

Planning and Regulatory Committee

Tuesday, 22 October 2019, County Hall, Worcester - 10.00 am

	Minutes
Present:	Mr R C Adams (Chairman), 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, Mr J A D O'Donnell (for items 1 - 5), Mrs J A Potter, Mr C Rogers and Mr P A Tuthill
Also attended:	Mr R C Lunn attended as a local councillor for Agenda item 6.
Available papers	The Members had before them: <ul style="list-style-type: none">A. The Agenda papers (previously circulated);B. A copy of the summary presentations from the public participants invited to speak (previously circulated); andC. The Minutes of the meeting held on 9 July 2019 (previously circulated).
1027 Named Substitutes (Agenda item 1)	None.
1028 Apologies/ Declarations of Interest (Agenda item 2)	Apologies were received from Mr R M Bennett and Prof J W Raine.
1029 Public Participation (Agenda item 3)	Those presentations made are recorded at the minute to which they relate.
1030 Confirmation of Minutes (Agenda item 4)	RESOLVED that the Minutes of the meeting held on 9 July 2019 be confirmed as a correct record and signed by the Chairman.
1031 Planning Application made under	The Committee considered a planning application made under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary condition 2 of planning

Section 73 of the Town and Country Planning Act 1990 (as amended) to vary condition 2 of planning permission: 14/000045/CM "Proposed extension to existing Waste Transfer Station Building" to amend the design of the building extension and omission of the proposed 2 metre high wall at Digaway and Clearaway Ltd, Grove House Yard, Tewkesbury Road, Upton-upon-Severn, Worcestershire (Agenda item 5)

permission: 14/000045/CM "Proposed extension to existing Waste Transfer Station Building" to amend the design of the building extension and omission of the proposed 2 metre high wall at Digaway and Clearaway Ltd, 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 Landscape Character and Visual Impacts, Residential Amenity, and Other Matters – Water Environment and Flood Risks, Traffic and Highway Safety, and Ecology and Biodiversity.

The Head of Strategic Infrastructure and Economy concluded that the applicant had stated that during the construction of the Waste Transfer Station building extension, two minor alterations to the original design became necessary. These were amendments to the design of the Waste Transfer Station building extension, so that the south-east corner of the building was reduced in size by approximately 18 square metres, relocation of the roller shutter door, and the emission of a proposed 2 metre high visual screen wall to the south of the building extension. However, the applicant was proposing a close boarded acoustic fence, measuring approximately 2 metres high, to be installed to the south and west of the extension building. As such this application sought to vary condition 2 (approved drawings list) of the planning permission 14/000045/CM.

The applicant stated that during construction, it was noted that circulation space on the eastern side of the building was limited and the decision was taken to reduce the floor area of the building and the repositioned roller shutter door opening provides a more convenient ingress and egress to the building. The applicant also stated that to construct a wall to the south of the building extension would significantly limit the useable space within the yard to the detriment of the operational arrangements of the business.

Based on the advice of the County Landscape Officer and Malvern Hills District Council, it was considered that this application would not have an adverse or detrimental impact upon the character and appearance of the local area, subject to the imposition of appropriate extant

conditions.

Based upon the advice of Worcestershire Regulatory Services and the Environment Agency, it was considered that this application would have no adverse noise, dust or odour impacts on residential amenity or that of human health, subject to the imposition of the relevant extant conditions, including a dust management plan and conditions requiring the installation of the proposed acoustic fencing, and high speed roller shutter door.

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 3, SWDP 4, SWDP 8, SWDP 12, SWDP 21, SWDP 22, 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.

In the ensuing debate, the following points were raised:

- In response to a query about the difference between the wall and the proposed acoustic fence, Ben Greenaway, the agent acting on behalf of the applicant commented that due to the nature of its construction with insulated panels, the acoustic fence would be more effective acoustically than the wall. The acoustic fence would also be closer to the existing boundary and therefore create more circulation space in the yard
- the representative of the Head of Strategic Infrastructure and Economy explained that the requirement to construct a wall was part of the original approved plans and therefore would have to be constructed in accordance with those plans
- In response to a query about the location of the residents complaining about noise impact, Ben Greenaway explained that complaints had been received from residents a distance away from the site. None of the residents in the nearest properties to the site had objected and many of them worked at the site. It was considered that the fence would provide a better solution to noise concerns than the wall and this view was supported by Worcestershire Regulatory Service
- What was the purpose of this application, was it to increase throughput, increase efficiencies or

placate objections from local residents? The representative of the Head of Strategic Infrastructure and Economy commented that this application had resulted from the Council's Planning Monitoring and Enforcement Officer visiting the site and noting work that had been carried out not in accordance with the approved plans. The Council had therefore requested the submission of an application to regularise the matter. The application was not related to throughput

- In response to a concern about future maintenance arrangements, the representative of the Head of Strategic Infrastructure and Economy commented that a condition was proposed which required the applicant to maintain the acoustic fence
- Waste transfer facilities provided an important service in the county and such facilities should be sited as near as possible to the people who used them which was the reason that this facility would continue to grow. The only real issues raised by local residents related to appearance and noise. Worcestershire Regulatory Services had indicated that the acoustic fence would be marginally more effective than the wall for noise attenuation. The inclusion of the acoustic fence in this application gave the Council greater control over future maintenance arrangements. The acoustic fence would also improve the appearance of the site
- Had any complaints about the site been made ahead of this application? The Planning Monitoring and Enforcement Officer explained that letters had been received from the local residents group GRRATE who represented the Grove area, complaining about noise and dust. As a result, he had visited the site on several occasions to different locations alongside representatives of the Environment Agency (EA), Worcestershire Regulatory Services and the district council's enforcement team. There had not been any proven noise issues
- The official noise attenuation thresholds were high. The impact on local residents could still be severe even where these thresholds were not met. However, although the proposals were not ideal there would be an improvement to the existing noise issues
- Concern was expressed that maintenance work was taking place outside the operating hours of the facility. The Planning Monitoring and

Enforcement Officer responded that this issue related to the machinery associated with the operations of the waste transfer business not the general operations on the site. There was a concrete batching plant that had access through the site and it was difficult to establish which activity the complaints related to. Maintenance of the building was not part of this application.

RESOLVED that planning permission be granted for the carrying-out of development pursuant to planning permission reference number **14/000045/CM**, without complying with condition 2 of that permission to amend the design of the building extension and omission of the proposed 2 metre high wall at Digaway and Clearaway Ltd, Grove House Yard, Tewkesbury Road, Upton-upon-Severn, Worcestershire, subject to the following conditions:

Approved Plans

- a) The development hereby approved shall be carried out in accordance with the details shown on submitted drawings referenced: PL-01; A200, received by the County Planning Authority on 16 August 2019, A101, A102, A103, except where otherwise stipulated by conditions attached to this permission;

Materials

- b) The development hereby approved shall be carried out in accordance with 'Application for Approval of Details Reserved by Condition – 14/000045/CM' and Appendix B Materials: titled: 'Travis Perkins';

Operating Hours

- c) Operations shall only take place on the site between 07:30 to 18:00 hours Mondays to Fridays, 07:30 to 13:00 hours on Saturdays and not at all on Sundays or Public Holidays. No machinery or equipment shall operate on the site outside the hours;

Construction Hours

- d) Construction works shall only be carried out on the site between the hours of 08:00 hours to 17:00 hours on Mondays to Fridays inclusive, and 08:00 hours to 13:00 hours on Saturdays, with no construction work on Sundays, Bank or Public Holidays;

Pollution

- e) All the waste transfer operations including sorting, loading/unloading of vehicles and storage of waste shall only take place within the approved building provided for the purpose;**
- f) All doors to the building shall be kept closed except to allow entry and exit;**
- g) All vehicles, plant and machinery operating within the site shall be maintained in accordance with the manufacturer's specifications at all times and this shall include the fitting and use of effective silencers;**
- h) Any facilities for the storage of oils, fuels or chemicals shall be sited on impermeable bases and surrounded by impermeable walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks and vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have a secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund;**

Throughput

- i) The operator shall ensure that the amount of wastes treated at the facility hereby approved does not exceed more than 5,000 tonnes per year. Records shall be kept for the inspection by the County Planning Authority on written request of the amount of throughput of materials for the durations of operations on the site;**

Waste Acceptance

- j) The operator shall ensure that only non-hazardous construction and demolition wastes (described as soil, rubble, concrete, brick, timber, metal, glass, plastic and cardboard) are accepted at the site. Any other waste shall be quarantined and removed from the site forthwith to a suitably**

licensed treatment or disposal facility;

Crushing, Screening and Burning

- k) No crushing or screening of waste materials shall take place on the site;
- l) No materials shall be burnt on the site;

Storage

- m) Notwithstanding the submitted details, there shall be no outside storage of materials (including wastes and processed materials) goods or equipment except empty skips. Such skips shall only be stored in the storage area marked on drawing titled: 'Amended Site/Block Plan', received by the County Planning Authority on 5 March 2015 and shall not exceed 4 metres in height. A permanent height marker shall be provided at the skip storage area to show 4 metres from ground level;

Highways

- n) No mud, dust, dirt, or debris shall be deposited on the public highway;
- o) 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;

Drainage

- p) The development hereby approved shall be carried out in accordance with Planning Statement titled: 'Application for Approval of Details Reserved by Condition – 14/000045/CM', Appendix A: Drainage Details Drawing titled: 'Grove Farm Waste Transfer Station Surface Water Disposal', and document titled: 'Grove Farm Waste Transfer Station Extension, Surface Water Disposal', dated March 2018;

Ecology and Biodiversity

- q) 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;
- r) The site's northern, eastern and southern boundaries should be protected from any additional high-powered lighting. In these areas

no new lighting should be installed other than may be unavoidably required for health, safety and security; in which case details of appropriate mitigation (timers/shielding or cowls) should be provided for the prior approval of the County Planning Authority;

Lighting

- s) The development hereby approved shall be carried out in accordance with the Planning Statement titled: 'Application for Approval of Details Reserved by Condition – 14/000045/CM', Appendix C Lighting, and Drawings Numbered: PL-4 and PL-05;

Dust Management

- t) Within 3 months of the date of this permission, a detailed scheme for the mitigation of dust shall be submitted to and approved in writing by the County Planning Authority. The approved scheme shall be implemented and complied with at all times for the duration of the development hereby permitted;

Planning Permission

- u) 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 waste activities /operations on the site;

Roller Shutter Door

- v) The new opening (access) in the extension building hereby approved, as shown between Points Z and Y on the 'East' Elevation on Drawing Number: A102, titled: 'Elevations' and Drawing Numbered: A101, titled: 'Floor Plan', shall be fitted within a high-speed roller shutter door within 3 months of the date of this permission; and

Acoustic Fencing

- w) The 2 metre high close boarded acoustic fencing, as shown on drawing numbered: A200, received by the County Planning Authority on 16 August 2019, titled: Site Plan, and document titled: JAKOUSTIC – Jacksons Fencing shall be installed within 3 months of the date of this

1032 Proposed change of use from former children's home (Use Class C2) to family contact (Use Class D1) and office (Use Class B1), the construction of nine additional car parking spaces, one motorcycle space and installation of a bike shelter at 45 Downsell Road, Redditch, Worcestershire (Agenda item 6)

permission and shall be maintained for the duration of the development hereby approved.

The Committee considered a proposed change of use from former children's home (Use Class C2) to family contact (Use Class D1) and office (Use Class B1), the construction of nine additional car parking spaces, one motorcycle space and installation of a bike shelter at 45 Downsell Road, 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 Location of the Development, Visual Impact and Residential Amenity, Water Environment, Ecology and Biodiversity, Traffic and Highway Safety, and Other Matters – Crime and Safety, and Bin Storage and Recycling.

The Head of Strategic Infrastructure and Economy concluded that the proposed development would be a local hub for providing family contact services as well as being an operational base for social working teams dealing with vulnerable children within the north and east of the County (Redditch, eastern parts of Bromsgrove and northern Wychavon).

The applicant stated that the family contact team and social workers worked closely together to support families. Enabling these teams to be co-located promoted opportunities for formal and informal discussion and information sharing between staff and as such improved joint working. Its location and transport links made Downsell Road an accessible facility for families and carers, and was ideal in terms of reach for these areas as social workers would be able to quickly access these areas via the A448. A town centre location would potentially create delays in accessing other places in the County or attending urgent enquiries, particularly at peak times. The Head of Strategic Infrastructure and Economy considered that in this instance the proposal would be appropriately located to serve the needs and priorities of the service and would not have an adverse impact on the surrounding area.

The County Landscape Officer had raised no objections to the proposal, and minimal changes were proposed to the exterior of the building, with the key changes being the extension of the car parking area and removal of a

cherry tree. In view of this, it was considered that the proposal would not have an adverse or detrimental impact upon the character and appearance of the local area or residential amenity.

North Worcestershire Water Management and Severn Trent Water Limited had both raised no objections. It was considered that the proposal would have no adverse effects on the water environment, subject to the imposition of an appropriate condition regarding the car park extension to be permeable tarmac.

Based on the advice of the County Ecologist and Worcestershire Wildlife Trust, it was considered that subject to the imposition of an appropriate condition, 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 biodiversity.

Based on the advice of the advice from 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 appropriate conditions.

Taking into account the provisions of the Development Plan and in particular Policy WCS 17 of the adopted Worcestershire Waste Core Strategy and Policies 1, 2, 3, 5, 15, 16, 17, 18, 19, 20, 22, 25, 26, 39 and 40 of the adopted 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 a further communication had been received from Mr Clayton, a local councillor who had indicated he had no issue with the change of use of the building but expressed concern about the lack of parking spaces for the 35 staff members, particularly given the proximity of two local schools. He also highlighted the amount of double yellow lines in this area with a further request for double yellow lines in Lydenwood Close. In response, the representative of the Head of Strategic Infrastructure and Economy explained that the original application included proposals to accommodate 56 staff members at the facility however following concerns expressed by the County Highways Officer, the application had been revised and the number of staff to be accommodated

reduced to 19.

Mrs Wookey, an objector to the application was invited but declined to speak.

Mr Moutter, accompanied by Ms Russell addressed the Committee on behalf of the applicant. He commented that the location was ideal for social workers who would be based at the site as they could quickly access the areas and families they needed to. Conversely and as stated in the report if this was in the town centre it would delay response times. The County Highways Officer had worked with the applicant throughout the development and assessment of the proposals and was satisfied that there would be no adverse impact or harm arising from the granted planning consent for this scheme from a highways perspective.

He added that the proposal involved minimal changes to the building itself with the only key changes being the extended car parking area and the removal of one tree. As such there was no basis for objection on landscape and visual appearance grounds. The County Ecologist and the Worcestershire Wildlife Trust were content that there was no adverse impact from the scheme subject to the imposition of the planning conditions. North Worcestershire Water Management and Seven Trent Water had confirmed that they had no objections and a planning condition was proposed which required the new car parking area to be of permeable tarmac.

He concluded that the scheme demonstrably complied with all applicable policies and officers had confirmed that there were no material considerations that would justify refusal.

In the ensuing debate, the following points were raised:

- How many staff would be using the building at any one point and was the applicant satisfied that sufficient parking provision had been included in the application? Tina Russell responded on behalf of the applicant that the conversion of Downsell Road was part of a bigger plan for the service. The wider team meetings would either be held at County Hall or elsewhere. The Downsell Road facility was not big enough to accommodate such meetings. Social workers tended to visit clients first thing and then travel from one external meeting to another during the day, only calling into the facility fleetingly. The staff permanently on-site

would be the administration support staff. There was no set pattern for social workers attending the facility and therefore it was difficult to determine the exact numbers of staff at the building at any one time. In relation to the Family Contact Centre, car parking space utilisation would be fluid dependent on the dropping off and picking up of children by parents/carers during the day

- Could every effort be made when planning appointments to the Family Contact Centre to avoid peak traffic periods? Tina Russell indicated that the children using the facility would either be of non-school age and only attend after their carers had dropped off their own children at school; or school age children who would only attend after school time
- In response to a query about the impact on future service provision of the changes to the original application, Tina Russell commented that the use of Downsell Road was part of a wider review of the use of children's homes. It had been determined that there was a lack of staff facilities in the north of Wychavon District. Concerns were raised about the original application and therefore the plans were revised. The revision took account of the requirements for the location of staff and for the provision of suitable family contact centres
- A local councillor commented that this was a good example of an applicant responding constructively to the concerns of local residents. He was content to support this application which had addressed the concerns expressed by local residents about car parking. The number of parking spaces was adequate for the facility especially now that team meetings would be held elsewhere. It would be difficult for construction vehicles to access Downsell Road at the peak time in the morning therefore he requested that condition c) be amended so that construction works shall only commence on the site at 09:00 rather than 08:00 hours on Mondays to Fridays. He would support the introduction of a Traffic Regulation Order if considered appropriate. The representative of the Head of Strategic Infrastructure and Economy commented that the proposed hours set out in condition c) were standard hours suggested by Worcestershire Regulatory Services in their best practice guidance. He understood the rationale for the proposed change. The applicant indicated that the amended condition would not cause any difficulties if agreed

- Although this application would make the traffic issues on Downsell Road slightly worse during peak times, the benefits of providing this facility outweighed any minor traffic impact
- It should be noted that the County Highways Officer and Redditch Borough Council had not objected to the application
- The application satisfied the planning criteria but also from a corporate parenting perspective, the facility could enable children to gain the trust of carers with the ultimate aim of returning them to their families.

RESOLVED that planning permission be granted for the proposed change of use from former children's home (Use Class C2) to family contact (Use Class D1) and office (Use Class B1), the construction of nine additional car parking spaces, one motorcycle space and installation of a bike shelter at Former Children's Home, 45 Downsell Road, Redditch, Worcestershire, subject to the following conditions:

- a) The development hereby permitted 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 plans 45DR-SP01, 45DR-BP01, 45DR-Ext 01 Rev A, 45DR-Ext 02, 45DR-PFF 01 Rev A and 45DR-PGF 01 Rev A, except where otherwise stipulated by conditions attached to this permission;
- c) Construction works shall only be carried out on the site between 09:00 to 18:00 hours on Mondays to Fridays inclusive, and 08:00 to 13:00 hours on Saturdays, with no construction work on Sundays, Public or Bank Holidays;
- d) 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, they shall be replaced in the next planting season;

- e) **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;**
- f) **Notwithstanding the submitted details, prior to the development being brought into use, details of replacement new turf and tree, including their location shall be submitted to the County Planning Authority for approval in writing. The approved 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. Should the replacement tree die, be removed, damaged or diseased within a period of five years from the completion of the planting, it shall be replaced on an annual basis, in the next planting season with a tree of a similar size and species;**
- g) **Within one month of the completion of the development, details describing the specifications and locations of sparrow terraces and house martin cups shall be submitted to the County Planning Authority for approval in writing. Following approval, the terraces and cups shall be installed within three months and thereafter so retained;**
- h) **Notwithstanding the submitted details, the position of the accessible parking, electric vehicle parking and motorcycle parking shall be submitted to and approved in writing by the County Planning Authority. The development shall not be brought into use until the approved details have been implemented and thereafter so retained;**
- i) **The development hereby approved shall not be brought into use until one electric vehicle charging space has been provided in accordance with a specification which shall be**

submitted to and approved by the County Planning Authority. Thereafter, such spaces and power points shall be kept available and maintained for the use of electric vehicles as approved;

- j) No construction of the parking spaces extension, as shown on Drawing Numbered: 45DR-Ext 01 Rev A, shall take place until details of all surfacing materials, which shall be a permeable surface for the new parking spaces, 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 and thereafter so retained;
- k) The Development hereby approved shall not be brought into use until the access, parking and turning facilities have been provided as shown on drawing 45DR-EXT01 Rev A;
- l) The travel plan shall be implemented in accordance with the agreed details which have been registered with Modeshift STARS Business;
- m) Notwithstanding the submitted details, the development shall not be brought into use until details of the bin storage, including provision for recycling, are submitted to the County Planning Authority for approval in writing. The approved details shall then be implemented and thereafter so retained; and
- n) No more than 277 sq. m of the total gross floorspace of the development hereby approved shall be used as floorspace within Use Class B1.

The meeting ended at 11.00am.

Chairman