

**PLANNING AND REGULATORY COMMITTEE  
17 MAY 2016****RETROSPECTIVE APPLICATION TO VARY CONDITION 7  
OF PLANNING PERMISSION REFERENCE NUMBER 407544  
TO EXTEND THE EXISTING OPERATING HOURS OF AN  
EXISTING WASTE TRANSFER STATION AT LYDSTEP,  
CLEEVE ROAD, MIDDLE LITTLETON, EVESHAM,  
WORCESTERSHIRE**

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**Applicant**

Pete Bott Skip Hire Limited

**Local Member**

Mr A A J Adams

**Purpose of Report**

1. To consider a retrospective County Matter planning application for the variation of Condition 7 of Planning Permission reference number 407544 to extend the existing operating hours of an existing waste transfer station at Lydstep, Cleeve Road, Middle Littleton, Evesham, Worcestershire.

**Background**

2. Planning Permission (application reference no. 407544) for the existing Waste Transfer Station at Lydstep, Cleeve Road, Middle Littleton was granted by members of the Planning and Regulatory Committee on 6 March 2003 (Minute 226 refers).

3. A further Planning Permission (application reference no. 407640) was granted to allow the use of a screener on site by members of the Planning and Regulatory Committee on 31 January 2006 (Minute 444 refers).

4. The existing Waste Transfer Station is located off the B4085. The site comprises of a number of workshop and office buildings. The primary working, sorting and recycling area associated with the Waste Transfer Station business is sited on the western side at the rear of the site.

5. The existing Waste Transfer Station involves the recovery and transportation of mixed inert materials together with construction/demolition waste from the development industry.

6. The skip hire business operated from the site mainly covers the Evesham, Stratford and Redditch areas.

7. Condition 7 of the Planning Permission currently limits the hours of operation at the site to between 08:00 hours and 18:00 hours Mondays to Fridays and between 08:00 hours and 13:00 hours on Saturdays with no workings on Sundays or Public Bank Holidays.

8. The planning agent states that the 08:00 hours start time has been a problem for the operators for some time, which has resulted in the condition being breached. The application is, therefore, retrospective.

9. The planning agent states that the present condition is unrealistic for a skip hire business of this nature. They state that this is because delaying vehicle departure until 08:00 hours risks the vehicles being caught up in the morning rush hour traffic, which adds to congestion and incurs wasted time and cost.

### **The Proposal**

10. In light of the difficulties that that the operator faces in relation to the approved and conditioned hours of operation, they have applied to vary Condition 7 of Planning Permission reference number 407544 to extend the existing operating hours to between 07:00 hours and 18:00 hours Mondays to Fridays and to between 07:30 hours and 13:00 hours on Saturdays with no workings on Sundays or Public Bank Holidays.

11. In the Noise Management Plan, which accompanies this planning application, the applicant states:

- a) No reversing beepers would be used/sounded within the site before 07:30 hours Mondays – Fridays inclusive;
- b) No reversing beepers would be used/sounded before 08:00 hours on Saturdays;
- c) No use of the on-site trommel before 10:00 hours on any day; and
- d) No use of the on-site screen before 10:00 hours on any day.

12. The applicant has confirmed that their lorries will be parked up at night so that all can leave in a forward gear thus ensuring that no reversing beepers would be used/sounded before 07:30 Mondays-Fridays or before 08:00 on Saturdays.

## **The Site**

13. The application site is located within the village of Middle Littleton. The site is bounded by an agricultural field to the north; the B4085 road and residential estate to the east; access track and residential property, 'Tower View', to the south and open countryside to the west.

14. There are existing tall mature hedgerows along the western and southern boundaries.

15. The nearest residential properties are no. 1 School Lane which is sited approximately 15 metres east of the application site and 'Tower View' which is sited approximately 7 metres south of the application site along Cleeve Road.

16. Beyond 'Tower View' is 'Kanes Foods', a chilled food manufacturer, sited approximately 12 metres south of the application site.

17. The application site is located approximately 500 metres north-east of Windmill Hill & Harrow Hill Bank; approximately 625 metres of Littleton, Broadway & Badsey Brooks and Tributaries; approximately 650 metres south-east of Cleeve Prior Bank; and approximately 850 metres east of the River Avon (Local Wildlife Sites).

18. The application site is located within Flood Zone 1 (a low risk zone).

19. Public Right of Way (535(C)) runs adjacent to the application site and the existing Waste Transfer Station to the south.

## **Summary of Issues**

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

- Residential amenity, and
- Traffic and highways safety

## **Planning Policy**

### **National Planning Policy Framework (NPPF)**

21. The National Planning Policy Framework (NPPF) was published and came into effect on 27 March 2012. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It constitutes guidance for local planning authorities and decision takers and is a material planning consideration in determining planning applications. Annex 3 of the NPPF lists the documents revoked and replaced by the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through plan-making and decision-taking.

22. Sustainable Development is defined by five principles set out in the UK Sustainable Development Strategy:

- "living within the planet's environmental limits;
- ensuring a strong, healthy and just society;

- achieving a sustainable economy;
- promoting good governance; and
- using sound science responsibly".

23. The Government believes that sustainable development can play three critical roles in England:

- an economic role, contributing to a strong, responsive, competitive economy
- a social role, supporting vibrant and healthy communities and
- an environmental role, protecting and enhancing our natural, built and historic environment.

24. The NPPF does not contain specific waste policies, as these are contained within the National Planning Policy for Waste. However, the NPPF states that local authorities taking decisions on waste applications should have regard to the policies in the NPPF so far as relevant. For that reason the following guidance contained in the NPPF, is considered to be of specific relevance to the determination of this planning application:-

- Section 1: Building a strong, competitive economy
- Section 3: Supporting a prosperous rural economy
- Section 4: Promoting sustainable transport
- Section 7: Requiring good design
- Section 8: Promoting healthy communities
- Section 10: Meeting the challenge of climate change, flooding and coastal change
- Section 11: Conserving and enhancing the natural environment
- Section 12: Conserving the Historic Environment

### **National Planning Policy for Waste**

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

### **The Development Plan**

26. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan consists of the Worcestershire Waste Core Strategy and the South Worcestershire Development Plan.

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

28. Annex 1 of the NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. However, the policies contained within the NPPF are material considerations. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a

limited degree of conflict with the NPPF. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

### **Worcestershire Waste Core Strategy Development Plan Document (WCS)**

Policy WCS 1: Presumption in favour of sustainable development

Policy WCS 3: Re-use and Recycling

Policy WCS 8: Site infrastructure and access

Policy WCS 9: Environmental assets

Policy WCS 11: Sustainable design and operation of facilities

Policy WCS 12: Local characteristics

Policy WCS 14: Amenity

Policy WCS 15: Social and economic benefits

### **South Worcestershire Development Plan**

Policy SWDP 1 Overarching Sustainable Development Principles

Policy SWDP 2 Development Strategy and Settlement Hierarchy

Policy SWDP 4 Moving Around South Worcestershire

Policy SWDP 7 Infrastructure

Policy SWDP 21 Design

Policy SWDP 22 Biodiversity and Geodiversity

Policy SWDP 25 Landscape Character

Policy SWDP 31 Pollution

Policy SWDP 33 Waste

### **Waste Management Plan for England (2013)**

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

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

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

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

33. It states that the construction, demolition and excavation sector is the largest contributing sector to the total waste generation, generating 77.4 million tonnes of waste in 2010.

## **The Government Review of Waste Policy England 2011**

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

## **Consultations**

35. **Wychavon District Council** acknowledges that the site is not surrounded by residential property, however there are residential properties located to the north, east and south. The property to the south is particularly close to the main area of skip storage and only separated by a hedgerow and narrow access track. The alteration to the weekday opening times could see an increase in noise levels in the early morning to the detriment of the residential amenity of the property. Wychavon District Council would encourage consultation with Worcestershire Regulatory Services for a view on whether the opening times are appropriate for the locality and whether there would be any adverse impact on neighbouring residential amenity. Wychavon District Council have recommended that Conditions 2, 3, 5 and 6 (amendments as appropriate) of the original planning permission (application reference number 407544) are imposed in addition to the altered Condition 7 should planning permission be recommended.

36. **North and Middle Littleton Parish Council** has no objections to the hours being extended to 07:00 hours instead of 08:00 hours for vehicle movements only but express concerns regarding on-site machinery being operated before 08:00 hours.

37. No comments have been received from the Parish Council following the second consultation, which related to extending the proposal operational hours on a Saturday to 07:30 hours instead of 08:00 hours.

38. **Worcestershire Regulatory Services** recommend that the Noise Management Plan which accompanies the planning application should be conditioned.

39. **The Environment Agency** have no objections, but have the following comments:

- They state that their last site inspection was carried out in August 2014. This visit did not identify any permit breaches or cause for concern
- The site is located within close proximity to sensitive receptors (within 200 metres). There have been some complaints to date in relation to dust emissions but these were a few years ago and none were substantiated.

40. **The County Highways Officer** has no objections. The proposal would not generate any additional vehicle movements.

41. **Natural England** has no comments.

42. **The County Landscape Officer** has no objections.

43. **The County Ecologist** has no objections.

44. **The County Archaeologist** has no comments.

45. **Worcestershire Wildlife Trust** do not wish to comment on the proposed extension of working hours and are content to defer to the County Ecologist for all on-site biodiversity issues.

46. **Land Drainage** – no comments received.

### **Other Representations**

47. In accordance with the Development Management Procedure Order 2010, the application has been advertised on site, in the press and through neighbour notification letters. Two letters of representation have been received from local residents objecting to the proposal. The letters of representation are available in the Members Support Unit.

48. The concerns include:

- dust arising from the site
- insufficient road sweeping practices and mud on the highway;
- disturbance from vehicles and machinery
- noise from a screener/grader and other machinery is already intrusive;
- vehicle movements occur presently as early as 05:30 hours
- maintenance of vehicles takes place on the site after 18:00 hours
- concerns that the proposed start time would continue to be ignored as per the existing start time
- building and maintaining stock cars for racing takes place on the site, which occurs on occasion, outside of the permitted operating hours, including Sundays
- suggests an assessment of the existing entrance and the creation of an additional entrance into the site
- quality of life of immediate neighbours to the site are being affected at present; and
- value of immediate properties are at risk.

### **The Head of Strategic Infrastructure and Economy's Comments**

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

#### **Residential Amenity**

50. The nearest residential properties are no. 1 School Lane which is sited approximately 15 metres east of the application site and Tower View which is sited approximately 7 metres south of the application site.

51. Two letters of representation have been received from local residents, objecting to the proposal.

52. The local residents have raised concerns, inter-alia, about dust arising from the site and insufficient road sweeping practices and mud on the highway.

53. The applicant states that they recently purchased a field sprayer to dampen the surface of the yard. The applicant confirms that this is on site and is used as necessary to suppress dust within

the application site. They state that they are aware of their responsibilities so far as mud on the road in inclement conditions is concerned. A road sweeper has already been purchased and is used to ensure that mud is dealt with appropriately.

54. The local residents also raised concerns about disturbance from vehicles and machinery as noise from a screener/grader and other machinery is already intrusive. Worcestershire Regulatory Services were consulted on the planning application and have raised no objections, whilst recommending a condition to address the points contained within the Noise Management Plan which accompanies this planning application. These are:

- a) No reversing beepers would be used/sounded within the site before 07:30 hours Mondays – Fridays inclusive;
- b) No reversing beepers would be used/sounded before 08:00 hours on Saturdays;
- c) No use of the on-site trommel before 10:00 hours on any day; and
- d) No use of the on-site screen before 10:00 hours on any day.

55. The applicant has confirmed that their lorries will be parked up at night so that all can leave in a forward gear thus ensuring that no reversing beepers would be used/sounded before 07:30 Mondays-Fridays or before 08:00 on Saturdays.

56. Members should be aware that both Planning Permissions (407640 and 407544) include a condition to control noise from the site to protect residential amenity. In view of this, the Head of Strategic Infrastructure and Economy considers that imposing the same condition would protect residential amenity from adverse noise. A condition to control dust emissions is also included. The County Planning Authority could enforce these matters if they were to become a problem. Furthermore, the applicant has offered to restrict the use of the screening plant until after 10:00 am and the Head of Strategic Infrastructure and Economy considers this restriction could be appropriately imposed as a condition.

57. Residents are concerned about current working hours. They state that vehicle movements occur presently as early as 05:30 hours; maintenance of vehicles takes place on the site after 18:00 hours and building and maintaining stock cars for racing takes place on the site, which occurs on occasion, outside of the permitted operating hours, including Sundays.

58. The applicant states that one vehicle which belongs to a relative of the Directors and parked overnight within the site, does occasionally exit the site before 06:00am. They state that the movements of this vehicle have no association with the Skip Hire and Waste Transfer Station business. The applicant also states that any use of one of the buildings on site for stock car maintenance or building outside the working hours of the business is exclusively for hobby purposes bearing in mind that Mr. Bott (Senior) and his family live on site.

59. The Head of Strategic Infrastructure and Economy is satisfied that subject to the imposition of a condition requiring the operator at the site to comply with noise levels at the site, there would be no significant adverse impacts on residential amenity. Furthermore, the permission granted to allow screening at the site (407640) already has conditions relating to the control of noise and dust emissions at the site.

60. A local resident suggests an assessment of the existing entrance and the creation of an additional entrance into the site. The applicant states that the current access is significantly safer and more optimally located compared to the original access when the original Planning Permission for the site was granted (application reference number 407544).



61. Furthermore, the County Highways Officer has no objections to the continued use of the current access.

62. Local residents also raised concerns about the risk of the proposal devaluing nearby properties. Members should be aware that property prices are not a material consideration in determining planning applications.

63. On balance, it is not considered that allowing operations to commence operations earlier by one hour Mondays to Fridays and by 30 minutes on Saturdays would have a significant adverse impact on the residents of the neighbouring residential properties, providing that the conditions relating to noise control are complied with. The Head of Strategic Infrastructure and Economy recommends the imposition of a noise condition in accordance with Policy 31 of the South Worcestershire Development Plan.

### **Traffic and Highways Safety**

64. The local residents have raised concerns about dust arising from the site and insufficient road sweeping practices and mud on the highway.

65. The applicant states that they recently purchased a field sprayer to dampen the surface of the yard. The applicant confirms that this is on site and is used to suppress dust within the application site when necessary. They state that they are aware of their responsibilities so far as mud on the road in inclement conditions is concerned. A road sweeper has already been purchased and is used to ensure that mud is dealt with appropriately.

66. The County Highways Officer acknowledges that the proposal would not result in any additional vehicle movements. As such, they have no objection to the proposal.

67. In view of the above, the Head of Strategic Infrastructure and Economy is satisfied that there would be no adverse impact on highways safety in accordance with Policy WCS 8 of the Waste Core Strategy for Worcestershire and Policy SWDP 4 of the South Worcestershire Development Plan.

### **Conclusion**

68. Letters of representation have been received objecting to the proposal on residential amenity grounds. The Environment Agency, Worcestershire Regulatory Services and the County Highways Officer were consulted on the application and have raised no objections subject to the imposition of appropriate conditions. Accordingly, the Head of Strategic Infrastructure and Economy is satisfied that the proposed development would have no adverse or detrimental impact upon the residential amenity of the surrounding area in accordance with Policy 31 of the South Worcestershire Development Plan.

69. The Head of Strategic Infrastructure and Economy is satisfied that there would be no adverse impact on highways safety and that the proposal is therefore acceptable on highways grounds.

70. Taking into account the provisions of the Development Plan and in particular Policies WCS 1; WCS 3; WCS 8; WCS 9; WCS 11; WCS 12; WCS 14 and WCS 15 of the adopted Worcestershire Waste Core Strategy; and Policies SWDP 1; SWDP 2; SWDP 4; SWDP 7; SWDP 21; SWDP 22; SWDP 25; SWDP 31 and SWDP 33 of the South Worcestershire Development Plan, it is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

## Recommendation

71. The Head of Strategic Infrastructure and Economy recommends that planning permission be granted for the variation of Condition 7 of Planning Permission reference number 407544 to extend the existing operating hours of an existing waste transfer station at Lydstep, Cleeve Road, Middle Littleton, Evesham, Worcestershire, subject to the following conditions:

- a) The existing vehicular access in the south-east corner of the site shall be gated and not used by vehicles in connection with the skip hire and waste transfer business;
- b) All vehicles connected with the skip hire and waste transfer business shall use the access to the north-east of the waste transfer area;
- c) No materials or substances shall be incinerated on the site;
- d) The hardstanding shall be cleared of waste at the end of every working day and any waste remaining on site shall be in skips or other approved containers;
- e) Waste Transfer operations (including vehicle movements into and away from the site) shall only take place on the site between 07:00. and 18:00 hours Mondays to Fridays inclusive, and 07:30-13:00 hours on Saturdays. No Waste Transfer operations (including vehicle movements to and from the site) shall take place on Sundays or Public Holidays. The use of any screening plant shall not take place before 10:00 hours on any day;
- f) Any stockpiles of waste or other materials stored on the site shall not exceed 3 metres in height;
- g) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund;
- h) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not be passed through the interceptor;
- i) There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways. An

acceptable method of foul drainage disposal would be connection to the foul sewer;

- j) Provision shall be made to ensure that surface water from the site does not discharge onto the public highway;
- k) The "Rating Level" of noise from the use of the site shall not increase the existing background noise level by more than 5dBA whilst the site is in operation. The noise level shall be determined at a point one metre in front of the most affected façade of any noise sensitive premises. The measurements and assessments shall be in accordance with BS4142 : 1997;
- l) There shall be no crushing of any waste materials on site;
- m) No putrescible or hazardous material or substance shall be handled or stored within the application site;
- n) The Waste Transfer Station shall only handle waste collected by the applicant's vehicles and shall not be available for use by other waste collection companies or the general public;
- o) The existing southern and eastern boundary hedgerows shall be retained and maintained to the satisfaction of the County Planning Authority for the duration of all waste transfer and screening operations on site;
- p) The approved scheme for the treatment of the northern boundary of the site adjacent to the screener (ref: KRH2295/a+bi/T) shall be adhered to for the duration of all waste transfer and screening operations on site;
- q) The approved measures for dust suppression shall be adhered to for the duration of all waste transfer and screening operations on site; and
- r) All drainage from the hardstanding and vehicle washdown areas shall be drained via the existing interceptor for the duration of Waste Management operations on site.

## **Contact Points**

### County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

Email: [worcestershirehub@worcestershire.gov.uk](mailto:worcestershirehub@worcestershire.gov.uk)

### Specific Contact Points for this report

Case Officer: Joshua Scholes, Planning Officer

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## **Background Papers**

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

The application, plans and consultation replies in file reference 15/000017/CM.