

Planning and Regulatory Committee
Tuesday, 10 July 2007, County Hall, Worcester (10.00am)**Minutes****Present:**

Mr R A A Bullock (Chairman), Mrs S Askin, Mr T J Bean, Mrs G E Blackmoor, Mr R J Farmer, Mr E Harwood, Mr. N Knowles, Mr W E Moore, Mr P A Mould, Mr W G Stewart (Agenda items 1-6 only), Mr G C Yarranton.

Mr E J Sheldon attended as a local councillor for agenda item 5.

Available papers:

The members had before them:

- A. The Agenda papers and appendices referred to therein (previously circulated);
- B. A copy of the summary representations (previously circulated); and
- C. The Minutes of the meeting held on 12 June 2007 (previously circulated).

A copy of documents A and B will be attached to the signed Minutes.

**542. Named
Substitutes
(Agenda item 1)**

None

**543. Apologies/
Declaration of
Interests
(Agenda item 2)**

Apologies were received from Mr R C Adams and Mr M H Broomfield.

Mr G C Yarranton declared a personal and prejudicial interest in Agenda item 6 having been in receipt of trade discount on skips from the applicant and left the room during the consideration of the item.

Mark Bishop, Development Control Team Leader, declared a personal and prejudicial interest in agenda item 5 as a season ticket holder at Worcester Rugby Club and left the room during the consideration of the item.

**544. Public
Participation
(Agenda item 3)**

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

**545. Confirmation of Minutes
(Agenda item 4)**

RESOLVED that the Minutes of the meeting held on 12 June 2007 be confirmed as a correct record and signed by the Chairman.

**546. Proposed Park and Ride Terminal Worcester Rugby Football Club, Sixways, Hindlip, Worcester
(Agenda item 5)**

Mark Bishop, Development Control Team Leader, declared a personal and prejudicial interest as a season ticket holder at Worcester Rugby Club and left the room during the consideration of the item.

The Committee considered a planning application under the Town and Country Planning General Regulations 1992 for the use of the approved Worcester Rugby Football Club car park at Sixways, Pershore Lane, Hindlip, Worcester as a car park and ride terminal with an associated interchange facility.

The report set out the background of the proposal; the proposal itself; a summary of the issues; the relevant planning policy; details of the site and consultations.

The report also included the Director of Planning, Economy and Performance's comments in relation to alternative locations/Green Belt; the regional context; environmental issues; highway issues; water environment; landscape and visual impact; ecology and nature conservation; and potential canal/cycleway interchange. He had concluded that the proposal would not cause demonstrable harm to the interests intended to be protected by the planning policies or highway safety. Any permission would be a departure from the Development Plan as it would include new built development in the Green Belt in the form of the Park and Ride terminal building, and the application would have to be referred to the Office of Communities and Local Government under the terms of reference of the relevant Direction if Members are minded to approve it.

The Director of Planning, Economy and Performance gave a full presentation on the report to the Committee.

Further to the information contained in his written report, the Director of Planning, Economy and Performance reported that Worcester City Council had no objection subject to satisfactory arrangements for the advance warning, signage and management of potential traffic wishing to use the park and ride facility on match days. West Mercia Constabulary's Crime Risk Manager recognised the benefit of the park and ride facility but was concerned that the facility would cease to be operative on match days and requested consideration of adequate signage. West Mercia Constabulary's Transport Manager commented about the site's operation on match days and questioned where n-

power staff would park on non-match days. The Council's Safe and Sustainable Travel Unit had highlighted the opportunity to link in with the National Cycleway Network routes and supported the use of 30 bike lockers for long stay parking and 20 covered moveable stands.

Ms Meddings, an objector to the application, addressed the Committee. She was concerned that the proposed site was in the Green Belt. There was an over-provision of park and ride facilities in the north of the City given the proximity of the site at Perdiswell. During the rugby season, the site would be closed on a number of Saturdays, which were the busiest shopping days for the City. In addition, it was unclear how users of the site would be made aware of when the facility was out of use. In relation to the coach parkway facility, no provision had been made for potential overnight parking for those travelling by car. There would be additional traffic pressure on Pershore Lane and the surrounding road network. Other sites in the area should be pursued that would operate without any restriction.

In the ensuing debate, the following principal points were raised:

- the local councillor commented that the proposals affected Hindlip and Tibberton Parishes. He felt that the proposals were not the final solution to the traffic difficulties in the north of Worcester. He was concerned that management arrangements had not been clearly identified for the redirection of traffic on match days. He requested further clarification regarding how the coach parkway facility would operate. The water table in the vicinity of the site was particularly high and he was concerned whether the drainage facilities at the site would be sufficient in the circumstances. He wanted assurance that the proposals did not include further access to the site via Offerton Lane. He suggested that there should be pedestrian access to the northern part of Offerton Lane across Pershore Lane
- the provision of adequate signage for the users of the site was particularly important. This signage should be provided some distance from the site and indicate whether the facility was available
- the proposal to close the site on Sundays did not equate with the shop opening hours in Worcester
- an amendment was moved but not seconded that "the operation of the Rugby Club Park and Ride site can be closed for 20 days per annum to accommodate rugby matches and 5 days per annum for other

purposes". The Director of Planning, Economy and Performance commented that it was anticipated that the facility would be closed for 18 days per annum. He acknowledged that the number of occasions that the site would be closed could vary. Proposed condition c) took account of this issue and allowed for flexibility in the management of the facility

- The representative of the Director of Environmental Services commented that similar Park and Ride facilities at sporting venues elsewhere in the country would be examined to determine best practice management arrangements. He understood the importance of adequate signage some distance from the facility and this would form part of the operational management plan, which would need to be approved prior to the park and ride facility coming into use.
- the Director of Planning, Economy and Performance confirmed that Offerton Lane had previously been used as an access to the site but its use was not part of these proposals. He commented that a wetland area would be created underneath the embankment to slow down run off from the site into Barbourne Brook and a balancing lake would also be created to deal with drainage issues
- The representative of Director of Environmental Services commented that the facility would be used by scheduled express coaches and the companies involved would be aware of the restrictions and would be told in advance of any changes. A barrier would be used to allow users of the coach parkway to exit the site outside the park and ride operational hours
- consideration of the application should be deferred while the issues relating to signage were resolved
- The Director of Planning, Economy and Performance advised that sufficient safeguards were in place to address the issues raised and allow members to determine the application at this meeting. Proposed condition c) required that an Operational Management Plan be agreed before the development was brought into use. He suggested that if no satisfactory agreement was reached with regard to the management/operational arrangements for the site, then a report would be brought to the Committee accordingly.

RESOLVED that the Committee are minded to grant approval for the use of the approved Worcester Rugby Football Club car park at Sixways, Pershore Lane,

Hindlip, Worcester as a car park and ride terminal with an associated interchange facility and recommends that the application be referred to Office of Communities and Local Government as a departure from the Development Plan in accordance with the Town and Country Planning (Development Plans) (Departure) Direction 1999 and if they do not wish to intervene planning permission be granted, subject to the following conditions:

- a) The Park and Ride Interchange shall not be brought into use until the access arrangements and associated alterations to Pershore Lane (A4538) approved on 12 April 2007 as part of application ref no W/06/01164/PN have been completed to the satisfaction of the County Planning Authority;**
- b) Details of the materials of proposed Park and Ride terminal building and passenger waiting area shall be submitted to and agreed in writing by the County Planning Authority and the terminal/waiting area shall be completed in accordance with these details prior to the Park and Ride Interchange being brought into use;**
- c) An Operational Management Plan to include full details of any publicity about the site's operation, including the locations, design and operation of the proposed variable message signing, shall be submitted to and agreed in writing by the County Planning Authority, before the development authorised by this permission is brought into use;**
- d) The variable message signage shall be installed in accordance with the agreed details before the development authorised by this permission is brought into use and shall thereafter be maintained during the operation of the development;**
- e) All means of vehicular access to the development hereby approved shall be from Pershore Lane (A4538) only;**
- f) Development shall not begin until the engineering details and the specification of the proposed roads and highway drains have been submitted to and agreed in writing by the County Planning Authority;**
- g) Details of the surface materials of the paths, parking areas and any other hard surfaces shall be submitted to and agreed in writing by the County**

Planning Authority before development commences;

- h) Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and agreed in writing by the County Planning Authority and such provision shall be retained and kept available during the construction of the development;**
- i) The development permitted shall not be brought into use until the areas for the manoeuvring and parking of vehicles has been laid out, consolidated, surfaced, drained and demarcated in accordance with a scheme to be submitted to and agreed in writing by the County Planning Authority and these areas shall thereafter be retained and kept available for those uses at all times;**
- j) No development approved by this permission shall be brought into use until the brook diversion work approved under planning application ref no W/06/0793 have been completed;**
- k) No development approved by this permission shall commence until a Sustainable Drainage System (SUD's) has been submitted to and agreed in writing by the County Planning Authority. The drainage works shall be completed in accordance with the agreed details and timetable;**
- l) No development approved by this permission shall commence until a scheme for the provision and implementation of surface water drainage has been submitted to and agreed in writing by the County Planning Authority. The scheme shall be implemented in accordance with the agreed programme and details;**
- m) There must be no new buildings, structures (including gates, fences and walls) or raised ground levels within a) 8 metres of the top of any bank on the Barbourne Brook, and /or b) 5 metres of any side of an existing culverted watercourse, inside or along the boundary of the site, unless otherwise agreed in writing by the County Planning Authority;**
- n) There shall be no storage of any materials including soil within that part of the site liable to**

flood as shown on drawing no 1975/001/512/B;

- o) The landscaping scheme shown on approved Drawing No CEWAFH-225/103C shall be implemented within six months of the completion of the development, with the planting of no trees with the omission of any trees proposed within 5 metres of the canal embankment. Any trees or plants, which within a period of five years from the completion of the planting die, are removed, or become damaged or deceased, shall be replaced in the next planting season with others of a similar size and species, unless the County Planning Authority gives written consent to a variation;**
- p) All existing trees, shrubs and hedgerows indicated to be retained on the approved drawings shall be protected by suitable fencing as shown on figures 4 and 5 of BS 5837:1991 or such alternative as may be agreed in writing by the County Planning Authority. No materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence. In the event of any tree or plant being seriously damaged or removed by the development, it shall be replaced in the next planting season; and**
- q) The proposed mitigation measures for construction noise included in Appendix 4 of the Noise Impact Report in the Planning Statement submitted with the application shall be implemented during the construction phase of the development.**

**547. Proposed
Materials
Recycling
Facility at the
Forge, Stourport
Road,
Kidderminster
(Agenda item 6)**

Mr G C Yarranton declared a personal and prejudicial interest having been in receipt of financial trade discounts on skips from the applicant and left the room during the consideration of the item.

The Committee considered a planning application for a Materials Recycling Facility at the Forge, Stourport Road, Kidderminster.

The report set out the background of the proposal; the proposal itself; a summary of the issues; the relevant planning policy; the Waste Strategy for England 2007; details of the site; consultations and other representations.

The report also included the Director of Planning, Economy and Performance's comments in relation to policy issues; the location of the facility; traffic/highway safety; visual impact; ecology and biodiversity; air quality; noise and

impact on residential amenity and ground contamination. He concluded that taking into account relevant planning policies, it was considered that the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

The Director of Planning, Economy and Performance gave a full presentation on the report to the Committee.

Further to the information contained in the written report, the Director of Planning, Economy and Performance advised that Wyre Forest District Council were now satisfied that their previously expressed concerns had been addressed and therefore had no objection subject to suitable conditions.

The Director of Planning, Economy and Performance proposed slight changes to the wording of conditions w) and y) and an additional condition to deal with the treatment of the boundary and landscaping.

Mr Morris, a director of OGL Computers, an objector to the application, addressed the Committee. He commented that his company owned a building 50 metres to the south of the site. He did not object to the use of the facility per se but was concerned about the use of the service road which could be accessed from the north or south. He was concerned about the potential for accidents, damage to the roadside and the impression created by the use of the service road by a number of skip lorries. If conditions were proposed to ensure that all vehicles accessed the site via the northern entrance to the service road, the provision of adequate signage and an assurance from the applicant that drivers would be instructed to the use of the northern access, he would withdraw his objection.

Mr Keith Williams, the agent acting on behalf of the applicant, addressed the Committee. He commented that the facility would significantly reduce the need for additional landfill sites in the county, and in accordance with the Proximity Principle, most of the waste managed by The Forge would originate from sources nearby.

The proposed facility was located in an industrial area and would operate without causing harm to neighbouring businesses. The nearest house was located 0.5km away and local residents had not objected to the proposal. Concerns initially raised by Wyre Forest District Council had been resolved by reducing views of the back fence and by ecological enhancement.

The Environmental Statement had been scrutinised by the statutory consultees and all parties were satisfied there

would be no harm to the environment.

The applicant was expected to employ at least 100 people when the site was operational. As the market for recycled products grew and technologies evolved, more jobs would be created. School groups were welcome to visit the site to learn more about recycling for whom a viewing platform would be provided.

With respect to the concerns raised by the objector, the drivers and sub-contractors could be instructed not to use the southern end of the service road.

In the ensuing debate, the following principal points were raised:

- the need for the proposal had been established and therefore subject to proper signage, highway improvements and satisfactory access arrangements including an agreement not to use the southern access of the service road, the proposal should be supported
- the representative of the Director of Environmental Services commented that the Council would liaise with the applicant to establish a routing agreement to use the northern entrance to the service road only. The Director of Planning, Economy and Performance advised that condition c) could be reworded to state "Details of a Staff and Visitor Travel Plan and routing agreement shall be agreed"

RESOLVED that having taken the environmental information into account and subject to the applicant first entering into a Section 106 agreement to cover all the costs associated with the investigation and possible extension of the existing 40 mph speed limit on the A451 to a point to be decided and a contribution of £50,000 towards the resurfacing of the south bound carriageway of the A451 from the site entrance, planning permission be granted for the use of the Forge, Stourport Road, Kidderminster as a Materials Recycling Facility subject to the following conditions:

- a) The development must be begun not later than the expiration of three years from the date of this permission;
- b) No development hereby permitted shall commence until the operators have entered into an agreement with the local highway authority pursuant to section 278 of the Highways Act 1980 providing for the following:

- i) the provision of a formal right turn lane at the existing junction from the service road to the A451 with associated uncontrolled pedestrian crossing of the A451 and realigned footway/cycleway;**
- c) Details of a Staff and Visitor Travel Plan and routing agreement shall be agreed in writing by the County Planning Authority before the development, hereby permitted, is first brought into use. The agreed scheme shall be implemented for the duration of the Materials Recycling Facility on the site;**
- d) The development shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and agreed in writing by the County Planning Authority and these areas shall thereafter be retained and kept available for those uses at all times;**
- e) Development shall not begin until wheel cleaning apparatus has been provided in accordance with details to be submitted to and agreed in writing by the County Planning Authority and this equipment shall be maintained during the development hereby approved;**
- f) Development shall not begin until parking for site operatives and visitors has been provided in accordance with details to be submitted to and agreed in writing by the County Planning Authority;**
- g) A scheme for the mitigation of dust generated by all the operations associated with the development hereby approved shall be submitted to the County Planning Authority and the scheme shall be agreed in writing prior to any commencement of work on site. The agreed scheme shall be implemented and maintained for the duration of all operations associated with the development and operation of the Materials Recycling Facility;**
- h) The height of any external stockpiles shall not exceed the height of the walls of the storage**
- i) No untreated waste materials shall be stored externally and any storage of treated materials**

and aggregates shall be stored in the proposed storage bays;

- j) **No wastes other than the wastes defined in the application shall enter the site;**
- k) **No operation authorised or required by this permission shall take place within the application site outside the hours of 05:30 to 20:00 Mondays to Fridays and 05:30 to 17:30 Saturdays with no working on Sundays;**
- l) **The facility shall not be open to the general public;**
- m) **Details of the materials and colour of the hoarding and the storage bays shall be agreed in writing by the County Planning Authority and implemented in accordance with the agreed details. The hoarding shall be erected prior to work commencing on the refurbishment of the buildings on the site and creation of the external storage areas and maintained for the duration of the Material Recycling Facility's operation on site, unless otherwise agreed in writing by the County Planning Authority;**
- n) **No development approved by this planning permission shall commence until:**
 - i) **A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and agreed in writing by the County Planning Authority prior to the investigation being carried out on site. The investigation must be comprehensive enough to enable a risk assessment to be undertaken relating to groundwater and surface waters on and off the site that may be affected, and refinement of the Conceptual Model, and the development of a Method Statement detailing the remediation requirement;**
 - ii) **The site investigation has been undertaken in accordance with details agreed by the County Planning Authority and a risk assessment has been undertaken; and**
 - iii) **A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters,**

using the information obtained from the Site Investigation, has been submitted to the County Planning Authority. The County Planning Authority, prior to any remediation being carried out on site, should agree this in writing.

- o) The development of the site shall be carried out in accordance with the agreed Method Statement;**
- p) If during development, contamination not necessarily identified, is found to be present at the site then no further development (unless otherwise agreed in writing by the County Planning Authority) shall be carried out until the developer has submitted and obtained written agreement from the County Planning Authority for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with;**
- q) The development of the site shall be carried out in accordance with the agreed method statement. With respect to a) internal areas of the building – remedial works in accordance with the agreed method statement shall be completed before the use of the Materials Recycling Facility.**

With respect to b) areas external to the building, remedial works in accordance with the agreed method statement shall be completed within two years following the commencement of use of the building as a Materials Recycling Facility;

- r) Soakaways shall only be used in areas on site where they would not present a risk to groundwater. If permitted their location must be agreed in writing by the County Planning Authority;**
- s) Clean, uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic only shall be permitted as infill material;**
- t) 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 largest tank, vessel or the combined capacity of the interconnected tanks or vessels plus 10%. All the filling points, associated pipework, vents, gauges and sight glasses must be constrained within the bund or**

have separate or 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;

- u) No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water drainage works has been submitted to and agreed in writing by the County Planning Authority. The scheme shall be implemented in accordance with the agreed details and timetable;
- v) No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and agreed in writing by the County Planning Authority. The scheme shall be implemented in accordance with the agreed programme and details;
- w) The landscaping scheme as shown on submitted drawing no 1301.01 shall be implemented within 6 months of the completion of the development. The scheme shall be maintained for as long as the operations for which planning permission has been granted is continued on the site and any trees or plants, which die, are removed, or become damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the County Planning Authority gives written consent to a variation;
- x) All existing trees, shrubs and hedgerows indicated to be retained on the approved drawings shall be protected by suitable fencing as shown on figures 4 and 5 of BS 5837: 1991 or such alternative as may be agreed in writing by the County Planning Authority. No materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence. In the event of any tree or plant being seriously damaged or removed by the development, it shall be replaced in the next planting season;
- y) Within six months of the commencement of the development an Ecological Management Plan shall be submitted for the agreement in writing of

the County Planning Authority and the works shall be carried out as agreed for the duration of the Material Recycling Facility's operation on site;

- z) The development shall be carried out in accordance with the ecological mitigation measures proposed in Section 8.5 of the Environmental Statement submitted with the application and shall include the submission to and agreement in writing by the County Planning Authority of a bat mitigation strategy which shall be implemented as agreed;**
- aa) No development shall take place until details of the provisions to be made for an otter holt and bird and bat boxes on the site have been submitted and agreed in writing by the County Planning Authority. The works shall be completed in accordance with the agreed details within 6 months of the completion of the development;**
- bb) Before the Materials Recycling Facility is brought into use, a scheme for noise attenuating measures shall be submitted to and agreed in writing by the County Planning Authority. The scheme shall specify the provisions to be made for the control of noise emanating from any plant, equipment, vehicles, generators, reversing systems and compressors. The scheme shall include the housing of the high-speed shredder and granulator or equivalent machinery in an acoustic enclosure as detailed in the Environmental Statement submitted with the application. The approved scheme shall be implemented for the duration of the development;**
- cc) All vehicles, plant and machinery operating within the site shall be maintained in accordance with the manufacturer's specifications at all times, and this shall include the fitting and use of effective silencers;**
- dd) No materials shall be burnt on the site;**
- ee) All the light fittings shall be of the asymmetric type with no light fitting tilted above the horizontal; and**
- ff) Before the development hereby permitted is commenced, details of boundary treatment to include any gates and fences on all the site's boundaries, and tree/shrub planting on the**

548. Proposed raising of levels by one metre for soil drainage purposes to allow planning on land at Welland Meadow, off the A4104 Road at Duckswich near Upton-on-Severn (Agenda item 7)

western site boundary, shall be submitted to and agreed in writing by the County Planning Authority, and implemented within 6 months of the completion of the development.

The Committee considered an application for planning permission to import soils to raise existing levels by 1 metre to improve drainage for the planting of trees on land off the A4104 (Welland Meadow) Duckswich, near Upton-on-Severn.

The report set out details of the proposal; a summary of the issues; the relevant planning policy; details of the site; and consultations and other representations.

The report also included the Director of Planning, Economy and Performance's comments in relation to the need for the development; the impact upon the environment; the impact upon local amenity; the impact upon landscape character; the impact upon highway safety; and the impact upon local ecology and biodiversity. He concluded that the proposed development was contrary to policies WD.3, WD.4 and Policy T.1 of the County Structure Plan and Policy DS3 of the Malvern Hills District Local Plan.

The Director of Planning, Economy and Performance gave a full presentation on the report to the Committee. He confirmed that no comments had been received from Upton upon Severn Parish Council.

Mr Jolly, on behalf of a number of local objectors, addressed the Committee. He commented that there was no need for the levels to be raised in order to carry out planting which in itself was not "development". It must therefore be assumed that there was some other reason to bring in the materials. The application did not accord with planning policies or the Proximity Principle and the County Ecologist and Highways Officer had objected to the application. Considerable disturbance would be caused to local residents with lorry movements, noise and dust. The proposal would create an artificial landscape and should be refused in line with the officer recommendation.

RESOLVED that planning permission be refused to import soils to raise existing levels by 1 metre in order to improve drainage for the planting of trees on land off A4104 (Welland Meadow), Duckswich, near Upton on Severn for the following reasons:

- a) The need to import waste materials into this site to facilitate the planting of broad leaf trees has not**

been demonstrated. The materials proposed to be imported to the site could be used for other means and the proposed development is, therefore, contrary to Policy WD.4 of the County Structure Plan.

- b) **The use of HGVs to import material to the site via the A4104 and the introduction of any new or alternatively the adaptation and use of any existing access to serve the proposed development involving additional vehicles slowing down and making turning movements together with the presence of waiting vehicles on the carriageway of the A4104 would compromise the safe movement and free flow of traffic or the safe use of the road by others. The development is therefore not in accordance with Policies WD.3 and T1 of the County Structure Plan and Policy DS3 of the Malvern Hills District Local Plan.**
- **The development proposed would result in the formation of an alien landform, which is contrary to the aims of policy CTC. 1 of the Worcestershire County Structure Plan and Policy QL24 of the Malvern Hills Local Plan.**

The meeting ended at 11.50 am

Chairman