

**PLANNING AND REGULATORY COMMITTEE  
4 DECEMBER 2018****PROPOSED SMALL SCALE WASTE TRANSFER STATION  
AND MATERIALS RECYCLING FACILITY ASSOCIATED  
WITH A SKIP HIRE BUSINESS (PART RETROSPECTIVE)  
AT STONE ARROW FARM, PEOPLETON, NEAR  
PERSHORE, WORCESTERSHIRE**

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**Applicant**

Skip Hire Worcester Ltd

**Local Member**

Mr R C Adams

**Purpose of Report**

1. To consider a County Matter planning application for a proposed small scale waste transfer station and materials recycling facility associated with a skip hire business (Part Retrospective) at Stone Arrow Farm, Peopleton, near Pershore, Worcestershire.

**Background**

2. There is a long Wychavon District Council planning history to Stone Arrow Farm, notable decisions relating to the site of this County Matter planning application include:-
3. On 3 August 2001 Wychavon District Council refused planning permission for the change of use from agricultural workshop to B2 General Industrial use, new access road to join existing road and excavated soil to form bund (District Ref: W/01/00885/CU). Permission was refused for the following reasons:-
  - The proposed use would result in the establishment of an undesirable general industrial use within close proximity to existing residential properties including an elderly persons rest home. The use would be likely to result in considerable noise and disturbance during the day which would be difficult to control and would have a harmful effect on the residential amenity of the adjoining properties. The proposal would be detrimental to the character and appearance of this attractive rural area. It would, therefore, fail to comply with Policy E4 of the Wychavon District Local Plan.
4. This application proposed the access that is proposed to be used as part of this County Matter planning application.
5. In 2001 a Dutch barn lean-to was constructed under Permitted Development Rights, Part 6, Schedule 2 of the Town and Country Planning (General Permitted

Development) Order 1995 (as amended) (District Ref: AB/01/01080/AB). This Dutch barn lean-to is the building that is proposed to be enclosed on all sides as part of this County Matter planning application.

6. In April 2002 Wychavon District Council refused to grant prior approval for a lean-to extension to existing workshop for the housing of pigs and siting of a hammer mill plant, and new access road (District Ref: AB/02/00485/AB). This was refused because the proposed building would be located within 400 metres of an existing residential property adjoin the site. Also the combined area of the building and access track would exceed the permitted development allowance of 465 square metres for such works as specified in the Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 6. This prior approval application included the access road that is proposed as part of this County Matter application.

7. A certificate of lawful use existing for the change of use of land and buildings from agricultural to a contractors yard for the storage of plant and materials building and civil engineering works equipment (District Ref: W/13/0098/LUE) (Use Class B2) was granted by Wychavon District Council on 28 February 2013. This includes the building and part of the adjacent land, which forms part of this County Matter planning application.

8. A retrospective application for the change of use of farmyard to storage of plant and machinery (construction) was refused on 2 April 2014 by Wychavon District Council (District Ref: W/13/00100/CU) for the following reasons:-

- It is considered that that open storage of construction plant and materials would have a detrimental visual impact on the landscape character of the locality. No economic benefit has been demonstrated, or is believed to exist, that would outweigh the harm caused by the development to the character of the surrounding landscape. As such it is considered that the development is contrary to saved Policies GD2 and ENV11 of the Wychavon District Local Plan (June 2006), and
- The extensive use of the access track by construction traffic could pose a risk to the safety of users of the public right of way that shares this entrance to the highway. As such, it is considered that the development would be contrary to saved Policy GD2 of the Wychavon District Local Plan (June 2006), and saved Policy RST.3 of the Worcestershire County Structure Plan.

9. This application proposed to use the access from the east of the site (as per this County Matter planning application).

10. A retrospective application for the change of use of farmyard to storage of plant and machinery (construction) was granted on 10 June 2014 by Wychavon District Council (District Ref: W/14/00677/CU), this only allowed for the storage of plant and machinery only and for no other purpose, including any other purpose in Class B1, B2 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987. The access was shown to be from the south, from the existing main Stone Arrow Farm access.

11. The applicant states that since the grant of the above Lawful Development Certificates and applications, the yard area within the application site has been used for a variety of industrial and commercial uses.

## **The Proposal**

12. Skip Hire Worcester Ltd is seeking planning permission for a proposed small scale waste transfer station and materials recycling facility associated with a skip hire business (Part Retrospective) at Stone Arrow Farm, Peopleton, near Pershore, Worcestershire. The proposal involves the changes of use land, including part of an existing industrial building on the former Stone Arrow Farm yard complex and proposing the use of an existing alternative access track from the east, which adjoins the C2115 road. The application is part retrospective as the landowner, after submission of the application, commenced works to the alternative access track.

13. The applicant currently operates a small skip business and is now seeking to recycle and recover the waste material within the collected skips at Stone Arrow Farm.

14. Skip Hire Worcester Ltd currently handles mostly Construction and Demolition (C&D) waste (soil and rubble) and Commercial and Industrial (C&I) waste (paper, card, plastics, metals, hardcore, timber). The proposed operation would involve sorting and recycling of materials imported in approximately 3 to 4 skips per day (with seasonal fluctuations). This equates to a total throughput of approximately 3,000 to 5,000 tonnes of waste materials per annum. The applicant has confirmed that as the company currently only employs one person (which is the applicant) the sorting and recycling of 3 to 4 skips per day would not be a regular occurrence, and there would be days when no skips are delivered to the site. The applicant has confirmed that should additional assistance be required to sort the waste material they may initially employ a part-time employee.

15. The existing learn-to building on site is proposed to be bricked up on the southern elevation with the installation of a roller shutter door in the northern elevation. This building would then be used as the waste reception building. All mixed skip waste would be delivered to the waste reception building, where the skips would be emptied and the material sorted to recover paper, card, plastics, metals, hardcore and timber. The building would contain 3 to 4 large skips, which would be used to store sorted material. Only inert waste materials would be stored externally. A JCB with a front loading bucket would be used to transport inert waste materials outside into the yard, where it would be stored in stockpiles. The applicant states that the JCB does not have a beeping alarm. Once the larger skips containing sorted material are sufficiently full, they would be transported for onward recycling elsewhere at a registered waste management facility. The applicant has confirmed that they would collect and export all skips, and there would be no third party involvement. Any residual waste would be stored in a covered skip within the building and once full, the skip would be collected for transfer off site for onward recycling / disposal.

16. The applicant estimates that the proposal would generate approximately 6 to 8 skip vehicle movements per day (approximately 3 to 4 skip vehicles entering the site and approximately 3 to 4 skip vehicles exiting the site per day). The applicant states that the skip waste would primarily be brought onto site in about 5 tonne loads depending on the nature of the waste in the skip. All sorting of waste material would

take place within the building and be sorted by hand or assisted by a small hydraulic grab, which would only operate within the building. The applicant has confirmed that they would not use a mechanical power screen or similar to screen the waste materials.

17. The applicant states that although there is an existing access to the farmyard / industrial area to the south of the site, a more suitable existing farm gate access is proposed off Peopleton Road (C2115). This access track was previously overgrown, and had been previously been surfaced with loose bound aggregate. Since the submission of the application, the landowner has removed the vegetation and adjoining bund and sunk the access track into the ground. It is understood that all construction works associated with this development have now ceased. The applicant is proposing to improve this access with further loose bound aggregate to create an even / useable surface.

18. The applicant states that when exiting the site, all skip lorries associated with the proposal would turn right out of the site, and when entering the site, all skip lorries would turn left into the site from Evesham Road (A44) direction. No skip lorry traffic would, therefore, need to pass through the village of Peopleton.

19. The application site surface currently comprises a mix of concrete and hardcore areas. The site surface would be retained for the purposes of the proposed development. Should any repairs or improvements be made to the site, they would be undertaken using similar material.

20. An impermeable concrete surface would be laid inside the proposed redundant building. An underground tank inside the building is proposed to collect any run-off from the waste materials to prevent pollution of ground water. The underground tank would be emptied, as required (estimated every 6 months), and taken to a suitable licensed facility for disposal.

21. The applicant states that surface water currently drains to the ground, and there would be no net increase in surface water run-off as result of the proposal. Therefore, no specific surface water drainage arrangements are proposed by the applicant.

22. The proposed operating hours would be between the hours of 08:30 to 17:30 hours Mondays to Fridays and between 08:30 to 13:30 hours on Saturdays, with no operations on Sundays, Bank or Public Holidays.

## **The Site**

23. The application site measures approximately 0.28 hectares in area, and is located approximately 500 metres south of the edge of Peopleton, approximately 4.2 kilometres north of Pershore town centre and approximately 9.5 kilometres south-east of Worcester city centre. The application site is bounded on its northern and eastern boundaries by agricultural land, with the Bow Brook forming the western site boundary, with further agricultural fields beyond. The southern boundary of the application site is bound by the building and uses associated with Stone Arrow Farm. The existing access to Stone Arrow Farm is gained via C2115, which joins Evesham Road (A44) approximately 20 metres to the south-west of the access.

24. The application site comprises the original buildings and farm yard associated with Stone Arrow Farm, and also incorporates part of a large agricultural type building (learn-to), which has an industrial use (Use Class B2) (Wychavon District Council Ref: District Ref: W/13/0098/LUE). The application site lies in close proximity to other established industrial use (storage of plant and machinery only and Use Class B2) at Stone Arrow Farm (District Ref: W/13/0098/LUE and W/14/00677/CU). These primarily comprise a mixture of small light industrial uses.

25. The Bow, Shell, Swan and Seeley Brooks Local Wildlife Site (LWS) is located about 10 metres west of the proposal at its closest point. Peopleton Rough LWS and ancient woodland is located approximately 105 metres of the application site, beyond which is Hamdean Farm Meadow LWS and Pinvin Rough LWS situated about 340 and 725 metres east of the application site, respectively. Tagg Coppice ancient woodland is located 500 metres west of the application site.

26. The definitive route of Footpath PP-522 crosses the proposed application site entrance. Further Public Rights of Way (Footpaths PP-526 and SN-613) are located about 105 metres south-east and 165 metres south-west of the proposal.

27. The development is located within Flood Zone 1 (low probability of flooding).

28. Peopleton Conservation Area is located about 630 metres north of the proposal. No Listed Buildings are located within the immediate setting of the proposal, with the nearest Listed Buildings being located within Peopleton, this includes the Grade II Listed Orchard Cottage, Queen Anne Cottage, The Crown Inn, Rose Cottage, Bay Tree Cottage, Perry Mill Farmhouse, Monk's Path, The White House, Beamsend and Bevano, Norchard Cottage, Norchard Close and Norchard House. The Grade II\* Listed Building of Church of St Nicholas is located approximately 655 metres north of the application site.

29. The nearest residential properties are that of the Bungalow, Stonebow House (Residential Home) and Powells Byre located approximately 50 metres, 85 metres and 135 metres south of the proposal, respectively. The residential property of Stone Arrow Farm is located about 100 metres south-east of the proposal. Further dwellings are situated off Evesham Road (A44), located about 285 metres south and 375 metres south-east of the proposed development.

## **Summary of Issues**

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

- The Waste Hierarchy
- Location of the Development
- Landscape Character and Visual Impacts
- Residential Amenity (Noise, Dust, Odour Litter and Health Impacts)
- Traffic, Highways Safety and Public Right of Way
- The Water Environment
- 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 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic 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 Development Plan Document (WCS)**

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 14: Amenity

Policy WCS 15: Social and economic benefits

### **South Worcestershire Development Plan**

42. The South Worcestershire Development Plan (SWDP) covers the administrative areas of Worcester City Council, Wychavon District Council and Malvern Hills District Council. The SWDP policies that are of relevance to the proposal are set out below:-

Policy SWDP 1 Overarching Sustainable Development Principles

Policy SWDP 2 Development Strategy and Settlement Hierarchy

Policy SWDP 4 Moving Around South Worcestershire

Policy SWDP 6 Historic Environment

Policy SWDP 8 Providing the Right Land and Buildings for Jobs

Policy SWDP 12 Employment in Rural Areas

Policy SWDP 21 Design

Policy SWDP 22 Biodiversity and Geodiversity

Policy SWDP 24 Management of the Historic Environment

Policy SWDP 25 Landscape Character

Policy SWDP 28 Management of Flood Risk

Policy SWDP 29 Sustainable Drainage Systems

Policy SWDP 30 Water Resources, Efficiency and Treatment

Policy SWDP 31 Pollution and Land Instability

## **Other Documents**

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

43. 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.



44. 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.

45. 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.

46. 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**

47. 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**

48. **Peopleton Parish Council** raise the following concerns with the proposal:

- The proposed site has a boundary to Stonebow House residential home; the site is in close proximity to Bowbrook House School; and the Bow Brook. Although the land has been used for some light industrial uses in recent years, it is primarily agricultural land, therefore, the Parish Council question whether this is a suitable location for the proposal
- The Parish Council are also concerned that there has been unauthorised tipping over recent years on this land. It has frequently been the subject of investigation and enforcement by Wychavon’s District Council. The accumulated effect of all these materials buried over a wide area is likely to prevent this prime land in open countryside next to a Conservation Area ever being able to return to agriculture, which is a sad loss to the unique rural character of this designated ‘clay lands’ landscape
- The Parish Council understand that Skip Hire Worcester Ltd has the same director as BBS Skips of Worcester who already operate on the site in question. The Parish Council question if this proposal is in addition to their current work or instead of their current operations?
- Are aware that Wychavon District Council's Enforcement Officers have visited the site and the Parish Council are concerned that the operation would increase / merge having a detrimental effect on the local area

- The Parish Council are not certain that the building proposed to be used as part of this application is redundant or of its current or previous use
- The planning application submission states that "*the proposed WTS will take place alongside the landowners existing low key industrial uses*". They ask that low key industrial uses is defined, as they consider that the current site is active every day
- Are concerned that some of the waste proposed to enter the site would be toxic, and the subsequent impacts this may have on the adjacent Bow Brook. They also question if planning conditions would be imposed to limit the amount of waste accepted by the site
- The Planning Statement states that there would be 6-8 skip movements per day. The Parish Council question what measures would be put in place to monitor these movements? They also query if the business is successful and grows, would the number of vehicle movements increase and would the site be big enough to accommodate any growth?
- The Parish Council query how many skips would be stored on site at any one time and for how long would they be stored. Would there be any planning conditions which limit the movement and volume of skips?
- Raise concerns regarding highway safety and traffic, particular regarding the Peopleton / Drakes Broughton junction
- The planning application does not propose any variations to the visibility splays for the new access, therefore, raise concerns regarding highway safety due to inadequate visibility
- The access to the site is adjacent to a Public Right of Way, therefore, they raise concern for the safety of users of the footpath and consider it would have an adverse visual impact upon the Public Right of Way
- Should planning permission be granted the Parish Council recommend the imposition of a condition that requires no skip lorries would pass through Peopleton
- The planning application submission states that "*facilities will be located where they are best suited to serve the needs of the local communities*". The Parish Council are not convinced that the proposal best meets local needs
- The Parish Council questions what arrangement or planning conditions would be imposed to restrict dust and noise emissions and surface water run-off
- A grab machine would be used on site. The Parish Council question if other heavy machinery would be used on site
- Question what is to stop the proposed development expanding over a wider area

- Request that the Planning and Regulatory Committee visit the application site.

49. **Stoulton Parish Council (Neighbouring Parish Council)** has no objections to the proposal.

50. **Drakes Broughton and Wadborough Parish Council (Neighbouring Parish Council)** has made no comments.

51. **Wychavon District Council** has no objections to the proposal, subject to the imposition of conditions regarding restriction on the use of the land; limits on the height of any outside storage of skips and waste materials; details of proposed landscaping to be submitted and agreed; details of any external lighting to be submitted and agreed; provision and retention of parking and turning areas, and any relevant amenity controls if the proposal falls outside the controls of the Environmental Permitting Regulations such as restrictions on equipment use, hours of operation and noise controls for machinery.

52. They also state that the application is located within the open countryside, as defined in the South Worcestershire Development Plan, but constitutes an existing employment site and benefits from lawful use rights and planning permission as described in applications 13/00098/LUE and 14/00677/CU.

53. Regarding Local Plan policy and the principle of development, this type of proposal is not specifically listed with Policy SWDP 2, but could be deemed to fall within the scope of Policy SWDP 12, concerning the rural economy and employment generating uses. This is insofar as it could be considered to broadly constitute the re-use of previously developed land and involve the retention of an existing employment site. It should, therefore, be considered under the relevant provisions of the Waste Core Strategy for Worcestershire in terms of its position within the waste hierarchy, locational sustainability and policies concerning amenity.

54. The proposal is small scale, but consultation is recommended with the Environment Agency for any relevant Environmental Permitting Regulations requirements regarding amenity controls. Consideration should also be given to any surface water run-off arising and pollution prevention measures relating to the nearby Bow Brook Local Wildlife Site.

55. Consultation with County Highways Officer is also recommended. It is observed that permission was previously refused by the District Council under application 13/00100/CU, including a reason relating to use of the access proposed under the current application. This was due to concerns regarding the use of the access track by construction traffic, which posed a risk to the safety of users of the Public Right of Way that shares this entrance to the highway. As such, this matter should be carefully considered in conjunction with the County Footpaths Officer.

56. **The Environment Agency** has no objections to the proposal, stating that the proposal would require authorisation under an Environmental Permit from the Environment Agency. Operations at the site and measures to prevent pollution would be regulated by the Environmental Permit. The Environmental Permit would control:-

- General management of the site
- Permitted activities e.g. operations

- Waste acceptance (quantity and type of waste)
- Emissions to land, water and air (including odour, noise and vibration relevant to the 'operational area), and
- Monitoring, records and reporting.

57. The Environment Agency note that the proposed use is within 200 metres of a residential unit. No Noise Assessment has been submitted to examine possible impact to residential amenity. The County Planning Authority may wish to seek further assessment to provide a reasonable degree of clarification that the use would not cause harm. However, the Environment Agency notes that much of the operations would occur within the building and that this would provide a degree of mitigation. The Environment Agency recommends consultation with Worcestershire Regulatory Services.

58. The Environment Agency also refers to the National Planning Policy for Waste, Appendix B, locational criteria, for testing the suitability of sites. This identifies the following factors:-

- 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; and
- l) potential land use conflict

59. **Worcestershire Regulatory Services (Air Quality Officer)** has no objections to the proposal in respect to air quality.

60. **Worcestershire Regulatory Services (Noise, Dust and Odour Officer)** has no objections to the proposal, stating that the proposal appears acceptable in terms of noise and dust and these issues would also be subject to conditions of any Environmental Permit granted by the Environment Agency. Worcestershire Regulatory Services consider that noise and dust impacts would also be suitably mitigated by undertaking all operations within an enclosed building, the proposed hours of operation and the proposed site means of access. Therefore, Worcestershire Regulatory Services have no objection to the application in terms of noise and dust adversely impacting the nearest sensitive receptors.

61. Following comments from the Environment Agency, Worcestershire Regulatory Services (Noise, Dust and Odour Officer) confirmed that they do not consider a noise assessment is necessary given the proposed operating times, the activity proposals and the distance to the nearest noise sensitive receptors.

62. **Public Health England** has no objections to the proposal, subject to the imposition of conditions to ensure emissions of odour, noise and dust do not impact upon public health. They state that they have no significant concerns regarding risk to

health of the local population from this proposed activity, providing that the applicant takes all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice.

63. **County Council Public Health Department** comments that if the proposal affects the setting of a Public Right of Way, an alternative Footpath should be provided to ensure it is still accessible. Mitigation measures should be implemented to reduce any noise and dust impacts upon the nearby dwellings and Residential Home. Consideration should be given to the health of site operatives in terms of air pollution, dust and musculoskeletal problems due to the hand sorting of waste. It is important that HGVs travelling to the site do not travel through Peopleton. It is noted that the sorting of waste would primarily take place inside a building, consideration must be given to ensure that waste does not spread to surrounding land, including the watercourse.

64. **South Worcestershire Land Drainage Partnership** has made no comments.

65. **Lead Local Flood Authority** has no objections to the proposal, subject to the imposition of a condition requiring the detailed specification and volume of the underground water storage tank.

66. **Severn Trent Water Limited** has no objections to the proposal.

67. **The County Highways Officer** has no objections, subject to the imposition of conditions regarding specification for the vehicular access, and the development shall not be brought into use until the private access roadway, turning area and parking facilities have been provided.

68. The County Highways Officer states that based on their detailed analysis of the planning application in relation to site layout, and means of access to and from the site for commercial purpose, there would not be adverse highway consequences in terms of paragraph 109 of the NPPF and, therefore, there are no justifiable grounds on which an objection could be maintained.

69. **The County Footpath Officer** has no objections, stating that the definitive line of Footpath PP-522 would be affected by the proposed development, however, they consider that the proposal would not have a detrimental impact upon the Public Right of Way provided the applicant notes Section 34 of the Road Traffic Act 1988 and their obligations to the Public Right of Way.

70. **The Ramblers Association** has made no comments.

71. **The Open Space Society** has made no comments.

72. **The Campaign to Protect Rural England (CPRE)** has made no comments.

73. **The District Archaeologist** has no objections as they consider the proposal does not have any archaeological implications.

74. **The County Archaeologist** has no objections, noting that whilst there is evidence of medieval leats and sluices on the river, the application site is above this and to the

north of the farm. The yard area has already been disturbed and it is unlikely that any archaeological deposits would be impacted by this development.

75. **The County Landscape Officer** has no objections to the proposal, stating that they can see no particular landscape issues, given the similarities to the existing use.

76. The County Landscape Officer comments that in terms of landscape, the impact of the proposed scheme seems commensurate with existing and recent use, which has included the temporary storage of articulated truck trailers.

77. **Worcestershire Wildlife Trust** has no objections to the proposal, subject to the imposition of conditions regarding surface water run-off attenuation and noise and dust emissions to protect the adjacent Bow Brook LWS from harm arising from the development. They wish to defer to the County Ecologist for all on-site detailed ecological considerations.

78. **The County Ecologist** has no objections to the proposal, subject to the imposition of conditions regarding the timing of vegetation removal, an Ecological Enhancement Strategy and associated monitoring.

79. The Ecological Enhancement Strategy shall address both compensation and enhancement measures, and include:

- Specification and location of pollinator-friendly and native planting
- Specification and location of new wildlife refuges
- Installation of bird and bat boxes
- An Ecological Management Plan to set out how the establishment and favourable management of habitats and features proposed will be undertaken.

80. The County Ecologist states that it is regrettable that the presence or absence of protected species was not established in a timely manner; the presence of legally protected wildlife poses a material consideration in the planning process and was deemed reasonable likely based on the habitats which appeared to be present. It is clear that these habitats have been destroyed prior to the applicant undertaking an ecological appraisal. Paragraph 99 of ODPM Circular 06/2005 states that: *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision"*.

81. However, based on the current state of the development site and information available, the County Ecologist has no objections to the proposal.

82. **The Forestry Commission** referred the County Planning Authority to their Standing Advice.

83. **West Mercia Police** has no concerns or objections.

84. **Hereford and Worcester Fire and Rescue** have made no comments.

85. **Western Power Distribution (Online Line Search Tool)** comments that an overhead electricity line and underground services are located in the vicinity of the

existing access to Stone Arrow Farm. The applicant must comply with health and safety legislation and the Western Power Distribution guidance.

86. **The County Council's Sustainability Officer** wishes to make no comments.

## **Other Representations**

87. The application has been advertised on site, in the press and by neighbour notification. To date, 1 letter of representation commenting on the proposal, and 3 letters of representation objecting to the proposal have been received. These letters of representation are available in the Members' Support Unit. Their main comments are summarised below:

### Need

- Question the need for a waste transfer station when a similar development is located in Throckmorton.

### Traffic and highway safety

- The proposal would dramatically increase the amount of heavy haulage vehicles moving around the local area, which would be a danger to local residents, the adjacent residential care home and Bowbrook House School.
- If granted planning permission, how would a restriction on HGVs travelling through the village of Peopleton be enforced?
- The access to the site is very dangerous and goes on a narrow country lane with a sharp bend.
- Concerns regarding in respect of HGVs impacting on the safety of children in the local area.
- The use of the existing access instead of the proposed access would reduce traffic along C2115 road.
- The proposed access track was refused by the District Council previously and this should be taken into account.

### Noise

- Adverse noise impact to local residents, adjacent residential care home and Bowbrook House School associated with the additional heavy haulage vehicles in the local area.
- Adverse impact upon tranquillity and serenity.
- Adverse noise from vehicle reversing beepers.

### Dust

- Adverse dust impacts.

### Odour

- Adverse odour impacts.

### Pollution

- Increased pollution to the Bow Brook.
- Concerns that hazardous substance, such as asbestos would be spread over the surrounding land.
- A condition should be imposed restricting the burning of waste on site and the wider farm.

#### Litter

- The externally stored skips of sorted material should be covered to prevent waste blowing into the surrounding area.

#### Birds

- Increased nuisance from seagulls attracting to the development.

#### Ecology

- Adverse impact on flora and fauna.

#### Other Matters

- There are already skips entering and leaving the site with assorted aggregates. Is there permission for this at the present time?
- Consider that this is a retrospective application.
- How would the development's working hours be regulated and would these be published?
- Consider that the proposed development, which would introduce industrial activities, is not suitable to this quiet rural location.
- There would appear to be no control over the existing operations.
- The access track would form a new boundary for future industrial development on land within the curtilage and should be opposed.
- Consider that sorted waste from the proposed waste transfer station would be used elsewhere on the farm, where noise from breaking down materials is a nuisance to local residents. A condition should be imposed that sorted material must leave the farm, not just the waste transfer station.
- Questions if a new planning application would be required if the collecting area expands beyond that stated in the application.
- Queries how the tonnage would be monitored.
- Concerns that the facility may grow, particularly with the County Council keen to meet recycling targets.

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

88. 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**

89. 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.

90. 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.

91. The Head of Strategic Infrastructure and Economy considers that as the proposed development would involve the bulking up of various sources of waste in preparation for transfer and subsequent recycling by specialist operators it would comply with the objectives of the waste hierarchy.

#### **Location of the Development**

92. National Planning Policy for Waste seeks to drive waste management up the waste hierarchy, and to secure the re-use of waste without endangering human health or harming the environment. Section 5 includes criteria for assessing the suitability of sites for new waste management facilities and Appendix B sets out locational criteria. The Worcestershire Waste Core Strategy is broadly in accordance with these principles and the National Planning Policy for Waste.

93. The Waste Core Strategy sets out a Geographic Hierarchy for waste management facilities in Worcestershire. The hierarchy takes account of patterns of current and predicted future waste arisings and resource demand, onward treatment facilities, connections to the strategic transport network and potential for the future development of waste management facilities. The hierarchy sets out 5 levels with the highest level being Level 1 'Kidderminster zone, Redditch zone and Worcester zone'.

94. Policy WCS 3 of the Waste Core Strategy requires waste management facilities that enable re-use or recycling of waste to be permitted within all levels of the Geographic Hierarchy, where it is demonstrated that the proposed location is at the highest appropriate level of the Geographic Hierarchy.

95. The applicant considers that the proposal is located in Level 3 'Evesham zone, Malvern zone and Pershore zone', however, the Head of Strategic Infrastructure and Economy considers that the site is located just to the north-west of Level 3, located in Level 5 of the Geographic Hierarchy for waste management in Worcestershire (the lowest level). Notwithstanding this, it is noted that the site is very close to Level 3 of the Geographic Hierarchy and the diagram is *"indicative only and should not be interpreted as showing specific site boundaries"*. The applicant states that this location enables them *"significant opportunity to collect materials from nearby settlements including, but not limited to, Peopleton, Pershore, Drakes Broughton and Pinvin for reuse and recycling. This small-scale waste operation, therefore, has the potential to serve local demand for construction and demolition, household and commercial and industrial waste management. The proposed development is*

*strategically placed off the A44, with excellent access to nearby A-roads and the M5 Motorway. This allows the skip company to service the local Pershore / Pinvin market, as well as the Worcester market, which is only 7 to 8 kilometres to the west of the application site".*

96. The applicant goes on to state that *"the site is very well located to the Pershore / Pinvin market, which is where the applicant carries out most of its advertising",* confirming that the target market is *"within a 10 mile radius of the site because the transport costs beyond that radius typically make skip hire economically unviable".*

97. The Head of Strategic Infrastructure and Economy considers that given the proximity to the applicant's target market, the scale of the proposal, noting the National Planning Policy for Waste states that Waste Planning Authorities should *"drive waste management up the waste hierarchy, recognising the need for a mix of types and scale of facilities "*, and the ease of access to the primary road network. On balance, it is considered that the proposal would comply with Policy WCS 3 of the Worcestershire Waste Core Strategy.

98. Policy WCS 6 of the Worcestershire Waste Core Strategy directs waste management development to land with compatible uses. Policy WCS 6 directs re-use and recycling facilities, such as this, to land which includes existing or allocated industrial land; contaminated or derelict employment land; redundant agricultural or forestry buildings or their curtilage; and sites with current use rights for waste management purposes.

99. This planning policy direction is also reflected in the National Planning Policy for Waste, which states *"waste planning authorities should...consider a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together and with complementary activities...give priority to the re-use of previously-developed land, sites identified for employment uses, and redundant agricultural and forestry buildings and their curtilages".*

100. The application site benefits from a certificate of lawful use existing for Use Class B2 (General Industrial) and planning permission for the storage of plant and machinery (construction) only, and, therefore, the site forms part of existing industrial / commercial land.

101. Policy SWDP 2 of the South Worcestershire Development Plan sets out a Development Strategy and Settlement Hierarchy, these are based on a number of principles including *"safeguard and (wherever possible) enhance the open countryside".* Policy SWDP 2 c) defines the 'open countryside' as *"land beyond any development boundary".* Therefore, the existing site and the application site are located within the open countryside. Policy SWDP 2 c) goes on to state that in the open countryside, development will be strictly controlled and will be limited to a number of defined types of developments and uses including employment development in rural areas and refers to Policy SWDP 12 of the South Worcestershire Development Plan.

102. Policy SWDP 12 b) seeks to protect existing employment sites in rural areas stating *"to help promote rural regeneration across South Worcestershire, existing employment sites in rural areas that are currently or were last used for B1, B2,*

*B8...purposes will be safeguarded for employment-generating uses during the plan period".*

103. Whilst the proposal is located in the open countryside, as defined by Policy SWDP 2 of the South Worcestershire Development Plan, it is noted that the site constitutes an existing employment site and benefits from lawful use rights and planning permission (District Council Ref: applications 13/00098/LUE and 14/00677/CU).

104. Whilst a waste management facility is not explicitly referred to within Policies SWDP 2 and SWDP 12 of the South Worcestershire Development Plan, the proposal is considered broadly to be an employment site, and would constitute the retention of an existing employment site and is for the re-use of previously developed land, complying with these policies.

105. Wychavon District Council raises no objections to the proposal, subject to the imposition of appropriate conditions. They consider the proposal is broadly in accordance with Policy SWDP 2 and SWDP 12 of the South Worcestershire Development Plan and that the proposal should be considered under the relevant provisions of the Worcestershire Waste Core Strategy in terms of its position within the waste hierarchy, locational sustainability and policies concerning amenity.

106. Local residents have queried the need for the facility. The Head of Strategic Infrastructure and Economy notes the advice in the National Planning Policy for Waste, which states that "*when determining planning applications, waste planning authorities should only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need*". It is considered the proposal would generally accord with the Worcestershire Waste Core Strategy and South Worcestershire Development Plan.

### **Landscape Character and Visual Impacts**

107. The proposal, which measures approximately 0.28 hectares in area, is located on Stone Arrow Farm, which is bound on its northern and eastern boundaries by agricultural land, with the Bow Brook forming the western site boundary, with further agricultural fields beyond. The southern boundary of the application site is bound by further buildings and uses associated with Stone Arrow Farm. The existing access to Stone Arrow Farm is gained via C2115 road, which joins Evesham Road (A44) approximately 70 metres to the south-west of the access.

108. Grassed earth bunds ranging from about 2.5 metres high to ground level are situated along the western side of the C2115, to the south of the proposed alternative access to the application site. Established vegetation runs parallel to the western side of C2115 road. The alternative access track is also sunk into the ground for part of its length. A belt of conifers are located to the south of the application site, in between the existing building proposed to be re-used and the Stonebow House.

109. The applicant is proposing to re-use an existing building, which has an established general industrial use (Use Class B2) and the adjacent yard area, which in part has an established general industrial use (Use Class B2) and permission for

storage of plant and machinery only. The applicant is not proposing any additional built structures as part of the application, other than the enclosing of the existing building. 10 skips for the storage of sorted waste materials would be stored in the open yard, along the north-western boundary of the site.

110. The Head of Strategic Infrastructure and Economy considers that the proposal would generally be well screened from public views of the site, due to the existing established vegetation, bunding, intervening existing Stone Arrow Farm buildings and use of the existing building. Glimpsed views of the proposal would be possible along part of the Public Right of Way (Footpath PP-522), however, such views would be seen in the context of the existing established general industrial site and storage area for plant and machinery.

111. The County Landscape Officer has been consulted and has raised no objections to the proposal, stating that in terms of landscape, the impact of the proposed scheme seems commensurate with existing and recent use, which has included the temporary storage of articulated truck trailers. The County Landscape Officer considers there are no particular landscape issues with this proposal.

112. Wychavon District Council has no objections to the proposal, subject to the imposition of conditions, including limiting the height of any outside storage of skips and waste materials, and details of proposed landscaping. Conditions are recommended to this effect. The Head of Strategic Infrastructure and Economy considers that should planning permission be granted further conditions are imposed requiring details of the proposed location of both full and empty skips stored on the site, and these storage areas to be demarcated on the ground.

113. In view of the above matters, the Head of Strategic Infrastructure and Economy considers that the proposed development would not have an adverse or detrimental impact upon the character and appearance of the local area, subject to the imposition of appropriate conditions.

#### **Residential Amenity (Noise, Dust, Odour Litter and Health Impacts)**

114. Letters of representation have been received from local residents objecting to the proposal on the grounds of adverse odour, noise, dust, litter and pollution impacts. Peopleton Parish Council has also raised objections on the grounds of noise and dust impacts and adverse effects upon the adjacent residential properties and Residential Home.

115. The nearest residential properties are that of the Bungalow, Stonebow House (Residential Home) and Powells Byre located approximately 50 metres, 85 metres and 135 metres south of the proposal, respectively. The residential property of Stone Arrow Farm is located about 100 metres south-east of the proposal.

116. The applicant states that the *"proposed operations at the site primarily involve the sorting of waste by hand. In the event that heavier objects are within a load, a grab machine would be used in order to lift heavier objects. All sorting of waste materials would take place within the building"*. They go on to state that *"the proposed development is a low-intensity operation, working with a relatively low annual tonnage. This gives rise to the operations at the site running intermittently as there is no requirement for continuous sorting"*.

117. The Head of Strategic Infrastructure and Economy considers that localised dust impacts can arise from the handling of certain waste materials such as card and paper. However, it is noted that all sorting of waste would take place within the building mitigating the risk of dust emissions. Inert waste materials are proposed to be stockpiled externally, therefore, should planning permission be granted conditions are recommended requiring a Dust Management Plan and to ensure all sorting of waste takes place within the building. With regard to noise emissions, the Head of Strategic Infrastructure and Economy considers that the primary mitigation would be the sorting of waste within the building. However, it is also noted that the applicant proposes to adopt a Noise Management Plan, incorporating standard good operating practices to ensure noise is adequately mitigated. A condition is recommended to this effect. With regard to litter, similar to noise and dust mitigation it is considered the sorting of waste within the confines of the building would be the primary mitigation measure. Furthermore, all storage of waste would take place within the building, except the storage of inert waste materials, however, should planning permission be granted a condition requiring a litter management plan is recommended.

118. Notwithstanding the above, the primary environmental controls over the proposed operation would be contained within the Environment Agency's Environmental Permit for the site. It is noted that paragraph 183 of the NPPF states that *"the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively"*. Paragraph Reference ID: 28-050-20141016 of the Government PPG elaborates on this matter, stating that *"there exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively. The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body"*.

119. The Environment Agency has been consulted and has raised no objections to the proposal, stating that the proposal would require an Environment Agency Environmental Permit, which would regulate pollution control through general management of the site, permitted activities, waste acceptance including quantity and type, and emissions including odour, noise and vibration.

120. The Environment Agency notes that the County Planning Authority may wish to request a Noise Assessment to support the application. In view of these comments from the Environment Agency, Worcestershire Regulatory Services (Noise, Dust and Odour Officer) was re-consulted and confirmed that they do not consider a Noise Assessment is necessary given the proposed operating times, the activity proposals and the distance to the nearest noise sensitive receptors.

121. Worcestershire Regulatory Services (Noise, Dust and Odour Officer) raises no objections, stating that the proposal appears acceptable in terms of noise and dust and these issues as these would be suitably mitigated by undertaking all operations within an enclosed building, the proposed hours of operation and the proposed site

means of access. Conditions are recommended to this effect. Worcestershire Regulatory Services (Air Quality Officer) also has no objections to the proposal.

122. With regard to impacts to human health, Public Health England has raised no objections, stating that they have no significant concerns regarding risk to health of the local population from the proposed activity, providing that the applicant takes all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice. They recommend that should planning permission be granted, conditions should be imposed to control odour, noise, and dust emissions. Conditions relating to noise and dust are recommended to be imposed should planning permission be granted.

123. With regard to odour emissions, it is noted that the proposed development would sort and bulk up C&D waste, with some household, C&I waste (paper, card, plastics, metals, hardcore, timber). There is no input of raw refuse or putrescible waste material that would give rise to noxious odours and attract flies or any processing of material that would give rise to gas or effluent emissions. It is also noted that the Environment Agency's Environmental Permit would control odour emissions, and in view of this, no planning conditions are recommended to control odour emissions.

124. In view of the above matters, the Head of Strategic Infrastructure and Economy considers that the proposal would have no adverse noise, dust, odour or litter impacts upon residential amenity or that of human health, subject to the imposition of appropriate conditions.

#### **Traffic, Highway Safety and Public Right of Way**

125. Letters of representation have been received objecting to the proposal on the grounds of traffic and highway safety. In particular, local residents raise concerns regarding HGVs travelling through Peopleton; dangerous access; and increase in HGVs traveling around the local area, which would be a danger to local residents, the adjacent residential care home and Bowbrook House School.

126. Peopleton Parish Council also objects to the proposal, raising concerns regarding traffic and highway safety, in particular impacts upon the Peopleton / Drakes Broughton road junction; inadequate visibility splays; safety to the users of the Public Right of Way; and question what measures would be put in place to monitor the proposed HGV movements to and from the site.

127. It is noted that Paragraph 109 of the NPPF states *"development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.

128. The existing access to the wider Stone Arrow Farm site is situated towards the south of the site, off C2115, which connects to Evesham Road (A44) approximately 70 metres to the south-west. The applicant states that this access is used by the vehicles associated with the consented industrial operations at the site. However, given its proximity to a residential care home immediately adjacent to the existing access road, it is proposed that the vehicles associated with the proposed waste management facility would utilise an existing alternative access track to the public highway to avoid disturbance to any residents. The proposed alternative access is located approximately 215 metres north of the existing access, further along the

public highway (C2115). The applicant states that the alternative access provides an opportunity to divert all vehicle movements associated with the proposed waste management facility away from the nearby residential home, thereby reducing any potential for amenity issues to arise.

129. The applicant states that the alternative access track is already surfaced with some loose bound aggregate, and this is proposed to be improved by the laying of more loose bound aggregate to create an even / useable surface. The applicant is proposing that any vehicles associated with the proposed waste management facility would access the site via the alternative access, turning left into the site and right out of the site towards Evesham Road (A44). A condition is recommended to this effect.

130. The applicant estimates that the proposal would generate approximately 6 to 8 skip vehicle movements per day (approximately 3 to 4 skip vehicles entering the site and approximately 3 to 4 skip vehicles exiting the site per day). The applicant states that the skip waste would primarily be brought onto site in approximately 5 tonne loads depending on the nature of the waste in the skip. A condition is recommended to limit the throughput of the site to a maximum of 5,000 tonnes per annum to define the permission and in turn limit the number of HGV movements associated with the proposed development.

131. The County Highways Officer has been consulted and has raised no objections to the proposal, subject to the imposition of conditions regarding specification for the vehicular access, and the development shall not be brought into use until the private access roadway, turning area and parking facilities have been provided. The County Highways Officer states that based on their detailed analysis of the planning application in relation to site layout, and means of access to and from the site for commercial purpose, they consider that there would not be adverse highway consequences in terms of paragraph 109 of the NPPF and, therefore, there are no justifiable grounds on which an objection could be maintained. In view of this, the Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have an unacceptable impact upon traffic or highway safety, subject to the imposition of conditions as recommended by the County Highways Officer and the installation of signage requiring all vehicles to turn right out of the site towards Evesham Road (A44).

132. The definitive route of Footpath PP-522 crosses the proposed alternative site entrance. Local residents and Wychavon District Council has drawn it to the County Council's attention that a previous planning application (District Ref: W/13/00100/CU) was refused, one of the grounds of refusal was that the extensive use of the access track by construction traffic could pose a risk to the safety of users of the public right of way that shares this entrance to the highway. Wychavon District Council state that this matter should be carefully considered in conjunction with the County Footpath Officer.

133. The County Footpath Officer has been consulted on the proposal and has raised no objections, stating that they consider that the proposal would not have a detrimental impact upon the Public Right of Way provided the applicant notes Section 34 of the Road Traffic Act 1988 and their obligations to the Public Right of Way.

134. Given the low number of vehicle movements associated with this development and in view of the County Footpath Officer's comments, the Head of Strategic

Infrastructure and Economy is satisfied that the proposal would not have an unacceptable impact upon the Public Right of Way.

### **Water Environment**

135. The application site falls within Flood Zone 1 which has a low probability of flood risk. The Bow Brook forms the western boundary of the application site.

136. The applicant states that the proposed development does not introduce any additional built form and there is, therefore, no increase in surface water run-off anticipated as a result of the proposal.

137. As part of the proposal the applicant is proposing to lay an impermeable concrete surface within the redundant building, and the installation of an underground tank within the building to collect any run-off from the waste materials to prevent pollution of ground water. The underground tank would be emptied, as required (estimated every 6 months), and taken to a suitable licensed facility for disposal.

138. The Lead Local Flood Authority has no objections to the proposal, subject to the imposition of a condition requiring the detailed specification and volume of the underground water storage tank. South Worcestershire Land Drainage Partnership has been consulted and has made no comments. Severn Trent Water Limited has raised no objections to the proposal.

139. Due to the proximity to the Bow Brook the boundary treatment along the western boundary of the site is important to prevent pollution and siltation of the adjacent watercourse. It is noted that in the Ecology Report, it refers to the proposal including the construction of a bund along this boundary. Given the proximity to the Bow Brook the Head of Strategic Infrastructure and Economy considers such a feature would be unsuitable, particularly because the construction of the bund itself may cause pollution to the adjacent watercourse. In view of this, the Head of Strategic Infrastructure and Economy recommends a condition requiring the erection of a post and wire fence to demarcate the edge of the application site, which is set back approximately 10 metres from the watercourse at its closest point.

140. Based on this advice, the Head of Strategic Infrastructure and Economy considers that there would be no adverse effects on the water environment, subject to the imposition of a condition requiring submission of details of the proposed underground storage tank and erection of a post and wire fence to ensure the development is set back from the adjacent watercourse.

### **Ecology and Biodiversity**

141. Section 15 of the NPPF, paragraph 170 states that *"planning policies and decisions should contribute to and enhance the natural and local environment", by a number of measures including "protecting and enhancing...sites of biodiversity...(in a manner commensurate with their statutory status or identified quality in the development plan); minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures"*.

142. Paragraph 175 of the NPPF states that when determining planning applications, local planning authorities should apply four principles (a. to d.), this includes: *"if significant harm to biodiversity resulting from a development cannot be avoided*



*(through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused"; and "development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity".*

143. There are a number of non-statutory wildlife designated sites within the vicinity of the application site, notably the Bow, Shell, Swan and Seeley Brooks LWS, which is located about 10 metres west of the proposal. Peopleton Rough LWS and ancient woodland is located approximately 105 metres of the application site, beyond which is Hamdean Farm Meadow LWS and Pinvin Rough LWS situated about 340 and 725 metres east of the application site, respectively. Tagg Coppice ancient woodland is located 500 metres west of the application site.

144. During the planning process and following a site visit, it became apparent that the presence of legally protected wildlife was deemed reasonable likely based on the habitats which appeared to be present, namely along the overgrown access track and adjacent bund. An Ecology Assessment was requested to assess the presence or absence of protected species at the site. However, it is considered unfortunate that prior to the Ecology Assessment being undertaken, the vegetation and adjacent bund were removed, and the access track was sunk into the ground, unlawfully commencing the development and destroying any potential habitats that may have been on the site.

145. The County Ecologist states that it is regrettable that the presence or absence of protected species was not established in a timely manner. Paragraph 99 of ODPM Circular 06/2005 states that: *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision"*. However, based on the current state of the development site and information available, the County Ecologist has raised no objections to the proposal, subject to the imposition of conditions regarding the timing of vegetation removal, an Ecological Enhancement Strategy and associated monitoring.

146. Worcestershire Wildlife Trust has been consulted due to the proximity of the proposal to LWSs, and has raised no objections to the proposal, subject to the imposition of conditions regarding surface water run-off attenuation and noise and dust emissions to protect the adjacent Bow Brook LWS from harm arising from the development. They wish to defer to the County Ecologist for all on-site detailed ecological considerations. Detailed comments from the County Ecologist are awaiting the submission of an Ecological Assessment.

147. In view of the above matters, the Head of Strategic Infrastructure and Economy considers that subject to the imposition of appropriate conditions as recommended by Worcestershire Wildlife Trust and the County Ecologist, that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area.

## Other Matters

148. Letters of representation have been received from local residents objecting to the proposal on the grounds that by permitting access via the alternative access track that it would form a new boundary for future industrial development on land within the curtilage and should be opposed. The Head of Strategic Infrastructure and Economy notes that the access track is existing, albeit is partly vegetated over. It is considered that should future planning applications be made for other uses or development on the adjacent land these applications would be considered on their own merits, and as set out earlier in this report, should be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.

## Conclusion

149. Skip Hire Worcester Ltd is seeking planning permission for a proposed small scale waste transfer station and materials recycling facility associated with a skip hire business (Part Retrospective) at Stone Arrow Farm, Peopleton, near Pershore, Worcestershire. The proposal involves the changes of use land, including part of an existing industrial building on the former Stone Arrow Farm yard complex and proposing the use of an existing alternative access track from the east, which adjoins C2115.

150. The proposal would sort and bulk up approximately 3,000 to 5,000 tonnes per annum of Construction and Demolition (C&D) waste and Commercial and Industrial (C&I) waste (paper, card, plastics, metals, hardcore, timber).

151. As the proposed development would involve the bulking up of various sources of waste in preparation for transfer and subsequent recycling by specialist operators it would comply with the objectives of the waste hierarchy.

152. The Head of Strategic Infrastructure and Economy considers that on balance, given the proximity to the applicant's target market, the scale of the proposal, noting the National Planning Policy for Waste states that Waste Planning Authorities should *"drive waste management up the waste hierarchy, recognising the need for a mix of types and scale of facilities"*, and the ease of access to the primary road network the proposal would comply with Policy WCS 3 of the Worcestershire Waste Core Strategy relating to the Geographic Hierarchy.

153. The application site benefits from a certificate of lawful use existing for Use Class B2 (General Industrial) and planning permission for the storage of plant and machinery (construction) only, and, therefore, the site forms part of existing industrial land and complied with Policy WCS 6 of the Worcestershire Waste Core Strategy relating to compatible land uses.

154. The proposal would generally be well screened from public views of the site, due to the existing established vegetation, bunding, intervening existing Stone Arrow Farm buildings and use of the existing building. Glimpsed views of the proposal would be possible along part of the Public Right of Way (Footpath PP-522), however, such views would be seen in the context of the existing established general industrial site and storage area for plant and machinery. In view of this, it is considered that the proposed development would not have an adverse or detrimental impact upon the

character and appearance of the local area, subject to the imposition of appropriate conditions.

155. Based upon the advice of the Environment Agency, Worcestershire Regulatory Services and Public Health England it is considered that the proposal would have no adverse noise, dust, odour or litter impacts upon residential amenity or that of human health, subject to the imposition of appropriate conditions.

156. The Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have an unacceptable impact upon traffic or highway safety, subject to the imposition of conditions as recommended by the County Highways Officer and the installation of signage requiring all vehicles to turn right out of the site towards Evesham Road (A44).

157. The definitive route of Footpath PP-522 crosses the existing alternative site entrance. Local residents and Wychavon District Council have drawn the County Council's attention to the refusal of a previous planning application (District Ref: W/13/00100/CU). One of the grounds of refusal was that the extensive use of the access track by construction traffic could pose a risk to the safety of users of the public right of way that shares this entrance to the highway. Given the low number of vehicle movements associated with this development and that the County Footpath Officer has not objected, the Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have an unacceptable impact upon the Public Right of Way.

158. Based on this advice of the Lead Local Flood Authority and Severn Trent Water Limited, it is considered that there would be no adverse effects on the water environment, subject to the imposition of a condition requiring details of the proposed underground storage tank.

159. The Head of Strategic Infrastructure and Economy considers that subject to the imposition of appropriate conditions as recommended by Worcestershire Wildlife Trust and the County Ecologist, the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area.

160. Taking into 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 14 and WCS 15 of the Adopted Worcestershire Waste Core Strategy and Policies SWDP 1, SWDP 2, SWDP 4, SWDP 6, SWDP 8, SWDP 12, SWDP 21, SWDP 22, SWDP 24, SWDP 25, SWDP 28, SWDP 29, SWDP 30 and SWDP 31 of the Adopted 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**

**161. The Head of Strategic Infrastructure and Economy recommends that planning permission be granted for a proposed small scale waste transfer station and materials recycling facility associated with a skip hire business (Part Retrospective) at Stone Arrow Farm, Peopleton, near Pershore, Worcestershire, subject to the following conditions:**

#### Commencement

- a) **The development must be begun not later than the expiration of three years beginning with the date of this permission;**

#### Approved Plans

- b) **The development hereby permitted shall be carried out in accordance with the details shown on submitted Drawings: GPP/CP/SAF/18/02, Rev 2, titled: Site Location Plan; GPP/CP/SAF/18/03, Rev 1, titled: Proposed Site Layout Plan; GPP/CP/SAF/18/04, Rev 1, titled: Existing Site Layout Plan, except where otherwise stipulated by conditions attached to this permission;**

#### Throughput

- c) **The annual throughput of the development hereby approved shall be limited to a maximum of 5,000 tonnes per annum and records shall be kept and made available to the County Planning Authority on written request for the duration of the operations on the site;**

#### Waste Acceptance

- d) **No wastes other than those defined in the application, namely Commercial and Industrial and Construction and Demolition wastes, shall be brought onto the site;**

#### Hours of Working

- e) **Construction works shall only be carried out on the site between 08:00 to 18:00 hours on Mondays to Fridays inclusive, and 08:00 to 13:00 hours on Saturdays, with no construction work on Sundays, Bank or Public Holidays;**
- f) **Operations, including any movement of skips and repair and maintenance of vehicles, plant and equipment associated with the development hereby approved shall only take place on the site between 08:30 to 17:30 hours Mondays to Fridays, 08:30 to 13:30 hours on Saturdays and not at all on Sundays, Bank or Public Holidays. No machinery or equipment associated with the development hereby approved shall operate on the site outside of these hours;**

#### Dust

- g) **Prior to the development hereby approved being brought into use, a Dust Management Plan shall be submitted to and approved in writing by the County Planning Authority. Thereafter the development shall be carried out in accordance with the approved details;**

#### Noise

- h) **The vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, this shall include the fitting and use of effective silencers;**
- i) **No crushing, shredding, washing or chipping of waste materials shall take place on the site;**
- j) **Prior to the development hereby approved being brought into use, a Noise Management Plan shall be submitted to and approved in writing by the**

County Planning Authority. Thereafter the development shall be carried out in accordance with the approved details;

- k) The sorting of waste materials by hand and a hydraulic grab shall only take place within the building, as shown on drawing numbered: GPP/CP/SAF/18/03, Rev 1. No materials shall be sorted outside the building;

#### Litter

- l) Prior to the development hereby approved being brought into use, a Litter Management Plan shall be submitted to and approved in writing by the County Planning Authority. Thereafter the development shall be carried out in accordance with the approved details;

#### Pollution

- m) 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 should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund;
- n) No materials shall be burnt on the site;
- o) Prior to the development hereby approved being brought into use, a post and wire fence shall be installed along the north-west boundary of the site, to demarcate the extent of the application site to prevent any encroachment or alterations of levels on land adjacent to the Bow Brook. The post and wire fence shall be maintained for the duration of the development hereby approved;

#### Drainage

- p) Prior to the development hereby approved being brought into use, details of the underground storage tank, including its volume and means of emptying and any interception shall be submitted to and approved in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;
- q) This permission does not allow the formation of any earth bunds from waste and other materials at the site or imported to the site;

#### Storage

- r) Prior to the development hereby approved being brought into use, a drawing indicating the location, height and extent of empty skips storage, containers and inert waste material stockpiles shall be submitted to and approved in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;

- s) There shall be no external storage of waste materials, except inert waste materials, to be stored in accordance with condition r) above and condition t) below;
- t) The height of all externally stored skips, containers and inert waste material shall not exceed 4 metres in height. A scheme for the setting up of a permanent marker that allows operatives and officers from the County Planning Authority a means of visually checking the height shall be submitted to and agreed in writing by the County Planning Authority prior to the development hereby approved being brought into use. The agreed height markers shall be erected and maintained on site for the duration of the development hereby approved;

#### Lighting

- u) Details of any new lighting to be installed at the site shall be submitted to the County Planning Authority for approval in writing prior to being erected. These details shall include:-
  - i. Height of the lighting posts;
  - ii. Intensity of the lights;
  - iii. Spread of light (in metres);
  - iv. Any measure proposed to minimise the impact of the lighting or disturbance through glare;
  - v. Any measures to minimise the impact of lighting upon protected species and habitats; and
  - vi. Times when the lighting would be illuminated;

#### Biodiversity

- v) All vegetation clearance at the site shall be undertaken outside the bird nesting season which generally extends between March and September inclusive. If this is not possible then any vegetation that is to be removed or disturbed should be checked by an experienced Ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them would have to be delayed until the young have fledged and the nest has been abandoned naturally;
- w) All existing trees, shrubs and hedgerows indicated to be retained shall be protected by suitable fencing in accordance with BS5837:2012. No materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence. In the event of any trees, shrub or hedgerow being damaged or removed by the development, it shall be replaced with like species and equivalent size, which in the case of a mature tree may entail multiple plantings, in the next planting season;
- x) Within 3 months of the date of this permission, an Ecological Enhancement Strategy shall be submitted to the County Planning Authority for approval in writing. The Strategy shall include:
  - i. Specification and location of pollinator-friendly and native planting, including species of grasses and wildflowers.
  - ii. Specification and location of new wildlife refuges, specifically for invertebrates and small mammals such as hedgehog.

- iii. **New / replacement nesting opportunities for birds, specifically: house sparrows, swifts and house martins. To be provided in the form of sparrow terraces, swift boxes and house martin cups on existing buildings, installed at minimum heights of 2 metres above ground level.**
- iv. **New roosting opportunities for bats to be incorporated onto existing buildings. Bat boxes shall be installed at minimum heights of 2.5 metres above ground level and facing away from external illumination.**
- v. **An Ecological Management Plan which shall set out how the establishment and favourable management of habitats and features proposed within the Ecological Enhancement Strategy will be undertaken for a period covering at least 5 years from the implementation of the Ecological Enhancement Strategy;**

**Thereafter, the development shall be carried out in accordance with the approved details;**

- y) **On implementation of the Ecological Enhancement Strategy (referred to in Condition x) above), a Statement of Conformity shall be submitted to the County Planning Authority by the applicant or their Ecological Clerk of Works confirming their successful implementation. A further report shall be submitted to the County Planning Authority providing monitoring information at the end of the Ecological Management Plan period;**
- z) **Notwithstanding the submitted details, within 3 months of the commencement of the development hereby approved, a planting scheme to include native species, sizes, numbers, spacing, densities; locations; and a planting specification for the development hereby approved, shall be submitted to the County Planning Authority for approval in writing, and implemented within the first available planting season (the period between 31 October in any one year and 31 March in the following year) on completion of the development. Any new trees or shrubs, which within a period of five years from the completion of the planting die, are removed, or become damaged or diseased, shall be replaced on an annual basis, in the next planting season with others of a similar size and species;**

#### **Highways**

- aa) **No waste materials shall be accepted at the site directly from members of the public, and no retail sales of wastes or processed materials to members of the public shall take place at the site;**
- bb) **When commercial vehicles are exiting the site on to the C2115 road to access the Local Road Network, they shall turn right towards the A44. A sign shall be erected prior to the development hereby approved being brought into use, directing commercial vehicles exiting the site to turn right towards the A44;**
- cc) **Prior to the development hereby approved being brought into use, the reconstruction of the vehicular access between the nearside edge of the adjoining carriageway and the gated entrance shall be carried out in accordance with a specification to be submitted to and approved in writing**

by the County Planning Authority, at a gradient not steeper than 1 in 20. Thereafter, the development shall be carried out in accordance with the approved details;

dd) The development hereby approved shall not be brought into use until the internal private access roadway, turning area and parking facilities shown on drawing GPP/CP/SAF/18/03, Rev 1 have been provided. Thereafter, these areas shall be retained and kept available for their respective approved uses at all times;

ee) No mud, dust or debris shall be carried onto the public highway. If necessary to comply with this requirement, wheel cleaning facilities of a type approved in writing by the County Planning Authority shall be installed at the site and used for the duration of the operations hereby approved; and

#### **Planning Permission**

ff) A copy of this decision notice, together with all approved plans and documents required under the conditions of this permission shall be maintained at the site office at all times throughout the period of the development and shall be made known to any person(s) given responsibility for management or control of activities/operations on the site.

### **Contact Points**

#### County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

#### Specific Contact Points for this report

Case Officer: Steven Aldridge, Team Leader – Development Management

Tel: 01905 843510

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Mark Bishop, Development Manager:

Tel: 01905 844463

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

### **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: 18/000032/CM.