

Planning and Regulatory Committee

Tuesday, 4 November 2014, 10.00 am, County Hall,
Worcester

Present:

Minutes

Mr R C Adams (Chairman), Mr A T Amos, Mrs S Askin, Mr J Baker, Mr PJ Bridle, Mr M H Broomfield, Mr S J M Clee, Mr P Denham, Mrs A T Hingley, Mr A P Miller, Mr D W Prodger, Mr A C Roberts and Mr R J Sutton

Available papers

The members had before them:

- A. The Agenda papers (previously circulated);
- B. A copy of the summary presentations (previously circulated); and
- C. The Minutes of the meeting held on 23 September 2014 (previously circulated).

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

None.

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

None.

894 **Public
Participation
(Agenda item 3)**

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

895 **Confirmation of
Minutes
(Agenda item 4)**

RESOLVED that the Minutes of the meeting held on 23 September 2014 be confirmed as a correct record and signed by the Chairman.

896 **Proposed new
bridleway
footbridge to
span the new
dualled
Southern Link**

The Committee considered a planning application under Regulation 3 of the Town and Country Planning General Regulations 1992 for a proposed new bridleway footbridge to span the proposed dualled Southern Link Road (Crookbarrow Way) at Crookbarrow Way, Whittington, Worcester, Worcestershire.

The report set out the background of the proposal, the

**Road
(Crookbarrow
Way) at
Crookbarrow
Way,
Whittington,
Worcester,
Worcestershire
(Agenda item 5)**

proposal itself, the relevant planning policy and details of the site consultations and representations.

The report set out the Development Control Manager – Planning comments in relation to traffic, highway safety and impact upon the Public Rights of Way, landscape, character, visual impact and residential amenity, integrity of the railway line, water environment, ecology and biodiversity, crime risk and other matters – time-limits and sustainable development.

The Development Control Manager – Planning concluded that subject to the imposition of appropriate conditions, the proposed development would be acceptable on traffic and highway safety grounds and would cater for the existing Public Rights of Way enabling a safe connection between Norton and Broomhall for pedestrians, cyclists and equestrian users.

Based on the advice of the County Landscape Officer and the District Councils, it was considered that subject to the imposition of appropriate conditions, the proposed development would have no detrimental impact upon the character and appearance of the local area, or upon the amenity of local residents in terms of overlooking or overbearing implications due to its design, size, and location. Subject to the imposition of an appropriate condition relating to surface water, there would be no adverse effects on the water environment.

Based on the advice of Natural England, the County Ecologist and Worcestershire Wildlife Trust it was considered that subject to the imposition of appropriate conditions, the proposed development would not have any adverse impacts on ecology and biodiversity at the site or on the surrounding area; and the proposal would not unduly exacerbate the risk of crime and antisocial behaviour.

Taking into account the provisions of the Development Plan and in particular Saved Policies GD1, GD2, SR6, SR10, ENV1, ENV5, ENV6, ENV7, ENV8, ENV10, ENV14, ENV19, and SUR1 of the adopted Wychavon District Local 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 Development Control Manager – Planning commented that Members had travelled to the site along the A4440 and observed the work being undertaken to widen the Southern Link Road. Members walked along

the public right of way from St Peters to the embankment overlooking the A4440 and observed the proximity of the railway bridge and the footpath and bridleway.

An objector had been invited to speak but was unable to attend.

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

- The local councillor commented that he was pleased to see this application come forward because the bridleway footbridge had been required for some time. At present there was very little use of the footpath however he anticipated that following the construction of the footbridge, use would increase significantly. Traffic along the A4440 had increased over recent years which had made this particular stretch of road very dangerous for pedestrians. He welcomed the improved access for cyclists and recognised that the footbridge would become an important link between Norton and the city of Worcester. However he was concerned about the proximity of the footbridge to the railway line as there was the potential for horses to be startled by passing trains. He queried how horse riders would access the bridge and whether parents with buggies would be able to cross the footbridge safely. The agent acting on behalf of the applicant explained that it was proposed to introduce bollards which would prevent vehicular access but would allow access by pedestrians (including people with buggies). A horse stile had been included in the design which would be constructed from railway sleepers
- What type of material would be used to surface the footbridge and would it be salted during the winter months? The representative of the applicant explained that asphalt would be used to surface the footbridge. He would take the matter of salting up with the appropriate officer
- Concern was expressed that the applicant was being granted up to 5 years to begin the development and that the applicant was only intending to start work during this period. It was important that this development was commenced as a matter of urgency. The applicant should consider commencing work within 3 years of the date of the permission. The agent commented that the intention of the applicant was to commence

work on the site by late 2017 to ensure that the foundations of the footbridge were in place prior to work commencing on dualling of the A4440. The representative of the applicant added that there was a clear intention to commence the project in the proposed timescale. This was an extremely complex project and the 5 year period allowed greater flexibility to manage the project effectively. If a limit of 3 years was imposed, any issues which arose near to the end of the time period could delay the project. It was vital that the planning permission was sought at this stage as it formed an important part of the complex business case for the funding of the project. Without a business case, it would not be possible to secure the necessary funding. There was a small risk that the project could be delayed beyond the 3 years therefore 5 years was proposed

- The bridge structure would be designed and built off site and should be ready to bring onto the site and therefore delays should not occur. The design of the bridge had been tried and tested at other locations and would work at this site. The speed of traffic travelling along the A4440 meant it was impossible to cross the road safely. It was disappointing to observe on site that the bridleway had not been maintained and was dangerous and unsuitable for disabled access. Efforts should be made to ensure that access along the bridleway route was safe
- The proposal formed an important part of the infrastructure of the area and improved the connectivity of greater Worcestershire. Although the design was not spectacular, it was not justifiable to spend additional funds on a superior design for the bridge given that it could only be observed in one direction. The majority of the consultees, including Sustrans and the British Horse Society, supported the proposal and this was welcomed
- It was important to establish the most appropriate level of lighting for the site because of the potential impact on the neighbouring properties in the St Peters area and motorists travelling along the A4440 whilst at the same time providing sufficient light for users of the bridleway footbridge to cross in safety. The representative of the applicant responded that he understood the importance of providing an adequate lighting level for users of the footbridge whilst not distracting motorists or train drivers and addressing the

concerns expressed by local residents and the County Ecologist. It was felt that the right balance had been achieved with this proposal. However, he confirmed that the lighting of the footbridge would be kept under review. The Development Control Manager – Planning added that the lighting arrangements at the Diglis Bridge showed that an acceptable lighting scheme could be achieved following appropriate consultation

- Concern was expressed about horse manure being deposited on the bridleway and the potential for horses to be in proximity to pedestrians. The Development Control Manager – Planning commented that the use of the footbridge by riders was expected to be low and he would expect that people would act in a reasonable way in these circumstances. The cleaning up of horse manure was a maintenance issue for the applicant
- This proposal was an excellent example of infrastructure being provided before housing development
- A proposal to begin the development not later than the expiration of 3 years beginning with the date of the permission was moved but not seconded and therefore not put to the vote
- A proposal to begin the development not later than the expiration of 4 years beginning with the date of the permission was moved and seconded but not put to the vote
- A proposal was agreed that the development must be begun not later than the expiration of five years beginning with the date of the permission, however as the wording of the proposed condition already allowed for this eventuality this amendment was not necessary although sentiment was expressed that the development should commence as soon as possible.

RESOLVED that planning permission be granted for a proposed new bridleway footbridge to span the proposed dualled Southern Link Road (Crookbarrow Way) at Crookbarrow Way, Whittington, Worcester, Worcestershire, subject to the following conditions:

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

- c) The development hereby permitted shall be carried out in accordance with the details shown on submitted Drawing Numbers: 473946/SA/00.70/90.3/PL01; 473946/SA/00.70/90.3/PL03 Rev A; 473946/SA/00.70/90.3/PL04, except where otherwise stipulated by conditions attached to this permission;**
- d) The development hereby approved shall be carried out in accordance with 'Worcestershire Regulatory Services Code of Best Practice for Demolition and Construction Sites', dated 2011;**
- e) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, drawings of the detailed design of the bridge, abutments, ramps, landings, steps and retaining walls, including materials, colour, finishes, size, and cross section of the parapets 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;**
- f) The bridge parapets shall be a minimum of 1.8 metres high;**
- g) No development shall take place until a schedule and/or samples of all surfacing materials has 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, no development shall take place until details of the guardrails along the northern ramp and steps 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 details;**
- i) Prior to the commencement of the development hereby approved details of any lighting 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;**

- j) Notwithstanding the submitted details, the development hereby approved shall not commence until drainage plans for the disposal of surface water 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 details;**
- k) Prior to commencement of the development hereby approved, should any excavations, earthworks or temporary site compounds be proposed adjacent to the railway line, a Method Statement detailing how the structural integrity of the railway embankment, retaining walls and bridges would be maintained, shall be submitted to and approved in writing by the County Planning Authority in consultation with Network Rail. Thereafter, the development shall be carried out in accordance with the approved details;**
- l) Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned that in the event of a failure it will not fall onto Network Rail's land;**
- m) The development hereby approved shall be carried out in accordance with Sections 5.2 'Habitats' and 5.3 'Species' of the 'Evaluation and Recommendations' Chapter, in the submitted 'Ecological Assessment', dated 5 September 2014;**
- n) Prior to commencement of the development hereby approved, a mitigation landscape planting scheme and management plan, incorporating the proposed habitat creation measures, as recommended in Sections 5.2 'Habitats' and 5.3 'Species' of the 'Evaluation and Recommendations' Chapter, in the submitted 'Ecological Assessment', dated 5 September 2014, 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;**

- o) Prior to commencement of the development hereby approved, a Mitigation Strategy to protect the Pyramidal Orchids 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;**
- p) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, a Bat Mitigation Strategy 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) 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;**
- r) 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; and**
- s) Should 12 months elapse between the date of the ' Ecological Assessment', dated 5 September 2014 and the commencement of the development hereby approved, an updated Ecological Assessment must be undertaken by a suitably qualified Ecologist and its recommendations followed.**

897 Proposed development of

The Committee considered a County Matter planning application for the proposed development of a Household Recycling Centre (including earthworks, landscaping and

a household recycling centre (including earthworks, landscaping and access) at Tenbury Wells Business Park, Bromyard Road, Tenbury Wells, Worcestershire (Agenda item 6)

access) at Tenbury Wells Business Park, Bromyard Road, Tenbury Wells, 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 Development Control Manager – Planning comments in relation to the waste hierarchy, location of the development, landscape character, visual impact and the historic environment, residential amenity (noise, dust, odour, air quality and fire risk), water environment, ecology and biodiversity, traffic and highway safety, and other matters – crime and security and sustainable development.

The Development Control Manager – Planning concluded that the proposed development would form a new waste management facility that would provide for material use, through the provision of containers for the collection of goods capable of being prepared for re-use, and contribute towards increased recycling, thereby moving the management of waste up the waste hierarchy. In addition, the proposal would help to reduce 'waste miles' by providing a modern and improved HRC facility within Tenbury Wells, reducing the number of residents who need to travel to other HRCs, in order to have access to a facility with a large number of recycling options, and therefore, accorded with the National Planning Policy for Waste and the NPPF.

It was considered that the principle of the proposed development in this location was acceptable and accorded with Policies WCS 3, and WCS 6 of the Worcestershire Waste Core Strategy. The proposed development would not have a detrimental impact upon the character and appearance of the local area, including the Grade II Listed Building of New Court due its design, including landscaping scheme, size, and location.

Based on the advice of the Environment Agency, Public Health England and Worcestershire Regulatory Services, it was considered that the proposal would not have adverse dust, noise, odour, and air quality impacts.

Based on the advice of the County Ecologist, Worcestershire Wildlife Trust and Natural England it was considered that the proposed development would not have any adverse impacts on ecology and biodiversity at the site or on the surrounding area, including the wider Nine Holes Meadows SSSI, subject to the imposition of

appropriate conditions; and the proposal would not have an adverse effect on the water environment.

Based on the advice of the County Highways Officer, the Development Control Manager - Planning considered that the proposed development would be acceptable on traffic and highway safety grounds, subject to the imposition of appropriate conditions.

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 Saved Policies DS1, DS3, DS8, DS9, DS11, EP1, QL1, QL5, QL13, QL16, QL17, QL19, QL20, QL21 and QL22 of the adopted Malvern Hills District Local 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 Development Control Manager – Planning commented that members had visited the proposed site. Members had also observed the household recycling centre at Bromyard that operated a similar split level arrangement as proposed at Tenbury. Members had also visited the existing household recycling centre in Tenbury.

Mr Gough, an objector to the proposal addressed the Committee. He commented that he had studied the impact that the household recycling centre would have on Tenbury and could not find any before or after comparison of the traffic flow in the local area. He had therefore generated his own traffic flow charts based on the traffic data set out in the Committee report. The report indicated that the household recycling centre would cause an increase of approximately 528 vehicle movements on a weekday however the applicant did not state that this represented 60% more traffic than now and for Saturday there would be 90% more traffic. At peak times there would be a 150% increase in traffic. On a Sunday, there would be 450% more traffic.

On a weekday, at going-home times, the Tenbury CE Primary School, located along Bromyard Road would experience double the amount of traffic. The danger would be significant especially at peak traffic flow periods. The applicant stated that traffic to and from the household reclamation centre would be unlikely to generate a material impact on the operation of the

existing local route corridors. However he argued that double the amount of traffic was a material impact and would cause significant impact on Tenbury Wells. Additionally, the applicant's traffic flow figures were predictions and the actual amount of traffic could be higher. He queried whether the applicant had taken into consideration the potential increase in use of the site from residents from outside the county in their calculations.

He concluded that the applicant had not taken into account peak traffic flows in the afternoon, the number of users within the locality and out of county and the significant impact on Tenbury Wells and the danger to school children in particular. In light of these concerns, the level of use should be restricted to one weekday plus Saturdays and Sundays with monitoring arrangements introduced to access the impact on the town.

A query was raised with Mr Gough as to whether the charts he supplied as part of his presentation included traffic flow statistics on Bromyard Road for Sundays. Mr Gough responded that there was no related traffic on Sundays at present but the report referred to traffic on weekends which included Sundays. If the facility was used to the same capacity as Saturday then there would be 450% more traffic on a Sunday along Bromyard Road.

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

- The local councillor commented that the re-location of the household recycling centre had been an ongoing issue for a number of years. The existing site was too small, had poor access into a public car park, was intrusive for visitors to Tenbury and close to residential properties. It was not possible to expand the facility at the existing site therefore an alternative location was being sought. The proposed location was far more suitable. Elgar Foods who were located in the neighbouring industrial unit had received assurances about vermin control at the proposed site. Local residents were further away than the existing site and did not overlook the proposed site. There was better access to the proposed site from Bromyard Road and a large provision for queuing vehicles. Although he sympathised with the concerns of the objectors about traffic flows along Bromyard Road, the traffic calming measures and car parking along the road meant

that traffic was slow-moving and any increase in numbers would not make it less safe for children. The proposal would permit the site to be open for 7 days a week which would allow the operator a degree of flexibility during busy periods. If a permission restricting use to 3 days a week was approved, it would concentrate the traffic over a shorter period. Overall he supported the application. He argued that this facility would promote the development of Tenbury and encourage an increase in recycling in the area

- Were there any plans for traffic calming measures eg 20mph speed limits, along the Bromyard Road? What arrangements had been made for the control of traffic entering and exiting the site? Had any consideration been given to the risks associated with air pollution? The representative of the County Highways Officer commented that he was not aware of any proposals for traffic calming measures in Tenbury
- It was pleasing to see that a facility of this nature was being proposed which would improve the level of recycling in the area. The conflict between shoppers using the car park and users of the existing facility was unacceptable and therefore this proposal to re-site it on an industrial park away from tourists and shoppers was a great improvement. The design of the facility was well-established in the County and worked very well. The applicant had a good track record of operating sites of this nature and on balance, the proposal should be supported
- Would there be an issue at the proposed site with traffic waiting to use the facility backing up onto the Bromyard Road during peak periods? The representative of the County Highways Officer stated that he could not guarantee that this would not happen. If it did occur then the site would in effect be over-trading and the applicant would need to review the opening hours at the site. He anticipated that the distance from the facility to the road and the arrangements for the circulation of vehicles on the site would prevent this happening
- In response to a query about the existing and anticipated levels of waste brought to the existing and proposed site, the representative of the applicant commented that the existing site accepted 700-800 tonnes of material per annum. It was difficult to predict the pattern of behaviour of residents however it was anticipated that, based on a similar site in Bromyard, between 1,800 –

2,000 tonnes of material would be handled at the proposed site

- There did not seem to be sufficient screening of the facility in the proposals for the site and there was an opportunity to improve the visual appearance of the facility by making use of tree-planting. The representative of the Development Control Manager – Planning commented that there a close-boarded fence was proposed that acted as an acoustics and visual screen. The landscaping was proposed to soften the acoustic fence. In addition, the Landscape Officer was satisfied with the proposed scheme. There was a limited amount of space available within the business park and any additional planting would impact on the viability of the future use of the remaining units in the park
- It was important that the site was maintained to a good standard throughout its life
- The representative of the County Highways Officer was asked to comment on the traffic statistics provided by the objector. He commented that he did not question the accuracy of the figures provided by Mr Gough. The projected increase of 450% on Sundays did seem a high figure but when set against a very low base flow and taking into consideration the capacity of Bromyard Road, he stated that it would be able to take the proposed increase in traffic flows.

RESOLVED that planning permission be granted for the proposed development of a Household Recycling Centre (including earthworks, landscaping and access) at Tenbury Business Park, Bromyard Road, Tenbury Wells, Worcestershire, subject to the following conditions:

- a) The development must be begun not later than the expiration of three years beginning with the date of this permission;
- b) The development hereby permitted shall be carried out in accordance with the details shown on submitted Drawing Numbers:1509-01-01; 1509-01-02, Rev A; TW-SCS-MWM-006, Rev A; TW-HWS-SCS-MWM-008; TW-HWS-PAB-MWM-009, Rev C; TW-HWS-OL-MWM-010, Rev C; TW-HWS-TFD-MWM-011; and TW-HWS-SAR-MWM-015, Rev B, except where otherwise stipulated by conditions attached to this permission;

- c) Construction works shall only be carried out on the site between 08:00 to 18:00 hours on Mondays to Fridays inclusive, and 08:00 to 13:00 hours on Saturdays with no construction work on Sundays or Bank Holidays;**
- d) Operations within the development hereby approved shall only take place between the hours of 08:00 and 18:00 hours Mondays to Sundays inclusive, with no operations on Bank Holidays;**
- e) The development hereby approved shall be carried out in accordance with Drawing Titled: 'Proposed Drainage Layout', Numbered: 61032821/C/101, Rev P03, received by the County Planning Authority 20 October 2014; and Document Titled: 'Tenbury Wells HRC – Drainage Philosophy', received by the County Planning Authority 2 October 2014;**
- f) Notwithstanding any indication of the materials, which may have been given in the application, no development of the control building hereby approved, shall take place until a schedule and/or samples of the materials and finishes for the development have/has 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) 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.****
- h) Details of the provision to be made for at least one bird box on the site shall be submitted to and agreed in writing by the County Planning Authority. The works shall be completed in accordance with the agreed details within 6 months of the completion of the development;**
- i) All vegetation clearance shall be undertaken**

outside the bird nesting season which generally extends between March and September inclusive. If this is not possible then any vegetation that is to be removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them would have to be delayed until the young have fledged and the nest has been abandoned naturally;

- j) Details and locations of all external CCTV cameras shall be submitted to and agreed in writing by the County Planning Authority prior to the development being brought into use. Thereafter the development shall be carried out in accordance with the approved details;
- k) Notwithstanding the submitted details, no development hereby approved shall commence until a Construction Environmental Management Plan (CEMP) 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:
 - i. Details of site operative parking areas, material storage areas and the location of site operatives facilities;
 - ii. Details of a scheme to prevent mud and detritus being deposited on the public highway; and
 - iii. Measures to minimise the risk of pollution and damage to environmental features; and
- l) Should two years elapse between the date of the 'Preliminary Ecological Appraisal', dated 25 June 2014 and the commencement of the development hereby approved, an updated Ecological Appraisal must be undertaken by a suitably qualified Ecologist and its recommendations followed.

The meeting ended at 11.30am

Chairman