

**DCCE2008/1026/N - FORMATION OF EARTH BUNDS
(8000 CU M OF IMPORTED SOIL) AS SCREENING ETC.
AT THE OLD MUSHROOM FARM, HAYWOOD LANE,
CALLOW, HEREFORD, HEREFORDSHIRE, HR2 8BX**

**For: Quickskip Recycling per Mr. A. Last, MCIAT,
Brookside Cottage, Knapton Green, Herefordshire,
HR4 8ER**

Date Received: 14th April 2008 Ward: Hollington Grid Ref: 48495, 35285
Expiry Date: 14th July 2008
Local Member: Councillor G.F.M. Dawe

Introduction

This application was considered by the Central Area Planning Sub-Committee at its meeting on the 11th June, 2008 when Members resolved to refuse permission contrary to the recommendation in the report. This decision was accordingly referred to the Head of Planning and Transportation to determine if it should be reported to the Planning Committee for further consideration.

At its meeting on 11th June, 2008 the Central Area Planning Sub-Committee was recommended to approve this application because the development would not cause any harm to the landscape character of the area and the traffic issues could be satisfactorily managed through conditions. The planning application thereby complied with Policy W8 of the Unitary Development Plan.

In the debate the members of the Area Sub-Committee were concerned that there was inadequate justification to have the bunds on the site and were very concerned at the impact of large vehicles on the condition of the road leading to the site which was a country lane not suited to large heavy goods vehicles.

It was resolved to refuse permission on highway grounds on highways grounds alone.

The application raises the following issues:

1. The traffic generated would be around 6 vehicle movements a day (i.e. three each way), which would not be significant given that the site already has some commercial use and the access point already has adequate visibility.
2. The Traffic Manager has no objection.
3. The vehicular activity is, of its nature, a temporary feature. Once the bunds are completed there will be no further need for vehicular access on account of this development. Any damage to the highways during the construction period (and which is attributable to the development) can be repaired under normal highway authority powers at the developer's expense.

4. There is an issue over whether the bunds are justified in their own right, but the site was a former munitions store and is of little landscape significance. There is, consequently, no damage to landscape interests arising from the development.
5. In the light of the above a refusal on highways grounds alone would be very difficult to defend on appeal.

As a result of the above the application is referred to this meeting for further consideration.

The report to the Central Area Planning Sub-Committee follows:

1. Site Description and Proposal

- 1.1 The site lies at Haywood about 5 kilometres south of Hereford between the A49 (T) and the A465. It comprises nominally agricultural land that has been somewhat industrialised in character by the remnants of wartime ammunitions storage buildings and several ad hoc small business premises. On adjoining land to the northeast are about 13 poultry units, with a wide road between them and the application site. Already on site are two well-vegetated bunds of about 50 metres length, on either side of one of the business premises. Several made up roads cross the site; a relic of the wartime activities, and there are quantities of spread and deposited material of unknown provenance evident at various points cross the site. Access is from the C1226 minor road between Portway and Clehonger, down an existing track of about 400 metres. It is not visible from the road due to the presence of Wellington Coppice, a relict woodland.
- 1.2 The proposal is to import about 8,000 cubic metres of waste soil and inert construction material, which would be used to create two further bunds along the northeastern boundary of the site. Each would be about 150 metres long, 12 metres wide and 4 metres high. The proposal is estimated as requiring about 18 months to complete.
- 1.3 The application was publicised by advertisement in the Hereford Journal on 30th April 2008, by a site notice put up on 24th April 2008 and by direct notification to adjoining neighbours sent on 22nd April 2008.

2. Policies

2.1 National Guidance:

- PPS7 - Sustainable Development in Rural Areas
- PPS10 - Sustainable Waste Management

2.2 Herefordshire Unitary Development Plan 2007:

- S1 - Sustainable Development
- S6 - Transport
- S10 - Waste
- DR1 - Design
- DR3 - Movement
- DR4 - Environment
- DR11 - Soil Quality
- T8 - Road Hierarchy
- LA2 - Landscape Character
- LA5 - Protection of Trees, Woodlands and Hedgerows

LA6	-	Landscaping Schemes
NC8	-	Habitat Creation, Restoration and Enhancement
W2	-	Landfilling or Landraising
W8	-	Waste Disposal for Land Improvement

3. Planning History

- 3.1 None recorded. The site appears to have been a wartime facility, understood to have been an ammunition store. There are roads and buildings, some occupied by businesses.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No objections, the proposal would be subject to Environmental Permitting Regulations, under which sampling and monitoring of the deposited material would be required and which would be regulated by the Agency. No conditions requested.

Internal Council Advice

- 4.2 Traffic Manager: No objections, subject to a limit on the number of vehicles to access the site.
- 4.3 Head of Environmental Health & Trading Standards: No objections.

5. Representations

- 5.1 Haywood Parish Council does not support the application, questioning the need for the bunds and their possible purpose or function, and objecting to the potential number of hgv's visiting the site as indicated on the application form.
- 5.2 Seven letters of objection have been received from the following residents:

Mr. & Mrs. T. Strange, Forest Lodge, Haywood, Callow; Mr. S. Davies, Knockerhill Farm, Callow; Mr. & Mrs. N. Davies also of Knockerhill Farm, Callow; Miss A. Naylor, 5 Merryhill Terrace, Haywood Lane, Belmont, Hereford; Mr. J. Hatton, Forest Gate, Haywood Lane, Callow; Mrs. Tupper, 4 Merryhill Terrace, Belmont, Hereford and Mr. & Mrs. O. Cotterrell, The Oaklands, Haywood, Callow. Their comments are summarised as follows

- Is there some proposal to import [other] waste materials to be buried in these bunds?
- What would the earth bunds be screening?
- The lanes are not strong enough to take increased traffic;
- The import of waste would have a big impact on our road which is already suffering with excess noise, pollution and traffic;
- Knockerhill Lane is a designated Sustrans cycle route and joins Haywood Lane;
- The granting of such an application would lead to a negative change in the local environment;
- Earth bunds would be out of character and unsightly;
- Access to the site must be of paramount importance when considering this application;

- Haywood Lane is used as a commuter short cut between the A49 and the A465.
- Large lorries would not be able to pass each other;
- The development would have a detrimental effect on our lives 6 days a week for at least 18 months, but we also have concerns as to what it may lead to in the future.

The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

Background

- 6.1 The applicant operates a modern waste transfer station at Rotherwas. Construction waste consisting mainly of soil, hardcore and demolition material is brought to that site in skips, tipped out and sorted. This facility is regulated by the Environment Agency through the Environmental Permitting Regulations and therefore all material passing through the site is already controlled. Using sophisticated new machinery, inert materials such as soil, stone and concrete are screened (i.e. sieved and separated according to size) and large pieces are crushed. Any possible unexpected contamination or unsuitable material is identified and isolated at this stage. Useable top-soil is kept separately. The resulting soil or soil-like material is classed as waste because it needs to be disposed of. It is inert, but different from natural soil because it is composed of mixed materials. Simply spreading it is not always acceptable since it would not necessarily benefit agriculture. It can be used as sub-soil and back-fill for other construction projects, but there is invariably a surplus and much of it goes to landfill.
- 6.2 Wherever such material goes it is development requiring planning permission unless it is construction material required as part of a planning permission for operational development. As noted above, it is also subject to Environment Agency regulation. In accordance with the Waste Hierarchy, operators are under increasing pressure to find alternative uses for this mixed material and reduce land filling. Inevitably, excessive stockpiles accrue, and there is a pressing need to find suitable sites where such material might be put to practical use without causing demonstrable environmental harm.

The proposal

- 6.3 In this case, the applicant has chosen a site that is not directly overlooked, is already developed, is not affected by public rights of way, and would not require a new access. In strategic terms the quantity of soil is very small. The owner of the land is understood to have expressed an interest in establishing further bunding along the edge of his land to function as physical protection and screening for his agricultural land uses.

Key issues

- 6.4 The main issues of concern are as follows:
- Access and traffic;
 - Source, nature and suitability of the materials to be imported;
 - Visual impact, potential for biodiversity enhancement;
 - Purpose.

Access and traffic

- 6.5 The initial information given on the application form was confusing and has since been revised. The proposal is to import a total 8,000 cubic metres of material over 18 months, equivalent to a possible 16,000 tonnes maximum, depending on the density and weight of the loads. A 32-tonne hgv carries 20 tonnes, so the total number of trips would be around 800 in and out. Over the course of a year this averages at about 15 trips in/out per week, or 2-3 per day. In practice there would be times when more trips would be necessary and other times when none would be made, depending on availability of material. The application asks for 18 months to complete the project including time for final landscaping and planting along the bottom of the bund.
- 6.6 The applicant has confirmed that notwithstanding the details on the application form (which were an error), there would be a maximum of 4-5 trips in any one day (80-100 tonnes). However this concentrated level of activity would occur intermittently; there would be times when no activity would take place depending on availability of material, and time would be needed for on-site earthmoving and construction. Nevertheless, even the projected maximum of 5 trips per day would not be excessive and the scale of the project is modest.
- 6.7 If permission were to be granted, suitable conditions could be imposed to restrict any impact and manage the project, by limiting the number of vehicle movements allowed and the time to be taken for completion of the project. The applicant has expressed a willingness to undertake a routeing agreement if deemed necessary, to avoid any possibility of causing or contributing to traffic congestion.

Source, nature and suitability of the materials to be imported

- 6.8 The applicant has confirmed that the only materials to be brought to the site would be inert soils and construction material that would have been pre-sorted, screened and crushed at his Rotherwas premises. It would not be brought in from any other source. This has several advantages; in particular, it would mean that any unsuitable material would have already been removed for licensed disposal elsewhere, and also that in terms of this proposal, vehicles would only be making the approximately 6 kilometre journey between the two sites rather than travelling from a variety of places. This would not involve crossing the Wye.
- 6.9 The deposit of material would be subject to Environment Agency scrutiny to prevent unsuitable material being imported. The completion of a site diary could be required though a condition, to enable efficient monitoring of the project, recording of the number of lorries, the quantity of material deposited, and contingencies for dealing with rejected loads (if any).
- 6.10 The applicant has confirmed that once the project was completed there would be no further waste soil material brought to the site, and appropriate robust conditions could be imposed to ensure that this was the case.

Visual impact and biodiversity enhancement

- 6.11 There is no doubt that unnatural landforms are not generally encouraged in current planning terms. However bunds used to be standard practice, and many exist at farms, poultry sites and factories as screening. At this site there are already two existing bunds, a large number of unsightly poultry units, and other assorted premises. The site does not affect any designated areas, and the remnant wartime establishment

has left a rather bleak and degraded landscape. If the bunds were constructed as indicated on the application they would not be visible from any public viewpoint, would not impede any public right of way, and could only be viewed from the internal private roadway, against a backdrop of existing hedgerow trees and the poultry units behind. If construction was followed up with appropriate planting along the bunds' base, they could be readily assimilated, and create some useful new wildlife habitat at the same time. As a small belt of wild-space in an otherwise fairly barren environment this could be important for invertebrates, reptiles and birds in accordance with policy NC8. As such, it would also accord with policy W8 as the Best Practical Environmental Option (BPEO).

Purpose

- 6.12 Objectors have questioned the stated purpose of the proposal and this point needs addressing. The landowner has expressed a desire to provide his land with some protection from possible vandalism, trespass and arson, having experienced attacks of this nature at other premises in his ownership. It is acknowledged that the proposed bunds could not actually prevent unauthorised access, due to the existing internal road system and the other premises at the site. Arguably the bunds might only be a deterrent, but it is felt that this is less relevant to planning than the issues of traffic and visual impact discussed above. In my view, the potential for biodiversity enhancement and the fact that in this instance the visual impact would be negligible or neutral, outweighs any doubts about the merits or otherwise of the proposal as 'protection'.

Conclusion

- 6.13 In this case the site has a rather derelict industrial feel to it, and the proposal offers scope for improvement. Clarification of the actual numbers of vehicle movements involved has removed the objections on traffic grounds. The points raised by objectors are important and have been taken seriously, but the scale of the project is nevertheless modest and short term. Policy W8 offers 6 criteria under which the deposit of waste soil might be acceptable for screening purposes, and the proposal is capable of meeting these.
- 6.14 In terms of the requirements of PPS10, waste operators are under obligation to find sustainable alternatives to landfill and, on appropriate sites, screening is accepted as one way of achieving this. The particular circumstances of the application site are such that additional bunding would not be out of place at this location. Having established the precise details of the scale of the project there are, in my view, no overriding factors that would warrant refusal and the proposal is therefore recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

Start and Finish of Project

- 1. A01 (Time limit for commencement (full permission)) (requirement for notification in writing to the local planning authority within seven days of start).**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. Unless otherwise agreed in writing in advance the development hereby permitted, including final landscaping, shall be completed on the expiration of 18 months after the starting date as notified under condition 1 above, and no further material shall be imported after that date.

Reason: To ensure satisfactory and timely completion of the development as applied for, to ensure no further material is imported, and to comply with Policies S10 and W8 of the Herefordshire Unitary Development Plan 2007.

3. B01 (Development in accordance with the approved plans).

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

Pre-commencement Requirements

4. No development shall take place until a scheme for compiling a Site Diary for all deliveries of material to the site for the duration of the development has been submitted to and approved in writing by the local planning authority. The scheme shall include in particular:

- (a) Delivery date and time.
- (b) Vehicle registration number.
- (c) Volume (cu m) or tonnage of material delivered.
- (d) Full description of material delivered.
- (e) Details of any rejected loads, unsuitable or unexpected material or items, and the action taken.

The Site Diary shall be maintained in accordance with the approved scheme until completion of the project, and entries shall be completed as soon as practical after load deliveries on a daily basis. The Site Diary shall be held in the applicant's or his successor's office and be made available for inspection on request during normal office hours by Officers of the Council or the Environment Agency. Within seven days following the end of each month after the start date as notified under condition 1 above until the development is complete, a written summary of the Site Diary giving daily totals of deliveries in terms of vehicle numbers, movements and quantities of material for the previous month shall be submitted to the local planning authority.

Reason: To enable a full record of deliveries to the site to be made available for inspection in the interests of highway safety and environmental protection, in accordance with Policies S1, S6, DR11, W2 and W8 of the Herefordshire Unitary Development Plan 2007.

5. H21 (Wheel washing).

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

6. No development shall take place until a method statement giving details of final landscaping, seeding and planting of the bunds has been submitted to and approved in writing by the local planning authority in consultation with the Council's Conservation Officers. The details should include:
- (a) A plan showing planting proposals.
 - (b) A written specification describing the species, sizes, densities and planting numbers.
 - (c) Details of cultivation and aftercare.
 - (d) Timescales for completion.

The method statement shall be implemented as approved.

Reason: In order to ensure a satisfactory form of development and to conform with the requirements of Policy LA6 of the Herefordshire Unitary Development Plan 2007.

7. Before the development begins, a scheme for the routing of delivery vehicles in connection with the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The scheme shall be thereafter implemented as approved until the project is complete unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety and to comply with Policies S6, DR3 and T8 of the Herefordshire Unitary Development Plan 2007.

Protection

8. G02 (Retention of trees and hedgerows).

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan

9. No material shall be deposited, or development take place, within 10 metres of the existing hedgerow along the northeast boundary of the site.

Reason: To protect the root systems of the established hedgerow from compaction or damage, in accordance with Policies LA5 and LA6 of the Herefordshire Unitary Development Plan 2007.

10. Unless otherwise agreed in writing in advance by the local planning authority, there shall be no more than six vehicle movements into and six vehicle movements out from the site in any 24-hour period in connection with the development hereby permitted and recorded in the Site Diary required by condition 4 above.

Reason: To minimise traffic impact in the interests of highway safety in accordance with Policies S6, DR3 and T8 of the Herefordshire Unitary Development Plan 2007.

- 11. Unless otherwise agreed in writing in advance by the local planning authority, there shall be no more material imported to the site than the specific quantity necessary to construct the bunds as detailed on the approved plans. No bunds shall exceed 4 metres in height.

Reason: To ensure a satisfactory form of development and to limit the amount of waste soil deposited, in accordance with the requirements of Policy W8 of the Herefordshire Unitary Development Plan 2007.

- 12. In respect of the material to be used to construct the bunds hereby permitted, only pre-screened and treated inert material is to be brought to the site, from the applicant's own premises and from no other source, unless otherwise agreed in writing in advance by the local planning authority.

Reason: In order to control the source and type of material used to construct the bunds in the interests of local amenity and to protect the environment and prevent pollution in accordance with Policies DR4, DR11 and W8 of the Herefordshire Unitary Development Plan 2007.

- 13. F01 (Restriction on hours of working).

Reason: To safeguard the amenities of the locality and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

- 14. No mud or other material emanating from the development hereby permitted shall be deposited on the public highway.

Reason: In the interests of highway safety, in accordance with Policy DR3 of the Herefordshire Unitary Development Plan 2007.

- 15. I44 (No burning of materials/substances during construction phase).

Reason: To safeguard residential amenity and prevent pollution and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

Informatives:

- 1. HN01 (Mud on Road).
- 2. HN21 (Extraordinary Maintenance).
- 3. N19 - Avoidance of doubt - Approved Plans.
- 4. N15 - Reason(s) for the Grant of PP/LBC/CAC.

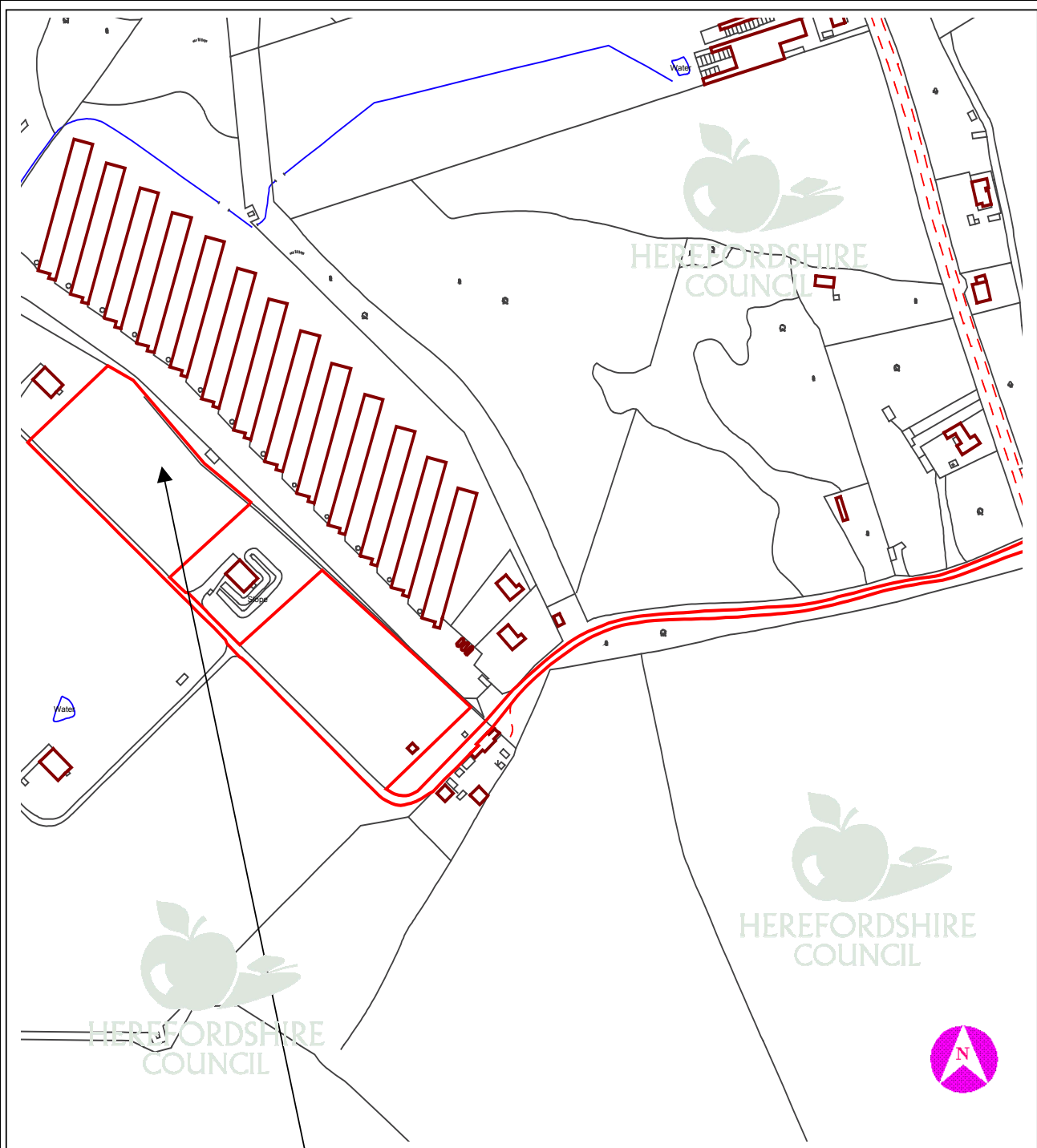
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2008/1026/N

SCALE : 1 : 3500

SITE ADDRESS : The Old Mushroom Farm, Haywood Lane, Callow, Hereford, Herefordshire, HR2 8BX

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