

## Planning and Regulatory Committee

### Tuesday, 29 September 2020, Online only - 10.00 am

		Minutes
<b>Present:</b>		Mr R C Adams (Chairman), 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, Mr J A D O'Donnell, Mrs J A Potter, Prof J W Raine, Mr C Rogers and Mr P A Tuthill
<b>Available papers</b>		The Members had before them: <ul style="list-style-type: none"><li>A. The Agenda papers (previously circulated);</li><li>B. A copy of the summary presentations from the public participants invited to speak (previously circulated); and</li><li>C. The Minutes of the meeting held on 7 July 2020 (previously circulated).</li></ul>
<b>1048</b>	<b>Named Substitutes (Agenda item 1)</b>	None.
<b>1049</b>	<b>Apologies/ Declarations of Interest (Agenda item 2)</b>	None.
<b>1050</b>	<b>Public Participation (Agenda item 3)</b>	Those presentations made are recorded at the minute to which they relate.
<b>1051</b>	<b>Confirmation of Minutes (Agenda item 4)</b>	<b>RESOLVED</b> that the Minutes of the meeting held on 7 July 2020 be confirmed as a correct record and signed by the Chairman.
<b>1052</b>	<b>Temporary permission (5 years) for a proposed Materials Recovery Plant</b>	The Committee considered a County Matter application seeking planning permission for a temporary period of 5 years for a proposed materials recovery plant to process road sweepings and highway drainage clearance materials on Land at Station House, Saltway, Hanbury, Worcestershire.

**to process road sweepings and highways drainage clearance materials on land at Station House, Saltway, Hanbury, Worcestershire (Agenda item 5)**

The report set out the background of the proposal and decision made at the Committee meeting on 7 July 2020, the proposal itself, the relevant planning policy and details of the site, consultations and representations.

In response to the Committee's resolution of 7 July 2020, the Head of Strategic Infrastructure and Economy (now Head of Planning and Regulation) commissioned AXIS P.E.D. Ltd. (AXIS) to reconsider the application and, if a recommendation of approval could be made, to provide independent advice on the terms of the reasons and for appropriate planning conditions to be identified. The recommendation made by the Head of Strategic Infrastructure and Economy in the Committee Report of 7 July 2020 was that the application be refused on a single ground relating to the Green Belt. The Head of Strategic Infrastructure and Economy was otherwise satisfied in relation to matters of a technical nature, including environmental protection and residential amenity. The conclusions of the Committee Report of 7 July 2020 in relation to these matters were considered appropriate. Therefore, it was a reasonable approach for AXIS to rely upon the Committee Report in relation to these matters and to only reconsider the matter of effects on the Green Belt and associated policy.

The report included the Head of Planning and Regulation's comments in relation to the Waste Hierarchy, location of the development, Green Belt, landscape character and visual impact, residential amenities (including noise and dust emissions), traffic and highway safety, water environment, ecology and biodiversity, and other matters – local economy, pollution control and integrity of the railway line.

The Head of Planning and Regulation concluded that as the proposed development would recover waste materials, which would otherwise be disposed of to landfill, it would comply with the objectives of the waste hierarchy. It would also contribute to Worcestershire's equivalent self-sufficiency in waste management capacity in accordance with Policies WCS 2 and WCS 15 of the Waste Core Strategy. It would provide recycled aggregate to the construction industry, which was a substitute for crushed hard rock for which Worcestershire now had no remaining permitted reserves (as referenced in Draft Policy MLP 11: Steady and Adequate Supply of Crushed Rock of the Emerging Worcestershire Minerals Local Plan – Publication Version).

The Head of Planning and Regulation considered that

whilst a waste management facility was not explicitly referred to within Policies SWDP 2 and SWDP 12 of the South Worcestershire Development Plan, the proposal was considered broadly to be an employment site and would constitute the retention of an existing employment site and was for the re-use of previously developed land, complying with these policies.

Having reviewed the characteristics of this part of the Green Belt and taking in to account: the current nature of the application site; the limited visual effects of the proposal on perceived openness; the site's lawful use; the absence of material harm to Green Belt purposes; and the time limited nature of the scheme and its reversibility, AXIS judged that there would be very limited material loss of openness and the overall harm to the Green Belt would be minor in magnitude. Further, it was judged that no material level of 'other harm' weighed against the proposed development.

Relevant planning considerations included: the acknowledged need for the scheme; the fact it would reduce 'waste miles' within the County and move the management of waste up the hierarchy; the fact the site was previously developed and had a permitted commercial lawful use that encompassed distribution; the evidence that there might well be no proximate, alternative non-Green Belt sites; and the economic benefits of the scheme.

Having fully reviewed all relevant Green Belt matters, AXIS concluded that the considerations set out above, when considered cumulatively, clearly outweighed the minor degree of harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposed development. Accordingly, very special circumstances existed and, in relation to Green Belt matters, the granting of planning permission could be justified. As such, the proposed development met the relevant policy requirements in the NPPF Section 13, and accorded with Policy WCS 13 of the Worcestershire Waste Core Strategy and Policy SWDP 2 of the South Worcestershire Development Plan.

The Head of Planning and Regulation considered that views of the site would be possible from the east along the Saltway given the boundary adjoining the railway line consisted of only a palisade fence. However, such views would be seen in the context of the existing established distribution yard and buildings and would be well screened from views along the southern and western

boundaries due to the established landscaping and site levels. The Head of Planning and Regulation considered that the proposed development would not have an unacceptable visual impact or detrimental impact upon the character and appearance of the local area.

Given the separation and established vegetation buffer between the neighbouring residential properties and the application site, the Head of Planning and Regulation 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 an appropriate condition restricting the operating hours as recommended by Worcestershire Regulatory Services.

Given the existing access and the proposed vehicle movements, as well as the lack of objection from the County Highways Officer, subject to the imposition of appropriate conditions the Head of Planning and Regulation was satisfied that the proposal would not have any adverse impact on traffic and highway safety.

Based on the advice from the different consultees, including the Environment Agency and the LLFA, the Head of Planning and Regulation considered that there would be no adverse effects on the water environment, subject to the imposition of appropriate conditions, and the proposal would accord with Policy SWDP 29 of the South Worcestershire Development Plan.

Worcestershire Wildlife Trust had been consulted due to the proximity of the proposal to the Local Wildlife Sites and had raised no objections to the proposal and wished to defer to the County Ecologist for all on-site detailed ecological considerations. The County Ecologist had no objection to the scheme subject to the imposition of appropriate conditions. The applicant had confirmed that no alterations to the landform at the site were proposed, no trees would be removed and no additional lighting would be required. In view of the above matters, the Head of Planning and Regulation considered that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area, subject to the imposition of appropriate conditions.

In conclusion, it was considered that permitting the proposed development could be justified in relation to Green Belt policy and there were no other reasons why planning permission could not be granted.

Mr M Barnes, the agent acting on behalf of the applicant addressed the Committee. He commented that it was acknowledged that this site was located within the Green Belt. However, the impact of the proposed development needed to be considered against the existence of a Certificate of Lawfulness for storage and distribution on the site. It was a component of the environmental objective of sustainable development within national policy (Framework 8c) to 'minimise waste'. The present waste management regime for road sweepings and the clearance of highway drainage material was the antithesis of this objective. Currently the material was transported and then discarded to landfill.

He added that facilities of a similar nature were limited across the region and this facility would reduce travel time, emissions and costs for customers. He was aware of suitable existing sites in Wolverhampton, Rugby, Sheffield and Dagenham. The contribution this facility provided to assist in the delivery of sustainable development through the recovery of waste material which would otherwise be deposited to landfill was a significant benefit of the scheme. The weight that could be afforded to the waste management benefits of the site were strengthened by the substantive evidence provided as to the absence of alternative sites beyond the Green Belt which might be suitable for the proposed use.

He concluded that the proposals would also generate the need for five full time employees. There were no technical objections to the proposed development. He therefore urged members to grant planning permission for this proposed development.

Mr Barnes was then asked a series of questions about his presentation:

- Did the proposal for a 5 year temporary permission have any impact on the financial viability of the operations? Mr Barnes responded that there had been a more favourable change in planning policy in the way proposals for temporary permission in the Green Belt were assessed if the land was restored to its original state. This application for temporary permission allowed the applicant time and the flexibility to look for alternative, more appropriate sites that were not in the Green Belt which he was willing to do. However, if no suitable sites could be found, he considered the site to be appropriate for a permanent permission

- How many sweepers would be kept on site? Mr Barnes confirmed that there were currently 6 sweepers on site although that number could increase to 11 sweepers
- Would this facility be available for use by other companies such as ACL? Mr Barnes commented that ACL had indicated that they intended to use the site and had put in a supporting letter for the application
- Concern was expressed about the extent of the application site and whether commercial vehicles would be parked on other areas of the site. It was therefore queried whether proposed conditions (g) and (h) could be enforced. Mr Barnes responded that the site was already the subject of a Certificate of Lawful Use which allowed for storage and distribution. This permission would mean that if the applicant was in breach of these conditions, the County Planning Authority could take enforcement action. The application site was within the area marked with the red line which was within the ownership of the applicant. The remainder of the site was owned by Network Rail and should the applicant use this area, it would be in breach of this proposed permission. Mr Steven Aldridge added that Wychavon District Council had granted a Certificate of Lawful Use for storage and distribution but it was important to note that it excluded the operations that were subject to an enforcement notice including the storage of road sweeper vehicles, other commercial vehicles and commercial plant and machinery. The proposed conditions were therefore a replication of the Certificate of Lawful Use. Should the storage of commercial vehicles take place on the site, Wychavon District Council could enact the live enforcement notice if so inclined.

In the ensuing debate, the following points were raised:

- It was confirmed that no further comments had been received from the local councillor
- There was no obvious impact in the local area from the commercial activities taking place at the site
- Although it was important to look after the Green Belt and the landscape character of this area, this application for temporary permission was acceptable for the reasons set out in the report. However, it would be preferable in the future for a permanent site to be found outside the Green Belt

- The report to the July Committee did not provide sufficient justification or special reasons for approving this development in the Green Belt albeit with a temporary permission. However, the report to this Committee had highlighted the recent changes in case law. The proposal was on the margins of the Green Belt and activities were already taking place at the site. In addition, temporary permission for 5 years was being sought so if issues arose during this period, permission could be denied at the end of the temporary period
- The report gave assurance that the original decision of the Committee in being minded to grant permission was correct. There was the added benefit of the offer from the applicant to discharge Council vehicles at the site and therefore avoided the additional cost of travelling to Willenhall. There was a lack of objections to the application. This applicant had also demonstrated that the proposal drove waste management up the waste hierarchy and created jobs in the local area
- There would be minimal harm to the Green Belt as a result of this proposal, as it was on a previously developed site. There would be a positive impact on the environment whereby materials could be reclaimed and reused as well as a reduction in the use of fuel to transport materials to other sites further away
- The proposal would reduce emissions, the site was well-screened and would have very little impact on the local area.

**RESOLVED** that having taken the input into this report from AXIS into account, permission be granted for the proposed materials recovery plant to process road sweepings and highway drainage clearance materials on Land at Station House, Saltway, Hanbury, Worcestershire, subject to the following conditions:

- a) The development must be begun not later than the expiration of three years beginning with the date of this permission;
- b) The development hereby permitted shall be carried out in accordance with the details shown on submitted Drawings titled: Site Location Plan, Numbered 1 dated April 2020; Site Layout Plan 2A, dated May 2020; Site Layout Plan 2B dated May 2020; Swept Path

**Analysis 4 Rev 1 dated June 2020; Indicative Drainage Strategy Sheet 1 of 2, Drawing No. SK01 dated 05.05.20; Indicative Drainage Strategy Sheet 2 of 2, Drawing No. SK02 dated 05.05.20; Schematic Plant Details, Numbered: 5, dated October 2017; Schematic 3D Plant Details, Numbered: 6, dated October 2017; and Site Sections, Numbered: 7 Rev 2, dated June 2020, except where otherwise stipulated by conditions attached to this permission;**

- c) No wastes other than those defined in the application, namely road sweepings and highway drainage clearance materials, shall be brought onto the site;**
- d) The amount of imported waste to be processed by the development hereby approved shall not exceed 25,000 tonnes in any one calendar year (January to December) and records shall be kept for the duration of the operations on the site, and made available to the County Panning Authority within 10 working days of a written request being made;**
- 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 repair and maintenance of plant or machinery within the development hereby approved shall only take place between 08:00 and 18:00 hours Mondays to Fridays inclusive, and between 08:00 and 13:00 hours on Saturdays with no operations on Sundays, Bank or Public Holidays;**
- g) Any commercial vehicles including road sweepers or gully suckers associated with the development hereby approved shall only enter or exit the site between 07:00 and 18:00 hours Mondays to Fridays inclusive, and between 08:00 and 13:00 hours on Saturdays with no commercial vehicles entering or existing the site on Sundays, Bank or Public Holidays;**
- h) This permission does not authorise the parking or storage of commercial vehicles**



including road sweepers or gully suckers, or the storage of commercial plant or machinery other than the temporary parking of commercial vehicles to enable the loading and unloading associated with the development hereby approved and the plant and machinery as shown on submitted Drawings titled Site Layout Plan 2A, dated May 2020 and Site Layout Plan 2B dated May 2020;

- i) The height of all stored skips, containers and materials shall not exceed 3 metres in height and should not be stored within three metres of the eastern boundary of the site. A scheme for the setting up of a permanent marker that allows site 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 within 3 months of the date of this permission. Thereafter, the agreed height markers shall be erected and maintained on site for the duration of the development hereby approved;
- j) Prior to the first use of the development hereby approved, a Noise and 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;
- k) All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specifications at all times, and shall be fitted with and use fully operational silencers;
- l) Notwithstanding any submitted details, 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. Colour;
  - v. Any measure proposed to minimise the impact of the

- lighting or disturbance through glare;
- vi. Any measures to minimise the impact of lighting upon protected species and habitats, in particular bats; and
  - vii. Times when the lighting would be illuminated.

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

- 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 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 or vessels plus 10%. All filling points, associated pipework, vents, gauges and site glasses must be located within the bund or have separate 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;
- n) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the County Planning Authority. The applicant is advised to immediately seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation. No further works should be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation scheme, until requirements i to iv below have been complied with:
- i. Detailed site investigation and risk assessment must be undertaken by

competent persons in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and approved by the County Planning Authority prior to any further development taking place;

- ii. Where identified as necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the County Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation;
- iii. The approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation; and
- iv. Following completion of measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the County Planning Authority prior to the use of the development hereby approved;

**o) No materials shall be burnt on the site;**

**p) 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;

- q) Prior to the first use of the development hereby approved, details of practical measures to address remediation of invasive species 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;
- r) Within three months of the date of this permission, details describing the specifications and locations of at least one bat box and at least one bird box shall be submitted to the County Planning Authority for approval in writing. Thereafter, the bat box and bird box shall be installed within three months of the approval and in accordance with the approved details, and retained for the duration of the development hereby approved;
- s) Notwithstanding any submitted details, prior to the commencement of the development hereby approved, details and a specification of all new and replacement hard surfacing within the application site, 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;
- t) Notwithstanding any submitted details, prior to the first use of the development hereby approved, drainage plans for the disposal of foul and surface water 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;
- u) There shall be no discharge of trade effluent, sewage effluent or contaminated drainage from the site into any ditch or watercourse;
- v) Notwithstanding any submitted details, all surface water drainage from the site shall be through an oil interceptor;
- w) Prior to the commencement of the

development hereby approved, a programme of archaeological work, including a Written Scheme of Investigation shall be submitted to the County Planning Authority for approval in writing. The scheme shall include an assessment of significance and research questions; and:

- i. The programme and methodology of site investigation and recording;
  - ii. The programme for post investigation assessment;
  - iii. Provision to be made for analysis of the site investigation and recording;
  - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - v. Provision to be made for archive deposition of the analysis and records of the site investigation; and
  - vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- x) The development hereby approved shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition w) above and the provision made for analysis, publication and dissemination of results and archive deposition has been secured;
- y) The development hereby approved shall not be brought into use until at least two electric vehicle charging spaces and power points have been provided in accordance with a specification which shall be submitted to and approved in writing by the County Planning Authority. Thereafter, such spaces and power points shall be kept available and maintained for the use of electric vehicles only, for the lifetime of the development. If any of the power points need to be replaced, any replacement power points shall be of the same specification or a higher specification in terms of charging performance;

- z) The development hereby approved shall not be brought into use until a Travel Plan has been submitted to and approved in writing by the County Planning Authority. The Travel Plan shall promote sustainable forms of travel to the development and shall include mechanisms for monitoring and review over the life of the development and timescales for implementation. Thereafter, the approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved details;**
- 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) Within 3 months of the date of this permission, details of a scheme to prevent mud, dust or detritus being deposited on the public highway shall be submitted to the County Planning Authority for approval in writing. Thereafter, the approved scheme shall be implemented and maintained for the duration of this permission;**
- cc) Notwithstanding any submitted details, all roads, paths or ways providing access to any part of the railway undertaker's land shall not be blocked or restricted and should be kept open at all times for the duration of the development hereby approved;**
- dd) There shall be no excavations carried out which affect the structural integrity of the railway embankment, retaining walls or bridges;**
- ee) The proposal shall cease within five years of the date of this permission and 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 date of this permission. The approved restoration scheme shall be fully implemented within five years of the date of this permission; and**
- ff) A copy of this decision notice, together with**

**1053 Safety of Sports  
Grounds  
Annual Review  
2019/20  
(Agenda item 6)**

**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.**

The Committee considered the annual review of activities carried out by Worcestershire County Council (WCC) Directorate of Public Health (Emergency Planning) to discharge statutory duties under the Safety at Sports Grounds (SatSGs) and related legislation during 2019/2020.

The report set out details of the Safety Certificates, Safety Advisory Groups, findings for Sixways Stadium - Worcester Warriors RFC, Aggborough Stadium – Kidderminster Harriers FC, The Grandstand Worcester Racecourse, Victoria Ground – Bromsgrove Sporting FC and Worcester City FC, Non-Statutory Event Safety Management Advice, and the Regulatory Reform (Fire Safety) Order.

Nick Riding, Advanced Public Health Practitioner (Emergency Planning) introduced the report at the meeting and indicated that responsibility for the safety of sports grounds had transferred from Public Health to Worcestershire Regulatory Services from August 2020. He was accompanied at the meeting by Peter Maloney from Worcestershire Regulatory Services who would answer any questions about the service going forward.

In the ensuing debate, the following points were raised:

- It was clearly evidenced from previous member site visits of the level of care undertaken by the SAGs in relation to their duties to for the safety of sports grounds and this was welcomed
- The Chairman wished to record his thanks to Charlie Heritage who had retired this year for all his work and support to the Committee in this area
- Was the carpark charging policy at Sixways caused the parking problems in the local area on match days? Nick Riding advised that there was a charge for parking at Sixways which had had an impact but also because of the increase in attendance at the stadium the car park did not have the capacity to cope. In an attempt to resolve this issue, a traffic management scheme had been put in place to improve the access and egress to

the site. There was a park and ride facility based at County Hall which had been successful

- If and when the Government allowed these grounds to be open to the public, who would be responsible for ensuring that they were Covid 19 safe? Peter Maloney advised that Covid 19 security across the county for businesses had been the responsibility of Worcestershire Regulatory Services since March 2020. Advice about Covid security had been provided to businesses as they emerged from lock down and issues associated with sports grounds would be an extension of that work.

**RESOLVED that:**

- a) The 2019/20 Annual Review of activities carried out by the Council to manage and implement the Safety at Sports Grounds legislation be noted; and**
- b) It be noted that the Council has successfully met its statutory duty in respect of Safety at Sports Grounds legislation during 2019/20.**

The meeting ended at 11.10am.

Chairman .....