

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr C Young	Construction of earth screens to protect dwelling from road noise. - Amended Scheme Walton House, Walton Pool, Clent, Stourbridge, Worcestershire DY9 9RN	21.11.2012	12/0771

RECOMMENDATION: That planning permission be **REFUSED**.

Consultations

Highways Department- Worcestershire County Council: Consulted 02.10.2012 and 11.07.2013 and 16.10.2013

The access points to the land affected are not suitable for the proposed vehicles entering the site; therefore these will need to be improved to make them fit for purpose.

Recommends following conditions:

- Hours of operation: No deliveries shall be made to the site prior to 09:30 and after 16:30.
Reason: To prevent HGV movements through the Hagley AQMA at peak traffic hours.
- Submission and approval of a Construction Management Plan to provide for:
 - a) The parking of vehicles of site operatives and visitors;
 - b) Loading and unloading of plant and materials;
 - c) Storage of plant and materials used in constructing the development;
 - d) Wheel washing facilities.
 Reason: To prevent indiscriminate parking in the interests of highway safety.
- Submission of a Road Condition Survey: A joint road survey/inspection on the roads leading to this site. Any highlighted defects shall be rectified prior to commencement. A further joint survey/inspection shall be undertaken following completion of development and remedial works undertaken.
Reason: To ensure that the construction traffic associated with the proposed development does not result in a deterioration of the public highway.
- HC8 - Vehicle access to be reconstructed prior to commencement of works.
Reason: In the interests of highway safety.
- Suggested highway informatives:
 HN1 (Prevention of) Mud on Highway:
 HN5 Alteration of highway to provide new or amend vehicle crossover.
 Need for licence to carry out works on the highway under Section 184 and 278 of the Highways Act, 1980.
 Extraordinary Maintenance: The attention of the applicant is drawing to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic.

Highways Agency: Consulted 02.10.2012, 11.07.2013 and 16.10.2013.

- No comment.

Worcestershire County Council Countryside Service: Consulted 02.10.2012, 11.07.2013 and 16.10.2013

- The proposal appears to be adjacent to a public right of way as recorded on the Definitive Map, Clent footpath 564 (CE-564). However, the proposal should have no detrimental effect on the public right of way providing the applicant is aware of the obligations toward the public right of way.

Ramblers Association: Consulted 02.10.2012 , 11.07.2013 and 16.10.2013.

- No comments received.

Worcestershire Wildlife Trust: Consulted 02.10.2012, 11.07.2013 and 16.10.2013

- No comments received.

Landscape & Tree Officer: Consulted 02.10.2012, 11.07.2013 and 16.10.2013

- No objections: suggested conditions with respect of tree retention and protection; the submission of a detailed tree and hedgerow landscape scheme for the western facing slope; and carrying out of works.

Building Control: Consulted 02.10.2012, 11.07.2013 and 16.10.2013

- No comments to make.

Environment Agency: Last consulted 21.11.13.

- Views awaited.

Worcestershire County Council (Waste): Last consulted 21.11.13:

- Views awaited.

North Worcestershire Water Management: Consulted 02.10.2012, 11.07.2013 and 16.10.2013.

- No comments.

Strategic Planning (Conservation Officer): Consulted 02.10.2012, 11.07.2013 and 16.10.2013

- No Conservation comments.

Worcester Regulatory Services: Consulted 02.10.2012; 11.07.2013 and 16.10.2013

- With respect to materials being imported: Full details of any soil or soil forming materials brought on to the site for use in garden areas, soft landscaping, filling and level raising must be provided. Where the donor site is unknown or is brownfield the material must be tested for contamination and suitability for use on site. Full donor site details, proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) must be submitted to and approved in writing by the Local Planning Authority prior to import on to the site. The approved testing must then be carried out and validatory evidence (such as laboratory certificates) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought on to site.

- Noise: Comments received 15.07.2013: I have considered the report and I have no concerns over the noise readings that were taken, the methodology used and the conclusions regarding the resultant noise reductions at Walton House, Walton Pool, Clent.
- I have noted the noise readings that have been taken and the predicted noise levels at positions A-D, and that the consultant has advised that the earth bund barriers will reflect higher frequency noise up rather than back towards residential properties on the opposite side to the carriageway from Walton House. However in order to ascertain that there will be no adverse effects on residents on the opposite side of the carriageway I would request that the consultant undertake either some calculations or modelling to demonstrate that the angle of the reflected noise as well as distance attenuation will ensure that noise levels do not increase at these properties.
- Subsequent confirmation that additional information is acceptable.
- Should the application receive planning permission, I would advise that the applicant adopts a construction management plan.

Clent Parish Council: Consulted 16.10.2013 and 11.07.2013 and 16.10.2013.

- Clent Parish Council strongly object to this application. If you stand in front of Walton House looking down the field to the proposed site there already exists a large bank of beech trees already planted years ago with this very purpose in mind, adding to the height of the property above the feeder road the bunds in our opinion will have very little effect on the sound of the traffic. Most of the noise we could hear travels across the fields next to the site where there are hardly any trees and is not I think in the same ownership. It is an intrusion on the landscape.

Relevant Policies

Bromsgrove District Local Plan 2004 (BDLP):

DS2 Green Belt Development Criteria
DS13 Sustainable Development
ES14 Development near Pollution Sources
ES16 Reforming of land.

Others:

NPPF National Planning Policy Framework

Bromsgrove District Plan Proposed Submission

BDP4 Green Belt
BDP22 Climate Change

Relevant Planning History

Non-specific to the site area proposed.

Proposal

This application proposes the construction of earth bunds behind the existing tree line/ grass verge of the A491 (Clent bypass). The earth bunds will be situated on the eastern side of the bypass on either side of Walton Pool Lane. The stated purpose of the bunds is to reduce noise levels currently experienced at a Grade II listed property called Walton House, which is approximately 220 -250 metres from the A491, accessed off Walton Pool Lane. Visually the road is already screened from Walton House by the tree screen adjacent the road and a number of further trees and hedges. The land between the road and the house is undulating farm land.

The siting of the bunds will both minimise road noise and will ensure the works do not impact upon the setting of the Grade II listed Walton House and its landscape setting. The applicant has pointed out that there will be further potential noise benefits for the other properties at Walton Pool, animals and land users in the area.

The application has been amended since the original submission (the bunds have been made larger following acoustic advice) and further information has been supplied with respect of the type of material to be used to create the bunds, how the bunds are to be created and how the approximately six month build programme will be managed as well as the potential noise reduction benefits.

Two earth bunds are proposed, one on each side of the Walton Pool turning off the A491. The bund to the north of Walton Pool Lane will be 10,000 cubic metres in volume, being 4 metres high with a 1.5 back slope to the A491 and a 1 in 6 front slope for grazing to the east (Walton Pool side). The bund to the south will be 15,000 cubic metres in volume, being 4 metres high with a 1.5 back slope to the A491 and a 1 in 6 front slope for grazing to the east.

At present it is the intention that the material forming the bunds will be chemically inert and non-hazardous. The material will be sub-soil, rather than top soil or building materials. The applicant has clarified that the material to be imported to create the bunds will come from building sites, but not demolition sites and will be certified by the County Council as acceptable for re-use.

The compacted material will be graded and compacted to prevent the bund moving, with the slope of the bund being placed no closer than five times the height of the screen from the road side to ensure that if material slipped it would not affect the road or associated verge. Further landscaping could add to stability. Once formed the bunds will be re-graded with top soil and grassed. Fencing will be erected to prevent grazing animals accessing the bunds.

The bund will drain as per the existing ground with no permanent hard standings or run off areas created.

The applicant has submitted a Transport Statement for Importing of Material to address queries about the construction of the bunds. This document confirms that during construction all construction lorries will access the site from Walton Pool Lane using existing field gates. The bunds will be created one at a time, with work completed on the

first bund, before the commencement of work on the other. A hard surfaced temporary road will be formed onto each site and facilities incorporated on site to ensure vehicles do not deposit mud on the highway after tipping. Material will be stacked on site and an excavator used to form the bund alongside grading and surfacing equipment. All equipment and road materials will be removed on completion of works.

Vehicles bringing imported material to the site will carry approximately 10 cubic metres of material each, with an estimated 1,000 trip loads to form the north bund and 1,500 trips to form the south bund. It is anticipated there will be an average of 24 lorry movements a day over an 8 hour period. The time taken for bringing material to the bunds will be in the region of 12.5 weeks for the northern bund and 13 to 18 weeks for the southern bund. The applicants have stated that a reputable earth moving and haulage company with thirty years' experience will be used to undertake the works.

This application is being processed by the District Council based on the information provided to date. There is an issue that as the proposal involves the importation of material that can be classed as waste. The applicant has confirmed the purpose of the bunds is to provide noise attenuation for the residents of Walton House.

Determining issues.

1. The appropriateness of the development in the Green Belt and the special circumstances put forward for needing noise bunds.
2. The specific location of the bunds when assessed against adopted earth works policy and taking into account the type of material to be imported.
3. Other material considerations.

1. Green Belt considerations.

Green Belt policy criteria is set out in the National Planning Policy Framework at Chapter 9 (Protecting Green Belt Land), with local policy set out at DS2 (Green Belt Development Criteria) Bromsgrove District Local Plan 2004. The development of large earth bunds would not meet the criteria set down with this policy guidance and would therefore constitute inappropriate development. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

The earth bunds will change the character of the site from a gently sloping bank with trees, with gradually sloping farmland beyond, to a steep embankment of earth, which will be grassed in the long term. The bunds will be prominent in particular from the A491 junction into Walton Pool Lane. The proposals would also be visible from the western approach to the A491 from Clent as well as longer views from the wider Walton Pool area.

Visually the bunds will not specifically intrude on Walton House and its listed setting, as this is already screened from the A491 and some 220 metres from the actual bund site, but they will be visually intrusive over a wider area and would not preserve the openness and character of the Green Belt.

The special circumstances in this case are the proposed need for the bunds, to reduce noise levels experienced by the residents of Walton House, and the adjacent properties, without creating a barrier that would intrude on the setting of Walton house as a listed building.

The applicant's noise consultant has specifically highlighted that:

The bunds will help absorb the lower frequencies from traffic, while higher frequencies will be reflected up and away into the atmosphere and not back across the carriageway to the residents to the West (Clent side) as an alternative up right barrier would. Specific transient sounds such as the clanking of an empty HGV, a change of gear or a high revving motorbike behind the bunds will be significantly reduced by 13dBA or more.

Worcestershire Regulatory services have confirmed that the proposals would result in perceptible noise benefits for the residents of Walton House.

2. The impact of the earthworks.

Policy ES16 of the Bromsgrove District Local Plan 2004 states that:

Applications for development which involves significant reforming of land and/or the importation of material of any kind, the purpose of which is to engineer levels which differ from existing levels, will be considered against the relative benefits and disbenefits of the proposal. In particular the Council will take the following factors into account:

- a) The number of vehicle movements*
- b) The quantity and type of the proposed infill material;*
- c) The effect on the landscape.*
- d) The impact on the amenities of local residents;*

Paragraph 120 of the National Planning Policy Framework further advises that:

To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure new development is appropriate to its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests within the developer and/or landowner.

Taking the issues within policy ES16 in turn:

With respect of the number of vehicle movements, the earth bunds together will result in 25,000 cubic metres of material being imported onto the site, to be transported to the site over approximately a six month period. There would need to be a Construction Management Plan and the County Highways Engineer has suggested a number of conditions to be complied.

One key issue the applicant would wish to amend is the suggested timing of the start of works (no deliveries before 9.30 or after 4.30). They would wish to start earlier as building sites commence work early and the lorries would otherwise be waiting to come onto the site. At this stage the actual donor building sites are unknown; the condition would remain relevant for this specific location.

With respect of the quantity and type of proposed infill material, the actual amount of material (25,000 cubic metres) will be significant material that would otherwise be taken to other locations which could be potentially non-Green Belt locations outside of Bromsgrove. The source of the material is not yet defined, as it will depend on what building sites have material at the time of construction. The material to be imported would be technically waste, in terms of being material taken from building sites that cannot be otherwise re-used or recycled. It is anticipated that the building will be inert sub-soil that will be tested both at the 'donor' building site and once it reaches the application site. Top soil currently on the site will be stored and re-used onto of the fill when complete and then grass and landscaping added. Taking into account guidance within the National Planning Policy Guidance, it should be assumed that other legislation, properly applied would ensure that no detrimental waste products would be imported onto the site.

In terms of impact upon the landscape and the amenities of adjacent residents, other than the need for noise attenuation for Walton house, there would be no justification for otherwise disposing of this material in a prominent Green Belt site. Hence Members have to balance the proposed benefits for the applicant against the wider implications for residents of the Clent area and wider Bromsgrove residents, given the visual intrusion this application would result in.

Other material considerations

The National Planning Policy Framework seeks to deliver sustainable development through the planning process. Policy DS13 of the Bromsgrove District Local Plan sets out how sustainable development can be delivered at Bromsgrove District level. Policy DS13 in particular seeks to protect the Plan area's essential character and environmental assets, including the general attractiveness and diversity of the landscape and open and undeveloped nature of the countryside. The proposed siting of the bunds is an inherently unsustainable location for the disposal of material from building sites, and whilst it is appreciated that the works would improve noise levels experienced for the applicant, and would not impact upon the setting of the listed Walton House, these benefits would be outweighed by the dis-benefits that would otherwise occur if this application was allowed.

RECOMMENDATION: That planning permission be refused for the following reason:

Reasons for Refusal

1. The proposed development would constitute inappropriate development, which would not preserve the character and openness of the Green Belt contrary to policy DS2 of the Bromsgrove District Local Plan 2004 and the guidance within the National Planning Policy Framework.

2. The proposed development would lead to the disposal of 25,000 square metres of material in the form of large earth bunds in a unsustainable Green Belt location contrary to policy ES16 and DS13 of the Bromsgrove District Local Plan 2004 and guidance within the National Planning Policy Framework.

Case Officer: Suzanne Clear Tel: 01527 881694

Email: suzanne.clear@bromsgroveandredditch.gov.uk