

Planning and Regulatory Committee

Tuesday, 4 December 2018, County Hall, Worcester - 10.00 am

Present:

Minutes

Mr R C Adams (Chairman), Ms P Agar, Mr R M Bennett, Mr G R Brookes, Mr P Denham, Mr A Fry, Mr I D Hardiman, Mr P B Harrison, Mrs A T Hingley, Dr C Hotham, Mrs J A Potter, Prof J W Raine, Mr C Rogers and Mr P A Tuthill

Available papers

The Members had before them:

- A. The Agenda papers (previously circulated); and
- B. The Minutes of the meeting held on 25 September 2018 (previously circulated).

1004 Named Substitutes (Agenda item 1)

None.

1005 Apologies/ Declarations of Interest (Agenda item 2)

An apology was received from Mr J A D O'Donnell.

Mr R A Adams declared an interest in agenda items 5 and 6 as he was known to the landowners of both applications through his capacity as a local farmer.

1006 Public Participation (Agenda item 3)

None.

1007 Confirmation of Minutes (Agenda item 4)

RESOLVED that the Minutes of the meeting held on 23 October 2018 be confirmed as a correct record and signed by the Chairman.

1008 Proposed small scale Waste Transfer Station and Materials Recycling Facility associated with a skip hire

The Committee considered a County Matter planning application for a proposed small scale waste transfer station and materials recycling facility associated with a skip hire business (Part Retrospective) at Stone Arrow Farm, Peopleton, near Pershore, 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.

business (part retrospective) at Stone Arrow Farm, Peopleton, near Pershore, Worcestershire (Agenda item 5)

The report set out the Head of Strategic Infrastructure and Economy's comments in relation to Waste Hierarchy, Location of the Development, Landscape Character and Visual Impacts, Residential Amenity (Noise, Dust, Odour, Litter and Health Impacts, Traffic, Highway Safety and Public Right of Way, Water Environment, Ecology and Biodiversity, and Other Matters.

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 Head of Strategic Infrastructure and Economy considered that on balance, given the proximity to the applicant's target market, the scale of the proposal, noting the National Planning Policy for Waste stated that Waste Planning Authorities should "drive waste management up the waste hierarchy, recognising the need for a mix of types and scale of facilities ", and the ease of access to the primary road network, the proposal would comply with Policy WCS 3 of the Worcestershire Waste Core Strategy relating to the Geographic Hierarchy.

The application site benefited from a certificate of lawful use existing for Use Class B2 (General Industrial) and planning permission for the storage of plant and machinery (construction) only and therefore, the site formed part of existing industrial land and complied with Policy WCS 6 of the Worcestershire Waste Core Strategy relating to compatible land uses.

The proposal would generally be well screened from public views of the site, due to the existing established vegetation, bunding, intervening existing Stone Arrow Farm buildings and use of the existing building. Glimpsed views of the proposal would be possible along part of the Public Right of Way (Footpath PP-522), however, such views would be seen in the context of the existing established general industrial site and storage area for plant and machinery. In view of this, it was considered that the proposed development would not have an adverse or detrimental impact upon the character and appearance of the local area, subject to the imposition of appropriate conditions.

Based upon the advice of the Environment Agency,

Worcestershire Regulatory Services and Public Health England, it was considered that the proposal would have no adverse noise, dust, odour or litter impacts upon residential amenity or that of human health, subject to the imposition of appropriate conditions.

The Head of Strategic Infrastructure and Economy was satisfied that the proposal would not have an unacceptable impact upon traffic or highway safety, subject to the imposition of conditions as recommended by the County Highways Officer and the installation of signage requiring all vehicles to turn right out of the site towards Evesham Road (A44).

The definitive route of Footpath PP-522 crossed the existing alternative site entrance. Local residents and Wychavon District Council had drawn the County Council's attention to the refusal of a previous planning application (District Ref: W/13/00100/CU). One of the grounds of refusal was that the extensive use of the access track by construction traffic could pose a risk to the safety of users of the public right of way that shared this entrance to the highway. Given the low number of vehicle movements associated with this development and that the County Footpath Officer had not objected, the Head of Strategic Infrastructure and Economy was satisfied that the proposal would not have an unacceptable impact upon the Public Right of Way.

Based on this advice of the Lead Local Flood Authority and Severn Trent Water Limited, it was considered that there would be no adverse effects on the water environment, subject to the imposition of a condition requiring details of the proposed underground storage tank.

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

Taking into account the provisions of the Development Plan and in particular Policies WCS 1, WCS 2, WCS 3, WCS 6, WCS 8, WCS 9, WCS 10, WCS 11, WCS 12, WCS 14 and WCS 15 of the Adopted Worcestershire Waste Core Strategy and Policies SWDP 1, SWDP 2, SWDP 4, SWDP 6, SWDP 8, SWDP 12, SWDP 21, SWDP 22, SWDP 24, SWDP 25, SWDP 28, SWDP 29, SWDP 30 and SWDP 31 of the Adopted South

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

The representative of the Head of Strategic Infrastructure and Economy introduced the report and commented that on 31 August 2015, the Department for Communities and Local Government published a planning policy statement on green belt and intentional unauthorised development and made intentional unauthorised development a material consideration to be weighed in the determination of planning applications and appeals. There was no evidence before the Committee to suggest that the retrospective element of this scheme was intentional and unauthorised and in any event the weight to be given to this policy statement was limited, given that it had not been included in the revised National Planning Policy Framework (NPPF). The application should therefore be determined on its own merits.

He indicated that members had visited the site and observed the lean-to building where it was proposed to sort the waste and the proposed alternative access.

He reported that since the publication of the report, a letter had been received from a local district councillor drawing attention to the planning history of the site and, local concerns including the dumping of waste across the whole farm and waste being brought in as part of this application being dumped on farm land. She also reported concerns about fly-tipping of material on the adjacent farm land near the village of Peopleton and objections on the grounds of noise, light pollution, working hours and hazardous materials. She requested that if planning permission was granted that conditions be added to control noise, dust and odour emissions.

In the ensuing debate, the following points were made:

- The local councillor emphasised the importance of focusing on the application before the Committee which was only a small part of the activities that took place on the site. It would be beneficial to provide a new access to the site given the location of the existing access and with the amount of traffic travelling along the C2115 to and from the village of Peopleton. The main problem had been the history of the site and ongoing issues associated with the previous permissions granted by Wychavon District Council. It was therefore

important, should this application be approved, that it was subject to appropriate conditions and effectively monitored. Any monitoring arrangements should be undertaken in close liaison with the district council

- In response to a query, the representative of the Head of Strategic Infrastructure and Economy indicated that it was understood that the applicant had yet to receive a permit from the Environment Agency (EA). It was not unusual for applications of this small scale to receive planning permission to establish the principle for the development in advance of any permit submission
- In response to a concern expressed about the proposed throughput and the number of vehicle movements, the representative of the Head of Strategic Infrastructure and Economy commented that the applicant had confirmed that 5,000 tonnes of material would be the maximum throughput. The applicant did not expect to get anywhere near that tonnage throughput and had emphasised that the work would be seasonal with less work in the winter months and more work in the summer months
- As the local member suggested, if planning permission was granted, it was vital that this application and the ancillary activities were adequately monitored by this Council in liaison with Wychavon District Council to ensure that the activities on the site did not get out of control
- This application was for a small-scale operation taking place in a single building but in the context of a relatively large site. It would generate a limited number of vehicle movements accessing the site through the proposed new access. The new access would also be used for the other ancillary activities taking place on the site. However it should be noted that the landowner had indicated that very few vehicle movements would be generated by these ancillary activities. The proposed operation was a one-man business with the sorting taking place in the lean-to building which would bring recycling nearer to its source. The report had addressed all the objections raised and none of the statutory consultees had objected
- In response to a concern about the monitoring arrangements for mud deposited on the highway and whether wheel cleaning facilities would need to be installed, the representative of the Head of Strategic Infrastructure and Economy indicated that the Council's monitoring officer would make

announced and unannounced visits to the site and investigate any complaints as necessary.

RESOLVED that planning permission be granted for a proposed small scale waste transfer station and materials recycling facility associated with a skip hire business (Part Retrospective) at Stone Arrow Farm, Peopleton, near Pershore, Worcestershire, subject to the following conditions:

Commencement

- a) The development must be begun not later than the expiration of three years beginning with the date of this permission;

Approved Plans

- b) The development hereby permitted shall be carried out in accordance with the details shown on submitted Drawings: GPP/CP/SAF/18/02, Rev 2, titled: Site Location Plan; GPP/CP/SAF/18/03, Rev 1, titled: Proposed Site Layout Plan; GPP/CP/SAF/18/04, Rev 1, titled: Existing Site Layout Plan, except where otherwise stipulated by conditions attached to this permission;

Throughput

- c) The annual throughput of the development hereby approved shall be limited to a maximum of 5,000 tonnes per annum and records shall be kept and made available to the County Planning Authority on written request for the duration of the operations on the site;

Waste Acceptance

- d) No wastes other than those defined in the application, namely Commercial and Industrial and Construction and Demolition wastes, shall be brought onto the site;

Hours of Working

- 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, Bank or Public Holidays;
- f) Operations, including any movement of skips and repair and maintenance of vehicles, plant and equipment associated with the development hereby approved shall only take place on the site between 08:30 to 17:30 hours Mondays to

Fridays, 08:30 to 13:30 hours on Saturdays and not at all on Sundays, Bank or Public Holidays. No machinery or equipment associated with the development hereby approved shall operate on the site outside of these hours;

Dust

- g) Prior to the development hereby approved being brought into use, a Dust Management Plan 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;**

Noise

- h) 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;**
- i) No crushing, shredding, washing or chipping of waste materials shall take place on the site;**
- j) Prior to the development hereby approved being brought into use, a Noise Management Plan 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;**
- k) The sorting of waste materials by hand and a hydraulic grab shall only take place within the building, as shown on drawing numbered: GPP/CP/SAF/18/03, Rev 1. No materials shall be sorted outside the building;**

Litter

- l) Prior to the development hereby approved being brought into use, a Litter Management Plan 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;**

Pollution

- m) 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;

- n) No materials shall be burnt on the site;
- o) Prior to the development hereby approved being brought into use, a post and wire fence shall be installed along the north-west boundary of the site, to demarcate the extent of the application site to prevent any encroachment or alterations of levels on land adjacent to the Bow Brook. The post and wire fence shall be maintained for the duration of the development hereby approved;

Drainage

- p) Prior to the development hereby approved being brought into use, details of the underground storage tank, including its volume and means of emptying and any interception 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;
- q) This permission does not allow the formation of any earth bunds from waste and other materials at the site or imported to the site;

Storage

- r) Prior to the development hereby approved being brought into use, a drawing indicating the location, height and extent of empty skips storage, containers and inert waste material stockpiles 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;
- s) There shall be no external storage of waste materials, except inert waste materials, to be

stored in accordance with condition r) above and condition t) below;

- t) The height of all externally stored skips, containers and inert waste material shall not exceed 4 metres in height. A scheme for the setting up of a permanent marker that allows operatives and officers from the County Planning Authority a means of visually checking the height shall be submitted to and agreed in writing by the County Planning Authority prior to the development hereby approved being brought into use. The agreed height markers shall be erected and maintained on site for the duration of the development hereby approved;

Lighting

- u) Details of any new 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;
 - v. Any measures to minimise the impact of lighting upon protected species and habitats; and
 - vi. Times when the lighting would be illuminated;

Biodiversity

- v) All vegetation clearance at the site shall be undertaken outside the bird nesting season which generally extends between March and September inclusive. If this is not possible then any vegetation that is to be removed or disturbed should be checked by an experienced Ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them would have to be delayed until the young have fledged and the nest has been abandoned naturally;
- w) 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 hedgerow being damaged or removed by the development, it shall be replaced with like species and equivalent size, which in the case of a mature tree may entail multiple plantings, in the next planting season;

- x) Within 3 months of the date of this permission, an Ecological Enhancement Strategy shall be submitted to the County Planning Authority for approval in writing. The Strategy shall include:
- i. Specification and location of pollinator-friendly and native planting, including species of grasses and wildflowers.
 - ii. Specification and location of new wildlife refuges, specifically for invertebrates and small mammals such as hedgehog.
 - iii. New / replacement nesting opportunities for birds, specifically: house sparrows, swifts and house martins. To be provided in the form of sparrow terraces, swift boxes and house martin cups on existing buildings, installed at minimum heights of 2 metres above ground level.
 - iv. New roosting opportunities for bats to be incorporated onto existing buildings. Bat boxes shall be installed at minimum heights of 2.5 metres above ground level and facing away from external illumination.
 - v. An Ecological Management Plan which shall set out how the establishment and favourable management of habitats and features proposed within the Ecological Enhancement Strategy will be undertaken for a period covering at least 5 years from the implementation of the Ecological Enhancement Strategy;

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

- y) On implementation of the Ecological Enhancement Strategy (referred to in Condition x) above), a Statement of Conformity shall be submitted to the County Planning Authority by the applicant or their Ecological Clerk of Works confirming their successful implementation. A further report shall be submitted to the County

Planning Authority providing monitoring information at the end of the Ecological Management Plan period;

- z) Notwithstanding the submitted details, within 3 months of the commencement of the development hereby approved, a planting scheme to include native species, sizes, numbers, spacing, densities; locations; and a planting specification for the development hereby approved, shall be submitted to the County Planning Authority for approval in writing, and 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;**

Highways

- aa) No waste materials shall be accepted at the site directly from members of the public, and no retail sales of wastes or processed materials to members of the public shall take place at the site;**
- bb) When commercial vehicles are exiting the site on to the C2115 road to access the Local Road Network, they shall turn right towards the A44. A sign shall be erected prior to the development hereby approved being brought into use, directing commercial vehicles exiting the site to turn right towards the A44;**
- cc) Prior to the development hereby approved being brought into use, the reconstruction of the vehicular access between the nearside edge of the adjoining carriageway and the gated entrance shall be carried out in accordance with a specification to be submitted to and approved in writing by the County Planning Authority, at a gradient not steeper than 1 in 20. Thereafter, the development shall be carried out in accordance with the approved details;**
- dd) The development hereby approved shall not be brought into use until the internal private access**

roadway, turning area and parking facilities shown on drawing GPP/CP/SAF/18/03, Rev 1 have been provided. Thereafter, these areas shall be retained and kept available for their respective approved uses at all times;

ee) No mud, dust or debris shall be carried onto the public highway. If necessary to comply with this requirement, wheel cleaning facilities of a type approved in writing by the County Planning Authority shall be installed at the site and used for the duration of the operations hereby approved; and

Planning Permission

ff) A copy of this decision notice, together with all approved plans and documents required under the conditions of this permission shall be maintained at the site office at all times throughout the period of the development and shall be made known to any person(s) given responsibility for management or control of activities/operations on the site.

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

1009 Proposed consolidation application for the construction and operation of a Biomass Boiler, erection of replacement building to house the Biomass Boiler, installation of replacement washing plant and amendments to the layout and operation of the

The Committee considered a County Matter consolidation planning application for the construction and operation of a biomass boiler, erection of replacement building to house the biomass boiler, installation of replacement washing plant and amendments to the layout and operation of the existing waste transfer station (approved under County Planning Authority (CPA) Ref: 09/000057/CM) including increased waste throughput and amended operating hours (Part Retrospective) at Mailes Skips and Recycling, Guinness Park Farm, A4103, Leigh Sinton, Malvern, 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 Waste Hierarchy, Location of the Development, Landscape Character and Visual Impacts, Residential Amenity (Noise, Dust, Odour, and Air Quality), Traffic and Highway Safety, Water Environment, Ecology and Biodiversity, and Other

existing Waste Transfer Station (approved under 09/000057/CM) including increased waste throughput and amended operating hours (part retrospective) at Mailes Skips and Recycling, Guinness Park Farm, A4103, Leigh Sinton, Malvern, Worcestershire (Agenda item 6)

Matters – Monitoring and Enforcement and Human Rights Act 1998.

The Head of Strategic Infrastructure and Economy concluded that the site currently operated under two extant planning permissions: CPA Ref: 09/000057/CM and Malvern Hills District Council Planning Ref: MH 95 / 1392. The applicant was seeking a consolidation planning permission, where any new planning permission would replace the two extant planning permissions. This application was also part retrospective as the biomass boiler building had been constructed and the biomass boiler installed. The biomass boiler was not operational. A drying floor had been installed and amendments to the layout of the site including removal of the inner bunds had already taken place, but the proposed wash plant had not yet been installed. The proposed fire ponds had also not been constructed.

The sorting of waste to optimise re-use and recycling already takes place on the Go Greener Recycling waste transfer station site. The proposal would generate electricity from wood waste that would otherwise be sent to landfill or the energy recovered in incineration plants in other parts of the UK, Northern Continental Europe and Scandinavia. The energy generated from the process would be used on site to power the equipment and machinery associated with the waste transfer station, with any surplus electricity being fed in the grid to provide electricity to the local area. In addition heat from the biomass boiler would be used to remove the moisture content from other waste brought onto the site. Consequently, the Head of Strategic Infrastructure and Economy considered that the development of the biomass boiler and associated wood chipping operation would overall move waste up the waste hierarchy from disposal to other recovery, and therefore, would comply with the objectives of the waste hierarchy, and Policies WCS 2 and WCS 4 of the Waste Core Strategy.

The Head of Strategic Infrastructure and Economy considered that the amendments to the operation and layout of the existing development, would facilitate the efficient operation of the existing waste transfer station facility, which provided a critical role in helping to drive waste up the waste hierarchy by sorting and bulking up of various sources of waste in preparation for transfer and subsequent recycling by specialist operators and, therefore, would comply with the objectives of the waste hierarchy.

The principle of the existing waste transfer station in this location had already been established and accorded with Policy WCS 6 of Worcestershire Waste Core, however, as part of this application the applicant was now seeking retrospectively to install a biomass boiler enclosed within a building, with associated wood chipping.

Although the development site was sited within Level 5 'All other areas' of the Waste Core Strategy's Geographic Hierarchy, the applicant had demonstrated that the proposed development could not reasonably be located in levels 1 or 2 of the Geographic Hierarchy as the biomass boiler was dependent on the location where the waste was generated, and was ancillary to the wider waste transfer station site, as it provided electricity and heat for use by the existing waste transfer Station and therefore, the proposed location was at the highest appropriate level of the Geographic Hierarchy, and was in accordance with Policies WCS 4 and WCS 6 of the Waste Core Strategy.

Based on the advice of Malvern Hills District Council, Malvern Hills AONB Partnership and the County Landscape Officer, the Head of Strategic Infrastructure and Economy considered that the proposed development would not have an unacceptable impact upon the character and appearance of the local area, subject to the imposition of appropriate conditions.

The Environment Agency, Worcestershire Regulatory Services and Public Health England all had raised no objections to the proposal. In view of this, it was considered that the proposal would have no adverse noise, dust, or odour impacts upon residential amenity or that of human health, subject to the imposition of appropriate conditions.

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 or highway safety, subject to the imposition of an appropriate condition, as imposed on the extant planning permission relating to ensuring no mud, dust or debris should be deposited on the public highway.

The submitted Flood Risk Assessment confirmed that the development would not increase flood risk elsewhere, but identified that part of the application site lies on a route used by surface water flowing from the south-west and the existing commercial units which were excluded from

this application site, could cause ponding of surface water which may affect the southern part of the waste transfer station site.

The Flood Risk Assessment notes that the flood risk area was to be occupied by a small car park and vehicle wash bay, which were suitable uses provided the surface water flow route was not obstructed by fencing or similar. A condition was recommended to this effect.

Based on the advice of the Lead Local Flood Authority and South Worcestershire Land Drainage Partnership and given that the applicant was proposing minimal changes to the existing drainage regime, it was considered that the proposal would not have an unacceptable impact upon the water environment, subject to the imposition of appropriate conditions.

Natural England had raised no objections, confirming that the proposal would not result in an unacceptable impact upon the River Teme SSSI. The Head of Strategic Infrastructure and Economy considered that subject to the imposition of appropriate conditions as recommended by the County Ecologist, that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area.

Taking into account the provisions of the Development Plan and in particular Policies WCS 1, WCS 2, WCS 3, WCS 4, WCS 6, WCS 8, WCS 9, WCS 10, WCS 11, WCS 12, WCS 14 and WCS 15 of the Adopted Worcestershire Waste Core Strategy and Policies SWDP 1, SWDP 2, SWDP 3, SWDP 4, SWDP 6, SWDP 8, SWDP 12, SWDP 21, SWDP 22, SWDP 23, SWDP 24, SWDP 25, SWDP 27, SWDP 28, SWDP 29, SWDP 30 and SWDP 31 of the Adopted South Worcestershire Development Plan, it was considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

The representative of the Head of Strategic Infrastructure and Economy introduced the report and commented that on 31 August 2015, the Department for Communities and Local Government published a planning policy statement on Green Belt and intentional unauthorised development had made intentional unauthorised development a material consideration to be weighed in the determination of planning applications and appeals. Whilst there was no definition of intentional unauthorised development, in this instance the retrospective element of the scheme could be considered intentional unauthorised development as

the applicant continued to construct the biomass boiler after planning officers had informed the applicant that planning permission was required, but barristers at a recent legal conference had advised that limited weight should be given to this policy (ministerial) statement as it had not been included in the recently revised NPPF. Members had visited the site and observed the location of Guinness Park Farm Riding School and the nearest residential properties.

In the ensuing debate, the following points were raised:

- The local councillor welcomed the level of investment and technology by the applicant at the site. Having spoken to Leigh and Bransford Parish Council, he was minded to support approval of the application but suggested a number of issues for consideration as follows:
 - Whether reference in the recommendation to the applicant as Mailes Skips and Recycling rather than Go Greener was accurate
 - The reference in condition b) relating to the throughput of waste of 175,000 tonnes should differentiate between the 25,000 tonnes of mixed waste and 150,000 tonnes of inert waste because the increase in throughput related to the inert material which had a different characteristic and required transportation in larger vehicles
 - condition e) should be amended so that no vehicle movements took place after 1pm on Saturdays as the additional hours on Saturdays had been requested by the applicant to undertake maintenance and other duties only
 - low level of security lighting should be used beyond normal working hours
 - the appropriateness of the colour of the building, the bunding at the site, and tree planting were raised as issues for discussion. A number of the trees previously planted on the bunds had died and needed replacing. The Parish Council had proposed that the building be painted green
 - condition w) – There was a concern about the amount of mud distributed on the road and therefore it was requested that a formal wheel cleaning facility be installed on site and used to deal with mud in the

winter months and dust in the summer

- In response to the queries raised by the local councillor, the representative of the Head of Strategic Infrastructure and Economy advised that the amendment to condition b) relating to the throughput of waste would be acceptable. Although the applicant was Go Greener, the name on the planning application was Mailes Skips. The lighting concerns would be addressed through condition q) of the recommendation in relation to the installation of new lighting and lighting illumination times and measures to minimise glare. In relation to mud on the highway, the monitoring officer had not identified this as a problem and therefore the installation of a wheel washing facility had not been recommended as a condition
- The agent acting on behalf of the applicant advised that an application had been made to the EA to increase the throughput of controlled waste to a maximum of 50,000 tonnes. Presently the applicant had a licence for approximately 25,000 tonnes of controlled waste. If the maximum throughput of 175,000 tonnes was approved for this application, at some point if the EA approved the additional tonnage then a request would be made to amend this condition to increase the tonnage. He confirmed that any activities taking place after 1pm on Saturdays would be restricted to yard maintenance work. The applicant utilised the wash bays on site therefore it was not considered necessary to install wheel washing facilities
- The local councillor argued that the proposed increase in throughput could lead to an increase in the amount of debris deposited on the highway. In response it was commented that on the site visit it was noticeable that the access road to the site was lengthy and had been kept reasonably clean
- A member queried why the application was part retrospective. The agent acting on behalf of the applicant responded that the nature and size of the application and business and the lengthy time required to go through the planning process meant that the works had to begin in advance of the granting of planning permission
- Concern was expressed about the number of retrospective planning applications coming before the Committee, particularly in the countryside which was leading to development by stealth. In response, it was commented that the Committee

had to act in line with national guidance on this matter

- In response to a query about the name of the applicant and level of experience of the operator, the agent commented that Go Greener was trading as Mailes Skips which was a business arrangement. The planning permission related to the land not to any particular company. Although Go Greener was a relatively new company, the operator had many years of experience in the recycling business although the biomass boiler was a new venture
- Although the application was part retrospective, the latest Government guidance had reduced the power of planning authorities to take action in these circumstances. However it was beneficial to be able to observe the facility in situ. Members had received a useful explanation as to how the biomass boiler worked on the site visit and it was pleasing to see that top end specifications were being introduced. The proposal would mean that waste would be processed on site without the need for further transportation. The transfer of electricity to the National Grid was welcomed although more could be done to use the heat output particularly to benefit the local school. The report was thorough and addressed all the objections raised
- Consultants acting on behalf of the Malvern Hills AONB had devised a colour palette for use on buildings in the countryside
- It was important that the appropriate regulatory authorities responded in a timely fashion to complaints to enable applications of this kind to be underpinned by public trust
- There was still too much waste sent to landfill in the county at public expense therefore this proposal was welcomed. It was noted that the parish council for the most part supported the proposal. The licensing application was being processed. The landscaping enhancement conditions were welcomed to improve the planting on the bunds. The colour of the building was suitable for its surroundings and the proposed landscaping scheme would improve the screening of the site
- A query was raised about the electricity and heat output. Was less than one percent of the energy produced by the plant being used to generate electricity with the rest being used to dry waste? In response, it was explained that 10% of the heat

output would be converted into electricity. Only a small percentage of the heat output would be used for the drying of waste

- The justification for the application falling within level 5 of the geographical hierarchy for waste management was that the biomass boiler was an ancillary function but how could it remain ancillary given the request to increase throughput? The representative of the Head of Strategic Infrastructure and Economy advised that the key point was that the application was for an existing waste management site which had been granted planning permission before the introduction of the Waste Core Strategy. The introduction of the biomass boiler was therefore ancillary to that already existing use
- In response to a query, the representative of the Head of Strategic Infrastructure and Economy explained that the proposed increase in vehicle movements to approximately 110 movements per day related to all vehicle movements including those of staff and visitors
- The concerns expressed about the landscaping and planting scheme appeared to be addressed by the proposed condition u) of the recommendation. It was queried whether this condition would be monitored over the 5 year period. The representative of the Head of Strategic Infrastructure and Economy commented that the proposed condition was a continuation of an existing landscaping condition on the site. Unfortunately some of the planting had died beyond the original 5 year period. This planning permission provided an opportunity for replanting. The new condition would be monitored accordingly
- The local councillor requested that the applicant report back to the local councillor and parish council on the progress of the landscaping scheme after a six month period. The agent responded that the applicant was happy to carry out further landscaping and planting but emphasised that he was not able to carry out the tree planting until the next tree planting season which would be beyond the requested 6 month period
- It was considered that the concerns expressed by the local councillor in relation to landscaping and planting, the colour of the building, the reference to the applicant's name in the recommendation had been adequately addressed by the

representative of the Head of Strategic Infrastructure and Economy

- It was agreed that conditions b), e) and w) relating to throughput, Saturday working and wheel cleaning be amended – the wording to be agreed by Head of Strategic Infrastructure and Economy.

RESOLVED that planning permission be granted for the proposed consolidation application for the construction and operation of a biomass boiler, erection of replacement building to house the biomass boiler, installation of replacement washing plant and amendments to the layout and operation of the existing waste transfer station (approved under 09/000057/CM) including increased waste throughput and amended operating hours (Part Retrospective) at Mailes Skips and Recycling, Guinness Park Farm, A4103, Leigh Sinton, Malvern, Worcestershire, subject to the amendment of conditions b), e) and w) relating to throughput, Saturday working and wheel cleaning – the wording to be agreed by Head of Strategic Infrastructure and Economy and subject to the following conditions:

Approved Plans

- a) The development hereby permitted shall be carried out in accordance with the details shown on submitted Drawings: 17-374-Loc-001, Rev B; 17-374-PL-201 B; 17-001-SUR-001, Rev C; 17-374-PL-101, Rev A; 17-374-PL-202, Rev A; 17-374-PL-203; 17-374-PL-204; 17-374-PL-205 and SL4032-LAYOUT-01A, Rev A, except where otherwise stipulated by conditions attached to this permission;

Throughput

- b) The annual throughput of the development hereby approved shall be limited to a maximum of 175,000 tonnes per annum and records shall be kept and made available to the County Planning Authority on written request for the duration of the operations on the site;

Waste Acceptance

- c) No wastes other than those defined in the application, namely commercial and industrial and construction, demolition and excavation wastes, shall be brought onto the site;

Hours of Working

- d) **Construction works, including installation of any plant and machinery 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, Bank or Public Holidays;**
- e) **Operations, including any repair and maintenance of vehicles, plant and equipment within the development hereby approved, excluding the biomass boiler which may operate 24 hours per day and excluding the chipping operations shall only take place between the hours of 07:30 hours and 18:00 hours Mondays to Fridays inclusive, and between 07:30 to 17:00 hours on Saturdays with no operations on Sundays, Bank or Public Holidays. No machinery or equipment shall operate on the site outside these hours;**
- f) **Chipping operations within the development hereby approved shall only take place between the hours of 09:30 hours and 15:30 hours Mondays to Saturdays inclusive, with no chipping operations on Sundays, Bank or Public Holidays;**

Noise and Dust

- g) **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;**
- h) **Within 3 months of the date of this permission, an updated Noise and Dust Management Scheme for the site shall be submitted to the County Planning Authority for approval in writing. Thereafter the development shall be carried out in accordance with the approved scheme;**

Pollution

- i) **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 banded 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;

- j) There shall be no burning of waste on the site except for the incineration of wood within the permitted biomass boilers, as shown on drawing numbered: 17-374-PL-201 A, titled: Planning Application Site Layout; drawing numbered: 17-001-SUR-001 Rev B, titled: Recycling Centre – Compound Layout; and numbered: 17-374-PL-205, titled: Planning Application Block Plan – Boiler;
- k) There shall be no discharge of trade effluent, sewage effluent or contaminated drainage from the site into any ditch or watercourse;
- l) All surface water drainage from the site shall be through an oil interceptor;

Storage

- m) The height of stored skips, and all other stored materials shall not exceed 4 metres in height. Within 3 months of the date of this permission, an updated scheme for the setting up of permanent markers that allows operatives and officers from the County Planning Authority a means of visually checking the height shall be submitted to the County Planning Authority for approval in writing. The agreed height markers shall be erected and maintained on site for the duration of the development hereby approved;
- n) Notwithstanding the submitted details, within 3 months of the date of this permission, a scheme shall be submitted to the County Planning Authority for approval in writing, showing the locations of the storage and height of all materials and skips associated with the operations hereby approved, the scheme shall also show how waste materials will be prevented from encroaching onto the

landscaped outer bund thereby preserving the integrity of the landscaped outer bund and to keep operations within the permitted area;

Water environment

- o) No new gates, walls or other means of enclosures shall be constructed within the area occupied by the surface water flow path as shown on Figures 4.2: 'Flood Risk from Surface Water', of the Guinness Park Farm Recycling Centre, Flood Risk Assessment, version 1.1, dated 16 July 2018;**

- p) Within 6 months of the date of this permission, a Sustainable Drainage System (SuDS) Management Plan shall be submitted to the County Planning Authority for approval in writing. This shall include details on management responsibilities, maintenance schedules for all SuDS features and associated pipework, and the strategy that shall be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. Thereafter, the SuDS shall be maintained in accordance with the approved details;**

Lighting

- q) Details of any new 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;**
 - v. Any measures to minimise the impact of lighting upon protected species and habitats, in particular bats; and**
 - vi. Times when the lighting would be illuminated;**

Biodiversity

- r) All vegetation clearance at the site shall be undertaken outside the bird nesting season which generally extends between March and September inclusive. If this is not possible then any vegetation that is to be removed or**

disturbed should be checked by an experienced Ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them would have to be delayed until the young have fledged and the nest has been abandoned naturally;

- s) 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 hedgerow being damaged or removed by the development, it shall be replaced with like species and equivalent size, which in the case of a mature tree may entail multiple plantings, in the next planting season;
- t) Notwithstanding the submitted details, prior to the construction of the 'fire pond' and 'return pond', as shown on drawings numbered: 17-374-PL-201 A, titled: Planning Application Site Layout; drawing numbered: 17-001-SUR-001 Rev B, titled: Recycling Centre – Compound Layout; and numbered: 17-374-PL-101, titled: Planning Application – Water Storage – Pond Plan and Sections for proposed pond, the detailed design of these ponds, including their planting specification shall be submitted to the County Planning Authority for approval in writing. Thereafter the ponds shall be constructed in accordance with the approved details;

Landscaping

- u) Within 6 months of the date of this permission, a planting scheme to include native species, sizes, numbers, spacing, densities; locations; and a planting specification for the development hereby approved, shall be submitted to the County Planning Authority for approval in writing, and 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;

Highways

- v) No waste materials shall be accepted at the site directly from members of the public, and no retail sales of wastes or processed materials to members of the public shall take place at the site;

- w) No mud, dust or debris shall be carried onto the public highway. To facilitate this, the access road shall be maintained in a clean condition at all times. If necessary to comply with this requirement, wheel cleaning facilities of a type approved in writing by the County Planning Authority shall be installed at the site and used for the duration of the operations hereby approved;

Cessation

- x) In the event of a cessation of waste transfer station operations, the site shall be restored in accordance with a scheme to be submitted to the County Planning Authority for approval in writing, within 6 months of the cessation of activities. The approved scheme shall be fully implemented within 2 years of the written approval; and

Planning Permission

- y) A copy of this decision notice, together with all approved plans and documents required under the conditions of this permission shall be maintained at the site office at all times throughout the period of the development and shall be made known to any person(s) given responsibility for management or control of activities/operations on the site.

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

The meeting ended at 11.25 am.

Chairman