

**PLANNING AND REGULATORY COMMITTEE
1 DECEMBER 2020****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**

Applicant

A-Z Skips Ltd

Local Member

Mr K Daisley

Purpose of Report

1. To consider 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, Stoke Prior, Worcestershire.

Background

2. The application site comprises two sections, the western section which contains an authorised waste transfer station, and the eastern part which contains an industrial building.

Industrial building (eastern part of the site)

3. Outline planning permission for the 'development for general employment use' at Land at Hanbury Road, Stoke Works was applied for under Bromsgrove District Council (BDC) planning reference B/1994/0703. That application was refused by BDC on 19 December 1994 but granted on appeal by the Planning Inspectorate on 13 October 1995 under reference T/APP/P1805/A/95/251403/P2.
4. Planning permission for 'new Industrial unit with integral offices (application for approval of reserved matters 94/0703) was granted permission by BDC on 9 September 1996 under planning reference: B96/0597, but it is understood that this permission was not implemented.

5. Full planning permission for 'erection of 2 industrial units' was granted by BDC on 11 May 1998 under B98/0158. The planning permission permitted the erection of a warehouse type building with ancillary two storey office facilities at the front and parking and turning facilities to the rear. Condition 3 of this planning permission limited the use of the industrial units to B1, B2 and B8 uses as defined in the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended). No conditions were imposed relating to operating hours or noise restrictions. The applicant has stated that it is understood that it is this permission that was implemented. The applicant references that the eastern part of the application site contains an industrial building, which was being used as a B2 (general industrial) use constructed in 1998/99.

6. The rear warehouse element of the development has recently been removed and a larger, replacement building partially erected in its place. The ancillary offices have been retained. A prefabricated weighbridge office has been installed at the front of the site but is not in use.

Waste Transfer Station, Western Site

7. Planning permission for 'erection of steel framed building for soil recycling purposes' was granted by BDC on 24 July 2000 under planning reference: B/2000/0233. Condition 4 limits operating hours to 08:00 to 18:00 hours Mondays to Fridays and 08:00 to 13:00 hours on Saturdays with no operations on Sundays or Bank Holidays. Condition 5 limits vehicles delivering or collecting materials to the same hours as per Condition 4. Condition 7 restricts the operation of soil recycling to being conducted inside the building only.

8. Planning permission for 'part change of use from building for soil recycling purposes to waste transfer facility with soil recycling' was granted by Worcestershire County Council (WCC) on 10 May 2005 under County Planning Authority (CPA) reference: 407614 (BDC reference: B/2005/0076). Condition 3 restricts operating hours to 08:00 to 18:00 hours Mondays to Fridays and 08:00 to 13:00 hours on Saturdays with no operations on Sundays, Bank or Public Holidays.

9. Additional conditions include the following which:

- Prevent the use of the waste transfer station by the general public (Condition 5);
- Required a scheme to mitigate the effects of any noise and dust associated with the operations to be agreed by the County Council (there is no evidence that this condition – Condition 8 was complied with);
- Required green waste to be processed and removed as quickly as possible from the site (Condition 9);
- Prevent the storage of waste outside the area outlined in red on a specific plan (Condition 10); and
- Prevent stockpiles of processed and unprocessed material outside the building exceeding 2 metres in height (Condition 11).

10. With regard to the background to the current proposal, in late November 2019 Worcestershire County Council was contacted by BDC following submission of a planning application to them to extend the A-Z Skips site into the area previously occupied by a neighbouring business. BDC wished to clarify if the application was a County Matter, to be determined by the County Council, as the application indicated that the primary use of the land would be for waste sorting and storage.

11. Worcestershire County Council's Planning Monitoring & Enforcement Officer made a site inspection visit having been made aware of the application. In addition, the officer received complaints from a local business owner and the Parish Council alleging that development was taking place at the site without the benefit of planning permission. Whilst unauthorised development is not uncommon and is not unlawful, the County Council assessed whether it was expedient to take formal planning enforcement action or to attempt resolve the breach of planning control in another manner such as inviting a planning application to resolve the breach.

12. Having assessed the application submitted to BDC and the Planning Monitoring & Enforcement Officer observing a breach of planning taking place at the site, Worcestershire County Council planning officers arranged a meeting with Bromsgrove District Council officers, an Environment Agency officer and Mr Banham of A-Z Skips Ltd on site.

13. The meeting took place on 4 February 2020 with the outcome being an agreement that an application for the extension of the building and operating area would be submitted to Worcestershire County Council as it was a waste management operation. However, it is important to note that as set out at Paragraph: 012 Reference ID: 17b-012-20140306 of the Government's Planning Practice Guidance (PPG):

- *“although a local planning authority may invite an application, it cannot be assumed that permission will be granted, and the local planning authority should take care not to fetter its discretion prior to the determination of any application for planning permission – such an application must be considered in the normal way;*
- *an enforcement notice may also be issued in relation to other elements of the development”.*

14. The building is not yet complete. Work stopped in March 2020 following discussions with both Bromsgrove District Council and Worcestershire County Council. The part retrospective application was subsequently submitted and validated by the County Planning Authority (CPA) on 10 August 2020.

The Proposal

15. A-Z Skips Ltd is a waste transfer station and skip hire business. Waste materials are brought to the site by commercial outfits or in skips delivered and collected by the company. The waste is then unloaded, primarily from lorries, vans and transit tipping vehicles. Materials are sorted, with non-recyclable waste returned immediately to lorries for transfer to landfill, and recyclable materials taken by lorry to

recycling plants. Recyclable materials are stored until enough has been collected for full loads prior to onward transfer wherever possible, but the restricted size of the existing waste transfer station building restricts this activity.

16. The business has operated from a single large building since before 2005 and has an Environmental Permit from the Environment Agency to handle 5,000 tonnes of controlled waste each year. In addition, it handles in the region of 7,500-10,000 tonnes of inert waste annually for which no Permit is required. The applicant has set out that the limited size of the existing waste transfer station building restricts the amount of waste which can be stored and results in more than is necessary being taken to landfill. This in turn affects the viability of the business. The restricted size also results in continual conflict between pedestrians and vehicles moving within the building causing substantial health and safety concerns.

17. In order to improve viability, reduce the amount of waste taken to landfill and overcome the health and safety concerns, the applicant is seeking to expand the size of the building. The applicant states that an off-site space is not an option, so when the adjacent site with industrial building became available, they purchased it.

18. This application, which is partly retrospective, proposes:

- The removal of the rear single storey part of the industrial building, retaining and modifying the office accommodation at the front, providing office and welfare facilities
- The erection of a new larger warehouse type space behind the retained offices, joining to the existing waste transfer station. The building would be steel framed and finished with concrete panel sides below a green insulated cladding. The same cladding is proposed for the roof. An increased ridge height is required to allow special machinery for more efficient sorting of materials
- The installation of a new weighbridge and associated cabin at the front of the retained offices. The applicant states that a weighbridge is essential to the operation of the business and the existing weighbridge is old and can fail in winter. The provision of a second weighbridge ensures the business can always operate, and
- The installation of two Saxby outdoor lights (with motion sensor on the rear elevation of the building to aid activity during later afternoon periods in winter months.

19. The applicant has stated that the additional building would not result in an increase in the amount of waste handled by the business, but would allow it to be handled more efficiently. No increase in staff beyond the current nine full-time members is envisaged, and they have also stated that no increase in traffic is expected nor are they proposing to change the types of vehicles that they would use. The applicant has set out that the business currently generates approximately 50 Heavy Goods Vehicle (HGV) movements (25 trips in and 25 out) each day together with 40 van movements (20 trips in and 20 out), 60 tipper movements (30 trips in and 30 out) and ten vehicles with trailer movements (5 trips in and 5 out).

20. Whilst the number of employees (stated as nine) is not set to change, the current waste transfer station has no associated vehicle parking and therefore staff can only park in the busy shared parking area on the opposite side of the access road. The purchase of the new building has provided space for the parking of some seven cars at the front of the site with space for bicycles at the rear of the building. The applicant has also set out that there is a locked storage shed within the existing building where staff can leave their bicycles securely.

21. The applicant has set out that the two main waste streams governed by the Environmental Permit are wood and general mixed waste. The applicant anticipates that the throughput of these waste streams would not increase and that the key reasons for the proposed building are to enable them to increase the percentage of waste that they would recycle and reduce the amount that is currently sent to landfill.

22. The applicant has set out that they generally have up to 5,000 tonnes of waste passing through the waste transfer station annually of which 40% is wood waste and 60% general waste. The applicant has set out that they currently recycle approximately 99% of the wood that passes through their existing transfer station. However, they currently only recycle approximately 65% of general mixed waste. With the new building, they anticipate that they could increase the percentage of general mixed waste that could be recycled to 90%, as they would have the capacity to recycle materials including plasterboard, plastics – UPVC and soft plastics, carpet and mattresses, paper, cardboard, metals including copper, brass, aluminium and steel.

23. The waste transfer station currently operates between 08:00 to 18:00 hours Mondays to Fridays and 08:00 to 13:00 hours on Saturdays with no operations on Sundays, Bank or Public Holidays.

The Site

24. The site lies within the Metal and Ores Industrial Estate, which is positioned between a railway line and the Worcester and Birmingham Canal, within the settlement of Stoke Prior, located approximately 3.6 kilometres south-west of Bromsgrove Town Centre. The site is accessed from the Hanbury Road which lies approximately 100 metres to the east. The estate includes scrap yards, a waste transfer station with weighbridge, industrial units of relatively modern design and, close to the canal, a craft centre with a range of retail units and cafes in traditional brick buildings.

25. The application site is located immediately south of the elevated railway line. The site contains an operational waste transfer station with weighbridge on the western part and on the eastern part, an industrial building. There is also an electricity sub-station within the application site.

26. The site lies outside of the Green Belt boundary, which lies approximately 10 metres to the north of the application site. The Green Belt boundary broadly follows the southern part of the railway line, immediately to the north of the existing waste

transfer station. The Industrial Estate is excluded from the Green Belt. The Green Belt boundary also runs broadly along the western side of Hanbury Road.

27. Nearby residential properties include 122a and 124 Hanbury Road, which lie about 80 metres broadly to the north east of the site, with the roughly triangular shaped garden of No. 124 running in a broadly south-westerly direction immediately behind the application site. Other nearby residential properties include 57 to 67 (odd numbers) Hanbury Road, which are located to the south-east of the access road to Metal and Ores Industrial Estate and lie approximately 100 metres, broadly to the east of the proposal. There are also further residential properties, to the north of the railway line, off Hanbury Road and Foley Gardens, with the closest properties being approximately 60 metres broadly to the north of the site.

28. The Scheduled Monument of 'Moated site at Tardebigge Farm' lies approximately 2.6 kilometres broadly to the east of the site. There are a number of listed buildings, the closest of which is the Grade II 'Lych Gate about 75 metres south-west of Church of St Michael', the Grade II Stoke Prior War Memorial, the Grade I Church of St Michael, the Grade II Aldham House and the Grade II Church Mill House which lie approximately 530 metres, 560 metres and 590 metres, 650 metres and 680 metres broadly to the north of the site, respectively. The Grade II Little Intall Field lies approximately 610 metres broadly to the north-east of the site. The Grade II 'Priory including outbuildings adjoining north' and Grade II Moors Farmhouse lie approximately 900 metres and 1.1 kilometres respectively broadly to the north west of the site, respectively.

29. The Upton Warren Pools Site of Special Scientific Interest (SSSI) lies approximately 960 metres broadly to the north-west of the site. Pipershill Common SSSI lies approximately 1.8 kilometres broadly to the south of the site.

30. The Hen Brook flows broadly from east to west, approximately 30 metres to the south of the site partly in a culvert. The Worcester and Birmingham Canal lies approximately 60 metres to the south of the site. The Canal lies within the Worcester and Birmingham Canal Conservation Area and is also designated as a Local Wildlife Site (LWS).

31. The River Salwarpe Local Wildlife Site (LWS) lies approximately 470 metres, broadly north-west of the site. The Land near Stoke Works LWS lies approximately 480 metres broadly south-west of the site. The Upton Warren LWS lies approximately 1.3 kilometres broadly west of the site. The Poplars Farm Meadow LWS lies approximately 1.9 kilometres broadly south of the site.

32. A Public Right of Way (ProW) footpath SP-521 runs from Foley Gardens and then broadly in a south-westerly direction parallel to the railway line, which separates the proposed development from those residential properties in Foley Gardens

33. The Historic Landfill Sites of No. 1 and 2 Sludge Beds lie approximately 170 metres broadly to the south-west of the site.

34. The site lies within the Salwarpe Tributaries Strategic Corridor of the Emerging

Worcestershire Minerals Local Plan, Draft Policy MLP 8.

35. The site lies within Flood Zone 3 (1% annual probability of fluvial flooding).

Summary of Issues

36. The main issues in the determination of this application are:

- The waste hierarchy;
- Location of the development;
- Landscape character, visual impacts and historic environment;
- Traffic and highway safety;
- Residential amenity including noise, dust and lighting and air quality;
- Ecology and biodiversity;
- Water environment including flooding; and
- Climate Change.

Planning Policy

37. The revised National Planning Policy Framework (NPPF) was updated on 19 February 2019 and replaces the previous NPPF published in March 2012 and July 2018. The NPPF sets out the government's planning policies for England and how these are expected to be applied. The revised NPPF is a material consideration in planning decisions and should be read as a whole (including its footnotes and annexes).

38. The NPPF should be read in conjunction with the Government's planning policy for waste (National Planning Policy for Waste). Annex 1 of the NPPF states that *"the policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication"*.

39. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-

designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

- **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

40. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

41. So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development. For decision taking, this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

42. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

43. The following guidance contained in the NPPF is considered to be of specific relevance to the determination of this planning application:

- Section 2: Achieving sustainable development

- Section 4: Decision-making
- Section 6: Building a strong, competitive economy
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment
- Section 17: Facilitating the sustainable use of minerals

National Planning Policy for Waste

44. The National Planning Policy for Waste was published on 16 October 2014 and replaces "Planning Policy Statement 10 (PPS 10): Planning for Sustainable Waste Management" as the national planning policy for waste in England. The document sets out detailed waste planning policies, and should be read in conjunction with the NPPF, the Waste Management Plan for England and National Policy Statements for Waste Water and Hazardous Waste, or any successor documents. All local planning authorities should have regard to its policies when discharging their responsibilities to the extent that they are appropriate to waste management.

The Development Plan

45. The Development Plan is the strategic framework that guides land use planning for the area. In this respect, the current Development Plan that is relevant to this proposal consists of the adopted Worcestershire Waste Core Strategy Development Plan Document (adopted in 2012) and the adopted Bromsgrove District Plan (2011-2030) (adopted in 2017).

46. Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

47. With regard to the weight to be given to existing policies adopted prior to the publication of the revised NPPF, Annex 1 states "*existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*".

Worcestershire Waste Core Strategy Development Plan Document (WCS)

48. The Worcestershire Waste Core Strategy policies that are of relevance to the proposal are set out below:

- Policy WCS 1 Presumption in favour of sustainable development
- Policy WCS 2 Enabling Waste Management Capacity

Policy WCS 3 Re-use and Recycling
Policy WCS 6 Compatible land uses
Policy WCS 8 Site infrastructure and access
Policy WCS 9 Environmental assets
Policy WCS 10 Flood risk and water resources
Policy WCS 11 Sustainable design and operation of facilities
Policy WCS 12 Local characteristics
Policy WCS 14 Amenity
Policy WCS 15 Social and economic benefits

Bromsgrove District Plan

49. The Bromsgrove District Plan (BDP) policies that are of relevance to the proposal are set out below:

Policy BDP 1: Sustainable Development Principles
Policy BDP 13: New Employment Development
Policy BDP 14: Designated Employment
Policy BDP 16: Sustainable Transport
Policy BDP 19: High Quality Design
Policy BDP 20: Managing the Historic Environment
Policy BDP 21: Natural Environment
Policy BDP 22: Climate Change
Policy BDP 23: Water Management
Policy BDP 24: Green Infrastructure
Policy BDP 25: Health and Wellbeing

Draft Planning Policy

Emerging Worcestershire Minerals Local Plan

50. Worcestershire County Council is preparing a new Minerals Local Plan for Worcestershire, which will be a restoration led plan. This document will set out how much and what minerals need to be supplied, where minerals should be extracted, how sites should be restored and how minerals development should protect and enhance Worcestershire's people and places. Once it is adopted it will replace the existing minerals policies in the County of Hereford and Worcester Minerals Local Plan.

51. The Publication version of the Minerals Local Plan was submitted to the Secretary of State for Housing, Community and Local Government on 17 December 2019 for independent examination. The Secretary of State has appointed independent Planning Inspectors Elizabeth Ord LLB (Hons) LLM MA DipTUS and Beverley Wilders BA (Hons) PgDurb MRTPI to assess the 'soundness' and legal compliance of the plan.

52. The Local Plan hearings took place from 11 November to 13 November 2020 with a further hearing day programmed for 18 December 2020. After the hearing sessions, the examination remains open until the Inspector completes their report. The examination into the Emerging Minerals Local Plan has not, therefore, concluded and the Plan has not yet been adopted by the County Council. Having regard to the advice in the NPPF Section 4, it is the view of the Head of Planning and Transport

Planning that the Emerging Minerals Local Plan should be given limited weight in development management terms in the determination of this application.

53. The Emerging Minerals Local Plan policies that, for the avoidance of doubt, are of relevance to the proposal are set out below:

Draft Policy MLP 9: Contribution to Substitute, Secondary and Recycled Materials and Mineral Waste to Overall Minerals Supply

Other Documents

Our Waste, Our Resources: A Strategy for England (2018)

54. This Strategy is the first significant government statement in relation to waste management since the 2011 Waste Review and the subsequent Waste Prevention Programme 2013 for England. It builds on this earlier work, but also sets out new approaches to long-standing issues like waste crime, and to challenging problems such as packaging waste and plastic pollution. The Strategy is guided by two overarching objectives:

- To maximise the value of resource use; and
- To minimise waste and its impact on the environment.

55. The Strategy sets five strategic ambitions:

- To work towards all plastic packaging placed on the market being recyclable, reusable or compostable by 2025;
- To work towards eliminating food waste to landfill by 2030;
- To eliminate avoidable plastic waste over the lifetime of the 25 Year Environment Plan;
- To double resource productivity by 2050; and
- To eliminate avoidable waste of all kinds by 2050.

56. It contains eight chapters which address: sustainable production; helping consumers take more considered action; recovering resources and managing waste; tackling waste crime; cutting down on food waste; global Britain: international leadership; research and innovation; and measuring progress: data, monitoring and evaluation. Chapter 3 – 'Resource Recovery and Waste Management' is the most relevant chapter to this proposal.

57. This states that whilst recycling rates in construction have improved since 2000, from 2013 onwards recycling rates have plateaued. The government wishes to drive better quantity and quality in recycling and more investment in domestic recycled materials markets. The government wants to promote UK-based recycling and export less waste to be processed abroad. The government wish to:

- Improve recycling rates by ensuring a consistent set of dry recyclable materials is collected from all households and businesses;

- Reduce greenhouse gas emissions from landfill by ensuring that every householder and appropriate businesses have a weekly separate food waste collection, subject to consultation;
- Improve urban recycling rates, working with business and local authorities;
- Improve working arrangements and performance between local authorities;
- Drive greater efficiency of Energy from Waste (EfW) plants;
- Address information barriers to the use of secondary materials; and
- Encourage waste producers and managers to implement the waste hierarchy in respect to hazardous waste.

Waste Management Plan for England (2013)

58. The Government through Defra published the Waste Management Plan for England in December 2013. This Plan superseded the previous waste management plan for England, which was set out in the Waste Strategy for England 2007.

59. There are comprehensive waste management policies in England, which taken together deliver the objectives of the revised Waste Framework Directive, therefore, it is not the intention of the Plan to introduce new policies or to change the landscape of how waste is managed in England. Its core aim is to bring current waste management policies under the umbrella of one national plan.

60. This Plan is a high-level document which is non-site specific, and is a waste management, rather than a waste planning document. It provides an analysis of the current waste management situation in England and evaluates how it will support implementation of the objectives and provisions of the revised Waste Framework Directive.

61. The key aim of this Plan is to work towards a zero-waste economy as part of the transition to a sustainable economy. In particular, this means using the “waste hierarchy” (waste prevention, re-use, recycling, recovery and finally disposal as a last option) as a guide to sustainable waste management.

The Government Review of Waste Policy in England 2011

62. The Government Review of Waste Policy in England 2011 seeks to move towards a green, zero waste economy, where waste is driven up the waste hierarchy. The waste hierarchy gives top priority to waste prevention, followed by preparing for re-use, recycling, other types of recovery (including energy recovery) and last of all disposal.

Consultations

63. **Bromsgrove District Council** have no objections. They observe that there are no objections from any of the technical consultees to the proposal, subject to conditions to mitigate the impact of the development. They understand that the premise of the proposal, which has necessitated a building of the scale constructed, is to separate materials currently processed in one building and create a safer and more efficient working environment for movement, as opposed to increasing the volume of material being processed, and that there is no evidence to the contrary.

They have mentioned to be mindful of any permitted development rights which may be applicable, in the event that the County Planning Authority are minded to grant planning permission, for subsequent changes of use or development, and whether these should be removed.

64. **Local County Councillor** Kyle Daisley has not commented.

65. **Stoke Prior Parish Council** have considered this application in detail and unanimously agreed to object strongly on the following grounds. There are serious concerns about the number of HGVs and other vehicles entering and leaving the site. The applicant claims that there would be no increase in the number of vehicles using the site. However, information is only provided regarding the type of vehicle which currently uses the site. This situation is likely to change with the new facility if approved. The applicant has made no plans to improve access to the site.

66. Any increase in the number and/or type of vehicle using this site would create an increased safety hazard along the Hanbury Road and would also impact on other users or the site and the resident businesses. It would also lead to an increase in traffic noise and air pollution which will also impact on nearby local residents.

67. The use of lighting sensors is likely to cause increased light pollution for local residents in particular. There is a strong likelihood that passing trains etc would set off the lights which impact on those living nearby and those actually living on the site.

68. The applicant has clearly given no consideration to the impact on the local environment. There is no suggestion in the application of providing screening by the use of trees and/or hedging. This would have helped with the noise reduction and improve the visible aspect of the facility.

69. The Parish Council cannot support the view that the traffic noise from Hanbury Road is greater than that coming from the site. The Parish Council state that they have been made aware that work appears to start on the site at 07:00 hours on weekdays and also takes place at weekends. The Parish Council feels that further investigation is required into any flood risk for the site and surrounding area given its past history. Concerns have been raised by local residents that medical waste has been delivered to the site on a regular basis. If so, such waste should be going directly for incineration and not to landfill. This concern requires further investigation. The applicant claims that there would be no additional staff appointed and they, therefore, query why a further seven car parking spaces are required.

70. There is already a planning application lodged with Bromsgrove District Council which was submitted in May 2019 but is still pending consideration. However, the applicant has stated that the 10 one-bedroom dwellings were completed back in 2010, presumably without planning permission. Despite comments to the contrary by the applicant, the proposed new building is clearly visible from Foley Gardens.

71. The Parish Council would be interested to know what pre-planning advice was given and by whom. The Parish Council state they would also be interested to know why a decision was subsequently taken to stop the building work and require the

applicant to submit a retrospective planning application to adhere to planning procedures. What involvement have officers from the County Council or the District Council had in the development of the new facility prior to the cessation of the work. There is a clear need to restrict and control the level of waste dealt with at the site otherwise the applicant will take full advantage by accepting unlimited amounts of waste. This in turn would impact on the number of vehicles entering or exiting the site at all hours. The applicant claims that there would be no increase in the level of waste coming on site. If that is the case, why is this new facility required.

72. No consideration appears to have been given to the impact of the new building on adjacent businesses such as Kookaburra Kitchens. This business is supported by solar panels, but the loss of sunlight has rendered that facility useless. The Parish Council have queried why there are residential units on the site if the site as a whole is designated as an employment site. It should be borne in mind that the Birmingham to Worcester Canal is a Conservation Area and lies only approximately 60 metres from the site. If the County Council are minded to approve this application, the Parish Council request that strong effective restrictions are included in any approval to prevent the misuse of the site. The Parish Council also request that the County Council regularly monitor all activity on the site.

73. **The Canal and River Trust** have no comments.

74. **Historic England** have no comments on the information available to date but suggest that the County Planning Authority seeks the views of specialist Conservation and Archaeological advisers as relevant.

75. **The County Archaeology Officer** has stated that they have no concerns with the proposal.

76. **The County Highways Officer** comments that this application is for additional space to serve the needs of an existing business without increase in staff or the throughput of waste materials. The application site is served by a privately owned road leading to Hanbury Road. There is no proposed increase in vehicular traffic. On this basis, they would not wish to raise any objection.

77. **The County Landscape Officer** has reviewed in particular details of the increased building height as they were concerned with the visual impact to local receptors, including residential receptors located along Foley Gardens to the north. The top part of the new extended roof elevation will be visible to those properties. However, it would be in context with the skyline where the gable end of the large building to the west is already partly visible. The tree belt either side of the railway line also affords some softening of the industrial site. The single storey nature of the properties on Foley Gardens also lowers the visual threshold to those receptors. Therefore, in conclusion, they consider that the increase in overall visual impact would be limited, and they have no objection to the scheme.

78. **The Campaign for Protection of Rural England (CPRE)** have stated that they neither support nor object to the application.

79. **The Environment Agency (EA)** have stated that they regulate the existing site operation under an Environmental Permit. There is an Environmental Permit and waste exemptions on the land adjacent to that identified in the planning application. The existing permit is for a household, commercial and industrial transfer station which allows the operator to handle a comprehensive amount of non-hazardous waste streams including most recyclables e.g. wood, plastic, cardboard etc. construction and demolition waste including plasterboard and green waste (from mixed municipal loads and general waste skips). There do not appear to be any plans to add extra waste streams or increase the throughput at the site.

80. The EA have confirmed that the Environmental Permit regulates and controls matters such as the following:

- General Management of the site;
- Permitted activities e.g. operations;
- Waste Acceptance (quantity and type of waste);
- Emissions to land, water and air (including Odour, Noise and Vibration relevant to the 'operational area');
- Fire Prevention Plan; and
- Monitoring, Records and Reporting.

81. The EA have stated that based on their records, as part of the Environmental Permit they have not received any complaints, substantiated or otherwise, in relation to emissions from the existing operation.

82. On the basis that the applicant wishes to utilise the 'red area' for further storage and/or treatment of waste materials, then the appropriate authorisation should be sought from the Environment Agency. This could be a variation of the existing Environmental Permit to include for the additional area, or a separate Environmental Permit that covers those specific waste activities that are to take place and/or a waste exemption which again seeks to control the proposed waste activities. Having spoken to the applicant, they anticipate that a variation to the existing permit would be sought. For information, a successful permit application would be subject to the site having the appropriate infrastructure including appropriate impermeable surfacing and suitable sealed drainage system to cater for waste storage and treatment areas. The EA note from the Flood Risk Assessment (FRA) as submitted that "hardstanding impermeable areas will remain as existing". This would need to be effective and appropriately maintained. It should be noted that clean surface water from roofs, or from areas of the site that are not being used in connection with storing and treating waste, may be discharged directly to surface waters, or to groundwater by seepage through the soil via a soakaway.

83. The EA comment that the site is located within Flood Zone 3 (1% annual probability of fluvial flooding) of the Hen Brook (ordinary watercourse) and a Flood Risk Assessment (FRA) is submitted. Based on the scale and nature of the proposal (minor ground level extension footprint area and 'less vulnerable' development) they refer to the area 'Flood Risk Standing Advice', in consultation with the Flood and Water Management team (Lead Local Flood Authority).

84. **Herefordshire and Worcestershire Fire Service** have not commented.

85. **Network Rail** have no objection in principle to the above proposal, but due to the proposal being next to Network Rail land and their infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway they have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission. Any works on this land would need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required.

86. With regard to fencing, if not already in place the applicant must provide at their expense a suitable trespass proof fence (of at least 1.8 metres in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

87. In terms of drainage, soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the applicant to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels if altered, to be such that water flows away from the railway. Drainage is not to show up on buried service checks.

88. With regard to encroachment, the applicant must ensure that their proposal, both during construction and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land or structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then they must seek approval from Network Rail Asset Protection Team.

89. In terms of foundations, Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works would require specific approval and careful monitoring by Network Rail. There should be no additional loading placed

on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

90. With regard to grounds disturbance, the works involve disturbing the ground on or adjacent to Network Rail's land and it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

91. With regard to site layout, it is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

92. In terms of piling, where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

93. With regard to excavations and earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the County Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

94. The demolition works on site must be carried out so that they do not endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures and land. The demolition of the existing building, due to its close proximity to the Network Rail boundary, must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from the Network Rail Asset Protection Engineer before the development and any demolition works on site can commence.

95. Network Rail would like to add that the applicant is strongly recommended to employ companies to demolish buildings/structures belonging to the National Federation of Demolition Contractors. This would ensure that all demolition works are carried out to professional standards and the company itself will also include liability insurance as part of its service.

96. With regard to plant, scaffolding and cranes, any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

97. Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

98. **North Worcestershire Water Management (NWWM)** on behalf of the Lead Local Flood Authority (LLFA) have been in discussion with the applicant who has subsequently submitted a Drainage Strategy. The NWWM note that the site falls entirely within Flood Zone 3 (high risk of flooding) and is shown to be susceptible to surface water flooding (again, high risk). They do hold reports of flooding on this site as recently as 2012 (where flood water reached the front of the building in question) and, therefore, comment that it is vital that drainage and flood risk are carefully considered.

99. As a less vulnerable land use the NPPF allows for development in higher flood risk areas. However, compensation storage must be provided to allow for the displacement of flood water due to the creation of an impenetrable structure. The Flood Risk Assessment (FRA) submitted touches on this point but suggests it is not feasible. Based on the estimated flood depth on site the internal flood may flood to 0.09 metres – therefore 6 cubic metres of compensation storage would be required aside from any storage required for the drainage of the roof area.

100. NWWM have stressed that ordinarily the escape route from the site would not be permitted due to the potential depth and velocity of flood water that may exist. However, it is assumed that this site would only be operating during daylight hours allowing for site occupiers to exit safely. They suggest that a flood evacuation plan is produced, but for an extension to an existing business this is not imperative.

101. In terms of drainage of the proposed extension, their policy is that betterment should be provided where possible. They note the FRA suggests that since the site is already impermeable that there would be negligible impact on runoff. However, they seek to see runoff rates and volumes reduced the greenfield values where feasible. NWWM estimate that 11 cubic metres of storage would be required for this rather than the 4.3 cubic metres of storage proposed. On this note they would also stress that below ground attenuation storage provides no water quality treatment which is generally required for non-roof drainage. They appreciated that there may be no space available for conventional Sustainable Drainage Systems (SuDS) storage and that porous surfaces and green roofs are not suitable for the site. They would encourage the applicant to consider the use of grey/rainwater harvesting as part of the overall drainage strategy.

102. In response to the points raised above, the applicant subsequently submitted a Drainage Strategy. NWWM commented that the detail in the revised Drainage Strategy is now satisfactory. Although flood risk on this site is high, as a less

vulnerable land use the NPPF does not prevent development of this nature going ahead and the site already has a large number of industrial / commercial units. Based on this NWWM have no objections.

103. **Severn Trent Water Limited** have confirmed that they have no objections to the proposals subject to the inclusion of conditions relating to submission and approval of drainage plans for the disposal of foul and surface water.

104. They note that there is a pumping station close to the site and any new development must not restrict their access to the Sewage Pumping Station (SPS). They would require free access to the SPS at all times in order to complete any programmed routine maintenance tasks and also for any emergency reactive visits in case of failure.

105. **West Mercia Police** consider that the development would not have a major impact on crime and disorder and therefore there do not have any objection to it.

106. **Worcestershire Regulatory Services (WRS) (noise and nuisance)** have reviewed the documents and note that the submitted noise impact assessment states *“the calculated rating sound level at the nearest residential dwelling to the north on Foley Gardens is below the typical lowest measured background sound level during current working hours and assessment in accordance with BS 4142 indicates a condition of ‘low impact’*”. WRS also note that the report indicates that the proposed extension would likely offer some betterment when compared to the existing structure. WRS are satisfied that the noise impact assessment has been carried out in accordance with relevant guidance and standards. They therefore have no objections or adverse comments to make in relation to noise.

107. **Worcestershire Regulatory Services (WRS) (dust)** understand that the proposed development would be operated in line with an Environmental Permit issued by the Environment Agency. WRS have no concerns regarding the potential for nuisance as emissions should be controlled via conditions within the Environmental Permit. The site should be in possession of and operate in line with an Environment Management Plan (reviewed by the Environment Agency). Measures outlined within the Environmental Management System (EMS) should seek to limit and control dust emissions from site. Given that operations are to be housed internally, the main concern with regards to nuisance caused by dust would be associated with vehicle movements, good housekeeping of the carriageway is therefore required. Subject to the applicant being in possession of a suitable Environmental Permit, WRS have no adverse comments or objections to make in relation to dust.

108. **Worcestershire Regulatory Services (WRS) (contaminated land and air quality)** recognise that the majority of the development has already taken place. They have commented that if the office areas are largely unchanged from the original layout with only internal alterations then a contaminated land condition would be unnecessary. They note that in terms of the office areas, there is a small extension comprising a new weighbridge office. The extension is to an existing building within 250 metres of areas of landfill (Historic Landfill Sites of No. 1 and 2 Sludge Beds).

They have therefore provided an advisory note relating to gas protection measures.

109. **County Public Health** have not commented on the application.

110. **Natural England** have no objection subject to appropriate mitigation being secured. They consider that without appropriate mitigation the application would damage or destroy the interest features for which Upton Warren Pools SSSI has been notified. In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured: *The potential water quality and water quantity implications for the Hen Brook, which hydrologically linked with the Upton Warren Pools SSSI, should be taken into consideration when addressing sites drainage and attenuation.* They advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

111. **Worcestershire Wildlife Trust** have noted the contents of the various associated documents and in particular the findings set out in the submitted Ecological Impact Assessment. They note that the development is almost complete and that there does not appear to have been any significant loss of habitat as a result of the works. They therefore do not wish to object to the application and are content to defer to the opinions of the County Ecologists for all on-site biodiversity matters in this case.

112. **The County Ecologist** notes from the supporting ecological appraisal that no significant adverse impacts have been identified and that some recommendations for avoidance of ecological impacts and modest ecological gains have been set out. They state that should the County Planning Authority be minded to grant permission, they recommend the imposition of conditions relating to restricting hours of external lighting and the installation of a house sparrow box.

113. **Cadent and National Grid (Online LineSearch BeforeUDig comments)** identified that there are utilities apparatus in the vicinity of the site and that therefore the contractor should contact Plant Protection before any works are carried out to ensure that the apparatus is not affected by any of the proposed works.

Other Representations

114. The application has been advertised on site, in the press and by neighbour notification. To date, 23 letters of representation have been received, three of which are supporting and 20 of which are objections. These letters of representation were made available to Members of the Planning and Regulatory Committee upon request. Their main comments relating to the proposal are summarised below:

Support

Waste

- Ever increasing demand for recycled products and natural resources diminishing so important to expand waste transfer station.

- Demand will always increase due to rising population and new homes being built.

Visual impact

- Development of the site is in keeping with the neighbouring units especially the transfer station which has been there for approximately 15 years.
- Building may be slightly larger than the original one but is no larger than the adjacent existing transfer station and views from residential area are already of industrial type units so therefore no real change to the vista.
- Hardly even noticed the structure.

Amenity issues including noise

- Considers that there have been no complaints regarding noise, traffic, pollution and weekend working.
- Train track causes far more disturbance compared to a structure used to house a business that only operates from 07:00 to 18:00 hours.
- Would provide safe and spacious working environment for operatives and customers.

Other

- Totally behind this venture, given the financial climate.

Object

Location

- Area is rural.
- Queries whether the wider site is industrial, retail or residential as well as comments as to why the site was designated by Bromsgrove District Council for employment when there are residential units on the site.
- Over development of the site with A-Z skips taking over the whole area.

Visual impact

- Building would be closer to residents' homes.
- Concerned about visual impact of this oversized and overbearing monstrous shed which is adjoined to another larger and higher and visually overbearing building, is incongruous with other buildings and an eyesore on the surrounding area, including from Foley Gardens (which includes bungalows) and Hanbury Road.
- Report is inaccurate as states that the site could not be seen from public roads, public footpath, bridleway or other public land.
- Building is overbearing as is only 1.5 metres away from Kookaburra Kitchen's building, which is much smaller being only 5.4 metres high.
- Design not sympathetic to either neighbouring residential properties or the adjacent Green Belt land.
- Site looks and feels jam-packed as too many buildings crammed into a limited area.

Highways and traffic safety

- Has been an increase in traffic, particularly heavily laden lorries full of heavy metal, which has increased considerably in the direction of Metal and Ores at unsocial hours.
- There is congestion at peak times and continual traffic from all three adjacent industrial estates (including Metal and Ores) plus the Harris Brushwork traffic.
- Has been an increase in traffic from Veolia Waste Management delivering to the site.
- Traffic entering the site is not regulated and materials on vehicles sometimes not adequately held down.
- Surrounding roads, including Hanbury Road are over capacity, not suitable for heavy traffic and would be further damaged by the proposal which would double vehicle movements, particularly heavy vehicles.
- Have been accidents including one fatal accident on Hanbury Road.
- Major issues with HGV vehicles ignoring and being unable to negotiate the low bridge carrying the railway which therefore causes congestion.
- Applicant himself admits there are health and safety problems within the existing waste and transfer station.
- Conflict between different types of vehicles using the industrial estate and health and safety concerns.
- A-Z Skips is at the end of an unadopted and deteriorating and inferior driveway.
- Refers to possible need for large trucks and heavy lorries potentially needing to do a series of manoeuvres to re-enter Hanbury Road.
- Parked vehicles may pose a safety hazard and that the thoroughfare through site is haphazard.
- Refers to Policy WCS 8 of the Waste Core Strategy and how vehicular and pedestrian access of already inadequate and would worsen if proposal allowed.
- Would not alleviate concerns about health and safety but instead health and safety concerns would increase.
- Hanbury Road already poses problem for people including children getting to school, due to the narrowness of the footway.

Amenity issues including noise and dust

- Noise assessment report is not impartial as paid for by the applicant.
- Noise monitoring was undertaken at a time (during June 2020) when the country was not back from the lockdown caused by the COVID-19 emergency so would not be representative of the situation in September 2020.
- Times of the noise readings are at a single point of time in a day during or just after lunchtime which aren't representative of the noise created at various points in the working day and working week.
- Query about whether the proposed new machinery would operate around the northern end of the building adjacent to the railway and whether associated noise would further harm neighbour amenity.

- When scrap waste operations fall silent, there is no discernible noise from other businesses.
- General ambient noise climate is not attributable to traffic flows.
- As there would be simultaneous waste disposal in both buildings then noise impact must only get worse.
- Noise pollution from existing site starts as early as 7:00 hours Mondays to Fridays and after 17:00 hours and even some Saturday mornings. Refers to examples of loud crashing and banging of machinery outside of these hours. Affects residents as noise is constant and spoils sitting in the garden.
- Noise also causing problems for nearby commercial operators.
- No screening for noise and activity has increased hugely over time without control. No provision for screening or the use of trees to help with noise as well as visually screening the ugly building.
- Noise from extra traffic, particularly from skip lorries, on roads including Hanbury Road.
- Will lead to increased air pollution and air quality is already poor due to the constant moving, crushing of material and rubble, which would negatively affect elderly people in particular.
- Already leading to increased dust which always covers vehicles and have also had to keep their factory doors and windows shut at all times.
- Would have a detrimental effect on mental health and wellbeing of people.
- Concerns about future implications for businesses operating in such close proximity to the proposal. Would be 30 metres closer to Kookaburra Kitchens.
- Should be a public health assessment.
- Concerns about vermin, including large rats, which they consider is caused by the waste transfer station.
- Would increase odours.
- Overshadowing of bungalows and houses.
- Would block out light to residential properties.
- Size and height of building has affected evening sun to properties.

Lighting

- Very concerned about external lighting with motion sensors causing glaring light that would be visible from Foley Gardens and Hanbury Road, which have no street lighting. Therefore, lighting would be very noticeable all year round and would shine into property, including habitable rooms, unless doors are shut.
- Lights would be triggered by trains in the night.
- Site is like Blackpool illuminations at night.
- Lights may not prove to be adequate requiring even larger and more imposing industrial lights.
- Queries how owner has managed all these years without the benefit of extra lighting.
- Not clear whether the new building would be open ended or closed at the northern

end where the lighting would be located.

Shadowing

- New building shades existing roof mounted solar panels (on adjacent commercial unit), which reduces the amount of solar energy that can be generated. Kookaburra Kitchens have lost natural sunlight via his skylights.
- As the solar panels do not have any optimisers, the overshadowing study is irrelevant as any overshadowing would affect all the panels collectively and not just the panels shaded.
- Solar panels were installed when a different building was in position and when there were no overshadowing or proximity problems.
- No indication before installing solar panels that the land would be sold to build and extend the recycling business.
- Amount of rewiring would probably necessitate a re-installation of the solar panels.

Compatibility of Uses and Users

- Mish mash of uses within industrial estate. Customers visiting and using other facilities on the site are at risk and should be asked to wear Personal Protective Equipment (PPE) such as ear defenders, high visibility jackets, hard hats and steel capped shoes.
- At exactly 2.5 times the height of the units in its immediate proximity as well as the large footprint it occupies, the building's size is utterly disproportionate.

Water Environment including Flooding

- Flood Risk Assessment paid for by the applicant so is not impartial.
- Flooding has only been a problem since site was developed and needs further investigation.
- Hen Brook which runs through the site, is no more than 50 metres from the proposed extension and often floods.
- Hanbury Road regularly floods (approximately 5 years) and has on one occasion (July 2007) flooded to waist height under the railway bridge.
- Cannot understand the logic of calculations relating to the size (in square metres) of the proposal.
- There are no formal flood defences, such as walls and barriers, to protect the site from flooding apart from the building being located on slightly raised ground above the top of the river banks and there are no plans for any future flood defence works.
- The only protection against flooding would be from a raised floor.
- Queries why development within Flood Zone 3, which is high risk, is being considered. Queries the point of the Flood Risk Assessment in terms of ignoring the threat of flooding because there are no existing available alternative sites.
- Suggested flood resistance and flood resilience measures could be expensive and

queries whether implementation of these measures and Sustainable Drainage Systems would be checked. References that these were not checked in terms of County Planning Authority (CPA) application reference: 407614.

- Queries whether there is a risk of flood water contamination with the waste.
- Steelwork is positioned over main drain, which runs from commercial units. If the drain was blocked or collapsed then due to the huge steel work, the only option for them would be to run a complete new drain run.
- Queries how foul sewage would be disposed of.

Throughput and type of waste

- Applicant must be seeking to increase throughput as they would not otherwise have invested money in the proposal.
- Queries what control levels would be introduced by the authorities to stop the applicant accepting unlimited amounts of waste and types of waste which may be unacceptable or hazardous.

Other

- Queries whether building has been subject to any Building Control Regulations at different stages of the process.
- Does not consider that the site has been correctly or professionally dealt with by planners.
- Building is not a warehouse but is open ended.
- Warehouses typically store products of one form or another.
- Concerned that there is an application lodged for 10 residential dwellings (dated May 2019) within the Industrial Estate which is pending determination by BDC.
- Lack of control by authorities regarding this site and queries what control levels would be introduced if applicant is allowed to continue with this development.
- Would affect value of residential properties.
- Retrospective application is a calculated approach to increase the chances of getting permission due to the potential economic repercussions to businesses.
- Allowing permission would lead to more retrospective applications which would diminish the intent of current planning law and would have an adverse effect on living environments and open spaces.
- Unclear what size building would be.
- There are trees in close proximity to the site.
- The Birmingham to Worcester Canal which is a Conservation Area is only about 60 yards away.
- Queries why are there residential units on this employment site and also queries what the health implications are of this.
- No benefits to anyone else other than the proprietors of A-Z Skips.

- No acknowledgment of trying to comply with planning policies.
- Why was advice not sought when building began in November / December 2019.
- Rumour that BDC use A-Z Skips from time to time and that this should be declared.
- Difficult see to how machinery could operate in the extremely limited space between the building and the boundary of the yard which at that point is very small.
- Notes that the original offices that are part of this existing building have been converted into 3 or 4 dwellings incorporating a bedroom and kitchen area.
- Queries how many of the conditions relating to County Planning Authority application reference: 407614 (relating to part change of use of the building to a waste transfer facility with soil recycling) have ever been met.
- Refers to the owner of the site objecting to Bromsgrove District Council planning application reference f: 20/00643/FUL for 'use of land for the stationing of 90 static residential park homes...' at Corbett Business Park, Shaw Lane, Stoke Prior due to the noise that his business produces.
- Also references that the owner of the site has an application lodged with Bromsgrove District Council planning application reference Ref: 19/00578/FUL to build 10 short terms stay residential units and would therefore be willing to subject existing and future potential tenants as well as other residential areas to noise.

Queries relating to what happens / happened to Council tax for unregistered properties.

The Head of Planning and Transport Planning's Comments

115. As with any planning application, this application should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The relevant policies and key issues have been set out earlier.

The Waste Hierarchy

116. The proposal relates to changes to an existing waste management facility. National Planning Policy for Waste states that positive planning plays a pivotal role in delivering this country's waste ambitions through:

- Delivery of sustainable development and resource efficiency...by driving waste management up the waste hierarchy
- Ensuring that waste management is considered alongside other spatial planning concerns...recognising the positive contribution that waste management can make to the development of sustainable communities
- Providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of, and
- Helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment.

117. The Government Review of Waste Policy in England 2011 seeks to move towards a green, zero waste economy, where waste is driven up the waste hierarchy. The waste hierarchy gives top priority to waste prevention, followed by preparing for re-use, recycling, other types of recovery (including energy recovery) and last of all disposal. This is reiterated in the Waste Management Plan for England (2013) and is built on in the Our Waste, Our Resources: A Strategy for England (2018), which states that *"the waste hierarchy, which ranks options for waste management, has driven some progress...instead we have increased our rates of recovery and recycling and generated much more energy from waste. We want to shift away from waste towards resource efficiency, and will do this by focusing not just on managing waste, but, on managing the resources which become waste"*.

118. The Worcestershire Waste Core Strategy sets out a number of objectives. Objective WO3 of the Waste Core Strategy seeks to make driving waste up the waste hierarchy the basis for waste management in Worcestershire.

119. Furthermore, paragraph 148 of the NPPF states that *"the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure"*.

120. A-Z Skips Ltd is a waste transfer station and skip hire business. Whilst comments have been received by the County Planning Authority (CPA) alleging that medical waste has been delivered to the site, the applicant has confirmed that this is not the case and that their Environmental Permit does not permit this. The Council's Monitoring & Enforcement Officer has also not observed any evidence of this activity.

121. Waste materials are brought to the site by commercial outfits or in skips delivered and collected by the company. The waste is then unloaded, primarily from lorries, vans and transit tipping vehicles. Materials are sorted, with non-recyclable waste returned immediately to lorries for transfer to landfill, and recyclable materials taken by lorry to recycling plants. Recyclable materials are stored until enough has been collected for full loads prior to onward transfer wherever possible, but the restricted size of the current building restricts this activity.

122. The applicant has set out that in terms of tonnage, they generally have up to 5,000 tonnes of waste passing through the yard annually of which 40% is wood waste and 60% general waste. The applicant has set out that they currently recycle approximately 99% of the wood that passes through their existing transfer station. However, they currently only recycle approximately 65% of general mixed waste. With the new building, they anticipate that they could increase the percentage of general mixed waste that could be recycled to 90%, as they would have the capacity to recycle materials including plasterboard, plastics – UPVC and soft plastics, carpet and mattresses, paper, cardboard, metals including copper, brass, aluminium and steel.

123. The Head of Planning and Transport Planning considers 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.

Location of the development

124. The National Planning Policy for Waste seeks to drive waste management up the waste hierarchy, and to secure the re-use of waste without endangering human health or harming the environment. Section 5 includes criteria for assessing the suitability of sites for new or enhanced waste management facilities and Appendix B sets out locational criteria. The Worcestershire Waste Core Strategy is broadly in accordance with these principles and the National Planning Policy for Waste.

125. This planning policy direction is also reflected in the National Planning Policy for Waste, which states *"waste planning authorities should...consider a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together and with complementary activities...give priority to the re-use of previously-developed land, sites identified for employment uses, and redundant agricultural and forestry buildings and their curtilages"*.

126. The Waste Core Strategy (WCS) sets out a geographic hierarchy for waste management facilities in Worcestershire. The hierarchy takes account of patterns of current and predicted future waste arisings and resource demand, onward treatment facilities, connections to the strategic transport network and potential for the future development of waste management facilities. The hierarchy sets out 5 levels with the highest level being Level 1 'Kidderminster zone, Redditch zone and Worcester zone'.

127. Paragraph 2.72 of the WCS sets out that *"Re-use and recycling facilities (including treatment, storage, sorting and transfer facilities) will be enabled in all geographic zones. These facilities will be directed to the highest appropriate level of the geographic hierarchy."* The application site is located within level 2, the Bromsgrove Zone.

128. Policy WCS 6 of the Worcestershire Waste Core Strategy directs waste management development to land with compatible uses. Policy WCS 6 directs 'enclosed facilities' such as this, to land which includes existing or allocated industrial land; contaminated or derelict employment land; sites with current use rights for waste management purposes, and redundant agricultural or forestry buildings or their curtilage where strongly justified.

129. Policy BDP 13 of the Bromsgrove District Plan states that *"The Council will seek to maintain a balanced portfolio of sites by promoting the following...(criterion) f. The accommodation of waste management facilities within designated employment sites in accordance with the Waste Core Strategy for Worcester"*. Bromsgrove District falls within levels 1 and 2 of the Waste Core Strategy's geographic hierarchy and that

therefore it is expected that some waste management facilities would be likely to be required within the District. The BDP states that *“No specific employment sites are designated for waste management provision, although a flexible approach should be taken if proposals for waste management facilities come forward during this Plan period, in accordance with guidance in the Waste Core Strategy for Worcestershire”*.

130. As set out earlier under the ‘Consultations’ heading and also under the ‘Other Representations’ heading in this report, concerns have been expressed including about the mixture of uses on the wider Industrial Estate and A-Z Skips is taking over the area.

131. Whilst there are a variety of different uses on the wider site including industrial, retail and residential uses, the site is identified in the adopted BDP as an employment site where waste management facilities are appropriate. The proposal is for additional space to meet the needs of the existing waste transfer station, which is an established facility. The Head of Planning and Transport Planning is, therefore, satisfied that the principle of the location of the development has already been established and that the proposal is 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.

Landscape character, visual impacts and historic environment

132. The application site is located within an existing industrial estate (Metal and Ores) which dates back more than 100 years. The site is located between a railway line to the north, the Worcester and Birmingham Canal broadly to the south and Hanbury Road to the east. The site contains an operational waste transfer station with weighbridge on the western part of the site and on the eastern part of the site there is an industrial building, which according to the applicant was constructed in 1998/99.

133. Immediately to the east of the industrial building are two buildings, which are in employment use, and which sit somewhat lower than the ancillary offices associated with A-Z Skips. To the west of the industrial building is the existing waste transfer station, which is stepped back from the access road to the south and is in the main, stepped back from the industrial building, which is the subject of the current planning application.

134. The industrial building comprises two storey ancillary offices to the front (south) of the site. The rear warehouse section of this industrial building has been removed. The applicant has partially constructed a larger and taller warehouse type space extension, behind the retained offices. This extension has brought the existing building closer to the neighbouring employment buildings that are located immediately to the east and are smaller in scale and height.

135. The height to the eaves of the warehouse type space extension is approximately 10.8 metres with a ridge height of approximately 13.5 metres. The waste transfer station has a lower but similar eaves height than the industrial building but a similar ridge height being some 13.4 metres approximately. The applicant has set out that an increased ridge height is required to allow special machinery for more

efficient sorting of materials.

136. This extension is of modern steel portal frame construction with concrete panel walls and green insulated cladding (where complete). The roof is finished using the same green insulated cladding which matches the adjacent waste transfer station building. This extension is joined to the existing waste transfer station. A new weighbridge is proposed to be installed in front of the weighbridge offices. The existing weighbridge, which is located on the western part of the site, is proposed to be retained.

137. With regard to heritage assets, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects to listed buildings in the exercise of planning functions. Subsection (1) provides that *"in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*.

138. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects Conservation Areas in the exercise of planning function stating *"in the exercise, with respect to any buildings or other land in a Conservation Area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"*.

139. Paragraph 190 of the NPPF states that *"local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal"*.

140. Paragraphs 193 and 194 of the NPPF states that *"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: ...b) assets of the highest significance, notably scheduled monuments...should be wholly exceptional"*.

141. The Government's PPG at Paragraph 018 Reference ID: 18a-018-20190723 states *"whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework"*.

142. The Scheduled Monument of 'Moated site at Tardebigge Farm' lies

approximately 2.6 kilometres broadly to the east of the site. There are a number of listed buildings, the closest of which is the Grade II 'Lych Gate about 75 metres south-west of Church of St Michael', the Grade II Stoke Prior War Memorial, the Grade I Church of St Michael, the Grade II Aldham House and the Grade II Church Mill House which lie approximately 530 metres, 560 metres and 590 metres, 650 metres and 680 metres broadly to the north of the site, respectively. The Grade II Little Intall Field lies approximately 610 metres broadly to the north-east of the site. The Grade II 'Priory including outbuildings adjoining north' and Grade II Moors Farmhouse lie approximately 900 metres and 1.1 kilometres respectively broadly to the north west of the site, respectively.

143. Due to the distance from the Scheduled Monument and Listed Buildings coupled with the presence of intervening structures and features, including vegetation, it is considered that the proposal would not have an adverse impact on the Scheduled Monument and Listed Buildings.

144. The Worcester and Bromsgrove Canal Conservation Area lies approximately 60 metres to the south of the site. The applicant has referenced that BDC produced, in 2019, a draft Character Appraisal and Conservation Management Plan. This contains a series of maps, photographs and text describing the full length of the canal and its character. The part closest to the application site falls within Section 6, Bridge 45 including Stoke Wharf to Bridge 42 including Stoke Works. The maps identify a number of canal related buildings and structures which lie close to bridge 44 which takes traffic on the Hanbury Road across the canal. Important views are identified looking north along the Hanbury Road and looking east / west along the canal to the east of the bridge.

145. The Metal and Ores Industrial Estate is not identified within Bromsgrove District Council's 2019 draft Character Appraisal and Conservation Management Plan as being of any significance, and the historic canal related structures immediately to the south of the application site are not identified as making a positive contribution to the canal Conservation Area.

146. The building, whilst able to be viewed from the Conservation Area, is read in the context of the existing employment area, which is characterised by its range of industrial buildings and open industrial uses of varying sizes. The building is visible from the access road off Hanbury Road, the western side of which forms the boundary of the Worcester and Birmingham Canal Conservation Area. However, the building is read in the context of the existing Waste Transfer Station which is of a similar scale and height. From the canal, there are glimpses of the building but such views are limited due to the intervening buildings and uses. In light of this and having regard to the various comments, the Head of Planning and Transport Planning considers that the proposal would lead to less than substantial harm to the significance of the Conservation Area.

147. Notwithstanding this harm is less than substantial, the harm must still be given considerable importance and weight, and considerable weight must be given to the desirability of preserving the setting of the designated heritage asset. Consequently, the fact of harm to a designated heritage asset is still to be given more weight than if

simply a factor to be taken into account along with all other material considerations.

148. Paragraph 196 of the NPPF states that *"where a development 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"*.

149. The Government's PPG at Paragraph 020 Reference ID: 18a-020-20190723 confirms that *"public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress...Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits"*.

150. The Head of Planning and Transport Planning considers that as the proposal would move waste up the waste hierarchy, increasing the amount of waste material that could be recycled, the public benefits of the proposal outweigh the less than substantial harm to the heritage asset.

151. The upper part building is also visible from the north. There are glimpses of the building from the Public Right of Way (Footpath SP-521), which runs to the north of and parallel with the railway line. This footpath runs through an area that is situated within the Green Belt. The presence of the railway embankment and vegetation alongside the railway embankment means views of the building are generally limited to the upper part of the building. More of the building, although not the full extent, is visible from residential properties to the north of the railway line, including those in Foley Garden.

152. Whilst the extension is located closer to residential properties compared with the existing adjacent waste transfer station, the extended building is of a similar height to the waste transfer station. If granted planning permission subject to conditions relating to finishing materials and colours, the extension would be of a similar appearance to the existing waste transfer station. While it is acknowledged that the extended building is visible from various viewpoints including public vantage points, the building is read in the context of the existing industrial estate, which contains other industrial buildings.

153. The County Landscape Officer states that they have reviewed (in particular) details of the increased building height as they were concerned with the visual impact to local receptors, including residential receptors located along Foley Gardens to the north. The top part of the new extended roof elevation would be visible to those properties. However, it would be in context with the skyline where the gable end of the large building to the west is already partly visible. The tree belt either side of the railway line also affords some softening of the industrial site. The single storey nature of the properties on Foley Gardens also lowers the visual threshold to those receptors. Therefore, in conclusion, they consider that the increase in overall visual impact would be limited, and they have no objection to the scheme.

154. Based on the above including the advice of the County Landscape Officer, the

Head of Planning and Transport Planning considers 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.

Traffic and Highway Safety

155. Paragraph 109 of the NPPF states "*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*".

156. As set out earlier under the 'Consultations' heading and also under the 'Other Representations' heading in this report, concerns have been expressed including that the development would result in increased traffic and damage to neighbouring roads particularly by larger vehicles as well as concerns about highway safety.

157. There are a variety of different uses on the industrial estate, including general industrial uses as well as other uses, such as retail. There are, therefore, a variety of different types of vehicles, including HGVs, vans, cars as well as pedestrians that use the estate for different purposes.

158. The applicant has set out that historically two businesses have been running from the application site – the waste transfer station and the industrial use. The proposal would see the industrial (Use Class B2) use cease and, therefore, all associated traffic movements stop. The waste transfer station would continue at its current level and thus would not generate any increase in traffic.

159. The applicant has set out that the business currently generates approximately 50 Heavy Goods Vehicle (HGV) movements (25 trips in and 25 out) each day together with 40 van movements (20 trips in and 20 out), 60 tipper movements (30 trips in and 30 out) and ten vehicles with trailer movements (5 trips in and 5 out). The applicant has stated that no increase in traffic is expected and has also clarified that there would be no change in the type of vehicles taking materials away from the site and that the amount of waste handled on site would not be increased but would instead enable it to be better handled.

160. Whilst the number of employees (stated as nine) is not set to change, the current waste transfer station has no associated vehicle parking and therefore staff can only park in the busy shared parking area on the opposite side of the access road. The purchase of the industrial building has provided additional hardstanding which is used for the parking of vehicles and thereby can reduce pressure on the communal parking.

161. The County Highways Officer has commented that this application is for additional space to serve the needs of an existing business without an increase in staff or materials. The application site is served by a privately owned road leading to Hanbury Road. There is no proposed increase in vehicular traffic. On this basis, they would not wish to raise any objection.

162. Worcestershire Regulatory Services have commented that the main concern with regards to nuisance caused by dust would be associated with vehicle movements and that good housekeeping of the carriageway is therefore required.

163. 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 those limiting the throughput of the site and having a scheme that prevents mud, dust or detritus being deposited on the public highway, the Head of Planning and Transport Planning is satisfied that the proposal would not have any adverse impact on traffic and highways safety.

Residential amenities (including noise, dust, lighting and air quality)

164. Nearby residential properties include 122a and 124 Hanbury Road, which are situated about 80 metres broadly to the north east of the site, with the roughly triangular shaped garden of No. 124 running in a broadly south westerly direction immediately behind the application site. Other nearby residential properties include 57 to 67 (odd numbers) Hanbury Road, which are located to the south east of the access road to Metal & Ores Industrial Estate and lie approximately 100 metres, broadly to the east of the proposal. There are also further residential properties, to the north of the railway line, off Hanbury Road and Foley Gardens, with the closest properties being approximately 60 metres broadly to the north of the site.

165. As set out earlier under the 'Consultations' heading and also under the 'Other Representations' heading of this report, concerns have been expressed about a number of issues, including noise, dust, and lighting.

166. Paragraph 183 of the NPPF states that *"the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively"*.

167. Paragraph Reference Paragraph 50 Reference ID: 28-050-20141016 of the Government PPG elaborates on this matter, stating that *"there exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively. The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body"*.

168. Paragraph 180 of the NPPF states that *"Planning...decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and*

the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development”.

169. As set out earlier including under the ‘Traffic and Highway Safety’ heading of this report, the applicant has set out that no increase in traffic is expected and also that the extended building would not result in an increase in the level of waste handled by the business. The submitted Noise Assessment has also set out that the noise climate in the vicinity of the site is attributable to road traffic, frequent train movements and activity noise generated by the existing site operations and surrounding industrial estate.

170. The existing waste transfer station has conditions imposed restricting operating hours to 08:00 to 18:00 hours Mondays to Fridays and 08:00 to 13:00 hours on Saturdays with no operations on Sundays or Bank Holidays. The applicant has confirmed that the application site works within these hours. They have also confirmed that large vehicles would not be able to access the space between the building and the railway and that these vehicles would operate only within the building.

171. Concerns have also been expressed through the letters of representation with regard to odours and potential risk to health as well as impact on air quality. The applicant has indicated that there would be no increase in the materials handled at the site and vehicle movements would remain the same. The existing waste transfer station operates largely inside. Once the proposed building is complete, the building would be enclosed albeit that vehicles would enter and exit the building through a new 2-metre-high security gate, which would be located in the south-west corner of the building adjacent to the existing waste transfer station.

172. The Environment Agency (EA) have stated that they regulate the existing site operation under an Environmental Permit. There is an Environmental Permit and waste exemptions on the land adjacent to that identified in the planning application. The existing permit is for a household, commercial and industrial transfer station which allows the operator to handle a comprehensive amount of non-hazardous waste streams including most recyclables e.g. wood, plastic, cardboard etc. construction and demolition waste including plasterboard and green waste (from mixed municipal loads and general waste skips). There do not appear to be any plans to add extra waste streams or increase the throughput at the site.

173. The EA have confirmed that the Environmental Permit regulates and controls matters such as the following:

- General Management of the site;
- Permitted activities e.g. operations;
- Waste Acceptance (quantity and type of waste);
- Emissions to land, water and air (including Odour, Noise and Vibration relevant to the ‘operational area’);
- Fire Prevention Plan; and
- Monitoring, Records and Reporting.

174. The EA have stated that based on their records, as part of the Environmental Permit they have not received any complaints, substantiated or otherwise, in relation to emissions from the existing operation.

175. On the basis that the applicant wishes to utilise the 'red area' for further storage and/or treatment of waste materials, then the appropriate authorisation should be sought from the Environment Agency. This could be a variation of the existing Environmental Permit to include for the additional area, or a separate Environmental Permit that covers those specific waste activities that are to take place and/or a waste exemption which again seeks to control the proposed waste activities. Having spoken to the applicant, they anticipate that a variation to the existing permit would be sought. For information, a successful permit application would be subject to the site having the appropriate infrastructure including appropriate impermeable surfacing and suitable sealed drainage system to cater for waste storage and treatment areas.

176. Worcestershire Regulatory Services (WRS) have reviewed the documentation to review the potential impact of noise/nuisance as well as with regard to air quality and have no objections or adverse comments to make. WRS note that the proposed extension would likely offer some betterment when compared to the existing waste transfer station. Subject to the applicant being in possession of a suitable Environmental Permit, WRS have no adverse comments or objections to make in relation to dust.

177. In terms of objections relating to dust and concerns that this would increase, dust may occur from a number of sources including onsite vehicle movements, movements of machinery and equipment, emissions from stockpiles of materials, dust created during unloading and unloading and during the sorting process.

178. The applicant has confirmed that they have a dust suppression and management system in place in the existing waste transfer station, which is switched on during dry periods and emits mist throughout the building to damp down dust. The applicant has confirmed that this system would be extended into the additional building and they are willing to accept a planning condition to this effect. They have also set out that the activities would utilise best practice associated with dust suppression which would include:

- Loading and unloading of vehicles within buildings;
- Storage of materials only within buildings;
- Movement of materials as little as possible and limitation on drop heights;
- Ensuring vehicles arriving and leaving the premises (including skips) are appropriately sheeted; and
- Sweeping of the access road and cleaning of the weighbridge as necessary.

179. The Head of Planning and Transport Planning considers that as Condition 8 of the extant planning permission (CPA reference: 407614) required a noise and dust management plan, which was not formally discharged, and due to the proximity of residential properties and businesses, it is prudent in this instance to impose a condition requiring a noise and dust management plan to protect the amenity of the

local area.

180. Network Rail have commented that any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

181. With regard to lighting, concerns have been expressed about light from the building as well as concern that the proposed lighting sensors would increase light pollution for local residents in particular as well as a strong likelihood that passing trains would set off the lights impacting on those living nearby.

182. There are lights within the building. However, the building is incomplete and not yet enclosed. No fenestration is proposed to the north elevation, which faces towards Foley Gardens and the only fenestration proposed is to the offices, which are situated at the south of the building and face into the industrial estate. Therefore, any impacts in terms of light pollution from lights inside the building would be limited.

183. With regard to the proposed low-level lights on a sensor, the applicant has set out that these are required for security and safety purposes to allow safe access to the rear of the building as necessary. They are set below the level of the railway and the sensors would be angled down towards the ground. The applicant has also set out that they would not be triggered by the passing trains (which in any case are at a higher level) and would not be visible beyond the railway. Should planning permission be granted the Head of Planning and Transport Planning recommends the imposition of condition requiring a lighting scheme.

184. The Head of Planning and Transport Planning considers 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 and waste throughput.

Ecology and Biodiversity

185. Section 15 of the NPPF, paragraph 170 states that *"planning policies and decisions should contribute to and enhance the natural and local environment", by a number of measures including "protecting and enhancing...sites of biodiversity...(in a manner commensurate with their statutory status or identified quality in the development plan); minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures"*.

186. Paragraph 175 of the NPPF states that when determining planning applications, local planning authorities should apply four principles (a. to d.), this includes: *"if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately*

mitigated, or, as a last resort, compensated for, then planning permission should be refused"; and "development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity".

187. The Upton Warren Pools Site of Special Scientific Interest (SSSI) lies approximately 960 metres broadly to the north-west of the site. Pipershill Common SSSI lies approximately 1.8 kilometres very broadly to the south of the site.

188. There are also a number of non-statutory wildlife designated sites within 2 kilometres of the proposal. The Worcester and Birmingham Canal Conservation Area, which is also designated as a LWS, lies approximately 60 metres to the south of the site. The River Salwarpe LWS lies approximately 470 metres, broadly north west of the site. The Land near Stoke Works LWS lies approximately 480 metres broadly south west of the site. The Upton Warren LWS lies approximately 1.3 kilometres broadly west of the site. The Poplars Farm Meadow LWS lies approximately 1.85 kilometres broadly south of the site.

189. Natural England have no objection subject to appropriate mitigation being secured. They consider that without appropriate mitigation the application would damage or destroy the interest features for which Upton Warren Pools Site of Special Scientific Interest has been notified. In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured: *The potential water quality and water quantity implications for the Hen Brook, which (are) hydrologically linked with the Upton Warren Pools SSSI, should be taken into consideration when addressing sites drainage and attenuation.* They advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

190. Worcestershire Wildlife Trust have noted the contents of the various associated documents and in particular the findings set out in the submitted Ecological Impact Assessment. They note that the development is almost complete and that there does not appear to have been any significant loss of habitat as a result of the works. They therefore do not wish to object to the application and are content to defer to the opinions of the County Ecologists for all on-site biodiversity matters in this case.

191. The County Ecologist has been consulted and notes from the supporting ecological appraisal that no significant adverse impacts have been identified and that some recommendations for avoidance of ecological impacts and modest ecological gains have been set out. They state that should the County Planning Authority be minded to grant permission conditions should be imposed relating to restricting hours of external lighting and the installation of a house sparrow box.

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

Water environment including flooding

193. As set out earlier under the 'Consultations' heading and also under the 'Other Representations' heading of this report, concerns have been expressed about a number of issues, including flooding concerns and whether there is a risk of flood water contamination.

194. The site is located within Flood Zone 3 (1% annual probability of fluvial flooding) of the Hen Brook (ordinary watercourse). Policy WCS 10: 'Flood risk and water resources' in the adopted Waste Core Strategy sets out that waste management facilities need to consider flood risk and any potential impacts on surface and ground water.

195. Policy BDP 23 of the Bromsgrove District Plan states that the Council will deliver safe developments with low environmental impact through a number of measures, this includes "c) Ensuring development addresses flood risk from all sources, follow the flood risk management hierarchy when planning and designing development, and do not increase the risk of flooding elsewhere. Where inappropriate developments in areas at risk of flooding are necessary after the sequential test is applied, appropriate designs, materials and escape routes that minimise the risk(s) and loss should be incorporated".

196. Paragraph 163 of the NPPF states that "*when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan".*

197. Paragraph 019 Reference ID: 7-019-20140306 of the PPG provides details of the Sequential Test stating that "*the Sequential Test ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding. The flood zones as refined in the Strategic Flood Risk Assessment for the area provide the basis for applying the Test. The aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying the Exception Test if required. Only where there are*

no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required”.

198. The application is accompanied by a site specific Flood Risk Assessment, which states that *“for sites in Flood Zones 2 and 3 it is usually required to consider the Sequential Test to confirm if there are any reasonably available alternative sites in the Local Planning Authority area at a lower flood risk on which the same development could take place instead. However, as the proposals are for the extension of an existing facility there will be no realistic alternatives and the Sequential Test is therefore not required”.*

199. The Head of Planning and Transport Planning considers that given the proposal is an extension to an existing facility, required to provide additional space in which to sort the waste to enable improved segregation, which would facilitate increased levels of recycling, it would not be reasonable to require the development to be located elsewhere in this instance. In view of this, it is considered that the Sequential Test is passed.

200. Paragraph 159 of the NPPF states that *“if it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance”.*

201. Table 2 ‘Flood Risk vulnerability classification’ of the Government’s PPG at Paragraph: 067 Reference ID: 7-067-20140306 states that *“waste treatment (except landfill* and hazardous waste facilities)”* are regarded as ‘Less vulnerable’ uses. The existing Environmental Permit is for a household, commercial and industrial transfer station which allows the operator to handle a comprehensive amount of non-hazardous waste streams. In view of this, it is considered that the proposed waste transfer station is classified as ‘less vulnerable’ development.

Table 3: ‘Flood risk vulnerability and flood zone ‘compatibility’ of the PPG (Paragraph: 067 Reference ID: 7-067-20140306) identifies that less vulnerable development in Flood Zone 3a is appropriate and the Exception Test is not relevant to this category of development. This approach is supported by NWWM who comment that in terms of planning and, different constraints apply depending on the vulnerability of use and also which Flood Zone the development is located in. NWWM have commented that as a less vulnerable land use the NPPF allows for development in higher flood risk areas.

202. The site is shown in Bromsgrove District and Redditch Borough Council’s Strategic Flood Risk Assessment – Level 1 (January 2009) to lie within Flood Zone 3a. The Flood Risk Assessment also states that the ground floor of the proposal would be raised above the 100 year and 100 year plus climate change flood level. The escape route from the site is via the front entrance and left along the access road

towards Hanbury Road to the east which will have shallow flood depths and lead to an area outside of the flood plain where services and facilities exist. The EA's flood matrix suggests a 200mm depth of water would be safe for all but with climate change a 400mm depth of flood water may be considered safe to wade through providing velocities are low. A Flood Response or Evacuation Plan (FEP) can identify how to receive flood warnings and set out recommended evacuation measures before, during and after a flood with contact details of relevant bodies.

203. NWWM comment that ordinarily the escape route from the site would not be permitted due to the potential depth and velocity of flood water that may exist. However, it is assumed that this site would only be operating during daylight hours. They suggest that a flood evacuation plan is produced, but for an extension to an existing business this is not imperative. NWWM therefore do not object to the proposal on flooding grounds.

204. Notwithstanding the comments from NWWM, the FRA states that a Flood Response or Evacuation Plan (FEP) can be provided for this site to identify how to receive flood warning and to set out recommended evacuation measures to be implemented on the site before, during and after a flood. Furthermore, the applicant has set out that operating hours are relevant to the proposal and that these would be from 08:00 hours to 18:00 hours. During parts of Autumn and Winter, the site would therefore be operating outside of daylight hours in the late afternoon / early evening. This could reduce the ability of occupiers to exit safely as this may limit their ability to see any flood water rising and take appropriate action. Therefore, the Head of Planning and Transport Planning recommends the imposition of a condition requiring a flood evacuation plan.

205. NWWM also state that in terms of drainage of the proposed extension, their policy is that betterment should be provided where possible. In response to the points raised by NWWM, the applicant subsequently submitted a drainage strategy in addition to the already submitted FRA. The proposal is to reuse the existing connection onsite to dispose of surface water from the new building. It is intended to build a geocellular tank with a restriction flow control chamber controlling the outflows to the existing drainage system. The drainage strategy also states that the current pollutants arisings from the service yard (car park) would all be all eliminated since the whole extension would be covered with a roof. NWWM are satisfied that the detail in the revised drainage strategy is now satisfactory.

206. Severn Trent Water Limited have confirmed that they have no objections to the proposals subject to the inclusion of conditions relating to submission and approval of drainage plans for the disposal of foul and surface water. The existing building already has foul water drainage as the building included office facilities such as toilets. The applicant has set out that the extension does not include any new foul water drainage. In view of this, the Head of Planning and Transport Planning considers that the condition relating to foul water drainage recommended by Severn Trent Water Limited is not necessary in this instance.

207. As set out under the 'Ecology and Biodiversity' heading of this report, Natural England have no objection, subject to appropriate mitigation being secured as they

have stated that an appropriate planning condition should be imposed to mitigate any potential *water quality and water quantity implications for the Hen Brook, which are hydrologically linked with the Upton Warren Pools Site of Special Scientific Interest (SSSI)*.

208. In view of the above matters, the Head of Planning and Transport Planning considers 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.

Climate Change

209. As referenced under the 'Other Representations' section of this Report, comments were received referencing that the owner / occupier of the adjacent industrial property Kookaburra Kitchens and Bathrooms, has concerns regarding overshadowing of the solar panels installed on the roof of their unit. The applicant states that an increased ridge height is required to allow special machinery for more efficient sorting of materials. They have submitted a drawing showing that some of the solar panels would be overshadowed for parts of the day.

210. The owner / occupier of the Kookaburra Kitchens and Bathrooms considers that the overshadowing study is irrelevant as any overshadowing would affect all the panels collectively and not just the panels shaded. The applicant has stated that some solar panels stop working if even one panel is blocked whereas others continue to work in blocks but that this is dependent on how they set up. From information provided by the applicant, it is understood that the owner / occupier of Kookaburra Kitchens and Bathrooms was seeking to establish how the blocks of solar panels are set up. The applicant has indicated that he would be prepared to buy completely new panels for Kookaburra Kitchens and Bathrooms.

211. The Head of Planning and Transport Planning notes that interference with the solar panels is 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 may have to pay increased energy costs, since they may be producing less electricity from their solar panels, may not be a material planning consideration but would have limited weight anyway. In this instance, it is considered that a condition or Planning Obligation requiring works on third party land which is not controlled by the applicant or that requires the consent or authorisation of another person or body is unlikely to meet the statutory tests including reasonableness and enforceability. On balance, the Head of Planning and Transport Planning considers that the overshadowing of solar panels would not constitute a reason for refusal in this instance.

212. Paragraph 148 of the NPPF also refers to supporting "*renewable and low carbon energy and associated infrastructure*". The proposed development would create a total of 3,902 square metres (including change of use) built development. Policy BDP 22 of the Bromsgrove District Plan states that "*The Council will deliver viable low carbon climate resilient developments...*" through a variety of different means including incorporating zero or low carbon energy generation technologies.

Policy WCS 11 of the Waste Core Strategy states that *"waste management facilities will be permitted where it is demonstrated that the design of buildings, layout, landscaping and operation of the facility, and any restoration proposals take account of sustainable development practices and climate change mitigation and resilience through" a number of measures, this includes: d) All new built development or significant alterations to buildings which create a gross building footprint of 1,000 square metres or more gaining at least 10% of energy supply annually from on-site renewable or low carbon sources. Where it is demonstrated that this is not practicable, this should be achieved through off-site solutions".*

213. 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 is recommended requiring on site renewable or low carbon sources. In view of the above matters, the Head of Planning and Transport Planning recommends the imposition of a condition requiring renewable or low carbon energy generating facilities to be incorporated as part of the development.

Other Matters

Integrity of the railway line

214. The railway line (Birmingham to Bristol line) is located immediately to the north of the application site and, therefore, Network Rail have been consulted on the proposal. As set out earlier in the report, their comments relate to various matters including ground disturbance, excavation and fencing.

215. Subject to the imposition of appropriate conditions, including those relating to the integrity of the railway line, lighting and means of enclosure, the Head of Planning and Transport Planning considers that there would be no adverse impact on the safe operation of the railway.

Contaminated Land

216. Worcestershire Regulatory Services (WRS) (contaminated land and air quality) recognise that the majority of the development has already taken place. They have commented that if the office areas are largely unchanged from the original layout with only internal alterations then a contaminated land condition would be unnecessary. They note that in terms of the office areas, there is a small extension comprising a new weighbridge office. The extension is to an existing building within 250 metres of areas of landfill (Historic Landfill Sites of No. 1 and 2 Sludge Beds). They have therefore provided an advisory note relating to gas protection measures.

Future monitoring of site

217. Local residents object to the proposal including concerns that the application is in part retrospective and how, if planning permission were to be granted, the site would be monitored in terms of compliance with any planning conditions that may be imposed.

218. The County Council, as the County Planning and Waste Planning Authority has a Planning Monitoring and Enforcement Officer who investigates alleged breaches of

planning control in relation to minerals and waste management development including the carrying out of development before the necessary planning approvals have been granted. When development takes place without permission the County Council has a range of enforcement powers available to establish whether a breach of planning control has taken place, what harm is being caused as a result of the breach, how to remedy the situation and whether it is expedient to take enforcement action.

219. Planning enforcement action is discretionary and takes place when the breach is causing significant planning harm or when negotiations to resolve the breach, once it is identified, do not produce required results, and only if taking action is considered to be the wider public interest.

220. As set earlier in this report under the 'Background' heading, following meetings between Worcestershire County Council and Bromsgrove District Council officers, as well as an Environment Agency officer and Mr Banham of A-Z Skips Ltd on site, work stopped on the building in March 2020. The part retrospective application was subsequently submitted and validated by the County Planning Authority (CPA) on 10 August 2020.

221. As outlined at Paragraph 012 Reference ID: 17b-012-20140306 of the Government's PPG *"a local planning authority can invite a retrospective application. In circumstances where the local planning authority consider that an application is the appropriate way forward to regularise the situation, the owner or occupier of the land should be invited to submit their application without delay. It is important to note that:*

- *although a local planning authority may invite an application, it cannot be assumed that permission will be granted, and the local planning authority should take care not to fetter its discretion prior to the determination of any application for planning permission – such an application must be considered in the normal way;*
- *an enforcement notice may also be issued in relation to other elements of the development".*

222. As set out in paragraph 54 of the NPPF, *"Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions"*. This report has considered whether the proposed development could be made acceptable through imposing conditions.

223. The County Planning Authority have a dedicated Planning Monitoring and Enforcement Officer. Monitoring visits take place on a periodic basis. However, if a complaint is received, additional visits would take place to investigate and establish if a breach of planning control has taken place.

224. Whilst it is very unfortunate that these breaches of planning control have occurred, the Head of Planning and Transport Planning welcomes the applicant seeking to resolve the breaches of planning control through the submission of the current planning application, so that the merits of the proposal can be fully examined and considered by Members of the Planning and Regulatory Committee.

Minerals

225. The site lies within the Salwarpe Tributaries Strategic Corridor, as identified by Draft Policy MLP 8 in the Emerging Minerals Local Plan. The site is not within a Mineral Safeguarding Area or Mineral Consultation Area, although it is located within an area of search for brick. Paragraph 7.8 and footnote 509 within the Publication Version of the Emerging Minerals Local Plan explains that for brick clay, only an area of Mercia Mudstone Group brick clay close to the Hartlebury and Waresley brickworks is identified as needing to be safeguarded, as the Mercia Mudstone Group is extensive in Worcestershire and comments during the development of the Minerals Local Plan indicated that it would not be appropriate to safeguard the whole of the formation.

226. In view of the above, the Head of Planning and Transport Planning is satisfied that the proposal would not have an adverse impact upon the safeguarding of mineral resources.

Use of Site

227. As referenced under the 'Other Representations' section of this Report, comments were received referencing that there are rumours that Bromsgrove District Council (BDC) use A-Z Skips from time to time. The Environmental Services Manager from BDC has confirmed that Bromsgrove District Council has no links to A-Z Skips Ltd.

Other matters

228. Various other matters have been raised as set out in earlier in this report under the 'Other Representations' section of this report. Some of these concerns relate to other planning applications that have been submitted to Bromsgrove District Council (BDC). It would be for BDC to consider the merits of these other applications as the relevant Local Planning Authority. Whilst concerns have been raised about whether the building is subject to any Building Control Regulations, Building Regulations are a separate regime and it is the responsibility of the applicant to obtain any other consents as appropriate.

229. Whilst noting Bromsgrove District Council's comments about considering whether any permitted development rights should be removed, paragraph 53 of the NPPF states that "*planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so*". Paragraph 017 Reference ID: 21a-017-20190723 of the Planning Practice Guidance has a section entitled 'Is it appropriate to use conditions to restrict the future use of permitted development rights or changes of use?'. The paragraph states "*Conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity. The scope of such conditions needs to be precisely defined..., by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015, so that it is clear exactly which rights have been limited or withdrawn. Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. The local planning authority also has*

powers under article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 to enable them to withdraw permitted development rights across a defined area, where justified.'

230. The permitted development rights they have are extensions or alterations (up to 100 square metres in area and cannot exceed the height of the building being extended or altered) and installation of plant and machinery. The building lies within an established industrial estate. In light of the PPG and NPPF, it is considered that there is no justification for removing permitted development rights in this instance

231. Concerns have also been raised by local residents that their house prices would be adversely affected by the proposal. In this instance it is considered that this is not relevant in the determination of this planning application.

Conclusion

232. The applicant seeks planning permission 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.

233. The Head of Planning and Transport Planning considers 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.

234. Whilst there are a variety of different uses on the wider site including industrial, retail and residential uses, the site is identified in the adopted BDP as an employment site where waste management facilities are appropriate. The proposal is for additional space to meet the needs of the existing waste transfer station, which is an established facility. The Head of Planning and Transport Planning is, therefore, satisfied that the principle of the location of the development has already been established and that the proposal is 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.

235. The Head of Planning and Transport Planning considers that as the proposal would move waste up the waste hierarchy, the public benefits of the proposal outweigh 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 considers 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.

236. 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 is satisfied that the proposal would not have any adverse impact on traffic and highways safety.

237. The Head of Planning and Transport Planning considers 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.

238. In view of the above matters, the Head of Planning and Transport Planning considers 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.

239. The Head of Planning and Transport Planning considers 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.

240. The Head of Planning and Transport Planning notes that interference with the solar panels is 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 may have to pay increased energy costs, since they may be producing less electricity from their solar panels, may not be a material planning consideration but would have limited weight anyway. In this instance, it is considered that a condition or Planning Obligation requiring works on third party land which is not controlled by the applicant or that requires the consent or authorisation of another person or body is unlikely to meet the statutory tests including reasonableness and enforceability. On balance, the Head of Planning and Transport Planning considers that the overshadowing of solar panels would not constitute a reason for refusal in this instance.

241. 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 is recommended requiring on site renewable or low carbon sources. In view of the above matters, the Head of Planning and Transport Planning recommends the imposition of a condition requiring renewable or low carbon energy generating facilities to be incorporated as part of the development.

242. 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 is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

Recommendation

243. The Head of Planning and Transport Planning recommends 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.**

Specific Contact Points for this report

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Background Papers

In the opinion of the proper officer (in this case the Head of Planning and Transport Planning) the following are the background papers relating to the subject matter of this report:

The application, plans and consultation replies in file reference 20/000031/CM, which can be viewed online at: <http://www.worcestershire.gov.uk/eplanning> by entering the full application reference. When searching by application reference, the full application reference number, including the suffix need to be entered into the search field. Copies of letters of representation are available on request from the Case Officer.