

## **Minutes of the Planning and Regulatory Committee**

### **County Hall, Worcester**

**Tuesday, 6 July 2021, 10.00 am**

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#### **Present:**

Cllr Ian Hardiman (Chairman), Cllr Bob Brookes, Cllr Allah Ditta, Cllr Peter Griffiths, Cllr Paul Harrison, Cllr Bill Hopkins, Cllr Scott Richardson Brown, Cllr Linda Robinson, Cllr Chris Rogers, Cllr David Ross, Cllr Jack Satterthwaite, Cllr Kit Taylor, Cllr Richard Udall and Cllr Tom Wells

#### **Also attended:**

Cllr Mell Allcott attended as a local councillor for Agenda item 5.

#### **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 23 March 2021 (previously circulated).

#### **1072 Named Substitutes (Agenda item 1)**

Cllr Tom Wells for Cllr Martin Allen.

#### **1073 Apologies/Declarations of Interest (Agenda item 2)**

An apology was received from Cllr Martin Allen.

Cllr Richard Udall declared an interest that he had submitted a letter regarding the application at Agenda item 5 but after seeking legal advice, indicated that he would be speaking and voting on the application.

#### **1074 Public Participation (Agenda item 3)**

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

**1075 Confirmation of Minutes (Agenda item 4)**

**RESOLVED** that the Minutes of the meeting held on 23 March 2021 be confirmed as a correct record and signed by the Chairman.

**1076 Proposed new cycle/footbridge to span the River Severn and associated access paths to the local highway on land including and between Gheluvelt Park, Waterworks Road on the east side of the River Severn and the restored landfill site, Hallow Road, on the west side of the River Severn, Worcester (Agenda item 5)**

The Committee considered the proposed new cycle/footbridge to span the River Severn and associated access paths to the local highway on land including and between Gheluvelt Park, Waterworks Road on the east side of the River Severn and the restored landfill site, Hallow Road, on the west side of the River Severn, Worcester.

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 Residential Amenity, Landscape Character, and Visual Impacts, Historic Environment, Contaminated Land, Traffic, Highway Safety and Public Rights of Way, Ecology and Biodiversity, Water Environment and Flood Risk, Other Matter: Lighting, Green Space, Crime and Safety, Safeguarding Waste Management Sites, Utilities, Economic Impacts, Human Rights Act 1998, and Consultation.

The Head of Planning and Transport Planning concluded that the bridge deck would measure approximately 143 metres long and would have a useable width of approximately 3.5 metres wide, and the bridge pylon would have a maximum height of 30 metres. The shared use path across the restored Kepax landfill site would measure approximately 405 metres long by 4 metres wide. The shared use path on the east side of the river in Gheluvelt Park would measure approximately 130 metres long by 3 metres wide. It was considered that the scale, massing and design of the proposed development would not have an unacceptable adverse impact upon the character and appearance of the local area. Furthermore, on balance, it was considered that the development would not cause an unacceptable overbearing, overshadowing or overlooking implications that detracts from residential amenity due its design, size and location, subject to the imposition of appropriate conditions, including the detailed design, colour palate, surfacing details, CEMP, LEMP and associated method statement for planting and habitat creation, and details of outdoor seating.

It was considered that the proposal would lead to 'less than substantial' harm to the significance of the designated heritage assets of Riverside Conservation Area, Registered Park and Garden of Gheluvelt Park, Gheluvelt Park Band Stand, Nos. 1-12 Gheluvelt Park, Gheluvelt Park Arch, Gates and Railings, Octagonal Lodge, and Hallow Bank. Paragraph 196 of the NPPF (2019) stated "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

The Head of Planning and Transport Planning considered that the proposal would be an addition to the family of bridges over the River Severn, providing a new vantage point where residents and visitors would be able to enjoy a view of the river and Riverside Conservation Area. The proposal would provide a new east-west link and cycle / pedestrian crossing over the River Severn, improving access and allowing the riverside to be enjoyed by more people, increasing the leisure use of the riverside and Gheluvelt Park. It was considered it would assist with facilitating a step change in the levels of cycling / walking in Worcester City, improving accessibility and transport choices. In view of this, it was considered that the public benefits of the scheme would outweigh the less than substantial harm to these heritage assets.

Based on the advice of the City Council's Planning and Conservation Officer, and the County and City Archaeologists, the Head of Planning and Transport Planning considered that on balance, the impact upon the non-designated heritage assets was not of such significance as to constitute a refusal reason in this instance, subject to the imposition of appropriate conditions.

The Head of Planning and Transport Planning was satisfied that the proposal was acceptable in terms of its impact upon contaminated land, subject to the imposition of an appropriate conditions as recommended by Worcester City Council's Council Contaminated Land Officer and the Environment Agency.

It was considered that the scheme would encourage sustainable and active travel, improving transport options for local residents and encouraging further local leisure trips, facilitating a step change in the levels of cycling and walking and helping to contribute to improved health and wellbeing. Access to open space would be improved, particularly to residents on the west side of the River Severn and the scheme would provide another crossing over the river, thus improving transport resilience. The County Highways Officer and County Footpath Officer both had raised no objections subject to the imposition of appropriate conditions. Based on this advice, the Head of Planning and Transport Planning was satisfied that the proposal would not have an unacceptable impact upon traffic, highway safety or Public Rights of Way (including the long distant footpath of the Severn Way), subject to the imposition of appropriate conditions.

Given the potential presence of European Protected Species (potential for bat roost), in order to discharge its duty under the Habitat Regulations, the County Planning Authority must consider whether the three Habitats Directive "derogation tests" were met. The Head of Planning and Transport Planning

considered that the “derogation tests” could be met, subject to the imposition of appropriate conditions and that the proposed development would have no adverse impacts on the ecology and biodiversity at the site or in the surrounding area, including European sites, and would enhance the application site’s value for biodiversity.

Based on the advice of the Environment Agency, Canal and River Trust, Lead Local Flood Authority, South Worcestershire Water Management, Severn Trent Water Limited, and County Council’s Advanced Public Health Practitioner (Emergency Planning), the Head of Planning and Transport Planning considered that the proposal would be ‘water compatible’ development, which was appropriate within Flood Zone 3b, it would be safe throughout its design life, would not increase flood risk elsewhere, and would have no adverse effects on the water environment, subject to the imposition of appropriate conditions.

Taking into account the provisions of the Development Plan and in particular Policies WCS 16 and WCS 17 of the adopted Worcestershire Waste Core Strategy and Policies SWDP 1, SWDP 2, SWDP 4, SWDP 5, SWDP 6, SWDP 7, SWDP 21, SWDP 22, SWDP 24, SWDP 25, SWDP 28, SWDP 29, SWDP 30 and SWDP 31, SWDP 33, SWDP 34, SWDP 37, SWDP 38, SWDP 40 and SWDP 45 of the adopted South Worcestershire Development Plan, it was considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

The representative of the Head of Planning and Transport Planning introduced the report and commented that members had visited the site and observing it from both the east and west side of the River Severn. Members had observed the location of the nearest residential properties to the site and the proximity of Sabrina Bridge. On the way into the site, members were taken along the route that construction vehicles would use to access the site. Mr Hines, the nearest local resident who had objected to the application, was unable to attend the meeting. His comments had been circulated to members of the Committee and related to impact on residents, environment, and connectivity.

Mr and Mrs Noke, objectors to the application addressed the Committee. They queried the expense and need for the proposed bridge especially as Sabrina Bridge was located in such close proximity. They argued that their view had been backed up by the comments of Cycling UK as set out in the report. The impact on ecology and wildlife and the suitability of a former landill site of the application for construction purposes was questioned. They indicated that these concerns were supported by comments of the County Pollution Control Manager in the report.

They refuted the comparison with the Diglis Bridge made by the applicant as they considered that the sites were completely different. Diglis Bridge entered into established riverside headways and industrial estates whereas Kepax Bridge would enter into a congested residential area at Riverview Close on the west side. Horsford Road was heavily congested with parked vehicles and vehicles queueing for the recycling centre. Parking caused an issue for local residents trying to access their driveways and near misses were regular

occurrences at the crossroads near the recycling centre. They were concerned that visitors wishing to access the bridge would park their cars in the residential area. At Diglis Bridge parking was accessible within the industrial estates on both sides of the river and therefore there was no impact on local residents. In contrast, Kepax Bridge accessed into heavily built-up residential areas to the east and west.

They were also concerned that the local police crime maps indicated that there was a greater amplified and more diverse forms of criminal behaviour on the east side of the river. By granting permission, the Committee would allow an influx of criminal and anti-social behaviour to the east side which would impact on pedestrians, road-users and local residents.

Mr Noke was then asked questions about the presentation:

- How would the proposal impact on the highway issues experienced at the entrance to the recycling centre? Mr Noke responded that the traffic associated with the use of the recycling centre was sporadic albeit Monday mornings and the day after Bank Holidays tended to be the busiest periods. He was concerned about the safety of cyclists, pedestrians, e-scooters etc if the access to the recycling centre became a shared use access
- What would be the impact of the introduction of Traffic Regulation Orders (TROs) and double-yellow lines on the local roads and the speed of traffic on the west of the river? Mr Noke commented that the applicant had stated at a public consultation meeting that any such measures would only be introduced if issues arose after the construction of the bridge. He did not consider that to be a reasonable response
- What would be the response of local residents on the west side to the introduction of temporary parking measures to allow construction vehicles to access the site? Mr Noke indicated that at present only small sections of Riverview Road had parking restrictions. He was concerned that the situation where the public parked their cars on Riverview Road and Horsford Road to travel elsewhere would be greatly exacerbated by this application. Any parking restrictions for local residents would not be well received.

Ms Cooper, a supporter of the application addressed the Committee. She commented that she lived on Waterworks Road and welcomed the prospect of the bridge in the locality. However, she did not believe that the bridge would lead to modal shift in travel but rather create a leisure route. It would not help the Climate Emergency. She was concerned that the bridge did not meet the Government standard LTN 1/20 and would create avoidable conflict with different road users. If the applicant envisaged that the bridge would be well-used then the introduction of segregated infrastructure in the city should have been considered.

She queried whether the adjoining paths in the park to Tower Road and Waterworks Road would also be widened to meet LTN 1/20 as there would be more cyclists using the paths. A Traffic Regulation Order dating back to 1972

had stated that cycling was banned along Waterworks Walk. She had witnessed several near misses involving children running out of the park onto Waterworks Road. She queried whether a 20mph speed limit would be introduced to reflect the increased usage of people participating in Active Travel. There was no reference in the report to measures to reduce the current speed limit. It was often challenging for cyclists exiting the park onto Waterworks Road towards the racecourse due to lack of visibility. Much has been made of the impact of the wall at that exit point, which she agreed with but no mention had been made of the daily pavement parking near The Pump House. This could be solved with the creation of yellow lines and better signage to the Waterworks Road car park.

Ms Cooper was then asked questions about her presentation:

- How would the parking situation in Barbourne impact on cyclists travelling from the east to the west side of the river as well as on local residents because it appeared that the existing cycling infrastructure ran north to south? Ms Cooper responded that there was a lot of pavement parking, particularly in the summer when the splash pad was open. This was exacerbated by the pavement parking of the residents in the Gheluvelt Mews properties. This was a particular issue at the corner of Waterworks Road and Pope Iron Road where a number of near misses had occurred. She used a cargo bike to travel which was larger than an average bike and needed more space. These larger types of bike were becoming more popular and needed to be taken into account. There needed to be more measures introduced to address the parking issues in the locality
- Did the access arrangements for construction vehicles create an issue for local residents? Ms Cooper indicated that there was no access for construction vehicles along Waterworks Road but that had been ignored and consequently residents' vehicles had been damaged. The Waterworks Road also had public access to the park at both ends
- Was any off-street parking available in the locality? Ms Cooper commented that there were a limited number of properties on Waterworks Road with off-street parking as well as the Gheluvelt Mews properties. There was a free public car park available to visitors which was not used to its full extent as it was not well signposted
- If on-street parking was suspended, where would local residents park without interfering with the construction traffic? Ms Cooper stated that the introduction of a residents parking scheme would be well-received. Perhaps the car park could partly be used by local residents. At present, there were three abandoned cars in the car park. She confirmed that local residents had not been consulted about the suspension of on-street parking.

The representative of the applicant, Mr Maginnis and agent, Ms Edge did not make a presentation but were available to answer questions.

In the ensuing debate, the following points were raised:

- It was queried how the figures for the future use of the bridge had been determined, how they compared to the figures for the use of Sabrina Bridge and whether the use of Sabrina Bridge would reduce as a result of this proposal. Ms Edge responded that a number of existing footbridges had been examined to provide a benchmark use figure including Diglis Bridge which had been built a year ago and was well-connected to the local cycle network. The calculations had taken into account that there were more residential properties within 500 metres of the Kepax Bridge than at Diglis Bridge. It was forecast that there would be approximately 1,000 pedestrian trips a day over a 10 hour period which equated to 400k pedestrians annually which was similar to the usage of Diglis Bridge in 2020. In 2018, there had been 1.4 m pedestrian trips and 150k cycle trips over Sabrina Bridge. The increased use at Sabrina Bridge was due to its proximity to the city centre, the University of Worcester and other trip attractors. It was anticipated that there would be a minimum negative impact on the use of Sabrina Bridge. Kepax Bridge would lead to shorter journeys for some commuters and provide easier access to the University. It would create new trips for leisure purposes, for example the riverside loop over the Diglis, Sabrina and Kepax bridges and lead to a modal shift in behaviour as journeys became shorter using a bicycle rather than car
- It was queried whether the width of the bridge conformed with the minimum requirement of the relevant legislation. The representative of the County Highways Officer responded that the new government guidance under LTN 1/20 issued last year indicated that the minimum desirable width for a pedestrian/cycle bridge was 4 metres. These guidelines had been given careful consideration but it was determined that the proposed width of the bridge should be 3.5 metres because it provided a more balanced approach having taken into consideration the overall purposes of the scheme. The access to the bridge from the west would be via a 3.5 metre cycle/footway as well as dropping down into a 3.5 metre cycle/footway within the park. This approach had proved acceptable to the Department for Transport (DfT) on other similar projects
- It would appear therefore that the bridge did not therefore comply with the minimum desirable width. Ms Edge commented that LTN 1/20 was national guidance which covered bridges of all designs and sizes. The bridge had been designed to comply the design manual for roads and bridges which was the relevant standard for designing a bridge as well as Sustrans guidance and local Streetscape design guidance. The design had been presented to the DfT who had indicated that they were happy with the approach taken. The representative of the County Highways Officer confirmed that the width of the bridge did not comply with the minimum desirable width under LTN 1/20 however based on the predicted usage of the bridge, the DfT had confirmed that the 3.5 metres width was considered acceptable
- The creation of the Diglis and Sabrina bridges had created commuter parking issues on the west side of the river. What measures had been introduced to address parking issues on the west side of the proposed bridge particularly in relation to the use of the recycling centre? Ms Edge responded that the traffic management team had been consulted

and did not consider that there would be any issues. Parking arrangements would be monitored on both sides of the river following completion of the bridge and any necessary actions taken at that stage

- It was argued that taking action after the bridge was built was too late and gave no assurance to local residents that their concerns were being addressed. Ms Edge indicated that the County Highways Officer was reluctant to introduce TROs in order to pre-empt an issue that might not arise
- A local councillor from the east side of the river commented that the applicant had stated that the key objective of the scheme was to encourage walking and cycling with the provision of new infrastructure yet the only available active travel connection was National Route 46 on the east side. Apart from a couple of shared use paths in the park, there was no improvements to the active travel corridors as identified in the policies of LTP4. The design of the bridge did not conform with desirable width of 4 metres under LTN 1/20. Sabrina Bridge was only 1.4k away from the application site and had recently been reconstructed. All the relevant amenities were on the east side of the river and it was likely that users of the bridge would travel from the west to the east side to exacerbate existing congestion and parking and road safety issues. A residents parking scheme was currently being explored. She supported the creation of a bridge in principal but given the level of investment, all aspects of the application needed to be right, including the infrastructure on both sides of the river, its design, the proximity to Sabrina Bridge, amenities, car parking, road safety, landscape and visual impact, historic environment, ecology and the water environment as well as flooding on the east side but also contaminated land on the west side
- Although the bridge was well-designed, it did not appear to lead anywhere and did not link to an active travel network as stipulated under LTP4, particularly on the west side of the river. What evidence was there to support the east-west active travel network? The representative of the Head of Planning and Transport Planning commented that the Riverside Conservation area appraisal and LTP4 had identified the bridge as a key aspiration to address the lack of connectivity from Gheluvelt Park to the Hallow Road landfill site as well as providing a connection to the Worcester west urban extension. Ms Edge added that this application was envisaged to be an important first piece of the work to improve and address wider aspirations for the active travel network in the north of Worcester. The Severn Way was a popular national trail and there were plans to improve that but it would take time and she did not want to hold up this application to wait for its completion. There was an aspiration from residents on the west side to be able to access open public space on the east side
- There did not seem to be an emphasis in the application on the strategic approach to active travel and more information was necessary on the wider implications for use of the bridge
- The construction site access would be problematic and have a serious impact on local residents and businesses and not enough had been done to alleviate this



- There was a concern about the visual impact of the bridge on the riverside. The design of the bridge was too big and would lead to the removal of a number of trees and a reduction in the park play area
- Parking had been an issue with both Sabrina Bridge and Diglis Bridge and would be an issue with Kepax Bridge, particularly on the west side and no measures had been introduced to reduce the impact on local residents
- There was a concern about allowing public access across a former landfill site especially as public access onto the landfill site was not permitted at present
- On the west side, the National Cycle Route was closed for 30 days a year either as a result of horse racing or flooding. On the east side, the permissive route was muddy and barely used by cyclists or pedestrians, The Henwick and Hallow Roads were very busy and could be intimidating to cyclists. A comprehensive plan of cycle routes was required to link this bridge to the rest of the local community. There was no link from this bridge to the proposed 2,000 new homes development, Cripplegate Park or the University on the west side. The Committee should consider deterring consideration until these issues were addressed
- The parking along the very narrow roads in the locality of Gheluvelt Park particularly along the construction access was a concern. On the west side there appeared to be a lack of connectivity into the countryside
- Andy Maginnis commented that the proposal needed to be regarded in the context of LTP4 and the other proposals for active travel corridors. It was not possible to get all aspects of the active travel plan achieved through a single planning application. The plan was to achieve improved connectivity in Worcester, particularly in the north on both sides of the river. The public engagement process had indicated that the overwhelming response on both sides of the river was in favour of the bridge including cyclists who welcomed access to the countryside on the west side of the river. There was a possibility that the funding source might not be available if consideration was deferred. It was important to get the larger infrastructure projects in place as the funding opportunity arose. The bridge would then provide the catalyst for the funding of other aspects of the active travel plan
- In response to a query about conditions, the representative of the Head of Planning and Transport Planning commented that any conditions relating to the wider links would not pass the necessary test for a condition because they would not relate to the application before the Committee. Any conditions relating to TROs would also fail that test as they were not enforceable. The TRO process was a separate process and there was no guarantee of approval
- The Committee needed to understand the purpose the bridge as part of a wider active travel plan before it could make a decision
- In relation to connectivity, Ms Edge indicated that there were a number of entrances/exits from Gheluvelt Park. At the public consultation event, members of the public from the west had indicated their wish to cycle to the retail facilities along Barbourne Road travelling into the city centre

as well as being able to access to the canal and employment opportunities

- The representative of the Head of Planning and Transport Planning explained that LTP4 set out the wider active travel plan aspirations. The two actions in LTP4 that were particularly relevant to this application were the Worcester North East and North West Active corridors, Lower Broadheath to Worcester via a new river bridge (this proposal) and Worcester River Severn Active Travel Corridor to Sabrina Bridge. The representative of the County Highways Officer added that work was ongoing to develop those corridors as well as development work on the South Worcestershire Development Plan Review and the active travel corridors required to support that Review
- There was an aspiration that the village of Hallow would be connected to the Active Travel corridor which would add to the benefits of this application but the road was not wide enough at present
- The local councillor on the east side commented that all the accesses to Gheluvelt Park were congested and there had been fatalities on the surrounding road network
- The representative of the Head of Planning and Transport Planning indicated that the Committee needed to be clear about the reason for deferral and the timeframe. If members were looking for a document that would indicate the wider aspirations and connectivity links for active travel then it was possible that a report could be produced in a relatively short timeframe. However, if members were requesting amendments to aspects outside the application site boundary, it could take the applicant up to a year to undertake that work
- The risk of losing the funding was not a material planning consideration and therefore not a reason to grant planning permission. A deadline should not be set to bring a report back to the Committee because it was a matter for the Chairman to determine in consultation with officers after discussions with the applicant
- The timescale for a deferment should not be open-ended as there was a danger that the application would be withdrawn or that the Council could be challenged for non-determination
- It was clarified that the request for a deferral related to clarification of the wider aspirations and connectivity links rather than amending aspects outside the application site boundary
- It was requested that the other aspects of residents' concern could be addressed before the report was brought back to Committee
- Mr Maginnis indicated that the concerns about construction traffic would be addressed through standard planning conditions as well as the Construction and Environmental Management Plan. Ms Edge indicated that even a minor deferral would have an impact on the construction period because of ecological constraints which would also impact on costs
- The local councillor envisaged that if planning permission was granted at this meeting, the surrounding infrastructure to support it would not be available for a considerable length of time after the bridge was built
- The representative of the Head of Planning and Transport Planning commented that without permission for this application, it would be

difficult for the applicant to find funding for the other aspirations within the active travel corridor

- In response to concerns expressed about the construction route, the representative of the County Highways Officer commented that although it was acknowledged that the route was narrow, there were a number of existing businesses using the access as well as a housing development being constructed without issues. As part of the consideration of the CEMP, the access had been considered to be acceptable. It was accepted that initially, the level of traffic would increase due to the novelty of the bridge similar to the experience at Diglis Bridge but it was considered that there would not be a long term parking issue. It was therefore considered that the concerns of local residents had been addressed
- Any deferral should be for no longer than six months
- A request be made for a separate presentation by the applicant on the wider active transport infrastructure linking to the bridge.

**RESOLVED** that consideration of the proposed new cycle/footbridge to span the River Severn and associated access paths to the local highway on land including and between Gheluvelt Park, Waterworks Road on the east side of the River Severn and the restored landfill site, Hallow Road, on the west side of the River Severn, Worcester be deferred for no longer than six months pending further information regarding the wider active transport infrastructure linking to the bridge.

**1077 Planning application made under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary condition 1 (Approved Plans), remove condition 6 (requiring all doors to the building to remain closed), remove condition 22 (requirement for installation of roller shutter door) and to vary condition 23 (requirement to install acoustic fencing) of planning permission ref: 19/000016/CM, so as to remove the requirement to install a roller shutter door and reduce the extent of the acoustic fencing to be installed at Digaway and Clearaway Ltd, Grove House Yard, Tewkesbury Road, Upton-Upon-Severn, Worcestershire (Agenda item 6)**

The Committee considered the Planning application made under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary condition 1 (Approved Plans), remove condition 6 (requiring all doors to the building to remain closed), remove condition 22 (requirement for installation of roller shutter door) and to vary condition 23 (requirement to install acoustic fencing) of planning permission ref: 19/000016/CM, so as to remove the requirement to install a roller shutter door and reduce the extent of the acoustic fencing to be installed 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 Planning and Transport Planning's comments in relation to Landscape Character and Visual Impacts, Residential Amenity, Ecology and Biodiversity and Other Matters – Water Environment and Flood Risk, and Traffic and Highway Safety.

The Head of Planning and Transport Planning concluded that 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 and revised conditions including compliance with the submitted Dust Management Plan and the maintenance of the installed acoustic fencing.

Based on the advice of the County Landscape Officer, 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 on the advice of the County Ecologist and Worcestershire Wildlife Trust, it was considered that this application would not have an unacceptable impact upon ecology and biodiversity at the site or in the surrounding area, subject to the imposition of the relevant extant conditions and a revised condition requiring compliance with the submitted Dust Management Plan.

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.

The representative of the Head of Planning and Transport Planning made particular reference to the local councillor's comments set out in the report and read them out to the Committee.

In the ensuing debate, the following points were raised:

- In response to a query, the representative of the Head of Planning and Transport Planning explained that since the last application, the applicant had installed the acoustic fencing. The noise assessment had not assessed that acoustic fence in situ. The submitted noise assessment had demonstrated that the closing of the roller shutter door would create a greater adverse noise impact than having it remain open and Worcestershire Regulatory Services (WRS) had concurred with that view. The acoustic fencing on the western boundary had no benefit in

addition to the existing wall so it was considered that there was no harm caused and therefore these changes to conditions were considered acceptable on planning grounds

- It was argued that the applicant should have been able to acquire a silent and faster shutter door. The representative of the Head of Planning and Transport Planning responded that the noise assessment had demonstrated that noise impact with the shutter door open was acceptable so the relevant condition was unnecessary
- It was argued that the acoustic fence was not high enough to function correctly. The representative of the Head of Planning and Transport Planning indicated that the noise assessment had demonstrated that the acoustic fence needed to be two meters high. Worcestershire Regulatory Services and the EA agreed with that assessment
- It was argued that when the site was wet the dust and noise would be reduced but that would not be the case in dry conditions and therefore the relevant conditions should be retained
- There was an example of roller shutter doors working effectively at Envirosort at Norton. In addition, Malvern Hills District Council and the local parish councils had objected to this proposal. The representative of the Head of Planning and Transport Planning clarified that although the district council had initially objected, following further clarification from WRS, they had withdrawn that objection
- The problem with noise assessments was that they did not take account of noise spikes for example when rubble was dumped on hardstanding and therefore the impact on neighbouring properties. There was no reason why the applicant could not operate under the existing conditions. The application should therefore be refused
- The representative of the Assistant Director for Legal and Governance advised that if members were minded to refuse permission for this application, she would advise that consideration be deferred to enable officers to identify such material planning considerations as could reasonably sustain refusal, and that those reasons could be considered at a future meeting
- Without the support of WRS, the Committee's reasons for refusal would be flimsy therefore if the Committee were minded to refuse permission, it should adopt the approach suggested by the representative of the Assistant Director for Legal and Governance
- The representative of the Head of Planning and Transport Planning explained that there had been multi-agency meetings about dust emissions at the site. A demonstration had been arranged with the applicant asked to undertake the operation that generated the most dust which was loading vehicles. It was found that as a result of this demonstration, no dust was transmitted off the boundary site. A dust mitigation plan had been included as a condition on the existing permission and would be carried forward. All waste processing was required to take place within the building and not outside in the yard. There was a noise management plan which controlled noise and dust and that was the primary means of controlling the site. The EA had indicated that they were satisfied with the operations on the site. WRS had no objections to this proposal. The original noise assessment had set out the need for an acoustic fence on the southern boundary of the

site but when the applicant submitted their plans, they had included acoustic fences on two boundaries. This amendment was accepted by officers and included as a condition albeit not as part of the recommendations of the noise assessment. The applicant then indicated that the additional acoustic fence was not necessary and this was supported by an updated noise assessment. Officers were sceptical that the applicant could not find a suitable shutter door but queried the harm that the application could create. It was considered that because the operator was continually in and out of the door that the condition was unenforceable. In addition, the site provided an important strategic function for the county.

**RESOLVED that:**

- a) **The Committee are minded to refuse permission for a planning application made under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary condition 1 (Approved Plans), remove condition 6 (requiring all doors to the building to remain closed), remove condition 22 (requirement for installation of roller shutter door) and to vary condition 23 (requirement to install acoustic fencing) of planning permission ref: 19/000016/CM, so as to remove the requirement to install a roller shutter door and reduce the extent of the acoustic fencing to be installed at Digaway and Clearaway Ltd, Grove House Yard, Tewkesbury Road, Upton-Upon-Severn; and**
- b) **Consideration of the application has been deferred to enable officers to identify such material planning considerations as could reasonably sustain refusal, and that those reasons could be considered at a future meeting.**

The meeting ended at 12.45pm.

Chairman .....