

Planning and Regulatory Committee

Tuesday, 1 December 2020, Online only - 10.00 am

Present:

Minutes

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, Mrs F M Oborski, Mr J A D O'Donnell, Mrs J A Potter, Prof J W Raine and Mr C Rogers

Available papers

The Members had before them:

- A. The Agenda papers (previously circulated);
- B. A copy of the summary presentations from the public participants invited to speak (previously circulated); and
- C. The Minutes of the meeting held on 29 September 2020 (previously circulated).

1054 Named Substitutes (Agenda item 1)

None.

1055 Apologies/ Declarations of Interest (Agenda item 2)

An apology was received from Mr P A Tuthill.

1056 Public Participation (Agenda item 3)

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

1057 Confirmation of Minutes (Agenda item 4)

RESOLVED that the Minutes of the meeting held on 7 July 2020 be confirmed as a correct record and signed by the Chairman.

1058 Demolition of part of the existing industrial building; erection of

The Committee considered a County Matter application for the demolition of part of existing industrial building; erection of extension to retained building and connection to adjacent waste transfer station to provide additional storage space for waste materials, office and staff facilities, and a new weighbridge (part-retrospective) at Metal and Ores Industrial Estate, 138 Hanbury Road,

extension of retained building and connection to adjacent waste transfer station to provide additional storage space for waste materials, office and staff facilities, and a new weighbridge (part-retrospective) at Metal and Ores Industrial Estate, 138 Hanbury Road, Stoke Prior, Worcestershire (Agenda item 5)

Stoke Prior, 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 Planning and Transport Planning's comments in relation to the Waste Hierarchy, location of the development, landscape character, visual impacts and historic environment, traffic and highway safety, residential amenities (including noise, dust, lighting and air quality), ecology and biodiversity, water environment including flooding, climate change, other matters - Integrity of the railway line, contaminated land, future monitoring of site, minerals, and use of site, and other matters.

The Head of Planning and Transport Planning concluded that the proposal would involve the sorting and bulking up of various sources of waste in preparation for transfer and also for subsequent recycling in some instances. The percentage of waste that would be able to be recycled would be able to increase. The proposal would also contribute to Worcestershire's equivalent self-sufficiency in waste. The proposal would comply with the objectives of the waste hierarchy and would be consistent with Policies WCS 2, WCS 3 and WCS 15 of the Waste Core Strategy.

Whilst there were a variety of different uses on the wider site including industrial, retail and residential uses, the site was identified in the adopted Bromsgrove Development Plan as an employment site where waste management facilities were appropriate. The proposal was for additional space to meet the needs of the existing waste transfer station, which was an established facility. The Head of Planning and Transport Planning was, therefore, satisfied that the principle of the location of the development had already been established and that the proposal was considered to be consistent with the objectives and Policies WCS 3 and WCS 6 of the Waste Core Strategy, and Policy BDP 13 of the Bromsgrove District Plan.

The Head of Planning and Transport Planning considered that as the proposal would move waste up the waste hierarchy, the public benefits of the proposal outweighed the less than substantial harm to the heritage asset of the Worcester and Birmingham Canal Conservation Area. Based on the advice of the County Landscape Officer, the Head of Planning and Transport

Planning considered that the proposed development would not have an unacceptable impact upon the character and appearance of the local area, subject to the imposition of appropriate conditions, relating to details of finishing materials.

Given the existing access and that there would be no increase in vehicle movements or the type of vehicles as well as the lack of objection from the County Highways Officer, subject to the imposition of appropriate conditions including limiting the throughput of the site, the Head of Planning and Transport Planning was satisfied that the proposal would not have any adverse impact on traffic and highways safety.

The Head of Planning and Transport Planning considered that the proposal would have no adverse noise, dust, lighting or air quality impacts upon residential amenity or that of human health subject to the imposition of appropriate conditions including in relation to hours of construction and operation, noise and dust management systems, lighting as well as throughput.

In view of the above matters, the Head of Planning and Transport Planning 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 conditions relating to external lighting and the provision of a bird box.

The Head of Planning and Transport Planning considered that the proposal would not have an unacceptable adverse impact on the water environment or flooding, subject to the imposition of appropriate conditions including those relating to surface water drainage and a Flood Evacuation Plan.

The Head of Planning and Transport Planning noted that interference with the solar panels was a material planning consideration by reason of the part played by them in addressing, however modestly on an individual scale, issues of climate change. However, the fact that the adjacent owner / occupier might have to pay increased energy costs, since they might be producing less electricity from their solar panels, might not be a material planning consideration but would have limited weight anyway. In this instance, it was considered that a condition or Planning Obligation requiring works on third party land which was not controlled by the applicant or that required the consent or authorisation of another person or body was unlikely to meet the statutory tests

including reasonableness and enforceability. On balance, the Head of Planning and Transport Planning considered that the overshadowing of solar panels would not constitute a reason for refusal in this instance.

In view of Policy WCS 11 of the Waste Core Strategy, as the gross floorspace of the application site buildings would exist 1,000 square metres, therefore a condition was recommended requiring on site renewable or low carbon sources. In view of the above matters, the Head of Planning and Transport Planning recommended the imposition of a condition requiring renewable or low carbon energy generating facilities to be incorporated as part of the development.

In view of the above, and 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, WCS11, WCS 12, WCS 14 and WCS 15 of the adopted Worcestershire Waste Core Strategy and Policies BDP 1, BDP 13, BDP 14, BDP 16, BDP 19, BDP 20, BDP 21, BDP 22, BDP 23, BDP 24 and BDP 25 of the Bromsgrove District Plan it was considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

The representative of the Head of Planning and Transport Planning introduced the report and added that in light of new drainage information submitted by the applicant, Natural England had further commented that they had no objection to the application as it would have no impact on designated sites. The local councillor, Mr Daisley had submitted comments. He objected to the application on the grounds of visual impact, noise pollution, the materials on site, lighting, highways, and flooding concerns. His submission was read out in full.

Mr Cartwright, an objector to the application addressed the Committee. He commented that he objected to the size of the building, its visual impact, the noise and dust created, the increased traffic and the increased flood risk. It was noticeable that the only supporters for the application represented a similar facility in the local area or were tenants at the site. The local area was already dealing with dust problems and this application would make the situation worse. He was concerned that the applicant's noise assessment had not been adequately examined and queried why an independent noise assessment had not been commissioned.

He added that the site was in the highest flood risk level and yet conditions including escape routes recommended by the LLFA and NWWM had been dropped. Night time operations were proposed at the site so escape routes are questionable. There were concerns about water contamination. Although the application did not refer to an increase in throughput, it was queried whether the applicant would increase it at a later date and how it would be monitored. This application would increase traffic, noise and dust at the site.

Mr Cartwright was then asked questions about his presentation:

- The assertion in Mr Cartwright's presentation that there would be night time working at the site was queried. Mr Cartwright responded that he understood that there was the option for night time working hence the proposed installation of lighting at the site. However, he accepted the suggestion that the lighting could be to enable working at the site in late afternoons during the winter months
- It was queried why Mr Cartwright considered there would be an increase in noise given that there would not be an increase in throughput of waste, as a result of this application. Mr Cartwright responded that noise from the site had increased over the last few years and certainly over the last few months and he would support an independent noise assessment being carried out. The representative of the Head of Planning and Transport Planning added that the Council relied on this advice from Worcestershire Regulatory Services and their noise assessment had attributed the noise in the vicinity of the site to a number of factors including road traffic, train movements, the existing operations on the applicant's site and the surrounding industrial estate. Worcestershire Regulatory Services had taken noise level measurements at the nearest residential property receptor in Foley Gardens and found them to be below the usual recommended background noise level during normal working hours. In addition, the new building had not been utilised since March 2020. There were other industrial units on the site from which noise emanated. The existing buildings had an open aspect but this building would be fully enclosed hence Worcestershire Regulatory Services comment that this proposal would provide betterment to the existing structure.

Mrs Rogers, the agent acting on behalf of the applicant addressed the Committee. She commented that the applicant had been running a waste transfer station from the site for 15 years. Operations at the site were governed not only by the planning permission issued by the County Council but also by permits issued by the Environment Agency. These permits limited the nature and amount of waste which could be handled and ensured there was no harm to local amenity or the environment. The Environment Agency had stated that they had had no recorded complaints, substantiated or otherwise, in relation to the current business.

She added that the business works with two specific waste streams – wood and general waste. Almost all the wood was recycled, but only about 65% of the general waste. The rest was taken to landfill. This was because there was insufficient space within the existing building to store many of the recyclable products until a full load had been created. Recycling centres did not want just a tiny amount, they wanted a full load and if there was not enough space to allow it to accumulate then it had to be taken to landfill.

She indicated that this application did not propose to change the amount of waste handled by the site, or the nature of that waste. It would not result in longer operating hours, or increases in noise, dust or odour. It would not generate more, or different traffic movements. It simply proposed an additional building to allow for more of the existing waste to be recycled – up to 95% of the general waste, rather than the current 65%.

She stated that the application would allow more to be recycled and therefore make the business more profitable. The additional space would improve the health and safety of the workers where there was currently conflict between people and machines. There would be significant environmental benefits as recycling would be increased and less material being buried in the ground. The application was supported by various professional assessments and there were no objections from any of the statutory consultees.

She added that although the proposed building would be more visible to some of the closest residents than the previous building, the proposed development was of a similar design and appearance to those surrounding it and would be seen against the backdrop of the existing industrial development. The County Landscape Officer

had concluded that even from the closest dwellings the visual impact would be acceptable. The building had not been in use since March 2020 and therefore any complaints about dust and noise during this period did not relate to it.

Mrs Rogers was then asked a question about her presentation:

- In respect to the negative impact on the solar panels located on the roof of the neighbouring business, it was queried whether there had been any assistance offered by the applicant to mitigate the impact? Mrs Rogers responded that the applicant had offered to assess the solar panels and rewire them if appropriate. If necessary, there was an offer to relocate the panels onto the applicant's building. She understood that the neighbouring business had commissioned an independent report.

In the ensuing debate, the following points were raised:

- In response to a query, the representative of the Head of Planning and Transport Planning confirmed that the area containing piles of recycled material to the west of the site was not part of this application and outside the redline boundary
- It was concerning that the applicant had not carried out appropriate dust and noise mitigation measures as per the planning permission granted 2005. The representative of the Head of Planning and Transport Planning responded that the applicant had acknowledged that the noise attenuation scheme had not been implemented as a result of that permission. However, this application required the submission of a dust and noise attenuation scheme before any work commenced
- In response to a concern about lighting of the building outside working hours, the representative of the Head of Planning and Transport Planning indicated that the proposed hours of operation were 08.00 to 1800 hours on weekdays. There would be two lights on the rear elevation with motion sensors. Therefore, there would be an element of control over lighting during working hours especially as the operations would be largely contained in the building
- The increase in recycling as result of this

application was welcomed

- It was queried whether the neighbouring properties had been built before or after this site. The representative of the Head of Planning and Transport Planning responded that the wider industrial estate had existed for over 100 years. Over time it had expanded northwards. There were some older properties on Hanbury Road but the properties on Foley Gardens had been built sometime after the industrial estate
- It was undeniable that there would be some visual impact as a result of this application but the area had been an industrial estate for a number of years so limited weight should be given to that consideration. It was not possible to prove that any additional noise had come from this site. In addition, Worcestershire Regulatory Services were satisfied with noise and dust levels. This application moved waste up the waste hierarchy with 95% of waste being recycled rather than 65% at present which was a major weight in favour of granting permission. It was reassuring to hear that the site was controlled by the Environment Agency with no recorded complaints over the last 15 years. This gave assurance that the applicant would not deliberately break the existing controls going forward. It was regretful that it was not possible, within the planning system, to mitigate the impact on the solar panels of the neighbouring business but it was hoped that agreement could be reached between the parties given the negative financial impact. Although there were reasonable objections to the application, on balance, permission should be granted
- Although sympathetic to the issues raised by the objectors, their concerns would be addressed by the conditions associated with the permission. Overall, these concerns were outweighed by the great need for this type of recycling facility in the county.

RESOLVED that planning permission be granted for demolition of part of existing industrial building; erection of extension to retained building and connection to adjacent waste transfer station to provide additional storage space for waste materials, office and staff facilities, and a new weighbridge (part-retrospective) at Metal and Ores Industrial Estate, 138 Hanbury Road, Stoke Prior, Worcestershire, subject to the following conditions:

Approved Plans

- a) The development hereby permitted shall be carried out in accordance with the details shown on submitted Drawings titled: Location Plan; Existing Elevations 19:16A:EX1 dated May 2020; Existing Site Plan 19:16A:EX2 dated May 2020; Existing Site Plan 19:16A:EX3C, Rev C dated September 2020; Existing Elevations 19:16A:EX1 dated May 2020; Site Levels 19:16:levels dated July 2020; Existing Storm Drains 19:16:exdrns dated July 2020; Existing Plans, Drawing No 19:16A:05C, Rev C dated September 2020; Proposed GF Plan, Drawing No 19:16A:01A dated May 2020; Proposed FF Plan, Drawing No 19:16A:02 dated May 2020; Full Elevations, Drawing No 19:16A:06 dated September 2020 except where otherwise stipulated by conditions attached to this permission;

Materials

- b) Notwithstanding any indication of the materials which may have been given in this application, within 1 month of the date of the development hereby approved, a schedule of the materials, colours and finishes for the development shall be submitted to the County Planning Authority for approval in writing. Thereafter the development shall not be carried out other than in accordance with the approved details;

Waste Acceptance

- c) No wastes other than those defined in the application shall be brought onto the site, namely construction, demolition and excavation wastes, commercial and non-hazardous industrial wastes, green waste, scrap metal (non-hazardous), cardboard, plastic and paper;

Throughput

- d) The amount of imported waste to be processed by the development hereby approved shall not exceed 12,500 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 Planning Authority within 10 working days of a written request being made;

Noise and Dust

- 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) All operations including sorting, loading / unloading of vehicles and storage of materials shall only take place within the buildings that lie within the red line as shown on the drawing entitled 'Location Plan';**
- g) 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;**
- h) Prior to the use of the building extension 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;**
- i) 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;**

Pollution Control

- j) There shall be no burning of any material on site;**
- k) 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;

Lighting

l) Notwithstanding any submitted details, details of any external 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. Intensity of the lights**
- ii. Spread of light (in metres)**
- iii. Colour;**
- iv. Any measure proposed to minimise the impact of the lighting or disturbance through glare;**
- v. Any measures to minimise the impact of lighting upon protected species and habitats, in particular bats; and**
- vi. Times when the lighting would be illuminated;**

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

Water Environment

- m) Notwithstanding any submitted details, prior to the use of the building extension hereby approved, drainage plans for the disposal of 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;**
- n) There shall be no discharge of trade effluent, sewage effluent or contaminated drainage from the site into any ditch or watercourse;**
- o) Notwithstanding any submitted details, all surface water drainage from the site shall be through an oil interceptor;**
- p) Within 3 months of the date of this permission, a Flood Evacuation Plan shall be submitted to the County Planning Authority for approval in**

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

Highways and railway

- q) 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;
- r) 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;
- s) There shall be no excavations carried out which affect the structural integrity of the railway embankment, retaining walls or bridges;
- t) Details of any new boundary fences, walls and other means of enclosure to be constructed at the site shall be submitted to the County Planning Authority for approval in writing prior to being erected. Thereafter the development shall be carried out in accordance with the approved details;

Ecology and Biodiversity

- u) Within one month of the use of the proposal, a house sparrow box shall be installed on the northern elevation of the building and shall be retained and managed for a period of no less than five years of the date of this decision;

Renewable Energy

- v) Prior to the use of the building extension hereby approved, details of renewable or low carbon energy generating facilities to be incorporated as part of the approved development shall be submitted to and approved in writing by the County Planning Authority. The details shall demonstrate that at least 10% of the predicted energy requirements of the development will be met through the use of renewable/low carbon energy generating facilities. The approved facilities shall be provided prior to the occupation of the building extension hereby

approved; and

Planning permission

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

1059 Proposed retention of existing double mobile classroom building at Hanbury Church of England (CE) First School, Hanbury, Worcestershire (Agenda item 6)

The Committee considered an application under Regulation 3 of the Town and Country Planning Regulations 1992 for the proposed retention of an existing double mobile classroom building at Hanbury Church of England (CE) First School, Hanbury, 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 Planning and Transport Planning's comments in relation to the need for the modular building, Green Belt, landscape character and appearance and residential amenity, historic environment, traffic and highways safety, water environment, and ecology and biodiversity.

The Head of Planning and Transport Planning concluded that the proposal would meet the existing needs of the school for school places in the area. However, a condition was recommended to be imposed limiting planning permission to a period of 5 years, as the mobile classroom was a temporary structure which was not suitable for permanent retention. A 5-year period would enable the applicant to consider alternative options, whilst meeting the school's current educational needs.

The Head of Planning and Transport Planning considered that very special circumstances had been demonstrated to justify this otherwise inappropriate development in the Green Belt. It was also considered that the proposed development would have no adverse or detrimental impact upon the character and appearance of the area, residential amenity or heritage assets due to its design, size and location. It was considered that the proposed development would not have any adverse traffic or highway safety impacts. Based upon the advice of the Lead Local Flood Authority and the County

Ecologist, it was considered the proposal would have no adverse effects on the water environment or ecology and biodiversity at the site or in the surrounding area.

Taking in to account the provisions of the Development Plan and in particular Policy WCS 17 of the adopted Worcestershire Waste Core Strategy and Policies SWDP 1, SWDP 2, SWDP 4, SWDP 5, SWDP 6, SWDP 21, SWDP 22, SWDP 24, SWDP 25, SWDP 28, SWDP 29, SWDP 30, SWDP 31, SWDP 33 and SWDP 37 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:

- It was disappointing that pupils had to continue to be taught in limiting conditions in a mobile classroom as the Council had failed to provide a permanent replacement. There was a concern that a similar situation would arise in 5-years time. Steve Wharrad from Place Partnership, acting on behalf of the applicant responded that the mobile classroom was needed to teach the national curriculum. He argued that modern mobiles were of a much higher standard than older models and were not detrimental to teaching. The Council realised that a permanent new build classroom would be required for the school to continue to meet the needs of the national curriculum but this needed to be part of the overall capital programme which took account availability of funding. It would also need the submission of an application for planning permission. A 5-year temporary permission would allow time for this work
- It was clear from the permission granted for the temporary classroom in 2011 that the building was not seen as suitable for long-term use. It was debateable whether temporary buildings were suitable because previous experience indicated that they were poorly insulated, too hot, cold or noisy. It negatively impacted on those children who had to use the classroom. It was time that the Council replaced its temporary accommodation with permanent modern accommodation
- Although this was inappropriate development in the Green Belt, the need for the accommodation had been demonstrated and therefore permission should be granted

- Temporary classrooms were poorly insulated, had external access only, and were not environmentally-friendly. It was also not appropriate that the application for renewal was retrospective. This should be the last extension of temporary permission granted for this classroom
- Was it possible to insist that a permanent building be in place before the end of the 5-year temporary permission? The representative of the Head of Planning and Transport Planning responded that proposed condition b) stipulated that the mobile classroom should be removed from the site by 31 December 2025. It was not possible to insist that the application submit an application for a permanent replacement. The Committee could only consider the application before it
- At the behest of the Committee, the representative of the Head of Planning and Transport Planning undertook to write to the Director of Education and Early Help of Worcestershire Children First to express the Committee's concern about the retrospective nature of the application, and requesting a permanent solution be sought at the site prior to the expiry of the planning permission on 31 December 2025.

RESOLVED that planning permission be granted for the proposed retention of an existing double mobile classroom building at Hanbury CE First School, Hanbury, Worcestershire, subject to the following conditions:

- a) The development hereby permitted shall be carried out in accordance with the details shown on submitted drawings numbered: 001 and 002;
- b) The mobile classroom as shown on the submitted drawing numbered: 001 shall be removed from the site by 31 December 2025; and
- c) The site should be restored in accordance with a scheme to be submitted for the approval of the County Planning Authority in writing within one month of the removal of the building.

The meeting ended at 11.30am.

Chairman