

**PLANNING AND REGULATORY COMMITTEE  
25 SEPTEMBER 2018****PROPOSED RETROSPECTIVE CHANGE OF USE FROM A  
WORKSHOP TO A WASTE TRANSFER STATION FOR  
METALS AT UNIT 5, MOORLANDS FARM, MANOR LANE,  
WARESLEY, HARTLEBURY, WORCESTERSHIRE**

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**Applicant**

Mr Shane Jones

**Local Member(s)**

Mr R P Tomlinson (Ombersley Division)

**Purpose of Report**

1. To consider a County Matter planning application for a proposed retrospective Change of Use from a Workshop to a Waste Transfer Station for Metals at Unit 5, Moorlands Farm, Manor Lane, Waresley, Hartlebury, Worcestershire.

**Background**

2. This application seeks to regularise a material change of use from a Workshop to a Waste Transfer Station for metals that occurred in May 2017. The applicant currently operates the site under a Scrap Metal Dealer Site License issued by Wychavon District Council.
3. The business buys ferrous and non-ferrous metals including Steel, Copper, Brass, Lead and Aluminium from members of the public, plumbers, builders, demolition contractors, farmers, and engineering companies. These metals are bulked up and sold to European Metal Recycling (EMR) of Darlaston, West Midlands.
4. In terms of the site's planning history, Wychavon District Council state that the building where the storage and sorting of scrap metal currently takes place has planning permission for a workshop under Wychavon District Council planning permission W/06/0118/CU.

**The Proposal**

5. The applicant is proposing a retrospective Change of Use from a Workshop to a Waste Transfer Station for Metals at Unit 5, Moorlands Farm, Manor Lane, Waresley, Hartlebury.
6. The applicant states that they currently operate the site under Scrap Metal Dealer Site License Number 17/02184/SCRAPS of the Scrap Metal Dealers Act 2013 issued by Wychavon District Council.

7. The proposal involves the importation of a range of ferrous and non-ferrous metals from members of the public, plumbers, builders, demolition contractors and farmers to the existing site, which consists of a metal shed unit housing two storage bays with sliding doors for access. The applicant states that the operator also calls and collects heavy domestic appliances by appointment.

8. A Mini Compact diesel-powered forklift truck is used to load and unload metals.

9. The metals are bulked up and stored within the metal shed unit in a number of containers varying in size according to the type of metal. The applicant states that a 40 cubic yard roll on skip is used for the collection of heavier iron, whilst a 30 cubic yard roll on skip is used for collecting light iron, such as domestic appliances and other domestic metal waste. These skips would be stored inside the unit, except during delivery and collection by a Heavy Goods Vehicle (HGV).

10. In terms of vehicle movements, the applicant states that approximately 3 vans and 2 cars would visit the site per day. There would also be approximately 1 HGV visit per week for collecting large skips.

11. As part of the bulking up of metals, the applicant states that no mechanical cutting, crushing or shredding devices are used or proposed. Hand operated pipe cutters are used for cutting down long lengths of pipe.

12. The applicant states that the metals are collected on a weekly basis and transported to EMR in Darlaston, West Midlands.

13. The applicant states that the throughput for the site is approximately 12 tonnes per month.

14. No external changes would be made to the existing metal shed unit as part of the proposal.

15. In terms of vehicle parking, the proposal identifies 2 spaces for cars and one space for a Heavy Goods Vehicle (HGV) on the location and block plans. No 'development' in terms of the meaning of 'development' set out in Section 55 of the Town and Country Planning Act 1990 would be involved in the allocation of these spaces due to the existing use already providing hardstanding for vehicle parking.

16. The applicant states that the car parking spaces would only be used by customers bringing metal to the unit and unloading it during the site's operating hours. The HGV space would be used for the collection of the skips.

17. The applicant states that the site has no foul drainage because the unit has no W.C. or sink. The applicant states that the operator is an owner operator and, therefore, has no requirement to provide facilities. The applicant states that the operator visits their home, which is a 2 mile drive away, when required.

18. The surface water drainage for the site would be unaltered. The applicant states that storm drains discharge to soakaways located in adjacent fields.

19. The applicant is proposing operating hours of Monday to Friday from 09:00 to 17:00 hours and on Saturday from 09:00 to 12:00 hours.

20. The proposal would continue providing employment for one owner operator.

## **The Site**

21. The site is located in the Waresley area of Hartlebury village, which lies approximately 3.6 kilometres to the south-east of Stourport-on-Severn and 6.5 kilometres to the south-east of Kidderminster.

22. The site measures approximately 269 m<sup>2</sup> in area.

23. The site is accessed directly off Manor Lane (C2144) via a private drive over which the applicant has a right of access. Manor Lane provides vehicular and pedestrian access to Worcester Road (A449).

24. The site comprises an existing metal shed unit, which measures approximately 9.3 metres in length by 7.6 metres in width by 6 metres in height, and an area of existing concrete hardstanding to the front of the unit measuring approximately 150 m<sup>2</sup> in area.

25. The metal shed unit is constructed from a steel frame with steel sheeting rails supporting plastic coated steel cladding. The unit's walls are light green in colour whilst the roof is a darker shade of green. The floor of the unit is comprised of reinforced concrete.

26. The site is bounded to the west by the A449 dual carriageway, to the north by agricultural fields, to the west by a number of other business units at Moorlands Farm housed in converted farm buildings, and to the south by a field, which separates the site from an area of residential properties located to the south of Manor Lane.

27. The site is wholly located within the Green Belt.

28. The nearest residential property is High Meadows, which is located approximately 80 metres to the south of the site.

29. The site lies in Flood Zone 1 (a low-risk zone).

## **Summary of Issues**

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

- Waste Hierarchy
- Location of the development
- Green Belt
- Residential Amenity
- Ecology and Biodiversity

## Planning Policy

### National Planning Policy Framework (NPPF)

31. The revised National Planning Policy Framework (NPPF) was published on 24 July 2018 and sets out the government's planning policies for England and how these are expected to be applied. The revised NPPF is a material consideration in planning decisions and should be read as a whole (including its footnotes and annexes). The revised NPPF replaces the previous NPPF published in March 2012.

32. The NPPF should be read in conjunction with the Government's planning policy for waste (National Planning Policy for Waste). Annex 1 of the NPPF states that *"the policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication"*.

33. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

34. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

35. So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development. For decision taking, this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

36. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

37. The following guidance contained in the NPPF, is considered to be of specific relevance to the determination of this planning application:

- Section 2 Achieving sustainable development
- Section 4: Decision-making
- Section 6: Building a strong, competitive economy
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 13: Protecting Green Belt land
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment

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

38. 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**

39. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan that is relevant to this

proposal consists of the Adopted Worcestershire Waste Core Strategy Development Plan Document and the Adopted South Worcestershire Development Plan.

40. 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.

41. With regard to the weight to be given to existing policies adopted prior to the publication of the revised NPPF, Annex 1 states "*existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*".

### **Worcestershire Waste Core Strategy**

Policy WCS 1: Presumption in favour of sustainable development

Policy WCS 2: Enabling Waste Management Capacity

Policy WCS 3: Re-use and Recycling

Policy WCS 6: Compatible land uses

Policy WCS 8: Site infrastructure and access

Policy WCS 9: Environmental assets

Policy WCS 10: Flood risk and water resources

Policy WCS 11: Sustainable design and operation of facilities

Policy WCS 12: Local characteristics

Policy WCS 13: Green Belt

Policy WCS 14: Amenity

Policy WCS 15: Social and economic benefits

Policy WCS 17: Making provision for waste in all new development

### **South Worcestershire Development Plan**

SWDP 1: Overarching Sustainable Development Principles

SWDP 2: Development Strategy and Settlement Hierarchy

SWDP 4: Moving Around South Worcestershire

SWDP 5: Green Infrastructure

SWDP 8: Providing the Right Land and Buildings for Jobs

SWDP 12: Employment in Rural Areas

SWDP 21: Design

SWDP 22: Biodiversity and Geodiversity

SWDP 25: Landscape Character

SWDP 28: Management of Flood Risk

SWDP 29: Sustainable Drainage Systems

SWDP 30: Water Resources, Efficiency and Treatment

SWDP 31: Pollution and Land Instability

SWDP 33: Waste

## **Other Documents**

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

42. 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.

43. 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.

44. 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.

45. 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.

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

46. 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**

47. **Wychavon District Council** have stated no objections, subject to conditions and have the following comments:

- The application is in the Green Belt but constitutes an existing employment site and building previously consented for storage uses from agricultural redundancy. As an existing building, the application should be considered under paragraph 90 of the NPPF
- They consider the proposal would be acceptable in principle within the Green Belt because it would be a re-use of a substantial building which would not undermine the openness of the Green Belt
- In terms of local policy, this proposal is not specifically listed within Policy SWDP2 of the South Worcestershire Development Plan, but could be considered to broadly constitute the redevelopment of previously developed land, and the retention of an existing employment site. More specifically, it should also be considered under the relevant provisions of the Worcestershire Waste Core Strategy in terms of position within the waste hierarchy, locational and amenity policies
- The proposal is small in scale but consultation is recommended with the Environment Agency for any relevant permitting regulations requirements regarding amenity controls
- They recommend consultation with County Transportation colleagues in relation to traffic generation and access matters. Appropriate investigations

should be undertaken to ensure the adequacy and right of use of access and parking facilities for the proposed use.

- They request the following conditional controls:
  - a. No outside material storage;
  - b. Details of any external lighting should be submitted and agreed to limit adverse light spill within the Green Belt;
  - c. Provision and retention of parking and turning areas; and
  - d. Any relevant amenity controls if the proposal falls outside the controls of the Environmental Permitting Regulations, e.g. restrictions on equipment use, hours of operation, noise controls for any machinery, etc.

**48. Hartlebury Parish Council** have the following comments:

- This site is not suitable for a waste transfer site. Prior to the applicant using the site, the unit was used for the manufacture of sheds and fencing which was in keeping with the rural activities. They comment that the buildings are in the Green Belt
- The large collection skips were located inside and the visual impact reduced so that the buildings appeared to be storage barns this might be acceptable. However, the business has been trading for the past 12 months and has not observed what is stated as normal operating practices. The large collection skips have been located outside the building for 70% of the time as demonstrated in their own photographs
- When this application was in the hands of Wychavon District Council a request was made that if planning was granted the route for vehicles accessing the site should be taken into consideration. Manor Lane is narrow and the increase in vehicles travelling along the lane towards Crown Lane has resulted in carriageway and grass verge erosion. Hartlebury Equestrian Centre has been affected by higher traffic volume meeting horses in the lane. If permission is granted, notices should be displayed for a no left turn for clients leaving the site. Access should be in an out via the A449
- They are concerned that if this application is granted, it will lead to further development of the site which they strongly oppose.

**49. The County Ecologist** has the following comments:

- They are satisfied that the change of use appears not to impact the site's ecology or surrounding area
- In accordance with Part C of Policy WCS9 of the Waste Core Strategy, it is expected that development proposals will take advantage of opportunities to enhance the character, quality and significance of environmental assets and their settings or linkages between them. There are many records of European Protected Species and NERC Act Section 41 species within a 1 kilometre radius which are considered environmental assets in the Waste Core Strategy. Environmental enhancement should be commensurate with the small size of the site and its operations. For example, it might include a bat

box erected on the south facing end of the building (if it is not artificially lit at night) and/or a sparrow nesting terrace on the north end. In order to ensure appropriate choice and positioning of enhancement features, it is recommended that the applicant engages a competent ecologist

- Environmental enhancement may be secured with an appropriately worded condition.

50. **The County Highways Officer** has no objections.

51. **The County Landscape Officer** has the following comments:

- They have reviewed the context and circumstances of the change of use. The scale of the operation is relatively small and contained within the existing facilities and infrastructure on the site. The site itself benefits from moderate screening with the most open view being for traffic travelling southbound along the A449
- Taking into account the scale and scope of operations, they conclude that there would be no additional visual impact to that already established within the landscape setting as a result of the site's previous use. They, therefore, see no case for mitigation and have no objections to the proposal.

52. **The County Sustainability Officer** has no comments.

53. **The Campaign to Protect Rural England (CPRE)** have made no comments.

54. **The Environment Agency (EA)** have the following comments:

- They confirm the applicant is currently operating under a T9 Waste Exemption for recovering scrap metal. The Exemption would regulate and control matters including:
  - I. General management of the site;
  - II. Permitted activities, e.g. operations;
  - III. Waste acceptance (quantity and type of waste);
  - IV. Emissions to land, water and air (including odour, noise and vibration relevant to the 'operational area'); and
  - V. Monitoring, records and reporting
- They note the proposed use is within 200 metres of a residential unit and that no noise assessment has been submitted to examine possible impact to residential amenity. The County Planning Authority might seek further assessment to provide a reasonable degree of clarification that the use will not cause harm. However, they note that much of the operations will occur within the building and that this will provide a degree of mitigation to this end. They have no record of noise complaints at this location
- The NPPF requires that planning authorities should work in the assumption that the relevant pollution control regime will be properly applied and enforced and should act to complement it but not seek to duplicate it

- The NPPF seeks to prevent new or existing development from harming the natural and local environment, and ensure that development is appropriate for its location taking into account the varied effects of the development respectively
- They do not seek to comment on any issues not regulated by them. These should be discussed with the Public Protection Team
- They refer the County Planning Authority to the National Planning Policy for Waste's locational criteria for testing the suitability of sites and the range of factors identified including:
  - a) protection of water quality and resources and flood risk management
  - b) land instability
  - c) landscape and visual impacts
  - d) nature conservation
  - e) conserving the historic environment
  - f) traffic and access
  - g) air emissions, including dust
  - h) odours
  - i) vermin and birds
  - j) noise, light and vibration
  - k) litter
  - l) potential land use conflict

55. **Hereford and Worcester Fire and Rescue Service** have made no comments.

56. **The Lead Local Flood Authority (LLFA)** comment that they are satisfied with the submitted information regarding surface water and drainage and have no concerns.

57. **Natural England** have stated that they have no comments to make on this application.

58. **The South Worcestershire Land Drainage Partnership** have made no comments.

59. **West Mercia Police** have stated no objections.

60. **Worcestershire Regulatory Services** have stated that having reviewed the application documents and nuisance database for any recent complaints, they have no objections in terms of noise and nuisance.

## Other Representations

61. The application has been advertised in the press, on site, and by neighbour notification. To date there have been 3 letters of representation commenting on the proposal. These letters of representation are available in the Members' Support Unit. Their main comments are summarised below:-

- Support for the proposal because it would support many tenants on the Industrial estate and lead to savings on fuel because it is closer than any competitor.

- Good, clean and well run site.
- Concern at the words 'waste transfer' and whether there will be a more commercial build rather than the rural exterior there is now.
- Questioning whether there would be an increase in metal junk containers and lorries.

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

62. 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.

### **Waste Hierarchy**

63. The National Planning Policy for Waste states that positive planning plays a pivotal role in delivering this country's waste ambitions through:

- Delivery of sustainable development and resource efficiency...by driving waste management up the waste hierarchy;
- Ensuring that waste management is considered alongside other spatial planning concerns...recognising the positive contribution that waste management can make to the development of sustainable communities;
- Providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of; and
- Helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment.

64. 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. This is reiterated in the Waste Management Plan for England (2013). The Worcestershire Waste Core Strategy sets out a number of objectives. Objective WO3 of the Waste Core Strategy seeks to make driving waste up the waste hierarchy the basis for waste management in Worcestershire.

65. The proposed waste transfer station for metals would facilitate the recycling of scrap metals by bulking up waste and transferring it for recycling at a larger metals recycling facility. The Head of Strategic Infrastructure and Economy considers that the proposal would enable the recycling of metals and would, therefore, contribute to Objective WO3 of the Worcestershire Waste Core Strategy and accord with the National Planning Policy for Waste's requirement for waste planning authorities to drive waste management up the waste hierarchy. The proposal would, therefore, be acceptable in terms of the waste hierarchy.

### **Location of the development**

66. The proposed Waste Transfer Station for metals would be located in an existing metal shed unit in the Waresley area of Hartlebury. The applicant states that the unit

was used for the storage of farm machinery at Moorlands Farm when the farm was in business 10 years ago. Since then, they state that the site has been used in connection with the manufacture of Garden Sheds and fencing goods. The site is located in Level 1 of the Geographic Hierarchy for Waste in Worcestershire (the highest level).

67. Policy WCS3 of the Worcestershire Waste Core Strategy states that waste management facilities enabling the recycling of waste, including sorting and transfer facilities, will be permitted at all levels of the geographic hierarchy where it is demonstrated that the proposed location is at the highest appropriate level of the geographic hierarchy. Policy WCS6 indicates that waste management facilities will be permitted where it is demonstrated that they are located on a type of land identified as compatible in Table 7. Table 7 indicates that Enclosed re-use and recycling facilities (which includes sorting and transfer facilities) are compatible with redundant agricultural buildings.

68. The Head of Strategic Infrastructure and Economy considers that the proposal would accord with Policy WCS3 because it would be located at the highest level of the geographic hierarchy for waste. The Head of Strategic Infrastructure and Economy also considers that the proposal would accord with Policy WCS6 because he considers that the existing site meets the description of a redundant agricultural building for the purposes of the policy and would, therefore, constitute a compatible land use in Table 7.

69. In view of the above, the Head of Strategic Infrastructure and Economy considers that the proposal would be acceptable in terms of the location of the development.

### **Green Belt**

70. The proposal would be wholly located in the Green belt and would comprise the re-use of a building of permanent and substantial construction comprising an existing metal shed unit. The proposal would not involve any external changes to the existing metal shed unit. The proposal would also involve the continuation of parking for vehicles outside the unit on an existing area of concrete hardstanding during business hours. All storage containers for metals, including the 30 and 40 cubic yard roll on skips would be stored inside the unit, except when being delivered and collected by an HGV.

71. Wychavon District Council comment that they consider the proposal would be acceptable in principle within the Green Belt because it would be a re-use of a substantial building which would not undermine the openness of the Green Belt, and that the application should be considered against Paragraph 90 of the NPPF. They also comment that the proposal could be considered to broadly constitute the redevelopment of previously developed land, and the retention of an existing employment site for the purposes of applying Policy SWDP2 of the South Worcestershire Development Plan. They request conditions to prevent outside material storage and to agree details of any external lighting to limit light spill within the Green Belt.

72. Hartlebury Parish Council comment that the site is located in the Green Belt and that if the large collection skips were located inside and the visual impact reduced so that the buildings appeared to be storage barns this might be acceptable. The County Landscape Officer comments that the scale of the operation is relatively small and

contained within the existing facilities and infrastructure on the site. They conclude that there would be no additional visual impact to that already established within the landscape setting as a result of the site's previous use, and see no case for mitigation.

73. Policy WCS13 of the Worcestershire Waste Core Strategy states that waste management facilities will be permitted in Green Belt areas where the proposal does not constitute inappropriate development, or where very special circumstances exist. Policy SWDP2 of the South Worcestershire Development Plan states at Part E that development in the Green Belt will be considered in accordance with national policy as set out in the Framework.

74. The Head of Strategic Infrastructure and Economy considers that the Development Plan requires the proposal to be considered against Section 13 of the revised NPPF. The introduction to Section 13 of the NPPF states that "the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics of Green Belts are their openness and their permanence". The NPPF states that Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land".

75. Paragraph 143 of the revised NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 requires planning authorities to ensure substantial weight is given to any harm to the Green Belt, and that this is clearly outweighed by other considerations. Paragraph 146 identifies certain forms of development as not inappropriate, including 'the re-use of buildings provided that the buildings are of permanent and substantial construction'.

76. The Head of Strategic Infrastructure and Economy considers that the proposal would meet the description of the re-use of a building of permanent and substantial construction and would, therefore, not constitute inappropriate development in the Green Belt. The Head of Strategic Infrastructure and Economy also considers that spaces indicated by the applicant for vehicle parking on the existing area of hardstanding would not constitute development in terms of the meaning of 'development' set out in Section 55 of the Town and Country Planning Act 1990.

77. In view of concluding that the proposal would not constitute inappropriate development, the Head of Strategic Infrastructure and Economy must consider whether there would be any other harm to the Green Belt, and whether any other harm would be outweighed by other considerations. In this regard, it is considered that the proposal would not cause any other harm to the Green Belt, including the purposes of including land within the Green Belt for the following reasons:

78. Firstly, the proposal would not impact on the openness of the Green Belt due to the proposal for waste transfer activities to take place wholly within the existing metal

shed unit. There would, therefore, be no encroachment of development beyond the existing envelope of developed land. In addition, there would be no change in the visual impact on openness as a result of the proposal from vehicle parking during business hours, the loading and unloading of waste, and the collection of skips for waste transfer purposes. The Head of Strategic Infrastructure and Economy considers that these activities would represent little to no change compared to the existing use of the site as a Workshop, which involves the collection and delivery of goods, and the parking of operatives at the site.

79. Secondly, the proposal would not impact on the five purposes of the Green Belt because there would be no new development beyond the existing envelope of developed land. Unrestricted sprawl, the merging of neighbouring towns, encroachment into the countryside, harm to the setting and special character of historic towns, and detracting from urban regeneration would, therefore, not occur.

80. Taking into account the comments of Wychavon District Council, Hartlebury Parish Council, and the County Landscape Officer, the Head of Strategic Infrastructure and Economy considers that the proposal would be acceptable in terms of the Green Belt, subject to appropriate conditions to prevent external storage, and to control external lighting.

81. Under the Town and Country Planning (Consultation) (England) Direction 2009, the County Council is required to consult the Secretary of State for Communities and Local Government on new buildings in the Green Belt it intends to approve that would be inappropriate development and exceed 1,000 square metres; or any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt. As the proposal is considered to be not inappropriate development in the Green Belt, there is no need to consult the Secretary of State in this instance.

### **Residential Amenity**

82. The proposal is for a retrospective change of use to a waste transfer station for metals. A waste transfer business has been trading at the site for over 1 year. The proposal involves the sorting and transfer of metals indoors, apart from when waste is loaded and unloaded, or collected in skips. No powered cutting, crushing or shredding devices are used or proposed for use as part of the operation. The applicant states that their throughput would be a maximum of 144 tonnes per annum. The nearest residential property is located approximately 80 metres to the south of the site.

83. The Environment Agency confirm that the applicant is operating under a T9 Waste Exemption, which regulates and controls various matters relating to the site's management, operations, waste acceptance, emissions to land, water and air, and monitoring, records and reporting. They comment that the County Planning Authority might wish to request a noise assessment to provide a degree of clarification that the use will not cause harm, although they note that much of the operation will occur within the building and that this will provide a degree of mitigation. They have no records of noise complaints at the site. They also comment that the County Planning Authority should take account of Paragraph 122 of the NPPF, which indicates that Planning Authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control

regimes, and that Authorities should assume that these regimes will operate effectively.

84. Worcestershire Regulatory Services have no objections to the proposal in terms of noise and nuisance. Wychavon District Council have no objections and recommend consultation with the Environment Agency for permitting regulations requirements regarding amenity controls. They recommend amenity controls conditions if the proposal falls outside Environmental Permitting Regulations.

85. Hartlebury Parish Council comment that they feel the site is not suitable for waste transfer, and that such activity is not in-keeping with rural activities. They also comment that the business has been trading for the past 12 months and has not observed what are stated as their normal operating practices, such as locating the large collection skips outside the building for 70% of the time, as demonstrated in their photographs. In addition, they comment that the route for vehicles accessing the site should be taken into consideration and that carriageway and grass verge erosion has taken places along Manor Lane. The Hartlebury Equestrian Centre has been affected by higher traffic volume meeting horses in the lane. They request that if permission is granted, notices should be displayed for a no left turn for clients leaving the site, and that access in and out should be via the A449. Finally, the Parish Council are concerned that if this application is granted, it will lead to further development of the site which they strongly oppose. The County Highways Officer has stated no objection to the proposal, but recommends that all vehicles associated with the application site should use Manor Lane directly to the A449 for access and egress purposes in view of the adverse comments received regarding vehicles using Manor Lane. They recommend a vehicle routing condition to address this.

86. A respondent comments that they support the proposal and that it is a good, clean well run site. Another respondent expressed concern at the waste transfer activity proposed and concerns at whether the exterior of the building would be more commercial, as well as whether there would be an increase in metal junk containers and lorries.

87. Policy WCS14 of the Worcestershire Waste Core Strategy states that waste management facilities will be permitted where it is demonstrated that the operation of the facility and any associated transport will not have unacceptable adverse impacts on amenity, including noise and visual intrusion. Policy SWDP31 of the South Worcestershire Development Plan indicates that proposals must be designed to avoid any significant adverse impacts from pollution on human health and wellbeing.

88. The Head of Strategic Infrastructure and Economy considers that the issues raised by consultees above should be addressed in turn. In terms of the Environment Agency's comments, the Head of Strategic Infrastructure and Economy considers that a noise assessment is not required to determine the impact of this proposal. The site has been operating as a waste transfer station for over a year and the Environment Agency and Worcestershire Regulatory Services have not received any noise complaints about the site. In addition, having visited the site, the Head of Strategic Infrastructure and Economy considers that the relatively small scale and indoor nature of the waste transfer activities proposed, combined with no powered equipment to be used and daytime business hours, would not present an amenity issue in terms of noise and nuisance. The Head of Strategic Infrastructure and Economy also notes the Environment Agency's recommendation to consider

Paragraph 122 of the NPPF that the County Planning Authority should assume that the pollution control regime in place for the site, the T9 Waste Exemption, will operate effectively. Members are advised that Paragraph 122 of the original NPPF has been replaced by Paragraph 183 of the revised NPPF, which also requires planning authorities to assume that separate pollution control regimes will operate effectively.

89. The Head of Strategic Infrastructure and Economy notes Wychavon District Council's request for conditions to control amenity and agrees that suitably worded conditions should be imposed to control throughput of waste, hours of operation, equipment to be used, and indoor waste management activities. The Head of Strategic Infrastructure and Economy considers that these conditions would address Hartlebury Parish Council's concern at the outdoor storage of skips at the site, and normal operating practices proposed by the applicant.

90. In terms of the Parish Council's concerns regarding the impact on Manor Lane, the Head of Strategic Infrastructure and Economy considers that the lack of an objection from the County Highways Officer, subject to a routing condition, would mean that the proposal would be acceptable in terms of these amenity impacts.

91. The Head of Strategic Infrastructure and Economy notes the support for the proposal expressed in a letter of representation. In terms of the concerns about the visual appearance of the unit (as mentioned previously in the report) no external changes to the unit are proposed in this application. In terms of concerns at an increase in metal junk containers and lorries, no external storage of skips or containers is proposed whilst the low throughput proposed would limit the number of HGVs visiting the site. On this point, the Head of Strategic Infrastructure and Economy again refers to the lack of an objection from the County Highways Officer.

92. Taking into account the issues raised above and the comments of the consultees, the Head of Strategic Infrastructure and Economy considers that the proposal would not have unacceptable adverse impacts on amenity and would, therefore, accord with the development plan. The Head of Strategic Infrastructure and Economy, therefore, considers that the proposal would be acceptable in terms of potential impacts to residential amenity.

### **Ecology and Biodiversity**

93. The proposal involves a retrospective change of use from a Workshop to a waste transfer station for metals within an existing metal shed unit at Moorlands Farm. No external changes are proposed as part of the application.

94. The County Ecologist is satisfied the change of use would not impact the site's ecology, or the surrounding area. They also comment that Policy WCS9 part C of the Worcestershire Waste Core Strategy requires proposals to take advantage of opportunities to enhance the character, quality and significance of environmental assets and their settings or linkages between them. They, therefore, recommend environmental enhancement commensurate with the small size of the site, such as a bird and bat boxes to be provided on the ends of the building, subject to artificial lighting provision.

95. Policy WCS9 of the Worcestershire Waste Core Strategy states that proposals for waste management facilities will be permitted where the proposal takes advantage of opportunities to enhance the character, quality and significance of environmental

assets, and their settings or linkages between them. Policy SWDP22 of the South Worcestershire Development Plan states that development should, wherever practicable, be designed to enhance biodiversity. Developments should also take opportunities, where practicable, to enhance biodiversity corridors and networks beyond the site boundary.

96. Taking into account the comments of the County Ecologist, the Head of Strategic Infrastructure and Economy considers that it would be practicable for the proposal to enhance biodiversity, and enhance the linkages between environmental assets. Therefore, as required by the Development Plan, the Head of Strategic Infrastructure and Economy considers that the proposal would be acceptable in terms of ecology and biodiversity, subject to the imposition of a condition requiring the installation of one Bird box and one Bat box at appropriate locations on the building in accordance with the County Ecologist's recommendations.

## **Other Matters**

### Economic Impact

97. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development through three overarching objectives (economic, social and environmental). In particular the NPPF states that planning policies and decisions should *"help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"*.

98. In addition, the NPPF at Paragraph 83 states that the *"Planning policies and decisions should enable:*

*a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*

99. The waste transfer station for metals has been trading for over 1 year at the site and supports a business employing 1 owner operator. It is considered that the proposal would support the business, which according to the applicant "provides a valuable service to the public and small businesses in the area" and assists in cleaning up the countryside by buying and removing scrap metal associated with redundant farm machinery. The Head of Strategic Infrastructure and Economy, therefore, considers that the proposal would contribute to sustainable economic growth and would accord with Section 6 of the NPPF (Building a strong, competitive economy).

## **Conclusion**

100. The proposed development is for a retrospective change of use from a Workshop to a waste transfer station for metals at an existing metal shed unit at Unit 5, Moorlands Farm, Manor Lane, Waresley, Hartlebury.

101. The application is seeking to regularise the material change of use at the site which occurred over 1 year ago. The applicant has been operating since May 2017 under an Environment Agency T9 Waste Exemption for recovering scrap metal.

102. The Head of Strategic Infrastructure and Economy examined the Waste Hierarchy, Location of the development, Green Belt, Residential Amenity, Ecology and Biodiversity, and Other Matters (Economic Impact).

103. In terms of the waste hierarchy, the Head of Strategic Infrastructure and Economy considers that the proposal would enable the recycling of metals, would contribute to Objective WO3 of the Worcestershire Waste Core Strategy, and accord with the National Planning Policy for Waste's requirement for waste planning authorities to drive waste management up the waste hierarchy.

104. In terms of location, the Head of Strategic Infrastructure and Economy considers that the proposal would be located at the highest level of the geographic hierarchy for waste in Level 1 and that it would, therefore, accord with Policy WCS3 of the Worcestershire Waste Core Strategy. In addition, the Head of Strategic Infrastructure and Economy considers that the proposal would accord with Policy WCS6 because the existing redundant agricultural building housing the waste transfer station would be a compatible land use for an enclosed waste transfer facility according to Table 7 of the Policy.

105. In terms of Green Belt, the Head of Strategic Infrastructure and Economy considers that the proposal would not constitute inappropriate development in the Green Belt for the purposes of Paragraph 143 of the NPPF. An exercise, therefore, had to be undertaken to determine whether any other harm to the Green Belt would occur as a result of the proposal because Planning Authorities are required to give substantial weight to harm to the Green Belt in accordance with Paragraph 144 of the NPPF. In this regard, the Head of Strategic Infrastructure and Economy considers that that the proposal would not cause any harm to the Green Belt due to the proposal for waste transfer activities to take place wholly within the existing metal shed unit at the site, apart from vehicle parking during business hours, the loading and unloading of waste, and the collection of skips. Because of this, it is considered that there would be no harm to openness, or to the purposes of including land within the Green Belt. The Head of Strategic Infrastructure and Economy, therefore, considers that the proposal would be acceptable in terms of Green Belt.

106. The Head of Strategic Infrastructure and Economy considered a number of issues relating to residential amenity including noise, conditions for controlling amenity impact, visual impact, and amenity impacts on the Highway. It is considered that there would be no unacceptable adverse impacts on amenity as a result of the proposal and that it would, therefore, accord with the development plan, subject to conditions.

107. In terms of Ecology and Biodiversity, the Head of Strategic Infrastructure and Economy considers that a suitably worded condition requiring the installation of bird and bat boxes would result in the proposal according with the relevant development plan policies for biodiversity enhancement.

108. Finally, the Head of Strategic Infrastructure and Economy considers that the proposal would accord with the NPPF's aim to build a strong competitive economy as set out in Section 6 of the NPPF.

109. Taking in to account the provisions of the Development Plan and in particular Policies WCS 1, WCS 2, WCS 3, WCS 6, WCS 8, WCS 9, WCS 10, WCS 11, WCS

12, WCS 13, WCS 14 and WCS 15 and WCS 17 of the Worcestershire Waste Core Strategy and Policies SWDP 1, SWDP 2, SWDP 4, SWDP 5, SWDP 8, SWDP 12, SWDP 21, SWDP 22, SWDP 25, SWDP 28, SWDP 29, SWDP 30, 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**

**110. The Head of Strategic Infrastructure and Economy recommends that planning permission be granted for proposed retrospective Change of Use from a Workshop to a Waste Transfer Station for Metals at Unit 5, Moorlands Farm, Manor Lane, Waresley, Hartlebury, Worcestershire subject to the following conditions:**

### **Details**

- a) **The development hereby permitted shall be carried out in accordance with the details shown on the following submitted Drawings, except where otherwise stipulated by conditions attached to this permission:**
- **"Location Plan" (Project Number: 2027), which was submitted to the County Planning Authority on 05/06/2018; and**
  - **"Planning Drawing" (Drawing No. 2027/P1), which was submitted to the County Planning Authority on 28/03/2018**

### **Ecology and Biodiversity Enhancement**

- b) **Within 6 months of the date of this planning permission, the specifications and locations of one Sparrow nesting terrace and one Bat box shall be submitted to and approved in writing by the County Planning Authority. It must be demonstrated that the Sparrow nesting terrace and Bat box would not be disturbed by external lighting. The Sparrow nesting terrace shall be erected on the northern end of Unit 5 identified on the Drawing titled "Block Plan" (Project Number: 2027), which was submitted to the County Planning Authority on 28/03/2018, whilst the Bat box shall be erected on the southern end of Unit 5. Following approval, the Sparrow nesting terrace and Bat box shall be installed in accordance with the approved specifications and locations within 3 months;**

### **Vehicle Access and Parking**

- c) **Vehicle Access to the site shall only be from Manor Lane. Parking and turning arrangements shall be maintained in accordance with the Drawing titled "Location Plan" (Project Number: 2027), which was submitted to the County Planning Authority on 05/06/2018;**

### **Vehicle Routing**

- d) **When commercial vehicles are exiting the site on to Manor Lane to access the Local Road Network, they shall turn right towards the A449. A sign shall**

be erected at the site within 28 days of the date of this permission directing commercial vehicles exiting the site to turn right towards the A449;

#### **Throughput**

- e) The annual throughput of material through the site shall be limited to a maximum of 158 tonnes per annum and records shall be kept and made available to the County Planning Authority on written request for the duration of operations at the site;

#### **Equipment**

- f) Only non-powered hand tools shall be used in connection with processing materials at the site;

#### **Outside Storage**

- g) No materials, including skips or storage containers, shall be stored outside the confines of the Unit 5 Workshop building (identified on the Drawing titled "Location Plan" (Project Number: 2027), submitted to the County Planning Authority on 05/06/2018) outside of the approved operating hours or overnight;

#### **Hours of Operation**

- h) The development hereby approved shall only operate between the hours of 09:00 to 17:00 Monday to Friday and 09:00 to 12:00 on Saturdays. No operations shall take place on Sundays, Bank Holidays, or Public Holidays; and

#### **External Lighting**

- i) Prior to the installation of any lighting not permitted by this permission, a lighting strategy shall be submitted to and approved in writing by the County Planning Authority. The lighting strategy shall include the following details:
  - i. A detailed lumen contour plan which shows predicted intensity and the spread of any new external lighting;
  - ii. Measures to ensure that new external lighting will avoid negatively impacting on bird nesting terraces and bat boxes and/or their occupants at the site; and
  - iii. Measures to ensure that new external lighting will be controlled by Passive Infra-Red (PIR) or timers so that they are not in use outside of working hours

Thereafter the development shall be carried out in accordance with the approved lighting strategy.

## **Contact Points**

### County Council Contact Points

County Council: 01905 763763

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

### Specific Contact Points for this report

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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: 18/000015/CM.