traffic and highway safety, sustainable development, and other matters – crime, historic environment, contaminated land and consultation.

The Head of Strategic Infrastructure and Economy concluded that the proposal was wholly located within the West Midlands Green Belt. The Head of Economy and Infrastructure considered that due to the need to replace the existing Holyoakes Field First School due to the anticipated growth in pupil numbers and the condition of the existing school and lack of space to develop on the existing school site, together with the limited number of sites available within the School Catchment Area, it was considered that Very Special Circumstances had been demonstrated that would outweigh the harm to the Green

Belt.

Under the Town and Country Planning (Consultation) (England) Direction 2009, the County Council was required to consult the Secretary of State for Communities and Local Government on new buildings in the Green Belt it intended 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. As the proposed new school would create about 1,990 square metres of floorspace if this Committee was minded to approve the application, this Council must consult the Secretary of State for Communities and Local Government. The Council might not grant planning permission until the Secretary of State had notified the Council that he did not intend to call in the application for his own determination.

The Head of Strategic Infrastructure and Economy considered that subject to the imposition of appropriate conditions, that the scale, massing and design of the proposed development would not have an adverse or detrimental impact upon the character and appearance of the local area, providing a local landmark and focal point. Furthermore, it was considered that the development would not cause any unacceptable overbearing, overshadowing or overlooking implications that detracts from residential amenity due its design, size and location.

The proposed playing pitches would be in accordance with the Football Association's guidance (Football pitch for under 11's/12's to measure 73 metres long by 46 metres wide and a Football: Mini Soccer pitch for under 7's/8's to measure about 37 metres long by 27 metres wide). Consequently, the Head of Strategic Infrastructure and Economy was satisfied that the proposed playing pitches were fit for purpose.

Based on the advice of North Worcestershire Water Management, the Lead Local Authority and Severn Trent Water Limited, it was considered that subject to the imposition of a condition requiring a foul drainage scheme that there would be no adverse effects on the water environment.

Based on the advice of Natural England, Worcestershire Wildlife Trust and the County Ecologist it was considered that subject to the imposition of appropriate conditions that the proposed development would have no adverse

impacts on the ecology and biodiversity at the site or in the surrounding area, and would enhance the application site's value for habitats, species, biodiversity and wildlife corridors.

Based on the advice of the County Highways Officer, the Head of Strategic Infrastructure and Economy was satisfied that the proposal would not have any adverse impacts upon traffic or highway safety, subject to the imposition of appropriate conditions.

The proposal included a number of sustainable measures such as high insulation levels, installation of PV panels and a green roof, natural ventilation and a SuDS scheme. The Head of Strategic Infrastructure and Economy, therefore, considered that the proposal was a sustainable development, in accordance with the NPPF in relation to its presumption in favour of sustainable development.

Taking into account the provisions of the Development Plan and in particular Policies CS.1, CS.2, CS.7, CS.8, S.1, B(BE).13, B(BE).19, B(NE).1, B(NE).1a, B(NE).3, B(NE).10b, L.1, B(RA).1, C(CF).1, C(T).12, R.1 and R.5 of the adopted Borough of Redditch Local Plan No.3, and Policies 1, 2, 3, 5, 8, 11, 13, 15, 16, 17, 18, 19, 20, 36, 37, 39, 40 and 46 of the Draft Borough of Redditch Local Plan No.4, it was considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

The representative of the Head of Strategic Infrastructure and Economy introduced the report and commented that members had visited the existing Holyoakes Field First School and observed both sides of the site. Members visited the site of the proposed new school, walking along the edge of Lowan's Hill Farm. There was a mistake in the numbering of the proposed conditions that would be corrected if the proposal was agreed.

Mr Lalor, an objector to the application was unable to address the Committee, his letter of representation was made available to members of the Committee.

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

- Mr Lunn, a local councillor commented that the relocation of the school was vital for its future success. The current building was not big enough and was hindering the education of its pupils especially as pupil numbers had increased as a

result of the housing development in the area. The proposal would also provide much needed social facilities. He accepted that there would be parking issues at the start and close of the school day and urged that consideration be given to the provision of yellow lines along Cookridge Close. He supported the request from local residents for a formal footpath to enable people to walk from Oversley Close. In response the representative of the County Highways Officer commented that if members were minded to consider the introduction of a Traffic Regulation Order (TRO) for Cookridge Close, she would suggest that a TRO should be promoted rather than enforced because it was possible that an application for a TRO might not be successful, which might cause difficulties in the future

- Concern was expressed that Cookridge Close was not wide enough to allow larger vehicles to access the proposed new school
- The proposed new school would be situated at the top of a hill and it was important that Cookridge Close was on a gritter route or that grit bins were provided. The representative of the County Highways Officer confirmed that Cookridge Close was on a gritting route
- There was a Royal Observer Corps monitoring post on the perimeter of the site which could have a shaft within it. It was important that for the health and safety of the children at the school that the shaft was made secure before the school was opened. The representative of Head of Strategic Infrastructure and Economy stated that the building was outside the application site. Dermot Galvin, a representative of Jacobs, the agents acting on behalf of the applicant undertook to raise the matter with Persimmons Homes, the landowner
- It was agreed that an additional condition be added to promote the introduction of a TRO on Cookridge Close
- The proposed new school building was well-designed and had low impact on the surrounding area
- How much of the soil from the site would need to be removed elsewhere? Dermot Galvin stated every effort had been made to work within the contours of the site to minimise cut and fill operations because of the costly nature of soil removal. However there would be a necessity to remove some soil from the site

- In response to a query about the height of the school, Dermot Galvin commented that Lowan's Hill Farm was higher than any part of the proposed school site
- In response to a query about access to the school from Weights Lane, the representative of the County Highways Officer indicated that in Phase 1 of the plans for housing development, the access road to the school would be a cul-de-sac. It was intended that for Phase 3, the access would be a through road. It was not possible to give a precise timescale because it depended on the development plans of Persimmons Homes who owned the land
- Access to schools was a general problem across Worcestershire. The Council should encourage children to walk to school and this would be picked up by the School Travel Plan.

RESOLVED that the Committee resolves that they are minded to grant planning permission for a new two-form entry First School with associated external areas including access road, hard play, grass pitches, forest schools area, and parking on land at Brockhill East, adjacent to Lowan's Hill Farm, Redditch, Worcestershire, and recommends that the application be referred to the National Planning Case Work Unit in accordance with the Town and Country Planning (Consultation) (England) Direction 2009, as the proposal is a departure from Green Belt Policy and if the Secretary of State does not wish to intervene planning permission be granted, 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) Planning 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 Drawings Numbered: BW10099L A DG-P01, BW10099L A DG-P02, BW10099L A DG-P03, BW10099L A DG-P04, BW10099L A DG-P05, BW10099L A DG-P06, BW10099L A DG-P07 and BW10099L A DG-P08, except where otherwise stipulated by

conditions attached to this permission;

- d) Prior to the occupation of the development hereby approved, details of the Photovoltaic Panels to be installed as part of the approved development shall be submitted to and approved in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;
- e) 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;
- f) Notwithstanding any indication of the materials, which may have been given in the application, within 3 months of the commencement of the development hereby approved, a schedule and/or samples of the materials and finishes for the school building shall be submitted to and approved in writing by the County Planning Authority. Thereafter the development shall be carried out in accordance with the approved details;
- g) Notwithstanding the submitted details; a scheme for any external lighting shall be submitted to and approved in writing by the County Planning Authority within 6 months of the commencement of the development hereby approved. Such details shall include their design, size, colour finish and location. Thereafter the development shall be carried out in accordance with the approved details;
- h) All existing trees, shrubs and hedgerows indicated to be retained shall be protected by suitable fencing in accordance with BS5837:2012 No materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence. In the event of any trees, shrub or hedgerows being damaged or removed by the development, it shall be replaced in the next planting season;
- i) No development shall commence until a Construction Environmental Management Plan (CEMP) for Biodiversity has been submitted to

and approved in writing by the County Planning Authority. The approved CEMP shall be implemented for the duration of the construction phase. The CEMP shall include the following:

- i. Risk assessment of potentially damaging construction activities;
- ii. Identification of “biodiversity protection zones”;
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- iv. The location and timing of sensitive works to avoid harm to biodiversity features;
- v. The times during construction when specialist ecologists need to be present on site to oversee works;
- vi. Responsible persons and lines of communication;
- vii. The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person;
- viii. Use of protective fences, exclusion barriers and warning signs;

j) Within 6 months of the commencement of the development hereby approved, an Ecological Management Plan (EMP) shall be submitted to and approved in writing by the County Planning Authority. The EMP shall include the following:

- i. Details of hedgerow gap planting or new hedgerow creation (native species selection, planting density and establishment care);
- ii. Location and specification of ten bird boxes (fitted to appropriate soft landscape features and onto and within the fabric of the new building);
- iii. Location and specification of five general purpose bat boxes (fitted both to the retained oak tree and within the fabric of the new building);
- iv. Location and specification of two hedgehog houses and hedgehog access within boundary fencing;
- v. Specification and location of 'habitat

- piles' (such as insect refuges);
- vi. Detailed planting scheme and specification shall include locations, seed mixes, species, sizes, spacing, ratios and planting densities with associated establishment and aftercare provision. The approved planting scheme shall be implemented within the first available planting season (the period between 31 October in any one year and 31 March in the following year) on 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 on an annual basis, in the next planting season with others of a similar size and species;

Thereafter, the development shall be carried out in accordance with the approved details;

- k) Once installed all features (including wildlife boxes) as specified within the EMP (Condition J above) shall be maintained and if required replaced for a period of no less than five years following completion of the development hereby approved;
- l) Within 3 months of the commencement of the development hereby approved, a scheme for foul drainage shall be submitted to, and approved in writing by the County Planning Authority. The scheme shall be implemented in accordance with the agreed details before the development is first brought into use;
- m) The development hereby approved shall be carried out in accordance with the submitted Holyoakes School Surface Water Drainage Statement and accompanying drawings numbered: RBA-HOS-006, RBA-HOS-007, RBA-HOS-008 and RBA-HOS-009;
- n) Notwithstanding the submitted details, the development hereby approved shall not be brought into use until a School Travel Plan that promotes sustainable forms of access to the school site, has been submitted to and approved in writing by the County Planning

Authority. Thereafter the Travel Plan shall be implemented and updated in agreement with Worcestershire County Councils Travel Plan Co-ordinator;

- o) Notwithstanding the submitted details, the development hereby approved shall not be brought into use until details for secure parking for at least 30 scooters has been submitted to and approved in writing by the County Planning Authority. Thereafter the development shall be carried out in accordance with the approved details;**
- p) The development hereby approved shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been provided and clearly delineated on the ground as indicated on the approved plan;**
- q) The development hereby approved shall not be brought into use until details of the provision of dropped kerbs and a pedestrian crossing point to cross Hewell Road have been submitted to and approved in writing by the County Planning Authority, and the works have been completed in accordance with the approved scheme;**
- r) No development shall commence until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved by the County Planning Authority in writing. The scheme shall include an assessment of significance and research questions and:
 - i. The programme and methodology of site investigation and recording;**
 - ii. The programme for post investigation assessment;**
 - iii. Provision to be made for analysis of the site investigation and recording;**
 - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation;**
 - v. Provision to be made for archive deposition of the analysis and records of the site investigation;**
 - vi. Nomination of a competent person or****

persons/organisation to undertake the works set out within the Written Scheme of Investigation;

- s) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition r) above and the provision made for analysis, publication and dissemination of results and archive deposition has been secured;
- t) No development shall commence other than that required to be carried out as part of an approved scheme of remediation, until parts 1 to 4 have been complied with:
1. Previous reports submitted to the County Authority in support of the application have identified unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the County Planning Authority prior to being undertaken to address those unacceptable risks identified. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11";
 2. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report shall be submitted to and approved in writing by the County Planning Authority prior to any development taking place. The investigation and risk assessment

must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11";

- 3. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors, shall be submitted to and approved in the County Planning Authority. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation;**
- 4. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation;**
- 5. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the County Planning Authority prior to the occupation of the development hereby approved; and**
- 6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the County Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared and shall be submitted to and approved in writing by the County Planning Authority. Following the completion of any measures identified in the approved remediation scheme a**

validation report must be submitted to and approved in writing by the County Planning Authority prior to the occupation of the development hereby approved.

v) To promote the introduction of a Traffic Regulation Order on Cookridge Close.

955 Proposed new single storey 1 form entry primary school accommodating reception to year 6 at Malvern Vale Primary School, Swinyard Road, Malvern Vale, Malvern, Worcestershire (Agenda item 8)

The Committee considered an application under Regulation 3 of the Town and Country Planning Regulations 1992 for a new single storey 1 Form Entry Primary School accommodating Reception to Year 6.

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 need for the school, residential amenity, traffic and highway safety, building design, playing field, landscape character and appearance of the area, ecology and biodiversity, and water environment.

The Head of Strategic Infrastructure and Economy concluded that on balance, in terms of the main issues to be considered in the determination of this application, the proposal would be acceptable.

In terms of need for the school, the development plan and the NPPF gave significant weight to the need to create new schools. The need for the school had been established.

The proposal would also be acceptable in terms of residential amenity. The height of the school would not be inappropriate in terms of the development plan. Concerns regarding litter would be a management issue for the school.

The Head of Strategic Infrastructure and Economy noted the concerns regarding traffic and highways safety. The County Highways Officer had raised no objections. Parking provision would accord with Worcestershire County Council's Highway Standards adopted in February 2016. On balance, the proposal would be acceptable in terms of traffic and highways safety, and would accord with the sustainable travel policies of the development plan.

The proposal would accord with the development plan in terms of building design. The design philosophy accords with many sustainable design principles. Concerns regarding materials and elevations would be addressed through the imposition of appropriately worded conditions.

In terms of the playing field, Sport England's condition would ensure community use in accordance with the existing S106 agreement. The Head of Strategic Infrastructure and Economy considered that the proposal to fence and separate the junior and adult pitches would not be the ideal situation and would prefer a management solution, although the important consideration of the need to safeguard children was acknowledged.

The proposal would be acceptable in terms of landscape character and appearance of the area. Concerns regarding the maintenance of the landscaping would be addressed through a condition.

In terms of ecology and biodiversity, the proposed sedum roof and landscaping weighed significantly in the proposal's favour, and accorded with the development plan. Therefore, the Head of Strategic Infrastructure and Economy considers that the proposal would be acceptable in terms of ecology and biodiversity.

The proposal would be located in Flood Zone 1 (a low risk zone). Consultees had no objections in terms of the water environment. The proposal would, therefore, be acceptable in terms of the water environment.

Taking in to account the provisions of the Development Plan and in particular Policies SWDP 1, SWDP 2, SWDP 4, SWDP 21, SWDP 22, SWDP 23, SWDP 25, SWDP 27, SWDP 28, SWDP 29, SWDP 30, SWDP 31, SWDP 33, SWDP 37, and SWDP 39, and SWDP 62 of the South Worcestershire Development Plan it was considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

The representative of the Head of Strategic Infrastructure and Economy commented that members had visited the site and observed the site from the car park adjacent to the Community Centre and walked along Swinyard Road, observing the proximity to the Malvern Hills and residential properties. Mr Tuthill, the local councillor for a

neighbouring division had indicated his support for the proposal.

Mrs Jones, an objector to the application addressed the Committee. She commented that she was addressing the Committee on behalf of the Malvern Vale Residents Group. She stated that there were a number of concerns relating to parking/traffic at the site. The number of staff car parking spaces had reduced from the original plans and did not include a disabled parking space. The lack of parking for parents was a concern. Although the car park of the Community Centre was nearby, the Community Centre held a number of events during the day and was very busy. The access road was narrow and winding with a number of traffic management restrictions. There was insufficient parking for local residents and as a result parking took place on the roadside. Swinyard Road was used as an access road for the local supermarket with large vehicles driving along it at all times of the day. Emergency vehicles struggled to access the estate. Local residents argued that consideration of this application should be deferred until issues relating to parking had been addressed.

In response to Mrs Jones' presentation, the following point was made:

- How frequently was the 50 space car park at the Community Centre full during the day? Mrs Jones responded that the car park was not full every day each week however there were activities at the Centre throughout the day therefore cars were continually entering and leaving the car park. She was also concerned that the car park would be used as an overflow for parking for the local supermarket
- Dermot Galvin from Jacobs, the agent acting on behalf of the applicant commented that it was possible that one of the nine staff car parking spaces could be converted to a disabled parking space. Unfortunately the site was constrained and there was insufficient space for more than 9 staff car parking spaces without compromising the plans for the building. There had long been a relationship to share facilities with the Community Centre and it was hoped that this would continue into the future.

In the ensuing debate the following principal points were raised:

- Concern was expressed about the safety of children at the front of the school building and perhaps railings could be introduced to prevent children running across Swinyard Road from the main entrance. In addition Malvern Hills District Council should look to release car parking spaces from the Community Centre to the school. The representative of the County Highways Officer explained that Swinyard Road had been specifically designed to be winding to keep traffic speeds down. Council policy had now changed and it was no longer recommended that railings be introduced for safety reasons due to children being trapped on the wrong side of them
- Unfortunately despite the best efforts of School Travel Plans, parents still persisted in driving children to school
- Were there any 20 mile per hour speed restriction notices along the access road? The representative of the County Highways Officer commented that there were no speed restrictions on Swinyard Road. The road had been designed to make it difficult for motorists to travel faster than 20mph. It was possible to make a Traffic Regulation Order restricting speed however this was not supported by the Police due to enforcement issues and therefore she would not recommend it
- It was important to ensure that large vehicles delivering to the local supermarket were prevented from parking on the roadside. Duncan Rudge, a Planning Officer from Malvern Hills District Council stated that supermarket vehicles tended to pull round in front of the store to unload. He was not aware of any unloading taking place on the highway
- Duncan Rudge indicated that the adult and junior pitches would be surrounded by a perimeter fence. In addition he referred to the concerns expressed by Sport England about the plans to separate the pitches with a fence. The representative of the Head of Strategic Infrastructure and Economy stated that he would prefer that a management solution be found for the pitches without the need for partitioning. Dermot Galvin recognised that there was an issue with flexibility if a fence was installed however the applicant was adamant that the fence was necessary for safeguarding reasons. The applicant was particularly concerned about the OSTED inspection and the school's ability to

satisfy their safeguarding requirements. If there was an alternative solution that satisfied the concerns of OFSTED then he would be willing to look at it

- The Committee agreed that a fence dividing the adult and junior pitches should be included in the plans for the safeguarding of children on the site.

RESOLVED that planning permission be granted for the proposed construction of a new single storey 1 Form Entry Primary School accommodating Reception to Years 6 at Malvern Vale Primary School, Swinyard Road, Malvern Vale, Malvern, Worcestershire, WR14 1GU, 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) Planning 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 Drawings Numbered: BW10100L A-DG-0006 Rev. C, BW10100L A-DG-0100 Rev. D, BW10100L A-DG-0101, BW101001L A-DG-0106, BW10100L A-DG-0201 Rev. A, BW10100L A-DG-0202 Rev. A, BW10100L A-DG-0203, and BW10100L A-M3-0250 except where otherwise stipulated by conditions attached to this permission;

Details

- d) Notwithstanding any indication of the materials, which may have been given in this application, prior to the construction of the development hereby approved, a schedule and/or samples of the materials and finishes for the development shall be submitted to and agreed in writing by the County Planning Authority. Thereafter the development shall be carried out in accordance with the approved details;
- e) No development shall take place until a schedule and or samples of all surfacing materials has been submitted and agreed in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the

approved details;

- f) No development shall take place until details of the external bin store have been submitted to and agreed in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;
- g) No development shall take place until design details for the school's north-west elevation have been submitted to and agreed in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;
- h) Notwithstanding the submitted details, details of all site boundary walls and fences shall be submitted to and agreed in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;
- i) Details of any lighting to be installed at the site shall be submitted to the County Planning Authority for approval in writing prior to being erected. These details shall include:-
 - i. Height of the lighting posts
 - ii. Intensity of the lights
 - iii. Spread of light (in metres)
 - iv. Any measure proposed to minimise the impact of the lighting or disturbance through glare; and
 - v. Times when the lighting would be illuminated;

Drainage

- j) The development shall be carried out in accordance with the drainage strategy outlined in section 2.9.3 of the document titled "Design & Access Statement for a New 1 FE Primary School";

Landscaping

- k) Notwithstanding the submitted details, prior to the completion of the development, 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 shall be submitted to and approved in writing by the County Planning Authority. The scheme shall be 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;

Ecology and Biodiversity

- l) In the unlikely event that any protected species are found on the site during the works then all works must cease immediately and the advice of a suitably qualified ecologist must be sought prior to works re-commencing;**

- m) No removal of vegetation shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority;**

- n) Within 6 months of the completion of the development, specifications for site enhancement, in line with Appendix 4 of the Preliminary Ecological Appraisal submitted with this application, should be submitted to the County Planning Authority for approval in writing. Thereafter, the specifications shall be implemented in accordance with the approved details within 3 months of approval being received. Enhancement measures will be maintained appropriately for a period of no less than 5 years after the installation of the approved measures;**

Playing Field

- o) Prior to the occupation of the development hereby approved, a joint use agreement between the primary school governing body and the District Council shall be entered into following approval in writing by the County Planning Authority in consultation with Sport England. The agreement shall apply to the Junior sized football pitch and include details of pricing policy, hours of use, management responsibilities and a mechanism for review. The approved scheme shall be implemented in accordance with an agreed timetable;**

Highways

- p) The development hereby permitted shall not be brought into use until the applicant has submitted to and had approved in writing by the County Planning Authority a travel plan that promotes sustainable forms of access to the site. The approved plan shall be implemented and updated in agreement with Worcestershire County Council's Travel plan co-ordinator;**
- q) The development hereby permitted shall not be brought into use until the access, turning area, and parking facilities shown on drawing number "BW101100L A-DG-0100 Rev. D: Ground Floor Plan" have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the County Planning Authority. These areas shall thereafter be retained and kept available for users at all times;**
- r) The development hereby permitted shall not be brought into use until the applicant has submitted to and had approved in writing by the County Planning Authority details of 1 accessible car parking space for use by the disabled. The space shall be satisfactorily identified and reserved solely for that purpose;**
- s) The development hereby permitted shall not be brought into use until the applicant has submitted to and had approved in writing by the County Planning Authority details demonstrating that a cycle shelter has been installed in accordance with the drawing titled "BW10100L A-**

DG-0106 Rev. A: External Works – Proposed Fencing and External Signage" submitted to the County Planning Authority on Friday 3 June 2016;

Construction

- t) 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; and**
- u) No development shall take place until details of measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway have been submitted to and approved in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved measures.**

956 Proposed formation of an earth bund containing about 150,000 Tonnes of soils on land to the south of B4636 and east of M5 Motorway, Spetchley, Worcestershire (Agenda item 9)

Mrs P Agar in the Chair.

The Committee considered a County Matter planning application for the formation of an earth bund containing about 150,000 tonnes of soil on land to the south of B4636 and east of M5 Motorway, Spetchley, 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 Planning Development Control Manager'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 economic impact.

The Planning Development Control Manager concluded that 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 NPPF was a material consideration in planning decisions. The reason why the Development Plan was at the heart of the planning system was because it was the forum where the need for new development was identified, and also where it would

be inappropriate. The plan would have been through public consultation, and would have been subject of independent examination.

The key development plan policy to be considered in the determination of this planning application was that of Policy WCS 5 of the adopted Worcestershire Waste Core Strategy. Policy WCS 5 of stated that "no capacity gap has been identified for the landfill or disposal of waste".

The applicant stated that "on the examination of the available inert landfill sites in the County and the most up to date information on landfill sites from the Environment Agency has indicated, on the basis of the 2014 input rates, that the amounts of inert waste arising would fill available void space in just over 4 years. Between 2019 and the end of the plan period in 2027 there would be an inert landfill capacity gap with available void space exhausted, unless new facilities are approved, and therefore the expectations of the Waste Core Strategy would not be realised. Further inert landfill capacity is justified and this proposal would help fill the identified capacity gap and maintain self-sufficiency in the plan area up to 2027".

In response to the applicant's comments that there was a capacity gap in Worcestershire for inert landfill, the Planning Development Control Manager examined the applicant's suggested figures in detail and considers that it appeared the applicant had made a typographical error in their calculation of inert infill rates within the County, noting that the applicant suggested that Summerway Landfill Site, near Stourport had received 725,850 cubic metres of infill material. However, it appeared that this figure was actually the void space remaining rather than the inert infill figures. The Environment Agency had confirmed that the Summerway Landfill Site received approximately 2,150 cubic metres in 2014, not 725,850 cubic metres as suggested by the applicant, and no wastes were landfilled in 2015 as the operator had been creating a new landfill cell. The Environment Agency also confirmed that the latest publicly available data was that of the Environment Agency's Waste Interrogator data (2014). This was the data that underpinned the County Council's AMR. The County Council's Planning Monitoring and Enforcement Officer subsequently visited the site and confirmed that very limited inert materials had been landfilled over the past 2 years and the operator suggested about 2,000 cubic metres of inert material had been landfilled, which was in accordance with the Environment Agency's comments.

The supporting text to Policy WCS 5 stated that "the decision on whether proposals are a form of disposal will be guided by the Environment Agency's advice". This was contained within the document: RGN13: Defining waste recovery: permanent deposit of waste on land. Appendix 1 of RGN13 gives examples of when the Environment Agency considered a particular activity could be considered a recovery operation rather than disposal operation. Appendix 1 stated that "bunds can be created for a number of purposes. Evidence must be presented that shows the bund is needed. This would include setting out the benefits that would be derived when the work is complete, and justifying that there was a genuine need for the bund...if a very large bund is proposed, but the benefits derived from installing it are marginal, this would point more towards a disposal operation".

Therefore, for the proposal to be considered a recovery operation rather than a waste disposal operation, the applicant had to demonstrate a clear benefit to the deposit of waste soils in this location.

It was noted that the application was accompanied by a Noise Overview Assessment, which concluded that "whilst some acoustic screening of short segments of the M5 Motorway to specific receptors points would occur, there would be little or no additional screening from the majority of the section of the M5 Motorway from which noise currently contributes to the local noise environment at individual noise-sensitive locations. Accordingly, the overall reduction in noise would be very slight and it is unlikely the reduction would be perceptible". Therefore, the Planning Development Control Manager considered that the proposal would provide negligible noise attenuation benefits.

The submitted Landscape and Visual Appraisal concluded that "there would be temporary short-term adverse impacts on the landscape and visual character of the site while the works are being undertaken, due to the increased vehicle movements and the presence of construction vehicles and bare soil on the site. However, in the medium to longer-term the proposal could be accommodated without harm to the wider landscape, and in a manner consistent with existing landscape pattern and character evident in the surroundings". Therefore, the Planning Development Control Manager considered that the proposal would provide a neutral impact upon the landscape, subject to the imposition of appropriate

conditions.

The submitted Ecology Assessment concluded that "the landscape proposals will create habitat enhancements in the medium-term with the provision of grassland and woodland planting of greater ecological value than the existing arable fields". Therefore, the Planning Development Control Manager considered that the proposal would provide minor ecology and biodiversity benefits.

Furthermore, it was noted that the applicant states that the proposal "provides an opportunity to dispose of the waste soil within Worcestershire" and the Planning Development Control Manager was not convinced that the development would likely proceed should this waste material not be available, particularly as the applicant only proposed to construct part of the bund if the Retail Park development was not granted planning permission. This, therefore, suggested that the bund was only required for a means of disposal of waste material. In view of above matters, the proposal was considered a disposal operation. Policy WCS 5 goes on to state that "planning permission will not be granted for the landfill or disposal of waste except where it is demonstrated that:

- I. re-use, recycling, or energy or resource recovery are not practicable for the waste type to be managed and no landfill or disposal capacity exists in the county for that type of waste; or
- II. there will be a shortfall in landfill or disposal capacity necessary to achieve the aims and purpose of the strategy; or
- III. the proposal is essential for operational or safety reasons or is the most appropriate option".

It was considered that parts i) and ii) of Policy WCS 5 did not apply to the proposal and therefore, for the proposal to conform with this Waste Core Strategy Policy the applicant must demonstrate that the proposal was essential for operational or safety reasons or is the most appropriate option.

As indicated earlier, it was considered that there would be no clear noise attenuation benefits from the construction of the earth bund in this location; it was considered the proposal would have a neutral impact upon the landscape, subject to the imposition of appropriate conditions; and only minor benefits in terms of ecology and biodiversity were anticipated. It was considered that the proposal overall would provide minor

drainage benefits in terms of reducing the reliance of the existing site on the M5 Motorway drainage infrastructure, thereby enhancing the resilience of the Strategic Road Network. It was also considered that the proposal would help to facilitate the development of the Worcester 6 site, which was identified as a key project in the Worcestershire LEP Business Plan; as an 'Economic Game Changer site' in the Strategic Economic Plan (SEP); and was allocated within the South Worcestershire Development Plan (Policy SWDP 45 / 6). It was noted that the NPPF afforded significant weight to be placed on the need to support economic growth through the planning system.

Furthermore, the proposal would limit the distance HGV's had to travel on the public highway to dispose of the waste soils to an appropriate licenced facility or recovered for beneficial purposes in other projects. Notwithstanding this, the Planning Development Control Manager was not satisfied that the limited benefits of this proposal when taken individually or as a whole demonstrated that "the proposal is essential for operational or safety reasons or is the most appropriate option", as set out in part iii) of Policy WCS 5 of the adopted Worcestershire Waste Core Strategy. Therefore, it was considered that there would not be a clear benefit for the construction of an earth bund in this location that would override Policy WCS 5 of the adopted Waste Core Strategy and the key principle of the waste hierarchy.

In addition, the Environment Agency stated that this "application appeared to be seeking a convenient disposal point for inert construction waste from projects in the locality. This made it a simple landfill disposal activity. There appeared to be no other justification proposed. This put the proposed use at the bottom of the Waste Hierarchy as the least preferred option. Waste management options arising from the Retail Park and Worcester 6 site could have better been evaluated as part of thinking over those proposals rather than requiring a separate proposal for landfill disposal"... This application to build a "Bund" seemed to be because of the intention to avoid traditional landfill with the additional cost. It was also noted that the County Minerals and Waste Management Planning Policy Officer objected to the proposal as it was considered contrary to the vision, objectives and policy of the adopted Worcestershire Waste Core Strategy.

Whilst the applicant considered that the "proposals are specifically related to an identified local need and are not

designed to serve any general inert landfill demand, and therefore, would not set a precedent" and it was acknowledged that the NPPF reiterated that applications for planning permission must be determined in accordance with the development plan unless material considerations indicated otherwise; and each application must also be considered on its own merits. The Planning Development Control Manager considered that should this application be granted planning permission, it would set an undesirable precedent which would encourage further landfill/landraising applications to dispose of construction waste in the countryside potentially creating alien landforms without any clear benefits, undermining Policy WCS 5 of the adopted Worcestershire Waste Core Strategy. As the benefits of this proposal, principally being adjacent to the construction site would apply to most if not all major development sites in Worcestershire that were close to greenfield sites. Furthermore, the County Minerals and Waste Management Planning Policy Officer considered that appropriate disposal of waste must be considered to be an essential component of the design and business case for any and particularly significant developments. No overriding factors had been demonstrated in this case, and it was considered that the waste arising from the Worcester 6 site and Retail Park development (should it be granted planning permission) should be appropriately disposed of or recovered for a beneficial purpose, as would be expected of all developments in the county.

On balance, it was considered that granting the formation of an earth bund on land to south of B4636 and east of M5 Motorway, Spetchley, Worcestershire, would be contrary to Policy WCS 5 of the adopted Worcestershire Waste Core Strategy, as the proposal would be a waste disposal operation, with no clear benefits that outweigh the harm of not driving waste up the waste hierarchy.

The Planning Development Control Manager introduced the report and commented that since the last report to the Committee, Highways England had withdrawn their objection. In addition, there had been a couple of changes to the plans as the gradient of the bund had increased and the applicant was intending to use 18 tonne vehicles instead of 20 tonne vehicles which would increase the number of vehicle movements to and from the site.

In the ensuing debate, it was commented that it was inappropriate for soil to be deposited at this site from other sites contrary to Policy WCS 5 of the adopted

Worcestershire Waste Core Strategy.

RESOLVED that planning permission be refused for the formation of an earth bund on land to south of B4636 and east of M5 Motorway, Spetchley, Worcestershire for the following reason:

The proposal is considered to be a waste disposal operation that would not drive waste up the waste hierarchy, contrary to Policy WCS 5 of the adopted Worcestershire Waste Core Strategy.

The meeting ended at 12.20pm

Chairman