

Minutes of the Planning and Regulatory Committee

County Hall, Worcester

Tuesday, 26 October 2021, 10.00 am

Present:

Cllr Ian Hardiman (Chairman), Cllr Bob Brookes, Cllr Peter Griffiths, Cllr Paul Harrison, Cllr Scott Richardson Brown, Cllr Linda Robinson, Cllr Chris Rogers, Cllr David Ross and Cllr Richard Udall

Also attended:

Cllr Elizabeth Eyre attended as local councillor for Agenda item 5.

Available papers

The Members had before them:

- A. The Agenda papers (previously circulated);
- B. A copy of the summary presentations from the public participants invited to speak (previously circulated); and
- C. The Minutes of the meeting held on 28 September 2021 (previously circulated).

1087 Apologies/Named Substitutes (Agenda item 1)

Apologies were received from Cllr Martin Allen, Cllr Bill Hopkins, Cllr Jack Satterthwaite, and Cllr Kit Taylor.

Cllr Mel Allcott substituted for Cllr Jack Satterthwaite.

1088 Declarations of Interest (Agenda item 2)

None.

1089 Public Participation (Agenda item 3)

Those presentations made are recorded at the minute to which they relate.

1090 Confirmation of Minutes (Agenda item 4)

Planning and Regulatory Committee Tuesday, 26 October 2021
Date of Issue: 22 November 2021

RESOLVED that the Minutes of the meeting held on 28 September 2021 be confirmed as a correct record and signed by the Chairman.

1091 Proposed Groundwork and Civil Engineering Depot and Recycling Facility, associated landscaping and surface water attenuation on land at former Valecrest site, Evesham Road, Fladbury, Worcestershire (Agenda item 5)

The Committee considered the proposed Groundwork and Civil Engineering Depot and Recycling Facility, associated landscaping and surface water attenuation on land at former Valecrest site, Evesham Road, Fladbury, Worcestershire.

The report set out the background of the proposal, the proposal itself, the relevant planning policy and details of the site, consultations and representations.

The report set out the Head of Planning and Transport Planning's comments in relation to the Waste Hierarchy, Location of the Development, Landscape Character, Visual Impacts and Historic Environment, Impact on neighbouring land uses, including residential amenity, Traffic and Highways Safety and Public Rights of Way, Ecology and Biodiversity, Water Environment, Other Matters – Minerals, Climate Change, Need for Environmental Impact Assessment (EIA), Consultation, Utilities including pipeline, and Human Rights Act 1998.

The Head of Planning and Transport Planning concluded that the proposed development would include the collection, treatment, recycling and reuse of soils and inert wastes generated from building projects. It would comply with the objectives of the waste hierarchy and policy in the Waste Core Strategy and help to address the capacity gap identified in the Waste Core Strategy.

Although the site was at the lowest level in the Waste Core Strategy geographic hierarchy, the applicant had demonstrated that it provided proximity to the target market and ease of access to the primary road network. Given the scale of the proposal and noting the National Planning Policy for Waste which stated that Waste Planning Authorities should "drive waste management up the waste hierarchy, recognising the need for a mix of types and scale of facilities", on balance, it was considered that the proposal would comply with the Worcestershire Waste Core Strategy.

Whilst the proposal was located in the open countryside, as defined by the South Worcestershire Development Plan, it was noted that the site could reasonably be described as an employment site (though not currently in operation) and would constitute the retention of an existing local business with growth ambitions generating new employment opportunities and was for the re-use of land.

A number of concerns had been raised about the landscape and visual impacts of the proposal. A Landscape and Visual Impact Assessment had been undertaken which showed that, although the buildings on the site would be tall and therefore, visible from the surrounding area, sufficient mitigation had been proposed to reduce these visual impacts to a satisfactory level. This included using materials and colours that were in keeping with other agricultural structures in the local area, retention of existing vegetation and construction of bunds with additional planting to screen the development. The Head of Planning and Transport Planning considered the proposal accords with Sections 12 and 15 of the NPPF, Policies WCS 11 and WCS 12 of the Waste Core Strategy and Policies SWDP 21, SWDP 23 and SWDP 25 of the South Worcestershire Development Plan.

Both the County and Wychavon District Council Archaeologists had identified heritage assets of significance in the vicinity of the application site. However, both advisers were content that the likely impact from the proposed development could be suitably offset by the implementation of a conditioned programme of archaeological works, including site investigation. There were above ground heritage assets located within 500 metres of the site but due to separation and intervening structures, landform and vegetation the proposal was unlikely to adversely affect these assets, in accordance with Section 16 of the NPPF, Policy WCS 9 of the Waste Core Strategy and Policies SWDP 6 and SWDP 24 of the South Worcestershire Development Plan.

Respondents to the application had expressed concerns that the impacts from noise and dust would have adverse effects on users of neighbouring land, including residents, the Vale Crematorium and tomato production at Springhill Nursery. Noise, dust and health impact assessments had all been submitted as part of the application. Both Worcestershire Regulatory Services (WRS) and the Environment Agency (EA) advised that the information provided had demonstrated that the potential for detrimental emissions from noise, dust and air quality could be suitably controlled. It was also noted that the applicant proposed to adopt a Noise Management Plan in line with the recommendations of the noise assessment, incorporating a number of measures and standard good operating practices to ensure noise was adequately mitigated. The Head of Planning and Transport Planning considered the proposal accorded with Policy WCS 14 of the Waste Core Strategy and Policy SWDP 31 of the South Worcestershire Development Plan, and the NPPF.

There was no evidence that the proposal would result in adverse health effects or detrimentally affect the right to family life of those living adjacent to the site. There was also no evidence to demonstrate that the proposed mitigation, which were standard measures, would not be effective or appropriate.

The proposal would generate a number of movements of both commercial and private vehicles. The application details suggested, however, that these would be lower than were generated by the former mushroom production and most of those movements would be replacing those at the existing Wrubble sites. Objections had been received that questioned the appropriateness of the main entrance in terms of highway safety and that the analysis undertaken by the applicant could not be relied upon. It was not possible to be definitive about

the number of vehicle movements generated by mushroom production however, the vehicle movements estimated to occur as a result of the proposed development were not unreasonable and concluded to be acceptable.

Access arrangements for the site had been amended through discussion with the County Highways Officer, such that these were now considered to be appropriate and safe. The application included alternative modes of transport to the car, enabling staff and visitors to access the site via walking, cycle and bus routes. Whilst representations had questioned the potential to link the site to public transport services, these proposals were considered to be appropriate and to bring benefit. The Head of Planning and Transport Planning considered the proposal accorded with Section 9 of the NPPF, Policy WCS 8 of the Waste Core Strategy and Policy SWDP 4 of the South Worcestershire Development Plan.

Ecological surveys had been undertaken for the site which found little of ecological or biodiversity interest, with the exception of the native hedgerows along the southern and western boundaries. The proposed scheme delivered a number of ecological benefits and net biodiversity gains in the form of extensive native tree and shrub planting along the eastern boundary, extensive areas of wildflower meadow areas and a new sustainable drainage scheme. The proposed development was considered to be consistent with Section 15 of the NPPF, Policies WCS 9 and WCS 11 of the Waste Core Strategy, Policy SWDP 22 of the South Worcestershire Development Plan, and was in line with guidance in the South Worcestershire Design Guide SPD.

The proposal lies within Flood Zone 1, the lowest level of flood risk. The submitted assessment of overland flow, groundwater and sewer flooding mechanisms did not suggest other than a low risk of flooding at the site. A SuDS system including water recycling proposals had been proposed that required a new storage/attenuation pond. A new sewage treatment plant within the site boundary would manage the foul drainage, therefore, impacts on water quality should be avoided. It was considered that the proposal was in accordance with Section 14 of the NPPF, Policy WCS 10 of the Waste Core Strategy and Policies SWDP 28, SWDP 29, SWDP 30 and SWDP 31 of the South Worcestershire Development Plan.

The southern portion of the application site fell within a Minerals Consultation Area for sand and gravel, but because the amount of mineral affected was very small and the development would not increase the sterilisation of that mineral, no assessment was necessary of the scope for minerals extraction to be made before development takes place.

The development proposal was considered to adequately respond to policy seeking to reduce carbon emissions and secure sustainable energy solutions, not least as it had been designed to benefit from solar gain, natural ventilation and offers charging points for electric vehicles.

The Head of Planning and Transport Planning considered that a formal EIA was not required, that community engagement to an acceptable level had been

undertaken and considered that should planning permission be granted, planning informative notes be attached to the decision notice as appropriate to use in respect of gas pipelines in the vicinity of the site.

Both Policies WCS 1 of the Waste Core Strategy and SWDP 1 of the South Worcestershire Development Plan stated a presumption in favour of sustainable development, a policy approach aligned with the NPPF. In accordance with paragraph 11 c) of the NPPF, development proposal that accord with an up-to-date Development Plan should be approved without delay. On balance, 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 7, SWDP 8, SWDP 12, SWDP 21, SWDP 22, SWDP 23, SWDP 24, SWDP 25, SWDP 27, SWDP 28, SWDP 29, SWDP 30, SWDP 31 and SWDP 32 of the Adopted South Worcestershire Development Plan, it was considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety, subject to the recommendations contained in the following section, all potential adverse effects of the development could be sufficiently mitigated to an acceptable level. Development of the site offered a number of benefits, including: increased reuse and recycling of waste; allowing a local business the potential to improve operational conditions, expand the business and increase employment; improved transport connections and more sustainable transport choices than currently; redevelopment of a vacant and dilapidated site; increased biodiversity value; and the opportunity to investigate archaeological assets.

The planning consultant acting on behalf of the Head of Planning and Transport Planning introduced the report and commented that members had visited the site, observing the site from the main road, noting the location of the nearest private residents and local businesses, and the laurel trees that would be removed. In response to a request made at the site visit, she set out specific distances from the centre of Zone B to the strip of land owned by the applicant; from the centre of Zone B to the crematorium buildings and Orchard View residential property to the north; and from the centre of the recycling zone to the nursery to the south of the site

Mr Aldridge, an objector to the application addressed the Committee. He commented that the Westerleigh Group ran the Crematorium that adjoined the application site. The crematorium had catered for over 3,500 services since opening in December 2018. The memorial Gardens currently had 150 memorials and a Covid Memorial dedicated to loved ones with a further 20 booked, all of which had regular visitors.

He stated further that there were a number of valid planning and technical reasons to refuse this application. There were a number of flaws with the applicant's noise statements namely: The reports did not take into account the memorial gardens as a sensitive noise receptor. Therefore no account has been made of the numerous visitors to the memorial gardens – where peace and seclusion was key; Problems with noise source data; an overestimation of

background levels which would distort predicted levels; wind direction not being taken into account; omissions of appropriate assessments and explanations of attenuation. The reports produced by the applicant were not robust or accurate and could not and should not be relied upon.

He added that in relation to transport: The proposals were unsafe and substandard and did not meet the requirements of paragraphs 110 and 111 of the NPPF or the Design for Roads and Bridges; there was a lack of traffic related information; there was a lack of a deceleration lane or direct taper from the roundabout; suitable visibility was not provided to the correct standards; The running widths of the roads were substandard; and no road safety audit had been prepared. None of these issues in relation to noise or highways had been addressed by the applicant.

He added further that the National Planning Policy for Waste set out a number of criteria for the siting of a new waste facility and the proximity of sensitive receptors. The use by the crematorium was such a sensitive receptor and should be assessed as such and the application refused on that basis. Also restrictions of use should not be placed on it by new developments as confirmed by para 187 of the NPPF.

He concluded that a funeral service was a very personal and emotional time for family and friends. In order to make every service as stress free as possible, sites were extremely carefully selected to provide peace and seclusion to allow families time to reflect and say goodbye to their loved ones in a peaceful and dignified way. The noise generated from the proposed site would rob families of this opportunity. Whilst he was supportive of recycling facilities such as these, they must be sited in the correct location, which this was clearly not. The application information was not satisfactory and was contrary to number of national and local policies and should be refused on that basis.

Mr Aldridge was then asked questions about the presentation:

- In response to a query about the impact on the memorial gardens of the removal of trees on the eastern boundary of the site, Mr Aldridge commented that he would not wish to see these trees removed. The planning consultant acting on behalf of the Head of Planning and Transport Planning added that although the laurel trees would be removed on the eastern boundary, they would be replaced by a replanted four metre high bund
- It was queried whether this site would have been selected for a Crematorium if this application had been known about. Mr Aldridge responded that an extensive search had been undertaken to select this site with peace and seclusion being a key factor. The application site was not previously developed and there were no buildings on the site therefore it was not a brownfield site and this together with the height of the buildings was contrary to policy. The Memorial gardens stretched right up to the boundary of the application site. The gardens were a sensitive receptor. The site would not have been selected had this application been known about at the time

- In response to a query about how the hours of working and peak visitors times for the Crematorium compared with the proposed working hours of this application, Mr Aldridge explained that the Crematorium's hours of working were similar to this application. The peak hours for the Crematorium were between 10am and 4pm but the memorial gardens were open from 8am to 6pm and at weekends. Because of the age profile of visitors, most visits took place on week days
- The Crematorium was next to the A44 which was a very busy road. Had the impact of the noise of the road been taken into account when selecting the site? Mr Aldridge responded that the noise impact of the road had been taken into account but was considered to be within acceptable thresholds. Crematoriums needed to be located near to major roads to allow easy access for visitors. There was also a marked difference between the humming noise from a busy road compared to the intermittent loud thudding noise emitted from a waste transfer station.

Ms Donnelly, the agent acting on behalf of the applicant addressed the Committee. She commented that the applicant had been seeking a permanent location for their operations for four years. This application would allow the consolidation of operations and secure the jobs of existing staff in a purpose-built facility, expand the building and create new employment opportunities in a location adjacent to the strategic highway network which was more sustainable and would secure a much needed recycling facility to help meet the shortfall in capacity identified in the Worcestershire Waste Core Strategy.

She added that she understood the concerns of local residents about access, noise, dust and mud but emphasised that the recycling operations were highly regulated by the Environment Agency who undertook regular visits and inspections. They had recently been granted an Environmental Permit for the application site and a new Environmental Management System was being drawn up specifically for this site which would have measures for the control of noise, dust and mud.

She stated further that careful consideration had been given to the layout of the site including the location of the buildings and the recycling zone to minimise the impacts on the closest properties i.e. Orchard View to the north and the Crematorium to the east. To minimise noise, a number of mitigation measures had been proposed. Building 2 which for operational reasons was 9 metres in height had been placed along the eastern boundary, facing inwards away from the crematorium and would act as a barrier between the crematorium and the recycling activities. Additionally, a 4 metre high landscaped bund was proposed along the full length of the eastern boundary to further protect the crematorium. The combination of the bund and the acoustic fence would enclose the recycling zone to the north, with the acoustic fence wrapping the northern boundary to mitigate noise impacts. To minimise dust, the crushing and screening machinery would be fitted with dust suppression systems. There was also the capacity for dust suppression cannons if required. Recycling materials would be kept in purpose-built bays and covered in building 2. All the aggregate lorries would have covered trailers to prevent spillage. A road sweeper had been purchased to keep the roads free from mud and dust. The

applicant had worked with the County Highways Officer to address highways concerns and a right-hand turn onto the site had been proposed.

Ms Donnelly was then asked questions about the presentation:

- What impact would further restrictions on the hours of operation have on the operations, for example was it necessary to work on a Saturday and commence operations each day at 7am? Ms Donnelly commented that the recycling zone seemed to be the main concern of objectors and the hours of operation of the recycling zone would be restricted by conditions. The machinery would not be on the site all the time with the crushing operations taking place 4 days across a 14-day period. The representative of the Head of Planning and Transport Planning confirmed that the proposed condition stated that crushing operations would take place 6 days across a 14-day period
- In relation to a query about conditions associated with fire safety at the site, Ms Donnelly indicated that fire safety would be assessed under the building regulations for the site. A full fire strategy would be in place but she emphasised that the aggregates brought on site would be inert
- In relation to a query about on-site protection from unauthorised access, Ms Donnelly confirmed that the site would be completely secure. There was a secure gate that would be closed, out of operation hours and the site would be completely fenced in. There would be further security arrangements beyond Zone 1
- In response to a query the representative of the Head of Planning and Transport Planning confirmed that the other companies that recycled aggregate in Worcestershire were a significant distance away from the application site, located in Redditch, Stourport, and Malvern
- Concern was expressed about the security of the site from the memorial garden, Ms Donnelly responded that there was a 4 metre high bund along the eastern boundary of the site which she considered was of sufficient height to deter thieves.

In the ensuing debate, the following points were made:

- The local councillor highlighted the concerns expressed by Wychavon District Council. In particular, the proposed use of the site was incompatible with adjacent land uses, contrary to SWDP 31. The site had been used for horticultural activity and could do so again in the future with the demand for vertical horticulture which also allowed huge carbon/economic gains to be achieved. There were also alternative locations in the local area where this activity could be located. The District Council were also concerned about the visual impact of the stockpiled material. Local businesses had expressed concern about the impact of the dust (as well as noise) created by the crusher, the stockpiling of materials and the movement of vehicles on and off site. They had added that the application could impact on the agricultural/horticultural nature of the area and have a negative financial impact on their businesses. It was not sufficient that Worcestershire Regulatory Services hoped that dust would be suitably controlled and that the wind direction would take dust away from local businesses. In

addition, the Head of Planning and Transport Planning had indicated in the report that fine dust particles could be deposited. There were various sources of noise on the site which would have a major impact on the lives and health of the family living at Orchard View and on the tranquil memorial garden. Rubble crushing was a very loud activity. Although WRS have recommended a condition to restrict noise levels to 50db, this was less than limits recommended at similar sites across the country as well as the manufacturer specifications. The arrangements for monitoring the noise levels at the site would mean that the local residents would have a long wait of between 6-12 months before any noise concerns raised were addressed. In addition, the Head of Planning and Transport Planning had expressed in the report that there could be an impact on the nearest residential properties. (The local councillor played two videos of the noise of crushers on site at two other sites). She was concerned about the landscape and Environmental impact of the stockpiled material which could be seen above the level of the proposed bunds. The district and local parish councils had indicated that the site would create visual harm to the landscape. The County Highways Officer had overlooked the impact of mud/rock/debris deposited on the road experienced at the applicant's existing site.

- The local councillor recommended that the application be refused due to: the impact on the family in the nearest residential property in relation to the Human Rights Act; being contrary to the SWDP to avoid any impact on pollution, human health and well-being and the effective operations of neighbouring land uses; contrary to Policy SWDP 25 in terms of not integrating with the character of the landscape setting; contrary to Policy SWDP 21 in terms of the siting and layout of the development not reflecting the given characteristics of the landscape; contrary to Worcestershire Core Strategy Policy WCS 12 in that the design of buildings, layout, landscaping and operation of the facility did not contribute positively to the character and quality of the local area; contrary to Policy WCS 14 as the applicant had not demonstrated that the proposal would not have an unacceptable adverse impact on amenity; contrary to the NPPF as the proposal should not impact the amenity of the land, businesses or occupiers and any new development should be effectively integrated with existing businesses and community facilities and did not meet the previously developed land category of the NPPF; and recycling development should be at the highest appropriate level of the geographic hierarchy.
- The local Councillor requested that if planning permission was granted, the conditions be altered so that the crushing operations should only take place over a maximum of four days in any fourteen-day period and the vegetation between the memorial gardens and the site be enhanced with planting on the memorial gardens side, as well as a condition to deal with rock on the highway
- The representative of the Head of Planning and Transport Planning responded to points raised by the local councillor. In relation to the number of days that the crusher would be brought on site, test results had demonstrated that 6 working days in every 14 days was acceptable. The request for the applicant to increase planting related to an area outside the control of the applicant. The substantial screening

of the site from the crematorium was considered adequate. Condition 33 in the recommendation addressed concerns about material being deposited on the road network. Helen Donnely added that the reference she had made to the crusher being on site 4 working days in every 14 days was a misquote

- Was it possible for the vegetation to be enhanced on the boundary of the site with the crematorium? Helen Donnely indicated that the proposed 4 metre high landscaped bund was considered sufficient mitigation to screen the buildings especially as the planting matured. She would look to see if it was possible to enhance the planting of the boundary of the recycling zone
- In response to a query about the location of a lorry wash and visual inspection area on the site, the representative of the Head of Planning and Transport Planning explained that the requirement for a wheel wash facility was the subject of a condition. In addition, lorries were required to be sheeted. There was no requirement for a visual inspection. If mud etc was deposited on the highway, the applicant would need to seek another solution or would be in breach of that condition
- If material was stockpiled above the height of the acoustic fence, it would increase the impact of dust and noise. Could a condition be imposed that stipulated that no stockpiles should be higher than the acoustic fence? The planning consultant acting on behalf of the Head of Planning and Transport Planning responded that proposed condition 15 would limit the height of the stockpiles to 3.5 metres, below the height of the acoustic fence and bund
- The planning consultant acting on behalf of the Head of Planning and Transport Planning confirmed that all the issues raised by the representatives of the crematorium had been addressed in the report. The memorial gardens had been identified as a sensitive receptor as they abutted the eastern boundary of the application site. It was considered that, after discussions with the County Highways Officer, the application was acceptable on highway grounds. The potential for noise and dust emanating from the operations on the site and the impact on neighbouring properties and businesses had been recognised but those impacts had been ameliorated and mitigated by the design of the site and the proposed conditions hence the recommendation for approval
- The historical use of this site indicated that it was essentially a brownfield site and therefore an appropriate location for a recycling facility. The applicant had made every effort to address the issues identified by objectors. There were no planning reasons to support refusal and therefore the application should be approved
- There was evidence of a detrimental impact on neighbouring properties and businesses and there were not enough measures in place to mitigate that impact. It was possible that the conditions could be expanded further to control the operations on the site, particularly the hours of operation and to return the land to agricultural use in the future. The planning consultant acting on behalf of the Head of Planning and Transport Planning responded that having considered the relevant submissions, it had been concluded that there would not be an adverse level of harm to residential amenity. No evidence had been provided by

objectors or set out in planning guidance to demonstrate that there would be any harm to neighbouring properties/businesses. It was considered that the proposed conditions were comprehensive and addressed all the issues of concern. It was recognised that the present use of the site was horticultural (which fell inside the definition of agriculture) but in no way could the site be defined as grade 1, 2, 3 or 4 agricultural land as it was substantially built upon. It was not previously developed land, but it was despoiled and any future horticultural use was likely to be of similar nature to the previous mushroom production with the resultant buildings and vehicle movements

- Although the land might appear to be brownfield, it was set in an agriculture/horticulture area. The site was only on level three of the Waste Hierarchy. The proposal would have a negative impact on the landscape character of the area with four local wildlife sites within 1km of the site. In addition, the District Council, the local parish councils and the local county councillor had objected. The application should therefore be refused
- The majority of the site was covered with concrete therefore although technically the site was defined as agricultural/horticultural, in reality, it was a brownfield site and it would be too expensive to return the site to agricultural use. The background noise at the site from the traffic along the A44 was surprising and would be similar at the memorial gardens. It was possible to mitigate the issue identified at the site with appropriate conditions and therefore there were no grounds to refuse permission
- The site was not a brownfield site, having been used for horticultural purposes and there were a plethora of alternative uses that could take place on the site. The application would change an agricultural site into an industrial site in the middle of the countryside. This application would have a detrimental impact on local residents and businesses and was not an appropriate use for this site. The application would be an intensification of the previous horticultural use of the site. Although the highways mitigation measures were satisfactory, it was queried whether the proposed impact on the highway was necessary. The existing traffic noise was an irrelevance
- The local councillor commented that advancements in agriculture would mean that this site could be used for horticulture purposes
- The representative of the Head of Planning and Transport Planning commented that members should consider the application before them on its own merits and not any alternative proposals. Policy WCS 6 gave an indication of what was considered to be an appropriate site for the proposed type of facility and this was supported by national policy for waste facilities which included redundant agricultural buildings and their curtilage.
- In response to a query about the site being termed as redundant, the planning consultant acting on behalf of the Head of Planning and Transport Planning indicated that the site had not been in use for some time. Permission had been granted for a large mushroom production unit in 2015 but that permission was never implemented and the site had been vacant from then, if not before.

RESOLVED that planning permission be granted for a proposed groundwork and civil engineering depot and recycling facility, associated landscaping and surface water attenuation on land adjacent to Former Valecrest Site, Evesham Road, Fladbury, Worcestershire subject to the following conditions:

Commencement

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission;
- 2) The developer shall notify the County Planning Authority of the start date of commencement of the development in writing within 5 working days following the commencement of the development;

Approved Plans and Details

- 3) The development hereby permitted shall be carried out in accordance with the details shown on submitted drawings referenced: 02:2C: Location and Ownership Plan; DNS 03G: Proposed Site Plan; 04: Building 01 Plan; 05C: Building 01 Plans and Elevations; 06C: Building 02 Plans and Elevations; 07C: Building 03 Plans and Elevations; 08: Site Section; DNS 09E: Soft Landscape Scheme; 21070/005/C, Proposed Site Access Arrangements to A44 Evesham Road – Right Turn Lane; 11.0: Landscape Bund Detail; DNS 12: Proposed Lighting Plan (in relation to no other details other than those specifically relevant to lighting); and Appendix 5.3 of the Drainage Strategy (referenced 20-013b DS – 130520), titled Drainage Schematic except where otherwise stipulated by conditions attached to this permission;

Waste Acceptance and Throughput

- 4) No wastes other than those defined in the application, namely construction, demolition and excavation materials, shall be brought onto the site;
- 5) The annual throughput of wastes handled at the site shall not exceed 50,000 tonnes in any one calendar year (January to December) and appropriate records shall be kept for the duration of the operations on the site and made available to the County Planning Authority within 10 working days of a written request being made;

Hours of Working

- 6) 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;
- 7) Operations, including any repair and maintenance of vehicles, plant and equipment within the development hereby approved, shall only take place between the hours of 07:00 hours and 17:00 hours Mondays to Fridays inclusive, and between 07:30 to 13:00 hours on Saturdays with no operations on Sundays, Bank or Public Holidays;

- 8) **Crushing operations within the development hereby approved shall only take place between the hours of operation as set out in condition 7 and over a maximum number of six days in any 14 day period;**

Control of noise, dust and light emissions

- 9) **The rating level (LAeq,T) from all fixed plant and machinery associated with the development hereby approved, when operating simultaneously, shall not exceed the background noise level (LA90,T) by more than 5dB at any time when calculated or measured 1-metre from the façade of the nearest noise sensitive premises except in an emergency or during routine testing of emergency equipment for which prior written notice has been given to the County Planning Authority and the affected occupiers at least 48 hours in advance. The rating level is inclusive of any rating penalties that may apply. Noise measurements and assessments should be compliant with BS 4142:2014+A1:2019 "Rating industrial noise affecting mixed residential and industrial areas";**
- 10) **In the event of a complaint regarding any suspected breach of the noise criteria set out in condition 9 of this permission, noise monitoring shall be undertaken in accordance with a scheme to be submitted to and approved in writing by the County Planning Authority within three months of written notification;**
- 11) **All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specifications at all times, and shall be fitted with and use fully operational silencers and white noise reversing warning devices;**
- 12) **External lighting on site shall be fitted and maintained throughout the lifetime of the development according to the drawing numbered DNS 12: Proposed Lighting Plan dated 20/10/2020;**

Visual Amenity

- 13) **Notwithstanding any indication of the materials which may have been given in the application, no development of any building shall take place until a schedule and/or samples of the materials, colours and finishes for the buildings has been submitted to and approved in writing by the County Planning Authority. Thereafter the development shall be carried out and maintained in accordance with the approved details;**
- 14) **No development shall take place until details of all fences, walls, bunds, hedgerows and other means of enclosure have been submitted to and approved in writing by the County Planning Authority. Thereafter the development shall be carried out and maintained in accordance with the approved details;**

15) The height of any external storage or stockpile shall not exceed 3.5 metres and a scheme for the setting up of permanent marker(s) that allow(s) site operatives and officers from the County Planning Authority a means of visually checking this height shall be submitted to and approved in writing by the County Planning Authority prior to the use of the development hereby approved. The agreed height marker shall be erected and maintained on site for the duration of the development hereby approved.

16) The deposit, sorting, processing, and storage of waste and any other materials shall not occur other than as shown on drawing number DNS 03G: Proposed Site Plan as approved;

Landscape and Biodiversity

17) The details approved under condition 3 above, specifically drawing reference DNS 09E: Soft Landscape Scheme shall be 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;

18) 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;

19) 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;

20) Details and a specification of any new and replacement hard surfacing within the application site shall be submitted to the County Planning Authority for approval in writing prior to being constructed. Thereafter the development shall be carried out and maintained in accordance with the approved details;

Archaeology

21) No development shall take place until a programme of archaeological work, including a Written Scheme(s) of Investigation, has been

submitted to and approved in writing by the County Planning Authority. The scheme shall include:

- a. an assessment of significance and research questions;
- b. the programme and methodology of site investigation and recording;
- c. the programme for post investigation assessment;
- d. provision to be made for analysis of the site investigation and recording;
- e. provision to be made for publication and dissemination of the analysis and records of the site investigation;
- f. provision to be made for archive deposition of the analysis and records of the site investigation; and
- g. nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation;

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

- 22) The development shall not come into use until the operator has confirmed in writing to the County Planning Authority that the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme(s) of Investigation approved under condition 21 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured;

Drainage and Pollution Control

- 23) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and site glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels, overflow pipe outlets shall be detailed to discharge downwards into the bund;
- 24) No materials shall be burnt on the site;
- 25) No works in connection with site drainage shall take place until a Sustainable Drainage Scheme (SuDS) management plan which will include details on future management responsibilities, along with maintenance schedules for all SuDS features and associated pipework has been submitted to and approved in writing by the

County Planning Authority. This plan shall detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. The approved SuDS management plan shall be implemented in full in accordance with the agreed terms and conditions and shall be managed and maintained in accordance with the approved maintenance plan and thereafter;

26) Notwithstanding the submitted Drainage Strategy, no development shall take place until detailed design drawings for surface water drainage have been submitted to and approved in writing by the County Planning Authority. Thereafter the development shall be carried out and maintained in accordance with the approved details;

Highways

27) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the County Planning Authority to include the following details:

- a. Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;**
- b. Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);**
- c. The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;**
- d. Details of any temporary construction accesses and their reinstatement; and**
- e. A highway condition survey, timescale for re-inspections, and details of any reinstatement.**

The measures set out in the approved CEMP shall be carried out and complied with in full during the construction of the development hereby approved;

28) No development shall take place until details to permanently close the existing residential access to the public highway have been submitted to and approved in writing by the County Planning Authority. Such details shall include a schedule of works such that this access is closed permanently prior to the development coming into use. Thereafter the development shall be carried out and maintained in accordance with the approved details;

29) No other development shall take place until visibility splays are provided from a point 0.6 metres above carriageway level at the centre of the access to the application site and 4.5 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 160 metres in each direction measured along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow within the visibility splays which would obstruct the visibility described above;

- 30) The development hereby approved shall not be brought into use until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material;
- 31) The development hereby approved shall not be brought into use until the access junction and footways have been provided, as shown on drawing number: 21070/005 Rev C;
- 32) The development hereby approved shall not be brought into use until parking, the internal site layout and turning facilities have been provided as shown on drawing referenced DNS 03G Proposed Site Plan;
- 33) No mud, dust or debris shall be deposited on the public highway. No vehicles in connection with the development hereby approved shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the public highway. All loaded vehicles entering and leaving the site shall be sheeted to prevent dust emission and spillage of materials on to the public highway;
- 34) No material shall be accepted at the site directly from members of the public, and no retail sales of waste or processed materials to members of the public shall take place at the site;
- 35) The access gates as approved shall only be constructed and maintained in a position back 15 metres back from the adjoining carriageway edge and to open inwards only;

Parking and Travel

- 36) The development hereby approved shall not be brought into use until at least 4 accessible car parking spaces have been provided in accordance with details that shall be submitted to and approved in writing by the County Planning Authority. Thereafter the development shall be carried out and maintained in accordance with the approved details and the spaces shall be kept available and maintained for use by disabled users only;
- 37) The development hereby approved shall not be brought into use until sheltered and secure cycle parking has been provided in accordance with details that shall be submitted to and approved in writing by the County Planning Authority. Such details shall be in accordance with the Council's adopted Highway Design Guide. Thereafter the development shall be carried out and maintained in accordance with the approved details and the cycle parking shall be kept available and maintained for use by bicycles only;
- 38) The development hereby approved shall not be brought into use until an Employment Travel Plan has been submitted to and approved in writing by the County Planning Authority. Such Travel Plan shall promote sustainable forms of travel to the development site and shall

be based upon use of Modeshift STARS Business and include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Employment Travel Plan shall be implemented, monitored and reviewed in accordance with the approved details;

Renewable Energy and Electric Vehicles

39) Prior to the construction of Building 01 hereby approved, details of renewable or low carbon energy generating facilities to be incorporated as part of the approved development shall be submitted to and approved in writing by the County Planning Authority. The details shall demonstrate that at least 10% of the predicted energy requirements of the development will be met through the use of renewable/low carbon energy generating facilities. The approved facilities shall be provided prior to the occupation of Building 01 hereby approved and maintained throughout the lifetime of that building;

40) The development hereby approved shall not be brought into use until at least 3 electric vehicle charging spaces have been provided in accordance with a specification that 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 and the vehicle charging spaces and power points shall be kept available and maintained for the use of electric vehicles only;

Cessation

41) On permanent cessation of the development hereby approved, the operator shall inform the County Planning Authority within 30 days in writing that all operations have ceased. Within a period of 6 months from the date of that letter, all associated plant, machinery, waste and processed materials shall be removed from the site; and

Planning Permission

42) 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.

The meeting ended at 11.55am

Chairman