

Regulatory Committee - 5 November 2019

Installation of four additional bunded leachate tanks, forming part of the landfill's leachate treatment plant at Bubbenhall Landfill Site, Weston Lane, Bubbenhall (Retrospective).

WDC/19CM018

Application No.: WDC/19CM018

Advertised date: 13 September 2019

Applicant(s) Mr Joseph Haigh,
FCC Environment
3, Sidings Court
White Rose Way
Doncaster
Yorkshire
DN4 5NU

Registered by: The Strategic Director for Communities on 27 August 2019

Proposal: Retrospective application seeking approval for the installation of four additional bunded leachate tanks, forming part of the landfill's leachate treatment plant.

Site & location: Bubbenhall Landfill, Weston Lane, Bubbenhall, CV8 3BN. [Grid ref: 436080.271224].

See plan in Appendix A

Recommendation

That the Regulatory Committee authorises the grant of planning permission for Installation of four additional bunded leachate tanks, forming part of the landfill's leachate treatment plant at Bubbenhall Landfill Site, Weston Lane, Bubbenhall (Retrospective) subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

1. Application details

- 1.1 This application seeks retrospective planning permission for the installation of four bunded leachate tanks on open land some 40 metres from the Weston Lane (south western) boundary of the landfill site.
- 1.2 The individual tanks are either 9.96 meters long or 10.96 metres long and sit about 3 metres above ground level. Each tank has a ladder and access platform to the top of the tank allowing for access and inspection. For safety reasons the access platforms are surrounded by a guard rail which rises approximately 1.5 metres above the highest point of the tank giving a total height of 4.5 metres for the entire feature on site.
- 1.3 The tanks are located within a compound which is located some 40 metres from the boundary hedge which runs along Weston Lane, the nearest public highway. All four tanks are positioned at right angles to Weston Lane and are painted either dark green or black.
- 1.4 The applicants advise that this location has been chosen for the leachate tanks to allow easy access for tanker lorries which remove the leachate for off site treatment. The site is located some 45 metres from the junction with the public highway.
- 1.5 In an e-mail dated 14th October 2019 the applicant's agent advises that the leachate tanks are required for approximately the next 30 years or the surrender of the landfill permit granted by the Environment Agency.

2. Consultation

- 2.1 Warwick District Council – Planning – No comments received.
- 2.2 Warwick District Council - Environmental Protection – No comments received.
- 2.3 Bubbenhall Parish Council advise that:
 1. They deplore the fact that this application is retrospective and ask WCC to advise the applicants that this is not a practice which can be condoned
 2. The applicants advise that the tanks cannot be seen. The Parish Council recommend that WCC's Regulatory Committee make a site visit to ensure that there is no impact on the landscape and to ensure that effective screening is erected if it is deemed necessary.

3. As this development may result in more tanker movements on local roads already overrun with HGV traffic we ask that the applicants state the number of tanker movements which will result from this application.

- 2.4 Councillor Wallace Redford – No comment received as of 22 October 2019
- 2.5 Environment Agency – No comments received.
- 2.6 WCC Fire and Rescue – No comments received.
- 2.7 WCC Flood Risk and Water Management – No objections
- 2.8 WCC Highway Control – No objections
- 2.9 WCC Ecology – No objections
- 2.9 1 site notice posted – 13 September 2019
- 2.10 Press notice posted on - 13 September 2019
- 2.11 10 nearest residential properties individually notified on 13 September 2019

3. Representations

- 3.1 None

4. Previous Planning History

- 4.1 Bubbenhall Landfill Site is a well-established waste disposal facility which has operated for many years. The landfill is slowly filling up and the operators intend to start to fill the remaining landfill cells. However, plant and equipment needed to operate the landfill site successfully is currently located within these cells so to fill them will require the relocation of these features.
- 4.2 The leachate tanks the subject of this application were originally located within one of the areas which will eventually be filled with waste and were therefore moved to this location by the operators to enable them to start filling the remaining waste cells.
- 4.3 In a site monitoring report issued in February 2019 the landfill site operators were advised by Warwickshire County Council that they should obtain planning permission for the tanks before moving them and that the location where they currently stand may not be ideal because it has the appearance of open farmland. The site monitoring report prepared on 6th June 2019 noted that the tanks had, by that date, been installed in breach of planning controls.

5. Assessment and Observations

Location

- 5.1 The leachate tanks and the entire landfill site are located in an attractive rural landscape some 4 kilometres to the north east of Cubbington. Despite the close proximity to Coventry this landscape retains a strongly rural character and appearance and is included in the West Midlands Green Belt

Amenity Issues

- 5.2 The nearest residential properties to the tanks are two modern dwellings located some 200 metres to the south east of the tank. A group of detached residential properties fronting Weston Lane are located to the north west of the tanks at distances of between 200 and 500 metres. The village of Bubbenhall is located approximately 1km to the north of the tanks.
- 5.3 The most significant amenity impacts resulting from the location of the tanks in this position are the visual impacts and the impacts which would result from HGV traffic accessing the site.
- 5.4 With regard to the impacts of HGV traffic the applicant's agent advises that approximately 20 loads of leachate are taken away per week. It must be noted however that these impacts have been occurring for some time as the tanks have been in use elsewhere on the landfill site. Approval of this application will therefore not result in any significant increase in traffic generation on local roads. Thus whilst the traffic generated by the tanks may at times be intrusive it is concluded that it is not so intrusive as to justify withholding planning permission for this development particularly given the practical need for the development.
- 5.5 Visual impacts are dealt with in paragraphs 6.2 and 6.3 of this report.

Environmental and heritage Issues

- 5.6 The installation of the tanks has not resulted in significant environmental or heritage issues. The site was not occupied by vegetation of significant amenity or ecological value and the site does not affect any significant heritage assets. The planting of extra vegetation as required by condition 2 will ultimately enhance local biodiversity provide an effective visual screen for the development.

Planning Policy

The National Planning Policy Framework (NPPF).

- 5.7 In February 2019 the government published the National Planning Policy Framework (NPPF) to set out the government's planning policies for England. The NPPF emphasises that the attainment of sustainable development is a central goal of the planning system. Paragraph 133 of the NPPF states that the government places great importance to Green Belts and their protection. Paragraph 145 states that the construction of new buildings is inappropriate development unless it falls within one of seven categories of built development which are "appropriate development" in Green Belts. Paragraph 146 identifies six kinds of development, not involving new buildings, which can also constitute appropriate development. The NPPF further states that all other types of development are inappropriate in the Green Belt and that inappropriate development should only be approved by planning authorities where "very special circumstances" exist which justify approval.
- 5.8 Paragraph 170 of the NPPF advises that developments should minimise impacts upon and provide for net gains in biodiversity. The same paragraph advises that developments should not contribute to existing developments being put at unacceptable risk from or being adversely affected by unacceptable levels of soil, air, water or noise pollution.

The Development Plan.

- 5.9 This planning application must be judged against the policies of the development plan, in particular the policies of the Warwick District Local Plan adopted by the District Council in September 2017. The following policies are particularly relevant to the consideration of this submission.
- Policy DS5 "Presumption in Favour of Sustainable Development" indicates that the planning authority will work pro-actively to secure sustainable development.
 - Policy DS18 "Green Belt" requires the application of national planning policies to the Green Belt areas defined by the local plan.
 - BE1 "Layout and Design" requires development to positively contribute to the character and quality of the environment through good layout and design. Developments which would have a significant impact on the character and appearance of the area must supply a Layout and Design Statement to show how they comply with this policy.
 - Policy BE3 "Amenity" requires that new developments have an acceptable impact upon local amenity.

- Policy NE3 “Biodiversity” requires new developments to result in no net loss of biodiversity on site and if this is not possible, for the developer to undertake appropriate mitigation.
- Policy TR1 “Access and Choice” requires the provision of good access arrangements by a variety of modes of transport and the provision of safe and secure layouts. This policy also requires the provision of some electronic charging points for ultra-low emission vehicles.
- Policy TR2 “Traffic Generation” requires all large-scale developments to be supported by a Transport Assessment and where necessary a Travel Plan to demonstrate the practical and effective measures which are to be taken to avoid the adverse impacts of traffic. A Transport Statement may be required for smaller scale developments in accordance with the Guidance on Transport Assessments.
- Policy TR3 “Parking” requires developments to make adequate on site car parking provision.

5.10 The most significant matter to consider with this development is whether or not the development constitutes appropriate development in the Green Belt as defined by paragraph 145 of the NPPF and if the development constitutes inappropriate development whether or not very special circumstances exist which justify approval of the development. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

6. Conclusions

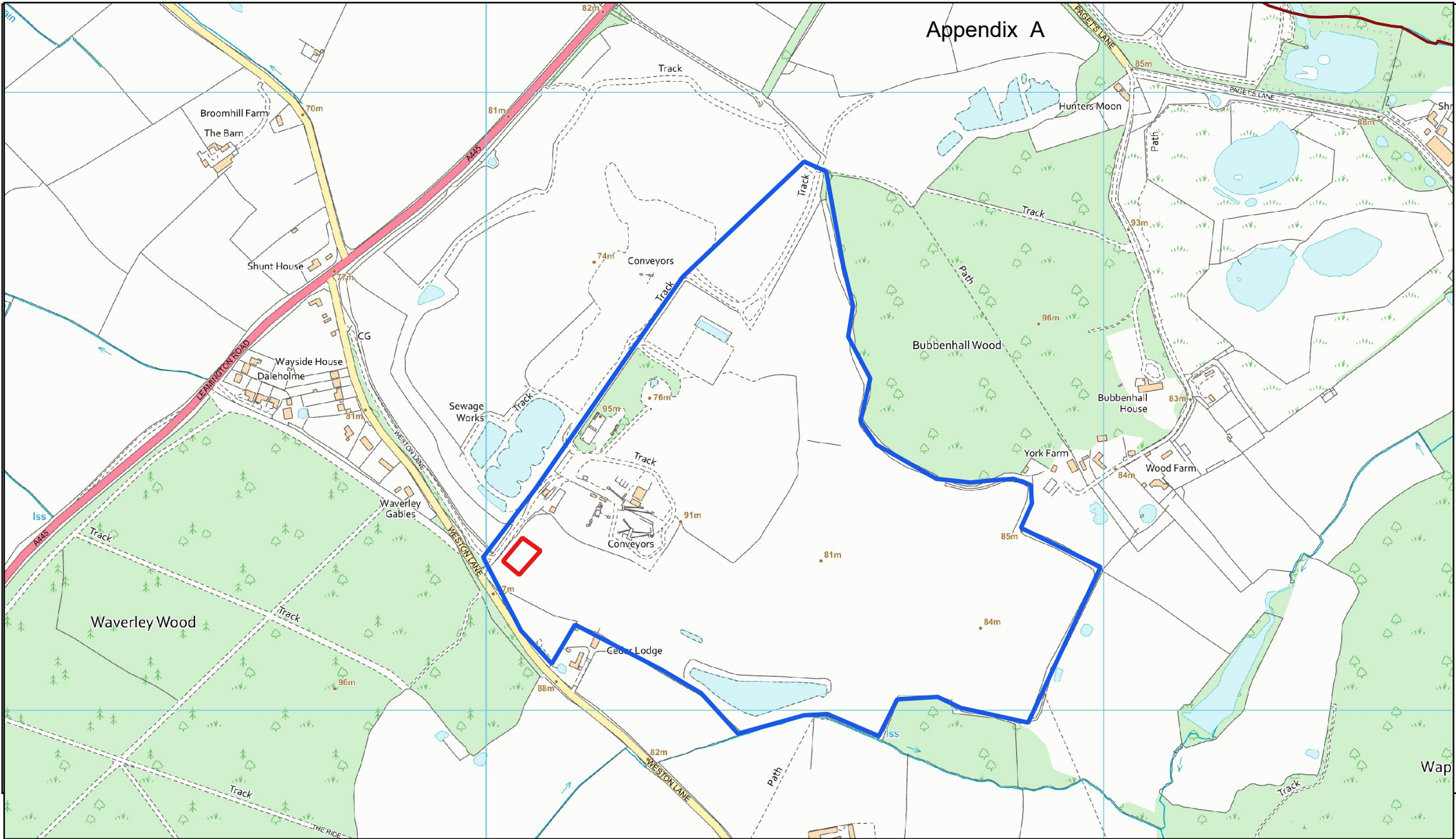
- 6.1 The leachate tanks constitute inappropriate development in the Green Belt as defined by the NPPF. The applicants must therefore demonstrate that very special circumstances exist to justify approval of the development in the Green Belt. All general landfill sites produce leachate which must be dealt with on site to some degree. Thus these tanks constitute essential plant and equipment which must be provided to serve the landfill site. Such facilities are best provided either on the landfill site or in locations close to it. It is therefore concluded that the need for leachate management facilities to serve the Bubbenhall Landfill site constitute the very special circumstances which justify approval of this application in the Green Belt.
- 6.2 The tanks would constitute inappropriate development no matter where they were placed on the landfill site. It is also important that they are located in a visually acceptable location within the site. The tanks are screened by hedge and tree planting along the roadside boundary and along the access track to the landfill site so they are not particularly prominent. However, most of this planting is deciduous and thus the tanks will become significantly more prominent in the winter months.

- 6.3 It is concluded however that this impact can be mitigated by planning conditions which require (a) the retention of the existing hedgerows and (b) the planting of a belt of native trees and shrubs along the road frontage to provide substantial screening for this development.
- 6.4 The parish council ask that the Regulatory Committee consider making a site visit to assess the visual impact of this development. Members must decide if a visit is necessary.
- 6.5 The parish council also express concern about the quantity of traffic generated by this development. The tanks will generate traffic however they have been located on the landfill site for some time and have been relocated to this position so approval of this application will not result in a significant increase in traffic generated by the landfill site.
- 6.6 The parish council also express concern about the retrospective nature of this application. Their concerns are very understandable, but the application must be considered on its planning merits alone and if the development would be acceptable if this were not a retrospective application then the planning authority are obliged to approve it.
- 6.7 With regard to the polices of the development plan it is concluded that for the reasons detailed in this report, the development accords to the policies of the development plan detailed in paragraph 5.9 of this report, apart from being inappropriate in the Green Belt.
- 6.8 Management of leachate is a necessary part of the proper management of a landfill site. Failure to manage leachate properly would result in serious pollution affecting the water environment, ground water, soils and ecosystems. Thus it is concluded that providing the facilities necessary to manage leachate constitute sustainable development as defined by the NPPF and policy DS5 of the Warwick District Local Plan.
- 6.9 It is further concluded that any adverse impacts which would result from approval such as traffic generation or visual impacts can be overcome by the imposition of appropriate planning conditions. Thus, ensuring compliance with the relevant conditions of the development plan.

7. Supporting Documents

- 7.1 Submitted Planning Application – Planning reference WDC/19CM018
- 7.2 Appendix A – Map of site and location.
- 7.3 Appendix B – Planning Conditions.

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Application No: WDC/19CM018
Bubbenhall Landfill Site, Weston Lane, Bubbenhall
Retrospective application for installation of 4 additional leachate tanks



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Regulatory Committee 5 November 2019
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Appendix B

Installation of four additional bunded leachate tanks, forming part of the landfill's leachate treatment plant at Bubbenhall Landfill Site, Weston Lane, Bubbenhall (Retrospective).

WDC/19CM018

Planning Conditions.

1. The leachate tanks approved by this permissions shall be removed either within 30 years of the date of this permission or within six months of their use to store leachate having ceased, whichever is the sooner date and after that date the land on which they stand and any car parks hard standings or turning areas associated with them shall be restored in accordance with a restoration scheme which shall have first been submitted to and approved by the County Planning Authority before the removal of the tanks. The restoration scheme shall be implemented in full within 6 months of the removal of the tanks.

Reason: In order to ensure that the tanks do not become permanent features in this rural landscape and to ensure that the site is restored after their removal.

2. Within six months of the date of this consent a landscape scheme shall be submitted to and approved in writing by the County Planning Authority to ensure the effective screening of the development. The landscape scheme shall make provision for the planting of a 70-metre-long and 4-metre-wide planting strip along the Weston Lane boundary of the site to the south of the existing access to the site. The measured width shall exclude the existing roadside hedge width. The landscape scheme will specify numbers, species and locations of trees and shrubs to be planted. Once approved the landscape scheme shall be implemented in the first available planting season after its approval and should any plants die or fail within the first five years after planting, they shall be replaced with the same species (or others agreed by the County Planning Authority) in the first available planting season. The landscape strip shall be retained and maintained in its approved form for as long as the approved tanks remain in situ.

Reason: In order to ensure an effective screen for the proposed development.

3. The existing trees and hedgerow plants in the roadside hedge along Weston Lane and along the access road into the site located to the north of the approved tanks shall be retained and maintained at a height of no less than 3 metres (measured from ground level) for as long as the approved tanks remain in situ.

Reason: In order to retain an effective screen for the development.

4. Within two months of the date of this submission a plan showing an area of land dedicated to the parking and turning of Heavy Goods Vehicles serving the tanks approved by this permission shall be submitted to and approved by the County Planning Authority. The parking and turning area shall be laid out, constructed, surfaced and drained in accordance with a scheme which shall be submitted to and approved by the County Planning Authority at the same time as the plan required by this condition. These facilities shall be installed on site within two months of their approval in writing by the County Planning Authority and shall be retained for these uses as long as the tanks remain on site. Once the tanks have been removed in accordance with condition 1 of this permission these facilities shall be removed in accordance with the requirements of the same condition number 1.

Reason: In order to ensure that Heavy Goods Vehicles serving the tanks can park clear of the public highway and turn around and leave the landfill site in a forward direction.

Development Plan Policies Relevant to the Decision.

Warwick District Local Plan 2011 – 2029

- Policy DS5 “Presumption in Favour of Sustainable Development”
- Policy DS18 “Green Belt”
- Policy BE1 “Layout and Design”
- Policy BE3 “Amenity”
- Policy NE3 “Biodiversity”.
- Policy TR1 “Access and Choice”
- Policy TR2 “Traffic Generation”
- Policy TR3 “Parking”

Compliance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

In considering this application the County Council has complied with paragraph 38 contained in the National Planning Policy Framework 2019.