

Agenda

Planning and Regulatory Committee

**Tuesday, 4 December 2018, 10.00 am
County Hall, Worcester**

Notes:

Councillors are advised that letters of representation received from local residents in respect of the planning applications on this agenda will be available for inspection in the Member Support Unit 3 days before the Committee and in the meeting room from 9.30am on the day of the meeting

Planning Officers are available for up to 30 minutes prior to the start of the meeting to enable Councillors and the public to ask questions about the applications to be considered. This is not a part of the meeting itself but is an informal opportunity for anyone present on the day to clarify factual details about the applications, examine background documents and view plans that are on display

This document can be provided in alternative formats such as Large Print, an audio recording or Braille; it can also be emailed as a Microsoft Word attachment. Please contact Democratic Services on telephone number 01905 846621 or by emailing democraticservices@worcestershire.gov.uk

DISCLOSING INTERESTS

**There are now 2 types of interests:
'Disclosable pecuniary interests' and 'other disclosable interests'**

WHAT IS A 'DISCLOSABLE PECUNIARY INTEREST' (DPI)?

- Any **employment**, office, trade or vocation carried on for profit or gain
- **Sponsorship** by a 3rd party of your member or election expenses
- Any **contract** for goods, services or works between the Council and you, a firm where you are a partner/director, or company in which you hold shares
- Interests in **land** in Worcestershire (including licence to occupy for a month or longer)
- **Shares** etc (with either a total nominal value above £25,000 or 1% of the total issued share capital) in companies with a place of business or land in Worcestershire.

NB Your DPIs include the interests of your spouse/partner as well as you

WHAT MUST I DO WITH A DPI?

- **Register** it within 28 days and
- **Declare** it where you have a DPI in a matter at a particular meeting
 - you must **not participate** and you **must withdraw**.

NB It is a criminal offence to participate in matters in which you have a DPI

WHAT ABOUT 'OTHER DISCLOSABLE INTERESTS'?

- No need to register them but
- You must **declare** them at a particular meeting where:
You/your family/person or body with whom you are associated have
a pecuniary interest in or **close connection** with the matter under discussion.

WHAT ABOUT MEMBERSHIP OF ANOTHER AUTHORITY OR PUBLIC BODY?

You will not normally even need to declare this as an interest. The only exception is where the conflict of interest is so significant it is seen as likely to prejudice your judgement of the public interest.

DO I HAVE TO WITHDRAW IF I HAVE A DISCLOSABLE INTEREST WHICH ISN'T A DPI?

Not normally. You must withdraw only if it:

- affects your **pecuniary interests** **OR**
relates to a **planning or regulatory** matter
- **AND** it is seen as likely to **prejudice your judgement** of the public interest.

DON'T FORGET

- If you have a disclosable interest at a meeting you must **disclose both its existence and nature** – 'as noted/recorderd' is insufficient
- **Declarations must relate to specific business** on the agenda
 - General scattergun declarations are not needed and achieve little
- Breaches of most of the **DPI provisions** are now **criminal offences** which may be referred to the police which can on conviction by a court lead to fines up to £5,000 and disqualification up to 5 years
- Formal **dispensation** in respect of interests can be sought in appropriate cases.

Planning and Regulatory Committee

Tuesday, 4 December 2018, 10.00 am, County Hall, Worcester

Councillors: Mr R C Adams (Chairman), Ms P Agar, Mr R M Bennett,
 Mr G R Brookes, Mr P Denham, Mr A Fry, Mr I D Hardiman,
 Mr P B Harrison, Mrs A T Hingley, Dr C Hotham, Mr J A D O'Donnell,
 Mrs J A Potter, Prof J W Raine, Mr C Rogers and Mr P A Tuthill

Agenda

Item No	Subject	Page No
1	Named Substitutes	
2	Apologies/Declarations of Interest	
3	Public Participation The Council has put in place arrangements which usually allow one speaker each on behalf of objectors, the applicant and supporters of applications to address the Committee. Speakers are chosen from those who have made written representations and expressed a desire to speak at the time an application is advertised. Where there are speakers, presentations are made as part of the consideration of each application.	
4	Confirmation of Minutes To confirm the Minutes of the meeting held on 23 October 2018. (previously circulated – pink pages)	
5	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	1 - 38
6	Proposed consolidation application for the construction and operation of a Biomass Boiler, erection of replacement building to house the Biomass Boiler, installation of replacement washing plant and amendments to the layout and operation of the existing Waste Transfer Station (approved under 09/000057/CM) including increased waste throughput and amended operating hours (part retrospective) at Mailes Skips and Recycling, Guinness Park Farm, A4103, Leigh Sinton, Malvern, Worcestershire	39 - 84

Agenda produced and published by Simon Mallinson, Head of Legal and Democratic Services, County Hall, Spetchley Road, Worcester WR5 2NP

To obtain further information or a copy of this agenda, contact Simon Lewis, Committee Officer. Telephone Worcester (01905) (846621)
 email: slewis@worcestershire.gov.uk

All the above reports and supporting information can be accessed via the Council's website

Date of Issue: Friday, 23 November 2018

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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

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 bleeping 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 bleepers.

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 extant 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

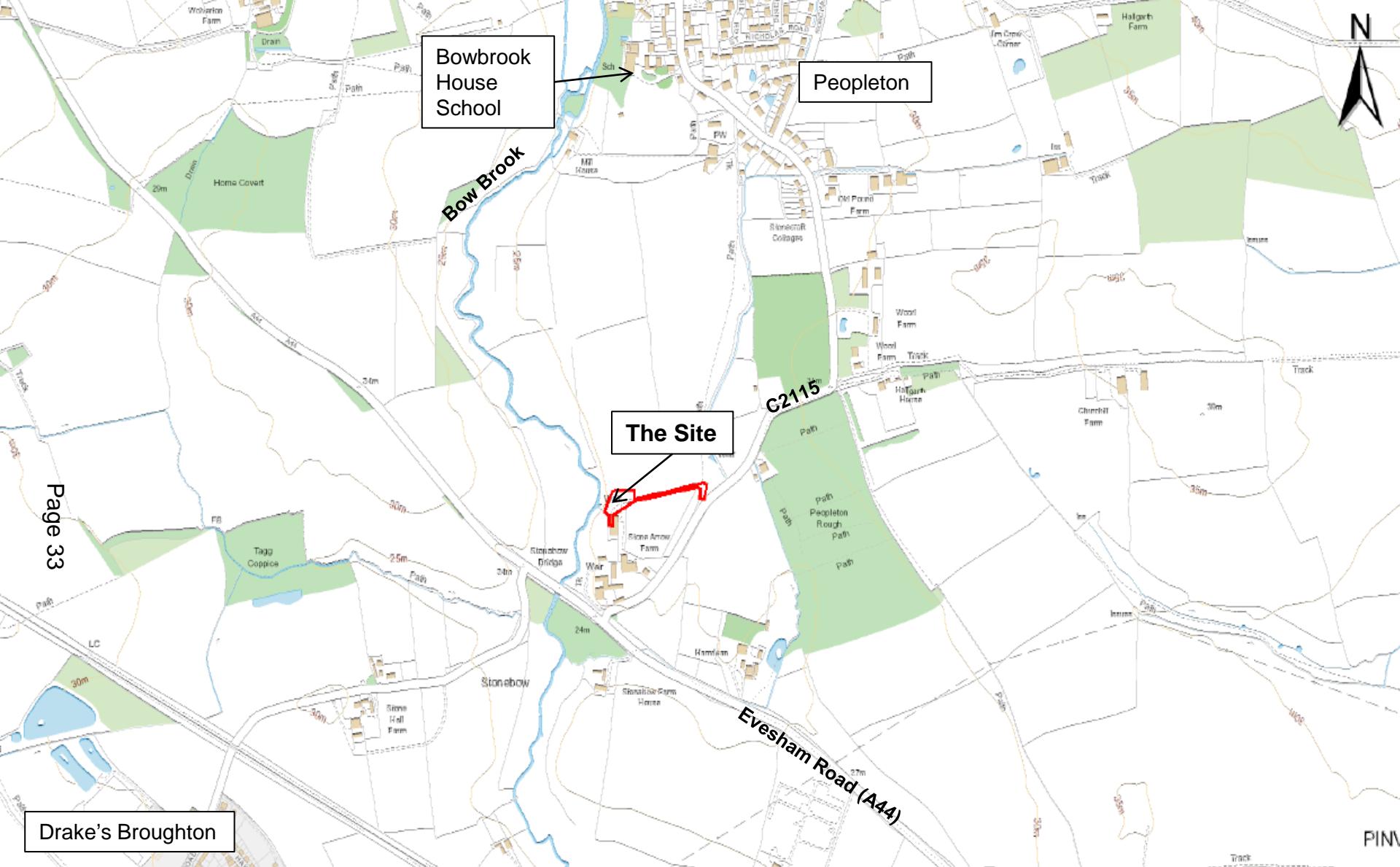
Case Officer: Steven Aldridge, Team Leader – Development Management
Tel: 01905 843510
Email: saldrige@worcestershire.gov.uk

Mark Bishop, Development Manager:
Tel: 01905 844463
Email: 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.



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Ordnance Survey 100024230.

0 50 250 500 metres

Indicative Scale: 1:10,000

Date Printed: 1/11/2018

Proposed small scale Waste Transfer Station and Materials Recycling Facility associated with a skip hire business at Stone Arrow Farm, Peopleton, near Pershore, Worcestershire. Ref: 18/000032/CM.

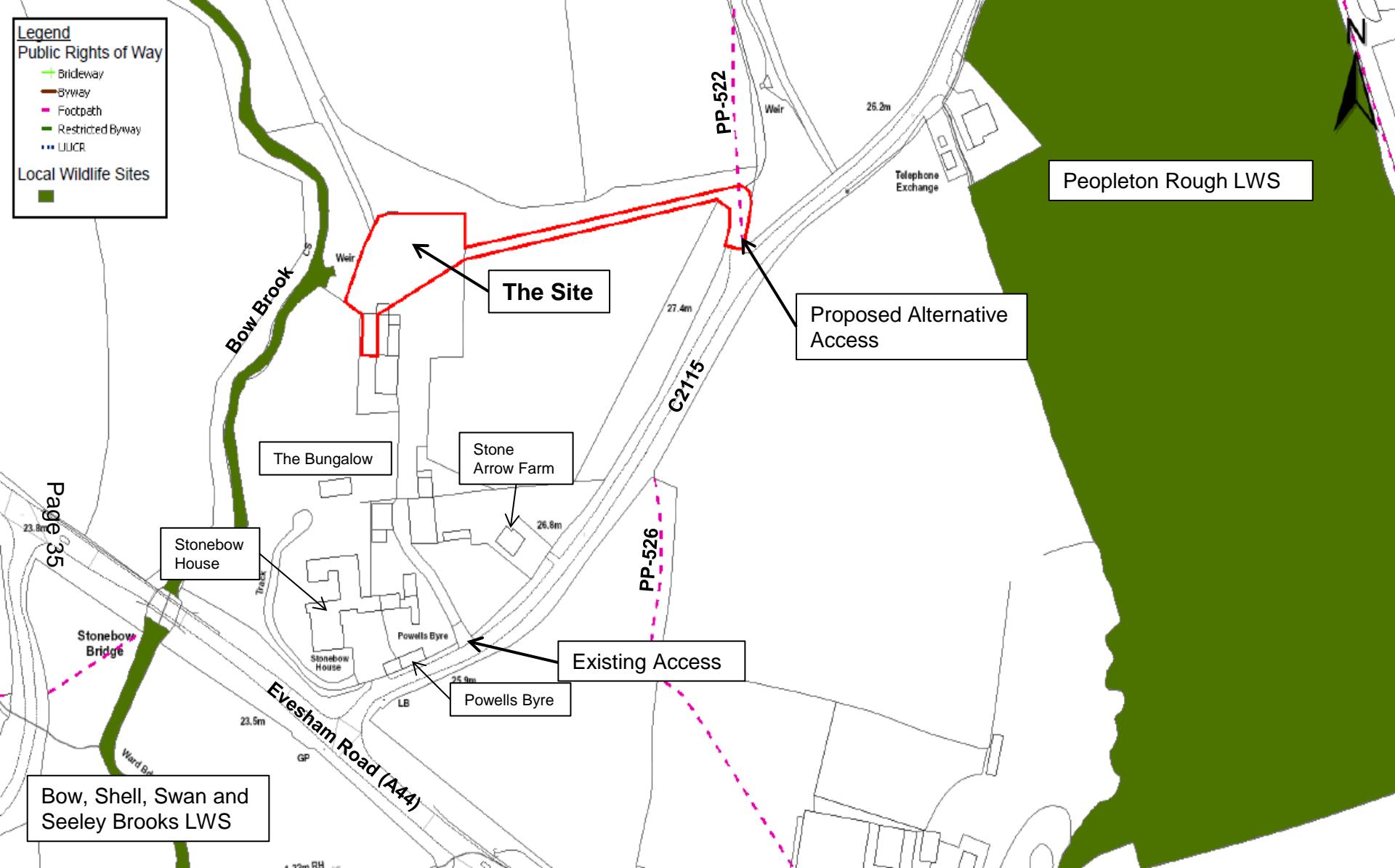


Countryside Service
Worcester Woods Country Park
Wildwood Drive
Worcester
WR5 2LG

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Legend**Public Rights of Way**

- Bridgeway
- Byway
- Footpath
- Restricted Byway
- Unclassified Road

Local Wildlife Sites**Bow, Shell, Swan and Seeley Brooks LWS**

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Ordnance Survey 100024230.

0 20 100 200 metres

Indicative Scale: 1:2,500

Date Printed: 1/11/2018

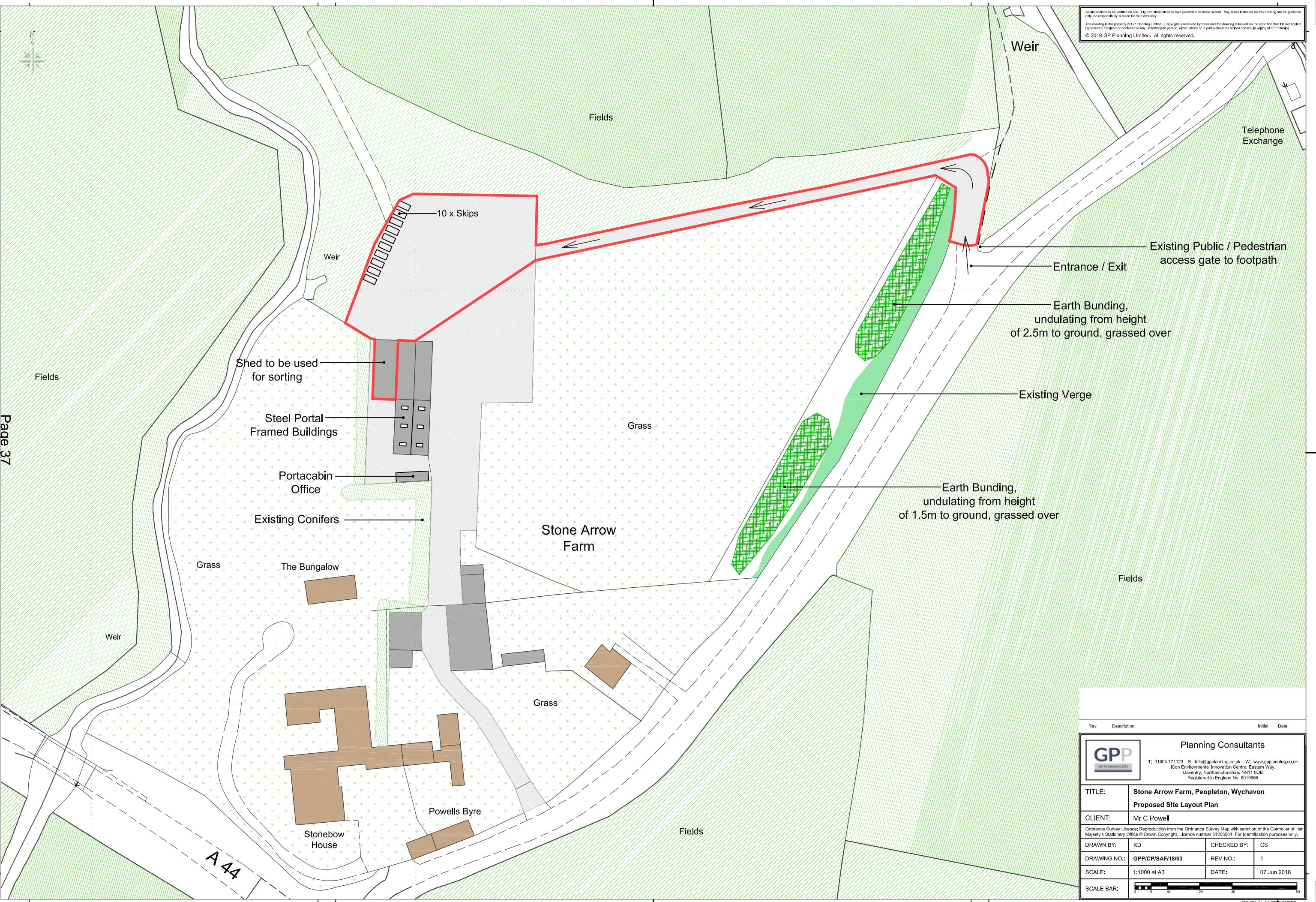
Proposed small scale Waste Transfer Station and Materials Recycling Facility associated with a skip hire business at Stone Arrow Farm, Peopleton, near Pershore, Worcestershire. Ref: 18/000032/CM.



Countryside Service
Worcester Woods Country Park
Wildwood Drive
Worcester
WR5 2LG

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All dimensions to be verified on site. Figures/dimensions to take precedent to those scaled. Any areas indicated on this drawing are for guidance only, no responsibility is taken for their accuracy.
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Rev	Description	Initial	Date
Planning Consultants			
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TITLE:	Stone Arrow Farm, Peopleton, Wychavon		
CLIENT:	Mr C Powell		
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DRAWN BY:	KD	CHEKED BY:	CS
DRAWING NO.:	GPP/CP/SAF/18/03	REV NO.:	1
SCALE:	1:1000 at A3	DATE:	07 Jun 2018
SCALE BAR:			

ORIGINAL A3 SIZE SHEET

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PLANNING AND REGULATORY COMMITTEE 4 DECEMBER 2018

PROPOSED CONSOLIDATION APPLICATION FOR THE CONSTRUCTION AND OPERATION OF A BIOMASS BOILER, ERECTION OF REPLACEMENT BUILDING TO HOUSE THE BIOMASS BOILER, INSTALLATION OF REPLACEMENT WASHING PLANT AND AMENDMENTS TO THE LAYOUT AND OPERATION OF THE EXISTING WASTE TRANSFER STATION (APPROVED UNDER 09/000057/CM) INCLUDING INCREASED WASTE THROUGHPUT AND AMENDED OPERATING HOURS (PART RETROSPECTIVE) AT MAILES SKIPS AND RECYCLING, GUINNESS PARK FARM, A4103, LEIGH SINTON, MALVERN, WORCESTERSHIRE

Applicant

Go Greener Recycling

Local Member

Mr P A Tuthill

Purpose of Report

1. To consider a County Matter consolidation planning application for the construction and operation of a biomass boiler, erection of replacement building to house the biomass boiler, installation of replacement washing plant and amendments to the layout and operation of the existing waste transfer station (approved under County Planning Authority (CPA) Ref: 09/000057/CM) including increased waste throughput and amended operating hours (Part Retrospective) at Mailes Skips and Recycling, Guinness Park Farm, A4103, Leigh Sinton, Worcestershire.

Background

2. Planning permission for a waste transfer station was originally granted by the then Hereford and Worcester County Council, Strategic Planning and Transportation Committee, County Planning Sub-Committee in February 1994. (CPA Ref: 407339, Minute No. 400 refers) that permission was time limited, requiring operations to cease by the 31 March 1998. Since then the waste transfer station has been granted a succession of time limited permissions by the CPA to continue operations on this site, with the latest being CPA Ref: 407486, Minute No. 129 refers), which allowed the retention of the waste transfer station until 31 May 2010.

3. In February 2009, Mailes Waste Management applied under Section 73 of the Town and Country Planning Act 1990 to rescind condition 1 of planning permission 407486, dated 9 May 2000 to permit permanent use of the transfer station for recycling and reclamation of waste materials at Guinness Park Farm (CPA Ref: 09/000008/CM, Minute No. 648 refers). However, whilst Members of the Planning and Regulatory Committee granted planning permission in July 2009, they imposed a condition (condition number 1), which required the development to cease by 31 May 2011 and the site restored. This was because the site had been extended without the necessary planning permission. In view of this, the Planning and Regulatory Committee considered that it would be inappropriate to grant a permanent planning permission for the waste transfer station. It was recommended that permission be granted for a time limited period which would allow sufficient time for the applicant to make a further planning application to the County Council for permission to bring the extended area of the site, and associated waste transfer / processing operations, within planning control. If no such application was forthcoming within this period of time then enforcement action would be considered against the operator for the unauthorised use of the land and the associated waste transfer/processing operations.

4. In March 2010, planning permission was granted on a permanent basis for the use of land as waste transfer station and extension of site area for stockpiling and grading of inert materials (CPA Ref: 09/000057/CM).

5. Separate to the waste transfer station permissions outlined above, in January 1995 Malvern Hills District Council granted planning permission for "*use of land as a Depot for the open storage of empty skips and waste containers, associated vehicle parking and ancillary development*" (Malvern Hills District Council Planning Ref: MH 95 / 1089). In February 1996 Malvern Hills District Council granted planning permission for an application to vary condition 9 of planning permission MH 95 / 1089 to extend the operating hours to allow the site to operate from 07:00 to 18:00 Mondays to Fridays and 07:00 to 13:00 on Saturdays (Malvern Hills District Council Planning Ref: MH 95 / 1392). This site is located immediately to the south of the above waste transfer station and to the north of the commercial units. Since being taken over by the applicant Go Greener Recycling, the depot for open storage now forms part of the wider waste transfer station site.

6. It should be noted for information that a fire took place on the site within a stockpile of waste material, located to the north of the retrospective biomass boiler building on Saturday, 30 June 2018.

The Proposal

7. Go Greener Recycling is seeking planning permission for the construction and operation of a biomass boiler, erection of replacement building to house the biomass boiler, installation of replacement washing plant and amendments to the layout and operation of the existing waste transfer station (approved under 09/000057/CM) including increased waste throughput and amended operating hours (Part Retrospective) at Mailes Skips and Recycling, Guinness Park Farm, A4103, Leigh Sinton, Malvern, Worcestershire.

8. The site currently operates under two extant planning permissions: CPA Ref: 09/000057/CM and Malvern Hills District Council Planning Ref: MH 95 / 1392. The applicant is seeking a consolidation planning permission, where any new planning permission would replace the two extant planning permissions with a new permission for the wider site. This application is also part retrospective as the biomass boiler building has been constructed and the biomass boiler installed. It is understood that the biomass boiler whilst installed is not operational. A drying floor has been installed and amendments to the layout of the site including removal of bunds have already taken place, but the proposed wash plant has not yet been installed. The proposed fire ponds have also not been constructed.

9. The applicant states that over recent years the company has expanded and evolved. The site has undergone changes to its layout to better serve the operational requirements of the business. The site extant has not been altered, but some of the conditions attached to the previous planning permissions refer to features or areas within the site that no longer exist. As such the conditions and the previous permissions are out dated and require updating. The proposal includes a number of elements:

Biomass Boiler and Building

10. This application seeks retrospective planning permission for the installation of two Danstoker 1.3 Megawatt (MW) Waste Incineration Directive (WID) boilers. The boilers would be fuelled by Grade A - C waste wood, which is explained below:-

- **Grade A** – visibly 'clean' recycled waste wood mainly from packaging waste, scrap pallets, packing cases and cable drums, and process off-cuts from the manufacture of untreated products
- **Grade B** – may contain Grade A wood together with other waste wood sourced from construction and demolition activities, transfer stations, civic amenity sites and the manufacture of furniture from solid wood. Grade B waste wood should be regarded as treated waste wood
- **Grade C** – may contain the above grades of waste wood and from similar sources, but will predominantly consist of panel products such as panel board, MDF, plywood, including products bonded using heat treatment. Grade C waste wood is treated waste wood and should be used as biomass fuel at Waste Incineration Directive (WID) compliant facilities and is not, therefore, suitable for burning as fuel in a small appliance.

11. The applicant states that on average the boilers would require 8 tonnes of waste wood per day running at normal capacity. This would generate 80 Kilowatt (kW) of electricity. The generated electricity would be used on site to power the equipment and machinery associated with the waste transfer station (powering 100% of the site's energy needs). Any surplus would be fed back into the grid to provide electricity to the local area. In addition to the generated electricity, an average daily output of 62,000 kW of heat would be achieved. The generated heat would be used on site to remove moisture from other waste brought onto the site.

12. Prior to incineration, the waste wood would be sorted and screened, removing any hazardous / contaminated wood or material falling below Grade C. The sorted

wood would then be chipped. The applicant states that the boilers contain measures to ensure that there would be no risk of any unacceptable or hazardous emissions.

13. The retrospective building constructed to house the boiler replaced an existing building on the same footprint and is located in the centre of the application site. The new building measures approximately 18 metres long by 12 metres wide by 8.8 metres high, the two protruding stacks measure approximately 13.2 metres high from ground level (about 5.6 metres high above the building). The building's walls and roof are coloured Dove Grey and the two stacks are constructed from stainless steel.

Washing Plant

14. A new wash plant is proposed to be installed adjacent to the existing bund on the western boundary of the site. The wash plant would be a multi-stage process that progressively segregates the feed material into various sizes and removes finer clays to produce aggregates. The process recycles all waste water back through the system and, therefore, a water storage pond dedicated for the wash plant is not required. The wash plant would be located on a concrete pad. The wash plant together with the associated water tank and control cabin would measure approximately 90 metres long by 14 metres wide by 11 metres high.

Fire Ponds

15. In order to comply with the Environment Agency safety regulations, it is necessary to provide the site with convenient access to a water source in case of fire. The application is proposing to construct two ponds immediately adjacent to one another connected with balance pipes, one being a return pond and the other a fire pond from which water could be pumped and used to extinguish a fire. The ponds would be located north of the waste transfer station behind the existing bund and adjacent to an existing agricultural track. The land forms part of Guinness Farm which is currently used for agriculture.

16. The fire pond would measure approximately 23 metres long by 14 metres wide by 3.2 metres deep and the return pond would measure approximately 14 metres long by 12 metres wide by 3.2 metres deep.

Layout

17. The retrospective amendments to the original approved layout are as follows:

- The internal bund has been removed to free up useable working space within the site
- The site office that was previously located in front of the building in the centre of the application site has been removed and the weighbridge relocated outside of the site office west of the site access. This provides a more convenient route for vehicles entering the site to be weighed
- The mixed waste reception, sorting and picking would remain within the centre of the site, with only minor changes to the location of these activities to provide space for the biomass boiler and wood processing area
- Crushing and screening would be conducted in the northern corner of the site adjacent to the existing bund.

Conditions

18. The operation of the biomass boiler, the changes to the layout of the yard and the operations conducted within it mean that certain conditions of the previous permission

would be breached during day to day operations. The relevant conditions on the extant planning permissions are:

Condition 2 – Inner Bund

19. Condition 2 of CPA Ref: 09/000057/CM states: "*All screening, crushing and processing of waste materials shall only take place within the inner bund as shown on plan reference 'F300: 19 08 09'*". Reason: "In the interest of the amenity of the surrounding area in accordance with Policy WD. 3 of the Worcestershire County Structure Plan".

20. The inner bund has been removed, the applicant states this was because it severely impeded upon the working area within the site. The external bund has been completed so the site is now screened around the majority of its perimeter with the exception of a portion to the south which is the sites access. The proposed area for screening, crushing and processing of waste materials would be within Zones 2, 3 and 4 as shown on the attached Committee Plan. These zones are located towards the north of the site and are enclosed by the outer bund. The applicant states that condition 2 is no longer relevant as it refers to the inner bund which has been removed.

Condition 3 – Wood Chipping

21. Condition 3 of CPA Ref: 09/000057/CM states: "*No wood chipping operations shall take place on site*". Reason: "In the interest of the amenity of the surrounding area in accordance with Policy WD. 3 of the Worcestershire County Structure Plan".

22. The applicant states that prior to the incineration of the waste wood, it would be sorted and screened, removing any hazardous or contaminated wood falling below Grade C. Once sorted it would then be chipped. This process would constitute a breach of condition 3. The applicant states that it is understood that this condition was originally imposed due to issues with the equipment used by the previous operator of the site, which used an old-fashioned wood chipper that generated unacceptable levels of noise. The wood chipper proposed to be installed on site is a Doppstadt AK 435 E, a modern piece of equipment. The applicant states that there would not be an unacceptable level of noise associated with the operation of the proposed modern wood chipper. As a further method of control, the condition may be altered to restrict the time that wood chipping activities are conducted rather than preventing wood chipping activities altogether. The applicant proposes that wood chipping operations are restricted to between the hours of 09:30 to 15:30 hours Mondays to Saturdays.

Condition 7 – Hours of Operation

23. Condition 7 of CPA Ref: 09/000057/CM states: "*All waste transfer station operations, including operations relating to the formation of the outer bund shall only take place on the site between 07:30 to 18:00 hours Mondays to Fridays, 07:30 to 13:00 hours on Saturdays and not at all on Sundays or Public Holidays*". Reason: "In the interest of the amenity of the surrounding area in accordance with Policy WD. 3 of the Worcestershire County Structure Plan".

24. Condition 3 of Malvern Hills District Council Planning Ref: MH 95 / 1392 states: "*The hours of operation shall be restricted to between 7.00 am and 6.00 pm Monday to Friday, 7.00 am to 1.00 pm Saturday with the site not being use on Sundays or Public Holidays*". Reason: "In order that this site is not used at unsociable hours and not on Sundays or Bank Holidays".

25. The applicant is proposing to extend the Saturdays operating hours to allow for working until 17:00 hours. The applicant states that they use Saturday afternoons to undertake yard maintenance because no skips are run to or from the site past 13:00 hours on Saturdays. The lack of skip activity allows for other maintenance duties to be undertaken in the yard. The proposed working hours are: 07:30 to 18:00 hours Mondays to Fridays, 07:30 to 17:00 hours on Saturdays and not at all on Sundays or Public Holidays.

26. It should also be noted that the biomass boiler is proposed to run continually and would operate outside of the proposed operating hours.

Condition 8 – Throughput of Waste

27. Condition 8 of CPA Ref: 09/000057/CM states: "*The combined total of all waste materials handled shall not exceed 25,000 tonnes per annum; records shall be kept for the inspection by the County Planning Authority on written request of the amount of throughput of materials for the duration of operations on site*". Reason: "To define the permission and to enable the County Planning Authority to adequately control the development".

28. The applicant is seeking to operate an aggregate recycling facility from the site together with the waste transfer station. The applicant states that the waste transfer station has been granted an Environmental Permit by the Environment Agency which limits throughput of controlled waste to 25,000 tonnes per year and inert waste to 150,000 tonnes per year (i.e. a maximum total of 175,000 tonnes per annum). The applicant states that it would seem sensible for the control imposed by the planning permission to match the control imposed by the Environmental Permit.

29. The applicant is proposing to increase the throughput of the site from 25,000 to 175,000 tonnes per annum. The applicant anticipates that the total combined daily HGV movements would be approximately 110 (about 55 HGV's entering the site and about 55 HGV's exiting the site per day). This would be an increase of approximately 54 HGV movements per day (about 27 HGV's entering the site and about 27 HGV's exiting the site per day) over and above the HGV movements associated with the permitted 25,000 tonnes annual throughput of waste materials. In addition the applicant anticipates that staff and visitor daily vehicle movements would total approximately 32 (about 16 vehicles entering the site and about 16 vehicles exiting the site per day).

Condition 9 – Burning of Waste

30. Condition 9 of CPA Ref: 09/000057/CM states: "*There shall be no burning of waste on the site*". Reason: "In the interest of the amenity of the surrounding area in accordance with Policy WD. 3 of the Worcestershire County Structure Plan".

31. The applicant states that whilst the proposed biomass boiler would technically breach this condition, it is clear that the condition was imposed to prevent uncontrolled burning of waste as a means of waste disposal rather than to prevent biomass energy production. The applicant suggests that this condition is re-worded as follows:

32. "*There shall be no burning of waste on the site except for the incineration of wood within the permitted biomass boilers*".

Operational Amendments

Waste Transfer Station

33. The waste transfer station operates a skip hire business and accepts waste from independent, licensed carriers. Waste entering the site is first directed to the 'mixed waste reception' located in Zone 3 (skip waste compound) as shown on the attached Plan, within the centre of the site. The waste is tipped onto the existing concrete slab where it is hand sorted. Any material capable of being recycled, for example, plasterboard, cardboard, glass and metal, are removed, sorted and placed in the appropriate storage area within Zone 3. Wood is stockpiled and then would be chipped to 80mm woodchip, passed through a magnet to remove metal and then stockpiled ready for incineration in the biomass boiler. Residual waste (material that remains after the process of waste treatment has taken place) would be placed on the drying floor, which is retrospective as it has already been constructed. The drying floor is situated adjacent to the biomass boiler. If approved and once operational, heat from the biomass boiler would pass into the drying floor, drying the waste, thereby reducing the water content before it is taken elsewhere for disposal.

Inert Aggregate Waste

34. Inert aggregate wastes entering the site is taken directly to the 'feedpile' located in Zone 4 (inert aggregate compound), as shown on the attached Plan. From here the material is crushed where necessary, then screened and would be washed in the proposed wash plant. The site would be able to produce 10mm, 20mm, 40mm and oversized clean secondary aggregates and sands – course and fine for use in construction and engineering projects.

The Site

35. The existing waste transfer station is located at Guinness Park Farm, approximately 7 kilometres south-west of Worcester City Centre and approximately 700 metres north of Leigh Sinton. The application site measures approximately 2.2 hectares and is part of a small commercial estate that is accessed via a concrete / tarmac drive off of the A4103 Worcester to Hereford Road, measuring approximately 180 metres long. The existing waste transfer station is located on the northern side of the commercial estate. There are other commercial uses adjacent to the site, including cold storage solutions, the sale of fences and sheds, and a business specialising in hybrid power solutions for transport. The whole commercial estate of approximately 3.4 hectares is surrounded by soil bunds measuring approximately 8 metres high on the northern and eastern side and 5 metres high to the north-west and south-west. There is an existing line of tall conifers on the south-east side of the estate. The commercial estate is set within open countryside, surrounded by agricultural land on all sides.

36. The Malvern Hills Area of Outstanding Natural Beauty (AONB) is located approximately 2.5 kilometres west of the proposal. The nearest Sites of Special Scientific Interest (SSSI) is the River Teme SSSI located approximately 1.4 kilometres north-east of the application site. There are also a number of non-statutory wildlife designated sites within 2 kilometres of the proposal, this includes the Ashes Local Wildlife Site (LWS), Marsh Cottage Meadows LWS, The Cuckoopit LWS, and Leigh Disused Railway LWS are located about 385 metres, 730 metres, 1.2 kilometres and 1.4 kilometres north of the application site, respectively. Whitegate

Orchard LWS, Middleyard Coppice LWS, and Whitehouse & Bush Hill Coppices LWS are located approximately 1.6 kilometres north-east, 1.8 kilometres north-east, and 1.7 kilometres east of the application site. The Carey's Brook LWS flows west to east, located at its closest point approximately 710 metres south of the application site, beyond which is North Wood LWS, situated about 1 kilometre south of the proposal and Lower Howsell Sidings LWS located approximately 1.6 kilometres south of the application site. Leigh Brook LWS is situated about 1.5 kilometres north-west of the proposal.

37. Ancient Woodland of the Ashes and Chapelhill Coppice are located approximately 370 metres north and 390 metres east of the application site, respectively.

38. No Public Rights of Way cross the application site, but there are a number of Public Rights of Way within the context of the application site, including Footpath LI-615 located about 185 metres west of the application site, running perpendicular to the A4103. Footpath LI-616 runs north-west to north-east of the application site, located about 250 metres from the application site at its closest point. Footpaths LI-604, LI-612 and LI-614 and Bridleways LI-606 and LI-608 are located approximately 350 metres north-west of the application site.

39. The Grade II Listed Buildings of Castle Green Farmhouse and Rosebank Cottage are located about 440 metres north-west and 325 metres east of the proposal. respectively. The Ancient Monument of Motte and bailey castle at Castle Green is located approximately 450 metres north-west of the application site.

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

41. Guinness Park Farm landfill site, which was granted in May 1990 is situated adjacent to the eastern boundary of the application site. No landfilling operations ever took place and the planning permission for that site is no longer extant (CPA Ref: 407241, Minute No. 1614 refers).

42. Guinness Park Farm Riding School is located approximately 150 metres south of the proposal on the western side of the A4103. The nearest residential properties are located approximately 225 metres to the east on the proposed development, situated on the eastern side of the A4103 and include Numbers 3, 4, 5, 6 Suffield (Suffield Cottages and Cherry Tree Cottage), Suffield Lodge and the dwelling located off Suffield Close. Further residential properties are located approximately 270 metres south of the proposal on the western side of the A4103 and include the Hop Cottage, Orchard Farm Cottage and Guinness Park Farm. Castel Green is located approximately 365 metres north-west of the application site.

Summary of Issues

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

- The waste hierarchy
- Location of the development
- Landscape character and visual impacts
- Residential amenity (including noise, dust, odour and air quality)
- Traffic and highways safety

- The water environment
- Ecology and biodiversity.

Planning Policy

National Planning Policy Framework (NPPF)

44. 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.

45. 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*".

46. 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.

47. 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.

48. 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.

49. 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.

50. 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
- Section 17: Facilitating the sustainable use of minerals

National Planning Policy for Waste

51. 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

52. 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.

53. 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.

54. 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 4: Other Recovery

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

55. 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 3 Employment, Housing and Retail Provision Requirements and Delivery

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 23 The Cotswolds and Malvern Hills Areas of Outstanding Natural Beauty (AONB)

Policy SWDP 24 Management of the Historic Environment

Policy SWDP 25 Landscape Character

Policy SWDP 27 Renewable and Low Carbon Energy

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)

56. 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.

57. 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.

58. 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.

59. 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.

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

The Government Review of Waste Policy England 2011

61. 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

62. **County Councillor Paul Tuthill** has made no comments.

63. **Leigh and Bransford Parish Council** comments that whilst welcoming the recycling facility, there is concern regarding the impact of the development upon the local area. The Parish Council supports the application on the condition that the appropriate licence is obtained and action is taken to mitigate environmental impact upon the locality to include all necessary action to prevent dust and dirt issues on the A4103 and the installation of wheel washing facilities.

64. **Malvern Hills District Council** has no objections to the proposal, subject to Worcestershire Regulatory Services and Natural England both raising no objections

in terms of impact upon air quality. In addition, comments received from local residents should be taken into consideration and satisfactorily addressed.

65. The District Council also highlight that landscape harm due to the felling of trees is addressed by the provision of compensatory planting.

66. **The Environment Agency** raises no objections to the proposal, commenting that the existing Environmental Permit for the site contains conditions relating to the operations on site, waste management and permitted wastes consistent with the planning application submission in relation to the waste types and quantities. The permit allows throughputs of up 24,999 tonnes per annum for controlled wastes and 150,000 for inert waste. The Environment Agency note that a permit variation application has been submitted and is currently being considered. The variation seeks to:

- Consolidate the permit, updating to new conditions
- Add the activity of drying
- Provide detailed European Waste Code lists for the transfer station and the drying activity
- Increase 'controlled waste' throughput to 49,999 tonnes per annum, and
- Amend the site boundary.

67. The Environment Agency state that emissions including odour, noise and vibrations relevant to the operational area would be controlled under the permit. The permit would also control day to day general management, including operations, maintenance and pollution incidents. In view of this, the Environment Agency does not consider it is necessary for planning conditions to be imposed to control these matters.

68. The Environment Agency notes the proposed fire ponds, which form part of the Fire Prevention Plan, which has been submitted in support of the permit variation. They also note the submitted Noise Assessment and that the nearest sensitive receptor being over 200 metres from the site.

69. With regard to the biomass boiler, the Environmental Permitting Regulations define small waste incineration plants (SWIPs) as all waste incineration or waste co-incineration plants with a capacity less than the 10 tonnes per day of hazardous waste or less than 3 tonnes per hour of non-hazardous waste. A SWIP needs an Environmental Permit issued by the Local Authority (Worcestershire Regulatory Services). As the biomass boiler would have a throughput of less than 3 tonnes per hour, the County Planning Authority may wish to liaise with Worcestershire Regulatory Services regarding this matter.

70. **Worcestershire Regulatory Services (Air Quality Officer)** has no objections to the proposal, stating that they have reviewed the application for potential air quality issues and have no adverse comments to make.

71. **Worcestershire Regulatory Services (Noise and Dust Officer)** has no objections to the proposal, stating that the submitted Noise Assessment appears acceptable and in line with Worcestershire Regulatory Services' Technical Noise Guidance. The noise rating level at all receptors does not take account of ground absorption or where applicable intervening buildings and, therefore, the noise rating

level would be approaching 0dB or less. Accordingly, Worcestershire Regulatory Services have no objections in terms of noise from the proposed wood chipper adversely impacting the nearest noise sensitive receptors and the waste transfer station operations in general.

72. **Public Health England** has no objections to the proposal, stating 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.

73. **South Worcestershire Land Drainage Partnership** has no objections to the proposal in principle with respect to flood risk, but the applicant should consider safe access as a risk and ensure that appropriate measures are in place, such as assessing the access for minor modifications or making alternative provision in the detailed design.

74. **Lead Local Flood Authority** has no objections to the proposal, stating that as noted in the submitted Flood Risk Assessment a clear surface water flow path can be seen flowing through the site. The Lead Local Flood Authority requires this area to remain free of obstructions to ensure the flow path is not disturbed. They also recommend the imposition of a condition requiring details of the maintenance arrangements for all Sustainable Drainage Systems (SuDS) on the site for the lifetime of the development.

75. **Severn Trent Water Limited** has no objections to the proposal, subject to the imposition of a condition requiring a scheme for the disposal of foul and surface water.

76. **The County Highways Officer** has no objections to the proposal, stating that the number of HGV's and Skip Lorry movements over the proposed working day would equate to approximately one vehicle entering and one vehicle exiting the site every 10 minutes. Given the class of the adjoining road, the County Highways Officer has no concerns with this proposal from a highway perspective.

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

78. **Historic England** has no objections, and recommends that advice is sought from the County Council' and District Council's specialist conservation and archaeological advisers.

79. **Ancient Monuments Society** has made no comments.

80. **The District Archaeologist** has no objections to the proposal.

81. **The County Archaeologist** has no objections to the proposal.

82. **Malvern Hills Area of Outstanding Natural Beauty (AONB) Partnership** comment that the proposed development is some distance from the Malvern Hills AONB and is, therefore, highly unlikely to have any sort of significant effect on the AONB or people's enjoyment of it.

83. They comment that in general larger structures tend to be better assimilated into the landscape if they are darker and more recessive in colour. Therefore, it may be useful to explore whether a colour such as anthracite is preferable to dove grey. A matt finish also tends to be preferable to reduce reflection from roofs.

84. **The County Landscape Officer** has no objections to the proposal, stating that they have no concerns regarding landscape and visual impact. Most of the works proposed would be contained within the existing area of operation, and therefore, would benefit from the landscape mitigation put in place as part of the 2009 application. There are Public Rights of Way to the west and north of the site, however, these receptors benefit from mature vegetation along existing field boundaries and the watercourse to the north and north-east of the site. The County Landscape Officer fully supports the enhancement measures recommended by the County Ecologist relating to the return pond if this is appropriate and practical to deliver in the context of its intended use. While the nature of the return pond is such that it would not be intrusive as a landscape feature, any measures to enhance its appearance would be welcomed.

85. **Natural England** has no objections to the proposal, stating that the proposal would not have a significant adverse impact upon designated sites. In particular the proposal would not damage or destroy the interest features for which the nearby River Teme SSSI has been notified.

86. **Worcestershire Wildlife Trust** has no objections to the proposal, and wishes to defer to the County Ecologist for all on-site detailed ecological considerations.

87. **The County Ecologist** has no objections to the proposal, stating that this proposal requires removal of a small area of land currently set to arable, which is unlikely to contain any ecological interest, and that the creation of a body of standing water poses an opportunity for minor enhancement. The County Ecologist recognises that the functionality of a 'fire pond' requires un-vegetated standing water so as to ensure an immediate supply and sufficient quantities of water. However, they do not know if the same constraints would also apply to the proposed 'return pond', and asks whether the applicant would consider a more gently sloping profile around one or preferably both ponds as this would enable easier access for periodic maintenance, would provide a means of escape for any trapped wildlife, and would also increase the marginal areas of the pond(s) which, in an intensively agricultural landscape, hold value for biodiversity in their own right. The County Ecologist also recommends that the margins of the pond are seeded with a mix designed to provide foraging opportunities for pollinators.

88. **West Mercia Police** has no objections.

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

90. **Western Power Distribution (Online Line Search Tool)** comments that 11kV overhead electricity and underground cable crosses the application site west to east, to the rear (north) of the commercial units. The applicant must comply with health and safety legislation and the Western Power Distribution guidance.

91. **National Grid** has made no comments.

Other Representations

92. The application has been advertised on site, in the press and by neighbour notification. To date, 16 letters of representation supporting the proposal, which includes a petition with 7 signatures, and 6 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:

Support

- The UK should follow the lead of Europe and embrace the idea of incineration as a mean of disposal of waste as opposed to landfill. Modern incinerators are extremely efficient and are closely monitored by the Environment Agency
- Consider it is high time that the UK began to encourage smaller waste companies to invest in modern technology to assist them in dealing with waste disposal and thus reduce environmental pollution. The UK is a nation of small enterprises and the UK must support investment in them
- The current operations appear to be run in an efficient manner having little or no effect on its neighbours, whilst providing an essential service to the area
- Extending the operating hours would help to minimise the effect of vehicles entering and exiting the site by taking some of those vehicle movements out of the peak traffic periods on the A4103, whilst the site is remote enough for the activities not to affect local residents
- Leigh & Bransford Badgers Football Club state that as volunteers supporting the development of young people with an interest in their future, they support any organisation that considers developing sustainable energy production which also reduces waste to landfill
- Leigh & Bransford Badgers Football Club also state that the site, the owners and employees have been considerate and supportive over many years that the Football Club has been located adjacent to the application site, and the Football Club is confident that this will continue into the future
- Guinness Park Farm Riding School comment that Go Greener perform an essential service to the community and are prepared to invest a considerable amount of money to make their operation as efficient as possible and to do so help minimise the impact of waste on the environment.

Objections

Working hours

- The applicant has been working outside of the approved operational hours on Saturday afternoons and on Sundays. This is not fair and respectful to the local community, and the applicant appears to have no fear of the law or rules of the licence under which they operate
- Further alleged out of hours working on Saturday 3 November. Question who will be able to control the operator when they do not abide by operating hours?
- Opposed to the proposed extended Saturday operating hours, as this would affect the amenity of local residents

Pollution

- Query how can this business be trusted to not burn toxic wood and waste in this biomass boiler?
- In November 2017 a local resident had to contact the environmental officer concerning a fire that had been burning plastic and other substances for at least a month at Go Greener outside their site area
- In the planning application, houses close to the site were visited to assess noise and environmental pollution, but local residents states that they did not receive any visit, although they would most affected, due to the prevailing south westerly wind direction in this area
- Concerns about the noise pollution that would be generated by the shredding of wood to feed the biomass boiler, and request that the bund on the south-west side of the site is raised and planted with trees, and the shredding machine is housed in a suitable building, to alleviate some of the noise pollution. Trees were meant to be planted on the bunds many years ago, but have only been planted and maintained on the Guinness Farm side
- Question who is going to monitor what the operator burns in the biomass boiler?
- Concerned for the health of the parents and children who attend the adjacent Football Club every Saturday.

Visual Impact

- Adverse visual impact as a result of the large shiny building, which can be seen from the main road and several nearby residential properties.

Enforcement

- Given that the application for the biomass boiler is retrospective, local residents consider that any opposition to the building or biomass boiler would be pointless, as they consider it is a 'done deal' as the theory behind biomass boilers is politically correct, good for the environment, and the cost spent on the development. They consider the application will be passed regardless of any valid objections. They consider Worcestershire County Council has been very underhand and secretive about this and they feel violated
- They consider that what is significantly underhand is that local residents raised the question of the initial building being erected in November 2017 and the Planning Officer informed them that that he could not discuss the building, but that they did know about its existence and that local residents would find out in due course
- Query what is the point of consulting on a planning application when the building has already been constructed and biomass boiler installed and commissioned? Paying lip service to the process and the people it affects is appalling.

The Head of Strategic Infrastructure and Economy's Comments

93. 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

94. 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.

95. 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.

96. Policy WCS 2 of the Waste Core Strategy identifies a current capacity gap for Worcestershire to achieve equivalent self-sufficiency for 'other recovery'. It is considered that the proposed development would constitute an 'other recovery' facility, falling within Policy WCS 4 'Other types of recovery' of the waste hierarchy. This is because the Waste Core Stagey defines 'recovery' as "*any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy. In the Waste Core Strategy 'other recovery' includes thermal treatment and any recovery facilities that do not fall into the category of 're-use', 'recycling' or 'disposal'*".

97. Policy WCS 4 of the Waste Core Strategy requires recovery facilities to demonstrate that sorting of waste is carried out to optimise re-use and recycling; resource recovery from outputs of the process is optimised and any residues can be satisfactorily managed and disposed of; and where thermal treatment is carried out, energy recovery is optimised.

98. The applicant states that "*at present wood processed by Go Greener is either shipped to other parts of the UK, Northern Continental Europe and Scandinavia along with other refuse derived fuel (RDF) for energy recovery, or, it is sent to landfill. Clearly there are significant environmental advantages associated with the proposal to recover energy from wood on site. The energy and heat produced would be used on site with any surplus fed back into the grid for use in the local area*".

99. "*There is an identified need for the proposed biomass boiler, a significant amount of wood, approximately 8,000 tonnes per annum currently passes through the site. In the absence of a suitable facility locally, this material is transported by road to other regions in the Country or is shipped abroad to be processed or disposed of*".

100. The sorting of waste to optimise re-use and recycling already takes place on the Go Greener Recycling waste transfer station site. The proposal would generate electricity from wood waste that would otherwise be sent to landfill or the energy recovered in incineration plants in other parts of the UK, Northern Continental Europe and Scandinavia. The energy generated from the process would be used on site to power the equipment and machinery associated with the waste transfer station, with any surplus electricity being fed in the grid to provide electricity to the local area. In addition heat from the biomass boiler would be used to remove the moisture content from other waste brought onto the site. Consequently, the Head of Strategic Infrastructure and Economy considers that the development of the biomass boiler and associated wood chipping operation would overall move waste up the waste hierarchy from disposal to other recovery, and therefore, would comply with the objectives of the waste hierarchy, and Policies WCS 2 and WCS 4 of the Waste Core Strategy.

101. Furthermore, paragraph 148 of the NPPF States that "*the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure*".

102. Paragraph 154 of the NPPF states that "*when determining planning applications for renewable and low carbon development, local planning authorities should:*

- a) *not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- b) *approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas*".

103. The proposal also includes a number of amendments to the operations of the existing waste transfer station, including the increase in the throughput from 25,000 tonnes per annum, to 175,000 tonnes per annum, and the provision of a wash plant that would segregate inert materials into various sizes and remove finer clays to produce secondary aggregates, producing 6 products (10mm, 20mm, 40mm and oversized clean aggregates and sands – course and fine) for use in construction and engineering projects.

104. The Head of Strategic Infrastructure and Economy considers that the amendments to operation and layout of the existing development, would facilitate more efficient operation of the existing waste transfer station facility, which provides a critical role in helping to drive waste up the waste hierarchy by sorting and bulking up of various sources of waste in preparation for transfer and subsequent recycling by specialist operators and, therefore, would comply with the objectives of the waste hierarchy.

Location of the development

105. 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.

106. 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'.

107. The principle of the existing waste transfer station in this location has already been established and accords with Policy WCS 6 of Worcestershire Waste Core, however, as part of this application the applicant is now seeking retrospectively to install a biomass boiler enclosed within a building, with associated wood chipping.

108. Policy WCS 4 Part b) of the Waste Core Strategy states that "*in order to deliver the spatial strategy, proposals for 'other recovery' facilities will be permitted in levels 1 and 2 where it is demonstrated that the proposed location is at the highest appropriate level of the geographic hierarchy*".

109. The application site is located within level 5, the lowest level of the Geographic Hierarchy. Part c) of Policy WCS 4 states that:

110. "*Planning permission will not be granted for 'other recovery' facilities in level 3, 4 or 5 except where it is demonstrated that:*

- i. *the proposed development cannot reasonably be located in levels 1 or 2 of the geographic hierarchy, and*
- ii. *the proposed location is at the highest appropriate level of the geographic hierarchy*".

111. The applicant states that "*the facility would be located at an existing waste transfer station where waste is currently sorted. Prior to incineration, waste wood would be sorted and processed. The biomass boiler would generate electricity and heat both of which would be collected and used on site. In this case the facility would be an ancillary function of an existing waste transfer station. As such the facility would be located at the highest appropriate level of the Geographic Hierarchy in order to deliver the Waste Core Strategy's Spatial Strategy. The key aim of the Spatial Strategy is to locate facilities to take advantage of opportunities for on site management of waste where it arises. In this case, waste wood already enters the site, so it is most appropriate to manage the waste on site and recover energy in the form of electricity and heat. It would be less appropriate to sort the waste wood on site and then transport to it to an alternative location to be processed even if the alternative location was located in a higher level of the Geographic Hierarchy*".

112. "*Furthermore, the Spatial Strategy aims to locate facilities where they are best suited to serve the needs of local communities and the local economy and minimise*

the distance waste is moved by road. In this case the facility would provide electricity to local residents and businesses serving the needs of the local community and economy. The provision of an on-site 'other recovery' facility would reduce significantly the distance that waste wood is moved by road".

113. Although the development site is sited within Level 5 'All other areas' of the hierarchy, the applicant has demonstrated that the proposed development cannot reasonably be located in levels 1 or 2 of the Geographic Hierarchy as the biomass boiler is dependent on the location where the waste is generated, and is ancillary to the wider waste transfer station site, as it provides electricity and heat for use by the existing waste transfer station and therefore, the proposed location is at the highest appropriate level of the Geographic Hierarchy in accordance with Policy WCS 4 of the Waste Core Strategy.

114. The proposed development would be located within the existing waste transfer station site, which is an established waste management site, within the broader Guinness Park Farm commercial estate. Policy WCS 6 of the Worcestershire Waste Core Strategy states that proposed 'other recovery' facilities, located on "*existing or allocated industrial land*" and / or located on "*sites with current use rights for waste management purposes*" are compatible land uses.

115. 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*".

116. 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.

117. 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*".

118. 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 planning permission (CPA Ref: 09/000057/CM and Malvern Hills Planning District Council Planning Refs: MH 95 / 1089 and MH 95 / 1392).

119. 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.

120. Consequently the Head of Strategic Infrastructure and Economy considers the principle of the proposed development in this location is acceptable and accords with Policies WCS 4 and WCS 6 of the Worcestershire Waste Core Strategy.

Landscape character and visual impacts

121. Letters of representation have been received objecting to the proposal on the grounds of visual impact as a result of the large shiny building, which can be seen from the main road and several nearby residential properties.

122. The application site measures approximately 2.2 hectares and is part of a small commercial estate that measures approximately 3.4 hectares in total and is accessed via a concrete / tarmac drive off of the A4103. The existing waste transfer station is located on the northern side of the commercial estate. The whole commercial estate is surrounded by soil bunds measuring approximately 8 metres high on the northern and eastern side and 5 metres high to the north-west and south-west. There is an existing line of tall conifers on the south-east side of the estate. The commercial estate is set within open countryside, surrounded by agricultural land on all sides. The Malvern Hills AONB is located approximately 2.5 kilometres west of the proposal.

123. The applicant is seeking retrospective planning permission for the construction and operation of a biomass boiler, erection of replacement building to house the biomass boiler, and is proposing the installation of replacement washing plant and amendments to the layout and operation of the existing waste transfer station.

124. The new building measures approximately 18 metres long by 12 metres wide by 8.8 metres high, the two protruding stack measure approximately 13.2 metres high from ground level (about 5.6 metres high above the building). The building's walls and roof are coloured Dove Grey and the two stacks are constructed from stainless steel. The proposed wash plant together with the associated water tank and control cabin would measure approximately 90 metres long by 14 metres wide by 11 metres high.

125. 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 perimeter bunding, established vegetation, and for certain views the intervening existing commercial units. Notwithstanding this, distant and glimpsed views of the site, in particular the new building and wash plant would be observed above the bunds. More open but distant views of the building are possible from the south /south-west of the site along the A4103, but such views are seen in the context of the existing established waste transfer station / commercial estate.

126. The extant planning permission 09/000057/CM imposed a number of planning conditions relating to controlling visual impacts, including a restriction on the height of all stored skips and other stored materials to a maximum height of 4 metres, location of stored materials, and a landscaping scheme which includes planting on the outer bund. Should planning permission be granted it is recommended that such conditions are imposed on any new consent.

127. The County Landscape Officer has been consulted and has raised no objections to the proposal, stating that they have no concerns regarding landscape and visual impact. Most of the works proposed would be contained within the existing area of operation, and therefore, would benefit from the landscape mitigation put in place as part of the extant planning permission. There are Public Rights of Way to the west and north of the site, however, these receptors benefit from mature vegetation along existing field boundaries and the watercourse to the north and north-east of the site. The County Landscape Officer states that whilst the nature of the return pond is such that it would not be intrusive as a landscape feature, any measures to enhance its appearance would be welcomed.

128. Malvern Hills District Council has no objections to the proposal, subject to comments received from local residents should be taken into consideration and satisfactory addressed, and also highlight that landscape harm is addressed due to the felling of trees through the provision of compensatory planting. The applicant has confirmed that the owner of the site cut down the fir trees on the western side of the site entrance and these have been replanted. These are outside the site and the area under control of the applicant. These works were carried out before the applicant had any interest in the application site. Conditions are recommended requiring visual screen planting / landscaping, and detailed design and landscaping of the proposed ponds.

129. Due to the distance from the Malvern Hills AONB, the Malvern Hills AONB Partnership has been consulted and comments that the proposed development is highly unlikely to have any significant effect on the AONB or people's enjoyment of it. They comment that in general larger structures tend to be better assimilated into the landscape if they are darker and more recessive in colour. Therefore, it may be useful to explore whether a colour such as anthracite is preferable to dove grey. A matt finish also tends to be preferable to reduce reflection from roofs. A condition is recommended to this effect. The applicant states that this would be difficult to achieve and the building replaced a building of a similar colour. The Head of Strategic Infrastructure and Economy considers that given the County Landscape Officer has no objections and the Malvern Hills AONB Partnership consider it is highly unlikely the proposal would have any significant effect on the AONB that the colour of the building is acceptable in this instance.

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

Residential amenity (including noise, dust, odour and air quality)

131. Letters of representation have been received from local residents objecting to the proposal on the grounds of adverse pollution, noise, visual impact and opposed to the extended working hours. A number of letters of representation have been received from local residents supporting the proposal on the grounds of providing an essential service to the local area, and providing environmental benefits in terms of moving from disposal to recovery of waste.

132. The nearest residential properties are located approximately 225 metres to the east on the proposed development, situated on the eastern side of the A4103. Further residential properties are located approximately 270 metres south of the proposal on the western side of the A4103. Castle Green is located approximately 365 metres north-

west of the application site. Guinness Park Farm Riding School is located approximately 150 metres south of the proposal on the western side of the A4103.

133. The applicant is seeking retrospective planning permission for the construction and operation of a biomass boiler and erection of replacement building to house the biomass boiler, together with the installation of replacement washing plant and amendments to the layout and operation of the existing waste transfer station, which includes increasing the throughput from 25,000 tonnes to 25,000 tonnes of controlled waste (Commercial and Industrial (C & I) waste, and Construction, Demolition and Excavation (C & D) waste) and 150,000 of inert waste (totalling 175,000 tonnes per annum). The applicant is also proposing to extend the Saturdays operating hours to allow for working until 17:00 hours; and is proposing to undertake wood chipping to feed the biomass boiler. The applicant proposes that wood chipping operations would be restricted to between the hours of 09:30 to 15:30 hours Mondays to Saturdays.

134. The applicant states with regard to the retrospective biomass boiler that *"stringent European and UK legislation imposes statutory limits on gaseous and dust emissions to the atmosphere from industrial plant. Biomass boilers must comply with the Large Combustion Plant Directive (LCPD) (Directive 2001/80/EC), and incinerators of waste materials must comply with the Waste Incineration Directive (WID) (Directive 2000/76/EC). Operators of waste incinerators are required to measure gases emitted from the boiler. The LCPD and WID directives place obligations on plant owners to ensure that Continuous Emissions Monitoring Systems (CEMS) are available for not less than 97 per cent of the time. Furthermore, owners of plant operating under WID are obliged to stop their processes if their CEMS fail for more than 4 hours. The proposed biomass boiler system contains the requisite CEMS and is fully complaint with the WID enabling the incineration of Grade C waste wood in a safe, controlled and regulated manner".*

135. A Noise Assessment accompanied the planning application submission, which assessed the impact of the wood chipper on the residents of Suffield Close located to the east of the application site, Guinness Farm located to the south and Castle Green Farm located to the north-west of the application site.

136. The Noise Assessment states that the chipper (Doppstadt AK Series Biomass Wood Chipper) produces a constant noise of the same level and quality all the time, without any dominant frequencies. At a distance of 300 metres or more from the chipper the noise would have a character similar to constant distant traffic noise. The Noise Assessment concludes that the proposed wood chipper would not have any significant adverse impact, falling below the BS5228-1:2009 noise limits and the World Health Organisation (WHO) Guidelines for Community Noise (1999), and Night Noise Guidance for Europe (2009).

137. The applicant's Noise Consultant also undertook an assessment of the Sandvik QJ341 Crusher & Screener and it was observed that at the perimeter of the site whilst under full load and crushing concrete blocks with metal reinforcement, the traffic noise from the A4106 was noticed as being more dominant than the Sandvik QJ341 Crusher & Screener at full load. The applicant has also confirmed that the crushing, screening and chipping equipment on site all has in-built dust suppression and silencers.

138. Condition 4 of extant planning permission CPA Ref: 09/000057/CM states: "*a Noise and Dust Management Scheme for the site shall be submitted to the County Planning Authority within three months of the date of this permission for the agreement in writing by the County Planning Authority. The scheme shall provide for an annual review of the scheme by the County Planning Authority. The agreed scheme shall be implemented and maintained for the duration of all waste transfer operations on the site*". A condition is recommended to this effect should planning permission be granted for the development. A condition is also recommended to restrict the wood chipping operations to between the hours of 09:30 to 15:30 hours Mondays to Saturdays.

139. Notwithstanding the above controls, the primary environmental controls over the existing, proposed and retrospective operations would be contained within the Worcestershire Regulatory Services Environmental Permit for the biomass boiler and the Environment Agency's Environmental Permit for the wider waste transfer station facility.

140. 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*".

141. The Environment Agency has been consulted and raises no objections to the proposal, commenting that the existing Environmental Permit for the site contains conditions relating to the operations on site, waste management and permitted wastes. They note that a permit variation application has been submitted to them and is currently being considered. The permit would control emissions including odour, noise and vibrations. In view of this, the Environment Agency does not consider it is necessary for planning conditions to be imposed to control these matters. They note that the biomass boiler requires a separate Environment Permit from Worcestershire Regulatory Services.

142. Worcestershire Regulatory Services (Noise and Dust Officer) raises no objections, stating that the submitted Noise Assessment appears acceptable and in line with Worcestershire Regulatory Services' Technical Noise Guidance. The noise rating level at all receptors does not take account of ground absorption or where applicable intervening buildings and, therefore, the noise rating level would be approaching 0dB or less. Worcestershire Regulatory Services (Air Quality Officer) also has no objections to the proposal, stating that they have reviewed the application for potential air quality issues and have no adverse comments to make.

143. 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. The extant conditions relating to noise and dust are recommended to be imposed should planning permission be granted.

144. With regard to odour emissions, it is noted that the existing and proposed development would sort and bulk up C & I and C & D waste. The proposal would also include the chipping of wood waste for incineration in the biomass boiler. There is no input of raw refuse or putrescible waste material that would give rise to noxious odours and attract flies. The Environment Agency's Environmental Permit would control odour emissions, and in view of this, no planning conditions are recommended to control odour emissions.

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

Traffic and highway safety

146. 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*".

147. The site is accessed via an existing concrete / tarmac drive, directly from the A4103 Worcester to Hereford Road, measuring approximately 180 metres long.

148. The applicant is proposing to increase the throughput of the site from 25,000 to 175,000 tonnes per annum. The applicant anticipates that the total combined daily HGV movements would increase to approximately 110 (about 55 HGV's entering the site and about 55 HGV's exiting the site per day). This would be an increase of approximately 54 HGV movements per day (about 27 HGV's entering the site and about 27 HGV's exiting the site per day) over and above the HGV movements associated with the permitted 25,000 tonnes annual throughput of waste materials. In addition the applicant anticipates that staff and visitor daily vehicle movements would total approximately 32 (about 16 vehicles entering the site and about 16 vehicles exiting the site per day). Operating at maximum capacity, the maximum number of vehicular movements into and out of the site would be about 142 per day. This equates to approximately 18 vehicle movements per hour based on an 8-hour working day.

149. The County Highways Officer has been consulted and has raised no objections to the proposal, stating that the number of HGV's and skip lorry movements over the proposed working day would equate to approximately one vehicle entering and one vehicle exiting the site every 10 minutes. Given the class of the adjoining road, the County Highways Officer has no concerns with this proposal from a highway perspective.

150. 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 an appropriate condition, as imposed on the extant planning permission relating to ensuring no mud, dust or debris shall be deposited on the public highway.

Water environment

151. The application site is located within Flood Zone 1, as identified on the Environment Agency's Indicative Flood Risk Map and has a low probability of flooding. Footnote 50 of the NPPF states that in Flood Zone 1, a site specific flood risk assessment should accompany all proposals involving sites of 1 hectare or more. As the application site measures approximately 2.2 hectares a Flood Risk Assessment accompanied the planning application submission.

152. The Government's Planning Practice Guidance (PPG) at Paragraph Reference ID: 7-033-20140306 states that it should not normally be necessary to apply the Sequential Test to development proposals in Flood Zone 1 (land with a low probability of flooding from rivers or the sea). The PPG at "Table 3: Flood risk vulnerability and flood zone 'compatibility'" indicates that less vulnerable development, such as this is considered acceptable in Flood Zone 1.

153. The nearest watercourse is Leigh Brook, a small tributary of the River Teme, which flows beyond the northern and eastern boundaries of the site and is, located approximately 225 metres from the application site at the nearest point. The River Teme is located approximately 1.4 kilometres north-east of the application site. There are also several small ponds in the vicinity of the application site and a ditch which drains the field to the east of the application site towards Leigh Brook.

154. The applicant states that the application site is mostly permeable and the extent of impermeable surfacing is limited to the skip waste compound / mixed waste reception area (Zone 2 as shown on the attached Plan). This is concrete and drains to outlets by the drying floors that collect the water through an interceptor for storage in settlement tanks underground before discharging via an outfall pipe to a soakaway in the adjacent land. The biomass boiler building has its own gutters and drainage that discharge via down pipes to an existing seasonal ditch (watercourse) that also collects water from the surrounding land and other buildings to the east of the site. This ditch flows via a field ditch network into the nearby Leigh Brook.

155. As part of this application, the applicant is not proposing to increase the impermeable surfacing on site. However, two ponds (fire pond and return pond) are proposed to provide the site with convenient access to a water source in the event of a fire. These are proposed on the northern edge of the site.

156. The submitted Flood Risk Assessment confirms that the development would not increase flood risk elsewhere and notes that as the new biomass building has the same footprint as the previous building there would be no increase in surface water runoff as a result of the building. However, it does identify that the application site lies on a route used by surface water flowing from the south-west and the existing commercial units which are excluded from this application site, could cause ponding of surface water which may affect the southern part of the waste transfer station site. The depth of surface water ponding could be between 0.3 metres to 0.9 metres. The deepest water, to the north of the commercial units, is relatively slow flowing but a narrower, faster flow may occur to the south, some of which is included within the application site.

157. The portacabin site office is raised above the ground and, therefore, this would provide suitable protection from surface water flooding whilst allowing free passage of surface runoff. The biomass building is sited away from the flood risk area and that the main area of ponding would be free of buildings, but used as a vehicle wash bay.

158. The Flood Risk Assessment recommends that a clear route for surface water passing through the site is maintained to minimise surface water ponding. A condition is recommended to this effect. The Flood Risk Assessment notes that the flood risk area is to be occupied by the existing small car park and vehicle wash bay (concrete bay with a drain in the centre where vehicles are washed down), which are suitable uses provided the surface water flow route is not obstructed by fencing or similar. The applicant has confirmed that that it is intended to maintain the existing arrangements and fencing or similar is not proposed in this area.

159. The Flood Risk Assessment states that subject to suitable site levels the roof water from the biomass building could be routed to the fire water pond to help maintain the stored water volume and provide attenuation prior to discharge. Other site drainage should not be used for this purpose as the quality could be insufficient. The applicant has confirmed it is their intention to implement this recommendation of the Flood Risk Assessment.

160. The Lead Local Flood Authority has been consulted and has raised no objections to the proposal, subject to the imposition of conditions requiring the identified surface water flow path to remain free of obstruction and a SuDS maintenance plan. Conditions are recommended to this effect. South Worcestershire Land Drainage Partnership has raised no objections in principle, but request that the applicant considers safe access as a risk and ensure that appropriate measures are in place. The applicant has confirmed that the risk of flooding is extremely low (1 in 1000 year event). Should torrential rainfall occur and a significant flow start to develop along the line of the ditch, the site would be closed and evacuated using the main access point. The gates would be secured to prevent access to anyone else until the flow had abated. Severn Trent Water Limited also has no objections to the proposal, subject to the imposition of a condition requiring a scheme for the disposal of foul and surface water.

161. In view of comments from the Lead Local Flood Authority and South Worcestershire Land Drainage Partnership and given that the applicant is proposing minimal changes to the existing drainage regime, it is considered that the conditions recommended by Severn Trent Water Limited are not necessary in this instance, and that the proposal would not have an unacceptable impact upon the water environment, subject to the imposition of appropriate conditions.

Ecology and biodiversity

162. 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*".

163. 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*".

164. The nearest Sites of Special Scientific Interest (SSSI) is the River Teme SSSI located approximately 1.4 kilometres north-east of the application site. There are also a number of non-statutory wildlife designated sites within 2 kilometres of the proposal, the nearest of which are includes the Ashes Local Wildlife Site (LWS), Marsh Cottage Meadows LWS, and The Cuckoopit LWS are located about 385 metres, 730 metres, and 1.2 kilometres north of the application site, respectively. The Carey's Brook LWS flows west to east, located at its closest point approximately 710 metres south of the application site, beyond which is North Wood LWS, situated about 1 kilometre south of the proposal.

165. Due to the proximity to the SSSI's and LWS's Natural England and Worcestershire Wildlife Trust have been consulted. Natural England has no objections, stating that the proposal would not have a significant adverse impact upon designated sites. In particular the proposal would not damage or destroy the interest features for which the nearby River Teme SSSI has been notified. Worcestershire Wildlife Trust has also raised no objections to the proposal, and wishes to defer to the County Ecologist for all on-site detailed ecological considerations.

166. The County Ecologist has no objections to the proposal, stating that this proposal requires removal of a small area of land currently set to arable, which is unlikely to contain any ecological interest, and that the creation of a body of standing water poses an opportunity for minor enhancement. Conditions are recommended regarding the detailed design / gradients of the ponds and a landscaping / planting scheme for the ponds.

167. In view of the above matters, the Head of Strategic Infrastructure and Economy considers that subject to the imposition of appropriate conditions, that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area.

Other matters

Monitoring and enforcement

168. Letters of representation state that given that the application for the biomass boiler is retrospective, local residents consider that any opposition to the building or biomass boiler would be pointless, as they consider it is a 'done deal' as the theory behind biomass boilers is politically correct, good for the environment, and the cost spent on the development. They comment that they consider the application will be passed regardless of any valid objections. They consider Worcestershire County Council has been very underhand and secretive about this and they feel violated.

169. The County Council, as the County Planning and Waste Planning Authority has a Planning Monitoring and Enforcement Officer who investigates alleged breaches of planning control in relation to minerals and waste management development including the carrying out of development before the necessary planning approvals have been granted. When development takes place without permission the County Council has a range of enforcement powers available to establish whether a breach of planning control has taken place, what harm is being caused as a result of the breach, how to remedy the situation and what whether it is expedite to take enforcement action.

170. Planning enforcement action is discretionary and takes place when the breach is causing significant planning harm or when negotiations to resolve the breach, once it is identified, do not produce required results, and only if taking action is considered to be the wider public interest.

171. The Planning Monitoring and Enforcement Officer visited the site in November 2017 following observations from the A4103 that activity was taking place on site. A subsequent meeting with Planning Officers, the applicant and their consultants was arranged in December 2017. The outcome of this meeting was that the applicant decided to submit a planning application seeking to regularise the development. The planning application was received by the CPA in February 2018, but held in abeyance due to further information being required, in particular a Noise Assessment and Flood Risk Assessment. The application was validated and consulted upon in July 2018.

172. As outlined at Paragraph Reference ID: 17b-012-20140306 of the Government PPG "*a local planning authority can invite a retrospective application. In circumstances where the local planning authority consider that an application is the appropriate way forward to regularise the situation, the owner or occupier of the land should be invited to submit their application without delay. It is important to note that:*

- *although a local planning authority may invite an application, it cannot be assumed that permission will be granted, and the local planning authority should take care not to fetter its discretion prior to the determination of any application for planning permission – such an application must be considered in the normal way;*
- *an enforcement notice may also be issued in relation to other elements of the development".*

173. It is now noted that Go Greener Recycling has made the current planning application to regularise the development and breaches of planning conditions. Whilst it is very unfortunate that these breaches of planning control have occurred, the Head of Strategic Infrastructure and Economy welcomes the applicant seeking to resolve the breaches of planning control through the submission of the current planning application, so that the merits of the proposal can be fully examined and considered by the Planning and Regulatory Committee.

Human Rights Act 1998

174. Article 8 of the Human Rights Act 1998 (as amended) states that everyone has the right to respect for his private and family life. A public authority cannot interfere with the exercise of this right except where it is in accordance with the law and is necessary (amongst other reasons) for the protection of the rights and freedoms of

others. Article 1 of Protocol 1 of the Act entitles every natural and legal person to the peaceful enjoyment of his possessions

175. The law provides a right to deny planning permission where the reason for doing so is related to the public interest. Alternatively, having given due consideration to the rights of others, the CPA can grant planning permission in accordance with adopted policies in the development plan.

176. All material planning issues raised through the consultation exercise have been considered and it is concluded that by determining this application the CPA would not detrimentally infringe the human rights of an individual or individuals.

Conclusion

177. The applicant is seeking planning permission for the construction and operation of a biomass boiler, erection of replacement building to house the biomass boiler, installation of replacement washing plant and amendments to the layout and operation of the existing waste transfer station (approved under CPA Ref: 09/000057/CM) including increased waste throughput and amended operating hours (Part Retrospective) at Mailes Skips and Recycling, Guinness Park Farm, A4103, Leigh Sinton, Malvern.

178. The site currently operates under two extant planning permissions: CPA Ref: 09/000057/CM and Malvern Hills District Council Planning Ref: MH 95 / 1392. The applicant is seeking a consolidation planning permission, where any new planning permission would replace the two extant planning permissions. This application is also part retrospective as the biomass boiler building has been constructed and the biomass boiler installed. It is understood that the biomass boiler is not operational. A drying floor has been installed and amendments to the layout of the site including removal of the inner bunds have already taken place, but the proposed wash plant has not yet been installed. The proposed fire ponds have also not been constructed.

179. The sorting of waste to optimise re-use and recycling already takes place on the Go Greener Recycling waste transfer station site. The proposal would generate electricity from wood waste that would otherwise be sent to landfill or the energy recovered in incineration plants in other parts of the UK, Northern Continental Europe and Scandinavia. The energy generated from the process would be used on site to power the equipment and machinery associated with the waste transfer station, with any surplus electricity being fed in the grid to provide electricity to the local area. In addition heat from the biomass boiler would be used to remove the moisture content from other waste brought onto the site. Consequently, the Head of Strategic Infrastructure and Economy considers that the development of the biomass boiler and associated wood chipping operation would overall move waste up the waste hierarchy from disposal to other recovery, and therefore, would comply with the objectives of the waste hierarchy, and Policies WCS 2 and WCS 4 of the Waste Core Strategy.

180. The Head of Strategic Infrastructure and Economy considers that the amendments to operation and layout of the existing development, would facilitate the efficient operation of the existing waste transfer station facility, which provides a critical role in helping to drive waste up the waste hierarchy by sorting and bulking up of various sources of waste in preparation for transfer and subsequent recycling by

specialist operators and, therefore, would comply with the objectives of the waste hierarchy.

181. The principle of the existing waste transfer station in this location has already been established and accords with Policy WCS 6 of Worcestershire Waste Core, however, as part of this application the applicant is now seeking retrospectively to install a biomass boiler enclosed within a building, with associated wood chipping.

182. Although the development site is sited within Level 5 'All other areas' of the Waste Core Strategy's Geographic Hierarchy, the applicant has demonstrated that the proposed development cannot reasonably be located in levels 1 or 2 of the Geographic Hierarchy as the biomass boiler is dependent on the location where the waste is generated, and is ancillary to the wider waste transfer station site, as it provides electricity and heat for use by the existing waste transfer Station and therefore, the proposed location is at the highest appropriate level of the Geographic Hierarchy, and is in accordance with Policies WCS 4 and WCS 6 of the Waste Core Strategy.

183. Based on the advice of Malvern Hills District Council, Malvern Hills AONB Partnership and the County Landscape Officer, the Head of Strategic Infrastructure and Economy considers that the proposed development would not have an unacceptable impact upon the character and appearance of the local area, subject to the imposition of appropriate conditions.

184. The Environment Agency, Worcestershire Regulatory Services and Public Health England all have raised no objections to the proposal. In view of this, it is considered that the proposal would have no adverse noise, dust, or odour impacts upon residential amenity or that of human health, subject to the imposition of appropriate conditions.

185. Based on the advice of the County Highways Officer, 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 an appropriate condition, as imposed on the extant planning permission relating to ensuring no mud, dust or debris shall be deposited on the public highway.

186. The submitted Flood Risk Assessment confirms that the development would not increase flood risk elsewhere, but identifies that part of the application site lies on a route used by surface water flowing from the south-west and the existing commercial units which are excluded from this application site, could cause ponding of surface water which may affect the southern part of the waste transfer station site.

187. The Flood Risk Assessment notes that the flood risk area is to be occupied by a small car park and vehicle wash bay, which are suitable uses provided the surface water flow route is not obstructed by fencing or similar. A condition is recommended to this effect.

188. Based on the advice of the Lead Local Flood Authority and South Worcestershire Land Drainage Partnership and given that the applicant is proposing minimal changes to the existing drainage regime, it is considered that the proposal would not have an unacceptable impact upon the water environment, subject to the imposition of appropriate conditions.

189. Natural England has raised no objections, confirming that the proposal would not result in an unacceptable impact upon the River Teme SSSI. The Head of Strategic Infrastructure and Economy considers that subject to the imposition of appropriate conditions as recommended by 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.

190. Taking into account the provisions of the Development Plan and in particular Policies WCS 1, WCS 2, WCS 3, WCS 4, 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 3, SWDP 4, SWDP 6, SWDP 8, SWDP 12, SWDP 21, SWDP 22, SWDP 23, SWDP 24, SWDP 25, SWDP 27, 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

191. The Head of Strategic Infrastructure and Economy recommends that planning permission be granted for the proposed consolidation application for the construction and operation of a biomass boiler, erection of replacement building to house the biomass boiler, installation of replacement washing plant and amendments to the layout and operation of the existing waste transfer station (approved under 09/000057/CM) including increased waste throughput and amended operating hours (Part Retrospective) at Mailes Skips and Recycling, Guinness Park Farm, A4103, Leigh Sinton, Malvern, Worcestershire, subject to the following conditions:

Approved Plans

- a) The development hereby permitted shall be carried out in accordance with the details shown on submitted Drawings: 17-374-Loc-001, Rev B; 17-374-PL-201 B; 17-001-SUR-001, Rev C; 17-374-PL-101, Rev A; 17-374-PL-202, Rev A; 17-374-PL-203; 17-374-PL-204; 17-374-PL-205 and SL4032-LAYOUT-01A, Rev A, except where otherwise stipulated by conditions attached to this permission;

Throughput

- b) The annual throughput of the development hereby approved shall be limited to a maximum of 175,000 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

- c) No wastes other than those defined in the application, namely commercial and industrial and construction, demolition and excavation wastes, shall be brought onto the site;

Hours of Working

- d) Construction works, including installation of any plant and machinery 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;

- e) Operations, including any repair and maintenance of vehicles, plant and equipment within the development hereby approved, excluding the biomass boiler which may operate 24 hours per day and excluding the chipping operations shall only take place between the hours of 07:30 hours and 18:00 hours Mondays to Fridays inclusive, and between 07:30 to 17:00 hours on Saturdays with no operations on Sundays, Bank or Public Holidays. No machinery or equipment shall operate on the site outside these hours;
- f) Chipping operations within the development hereby approved shall only take place between the hours of 09:30 hours and 15:30 hours Mondays to Saturdays inclusive, with no chipping operations on Sundays, Bank or Public Holidays;

Noise and Dust

- g) 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;
- h) Within 3 months of the date of this permission, an updated Noise and Dust Management Scheme for the site shall be submitted to the County Planning Authority for approval in writing. Thereafter the development shall be carried out in accordance with the approved scheme;

Pollution

- i) 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;
- j) There shall be no burning of waste on the site except for the incineration of wood within the permitted biomass boilers, as shown on drawing numbered: 17-374-PL-201 A, titled: Planning Application Site Layout; drawing numbered: 17-001-SUR-001 Rev B, titled: Recycling Centre – Compound Layout; and numbered: 17-374-PL-205, titled: Planning Application Block Plan – Boiler;
- k) There shall be no discharge of trade effluent, sewage effluent or contaminated drainage from the site into any ditch or watercourse;
- l) All surface water drainage from the site shall be through an oil interceptor;

Storage

- m) The height of stored skips, and all other stored materials shall not exceed 4 metres in height. Within 3 months of the date of this permission, an updated scheme for the setting up of permanent markers that allows operatives and officers from the County Planning Authority a means of visually checking the height shall be submitted to the County Planning Authority for approval in writing. The agreed height markers shall be erected and maintained on site for the duration of the development hereby approved;
- n) Notwithstanding the submitted details, within 3 months of the date of this permission, a scheme shall be submitted to the County Planning Authority for approval in writing, showing the locations of the storage and height of all materials and skips associated with the operations hereby approved, the scheme shall also show how waste materials will be prevented from encroaching onto the landscaped outer bund thereby preserving the integrity of the landscaped outer bund and to keep operations within the permitted area;

Water environment

- o) No new gates, walls or other means of enclosures shall be constructed within the area occupied by the surface water flow path as shown on Figures 4.2: 'Flood Risk from Surface Water', of the Guinness Park Farm Recycling Centre, Flood Risk Assessment, version 1.1, dated 16 July 2018;
- p) Within 6 months of the date of this permission, a Sustainable Drainage System (SuDS) Management Plan shall be submitted to the County Planning Authority for approval in writing. This shall include details on management responsibilities, maintenance schedules for all SuDS features and associated pipework, and the strategy that shall be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. Thereafter, the SuDS shall be maintained in accordance with the approved details;

Lighting

- q) 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, in particular bats; and
 - vi. Times when the lighting would be illuminated;

Biodiversity

- r) 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;

- s) 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;
- t) Notwithstanding the submitted details, prior to the construction of the 'fire pond' and 'return pond', as shown on drawings numbered: 17-374-PL-201 A, titled: Planning Application Site Layout; drawing numbered: 17-001-SUR-001 Rev B, titled: Recycling Centre – Compound Layout; and numbered: 17-374-PL-101, titled: Planning Application – Water Storage – Pond Plan and Sections for proposed pond, the detailed design of these ponds, including their planting specification shall be submitted to the County Planning Authority for approval in writing. Thereafter the ponds shall be constructed in accordance with the approved details;

Landscaping

- u) Within 6 months of the date of this permission, 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

- v) 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;
- w) No mud, dust or debris shall be carried onto the public highway. To facilitate this, the access road shall be maintained in a clean condition at all times. 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;

Cessation

- x) In the event of a cessation of waste transfer station operations, the site shall be restored in accordance with a scheme to be submitted to the County Planning Authority for approval in writing, within 6 months of the

cessation of activities. The approved scheme shall be fully implemented within 2 years of the written approval; and

Planning Permission

- y) 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

Email: saldrige@worcestershire.gov.uk

Mark Bishop, Development Manager:

Tel: 01905 844463

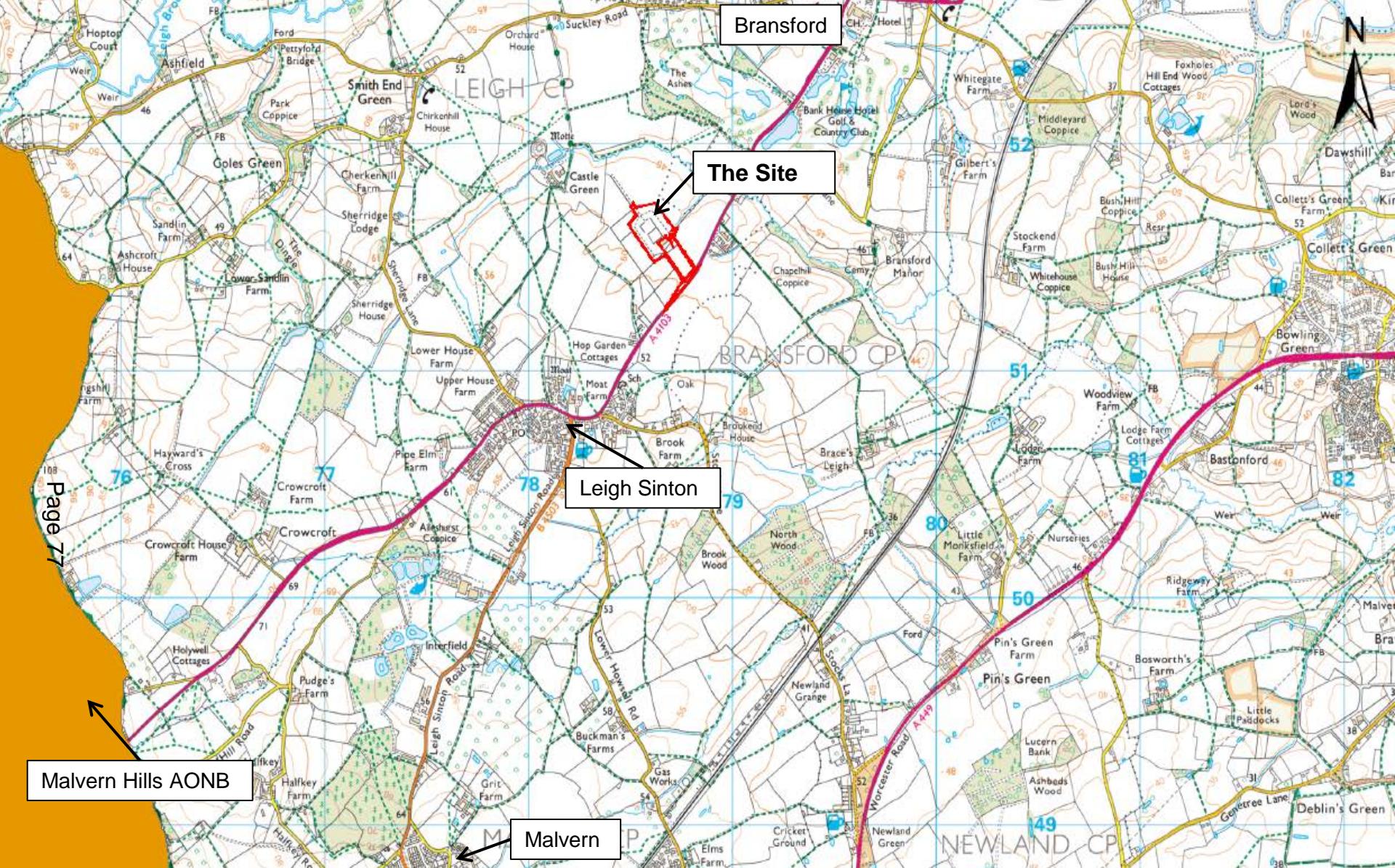
Email: mabishop@worcestershire.gov.uk

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: 18/000009/CM.

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Ordnance Survey 100024230.

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Consolidation application for the construction and operation of a biomass boiler, erection of replacement building to house the biomass boiler, installation of replacement washing plant and amendments to the layout and operation of the existing Waste Transfer Station (approved under 09/000057/CM) including increased waste throughput and amended operating hours (Part Retrospective) at Mailes Skips and Recycling, Guinness Park Farm, A4103, Leigh Sinton, Malvern, Worcestershire. Ref: 18/000009/CM.

Indicative Scale: 1:25,000

Date Printed: 1/11/2018



Countryside Service
Worcester Woods Country Park
Wildwood Drive
Worcester
WR5 2LG

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Ordnance Survey 100024230.

Indicative Scale: 1:7,500

Date Printed: 1/11/2018

Consolidation application for the construction and operation of a biomass boiler, erection of replacement building to house the biomass boiler, installation of replacement washing plant and amendments to the layout and operation of the existing Waste Transfer Station (approved under 09/000057/CM) including increased waste throughput and amended operating hours (Part Retrospective) at Mailes Skips and Recycling, Guinness Park Farm, A4103, Leigh Sinton, Malvern, Worcestershire. Ref: 18/000009/CM.



Countryside Service
Worcester Woods Country Park
Wildwood Drive
Worcester
WR5 2LG

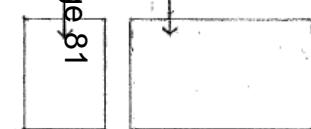
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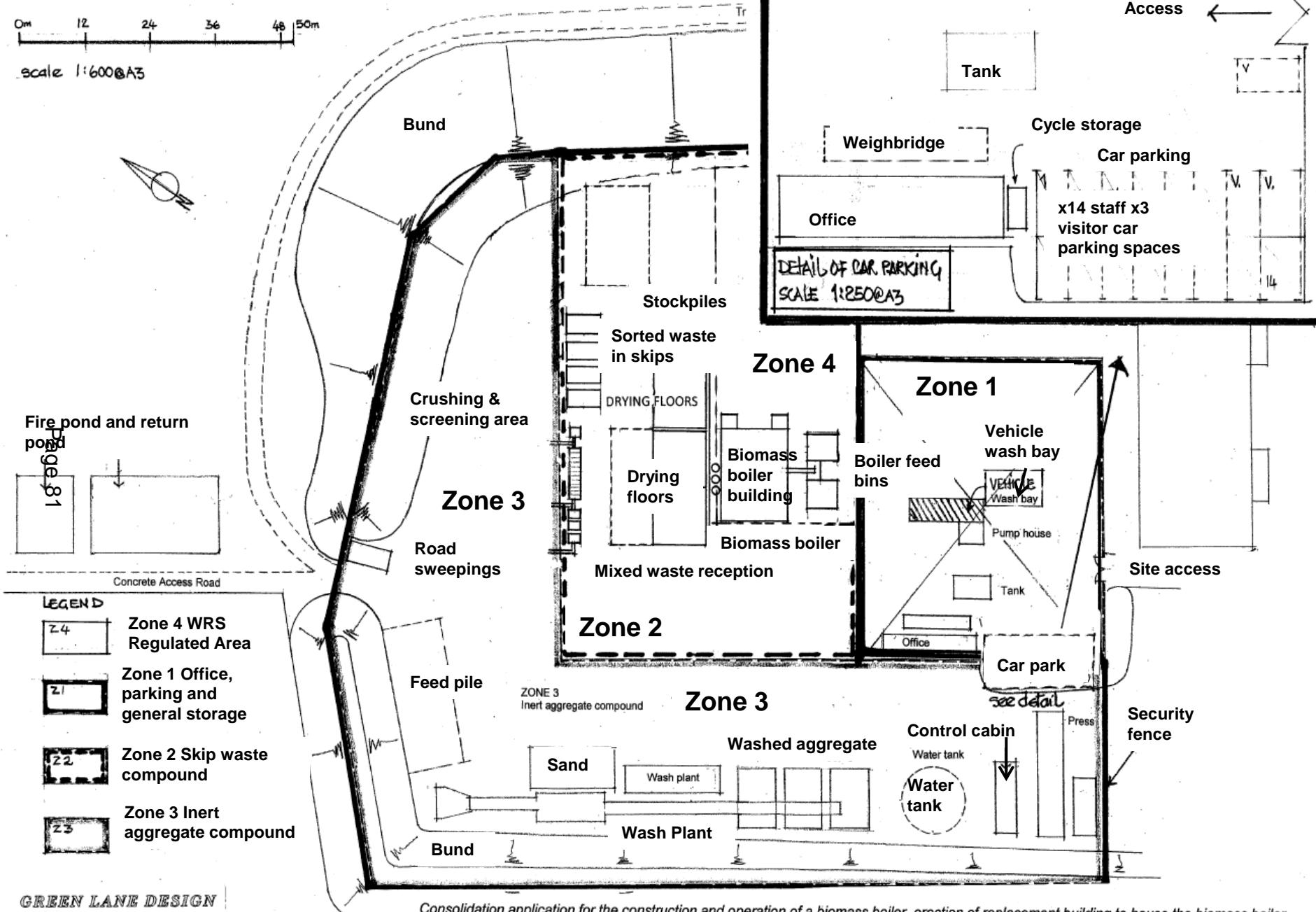
Fire pond and return pond



Concrete Access Road

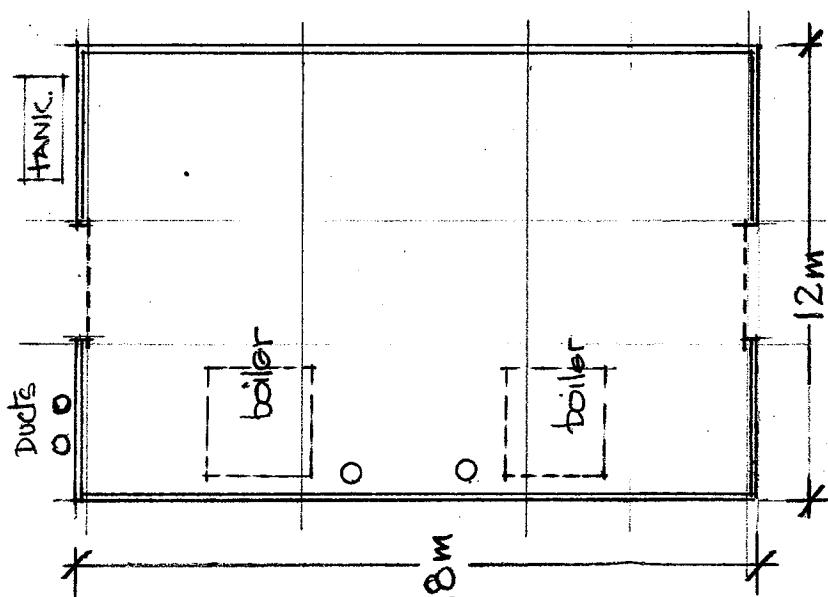
LEGEND

- [Z4] Zone 4 WRS Regulated Area
- [Z1] Zone 1 Office, parking and general storage
- [Z2] Zone 2 Skip waste compound
- [Z3] Zone 3 Inert aggregate compound



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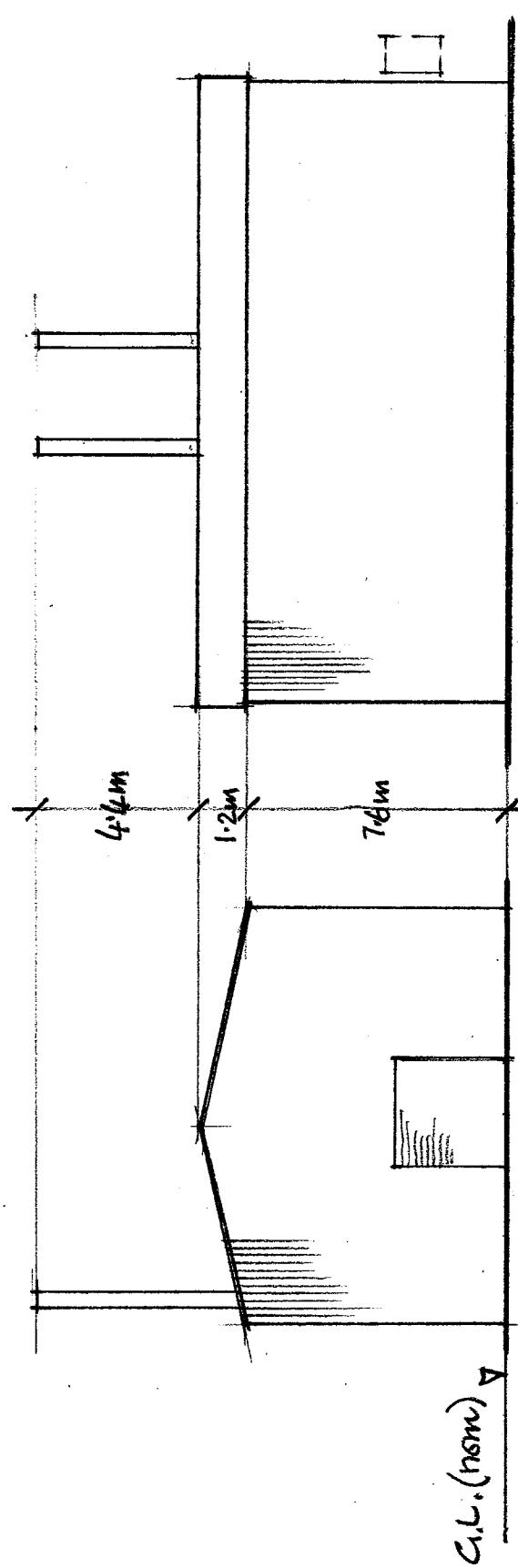
Construction application for the construction and operation of a biomass boiler, erection of replacement building to house the biomass boiler, installation of replacement washing plant, Construction of Ancillary Fire Pond, and amendments to the layout and operation of the existing waste transfer station (approved under planning permission 09/000057/CM) including increased waste throughput, together with extended Saturday working hours. (Part-Retrospective).



PLAN OF BIOMASS PLANT

Page 83

scale 1:200 @ A2



SOUTH-EAST ELEVATION

Watkins

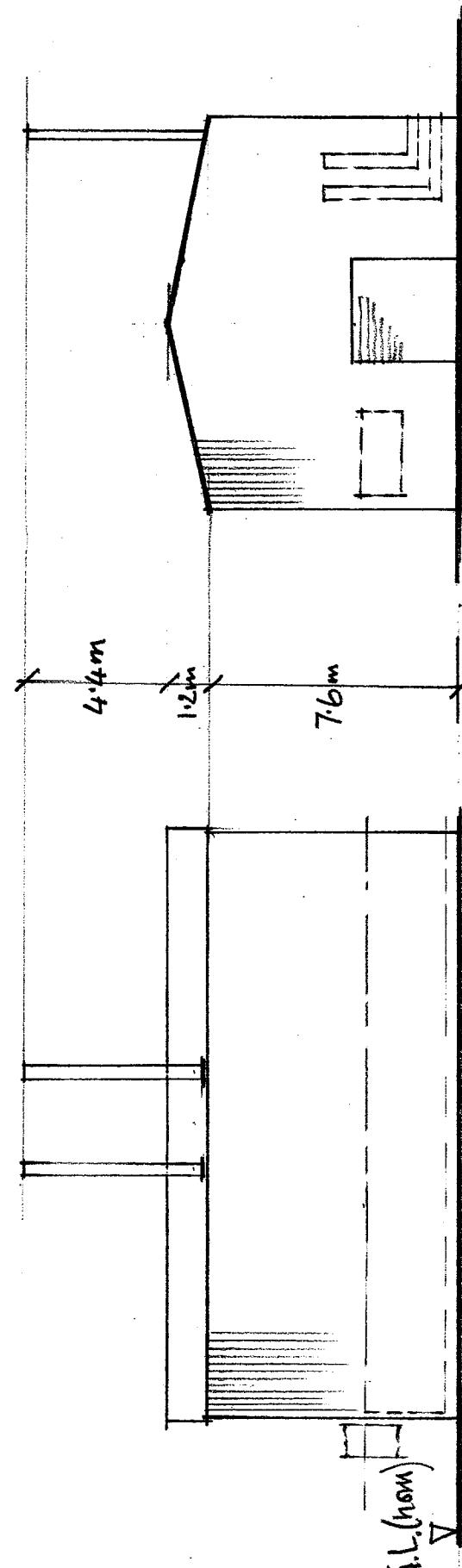
Walls. Coat steel ribbed cladding.
cedar Dove Cirey DS 22 8/17

Roof. Coat steel corrugated roof sheeting colour Dove Grey BS 22 B 17

Doors. Galvanised steel.

Flues. Stainless steel.

Scale 1:200 @ A3



NORTH-WEST ELEVATION

• Dimensions taken from site seven thousand eight hundred and

- Cal - nominal - Working platforms around building set at required heights may differ.

NORTH-EAST ELEVATION

**Guinness Park,
Worcester
Go Greener Ltd**

Guinness Park, Leigh Sinton, Worcester	Drawing	Planning Application – Biomass Plant Building - Plan and Elevations	Date:	March 2018
Go Greener Ltd	Drawing no.	17-374 - PL -202 A Scale 1:200 @ A3	REV A - S106 added	19 Nov. 2018

Planning Application –
Biomass Plant Building - Plan and Elevations
17-374 - PL -202 A Scale 1:200 @ A3 Date: March 2018

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