

Agenda

Planning and Regulatory Committee

Tuesday, 26 October 2021, 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

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/recorded' 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, 26 October 2021, 10.00 am, County Hall, Worcester

Councillors: Cllr Ian Hardiman (Chairman), Cllr Martin Allen, Cllr Bob Brookes, Cllr Allah Ditta, Cllr Peter Griffiths, Cllr Paul Harrison, Cllr Bill Hopkins, Cllr Aled Luckman, Cllr Scott Richardson Brown, Cllr Linda Robinson, Cllr Chris Rogers, Cllr David Ross, Cllr Jack Satterthwaite, Cllr Kit Taylor and Cllr Richard Udall

Agenda

Item No	Subject	Page No
1	Apologies/Named Substitutes	
2	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 28 September 2021. (previously circulated)	
5	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	1 - 74

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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, 15 October 2021

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PLANNING AND REGULATORY COMMITTEE

26 OCTOBER 2021

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

Applicant

Wrubble Ltd

Local Member

Cllr Elizabeth Eyre

Purpose of Report

1. To consider a County Matter planning application for 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.

Background

2. Wrubble Ltd was formed in 2017 to expand the services of a long-established family groundworks and civil engineering business to incorporate inert waste recycling. The company currently operates out of two separate locations at Marshall's Transport on Throckmorton Airfield.
3. This application seeks to consolidate all elements of the business at one site, providing offices, a depot for groundworks and civil engineering equipment, and an area to undertake the inert waste recycling and store the resultant construction materials.
4. Extending over a 30-year period (from the mid-1980s to the mid-2010s), the application site was formerly used for mushroom production, using environment-controlled polytunnels. Under Wychavon District Council planning application reference W/15/00964/PN, which included land to the east of the current application site, planning permission was granted in July 2015 for a proposed mushroom farm including 30 mushroom tunnels, a pack house with office and welfare facilities, car parking and circulation and landscaping. This planning permission was not implemented and has now lapsed. The site appears to have been left vacant over the intervening time.

The Proposal

5. The purpose of the application, the subject of this report, is to relocate the existing Wrubble company operations to land at the Former Valecrest Site, located on the north side of Evesham Road, in Fladbury.

6. The application states that Wrubble Ltd was formed in June 2017, by a third generation groundworks and civil engineering family member, to extend business operations to be able to reuse waste ground and building product into recycled aggregate. The company has grown the recycling element such that this now represents approximately 60% of its turnover; it claims to be one of the only producers in the area processing and supplying recycled aggregates to the building industry.

7. Wrubble Ltd has an Environmental Permit (EP) from the Environment Agency (EA) for its operations at Throckmorton Airfield, limiting the type (inert) and quantity (75,000 tonnes) of wastes to be accepted on site each year. Currently the company handles between 40,000 and 50,000 tonnes each year and is seeking a maximum of 50,000 tonnes per annum within the proposed development. The application states that a new EP (reference: EPR/WE1826AB) has recently been granted for the application to operate at the application site.

8. The proposed development would be zoned into four areas and presents three new buildings. The purposes of each zone and building are described below:

- Zone 1 (at the southern end of the application site) – Building 01 containing office space, staff welfare facilities and secure workshop/vehicle maintenance, also surface water attention and car parking;
- Zone 2 – Secure yard for commercial vehicle and machinery parking;
- Zone 3 – Secure yard for recycling operations and Building 02 containing staff welfare facilities, aggregate lorry parking and providing open sided storage for the recycled materials; and
- Zone 4 (at the northern end of the site) – Secure yard and Building 03 for vehicle and machinery storage.

9. The dimensions of the three buildings are:

- Building 01 – the office element measures approximately 14.5 metres in length, 12.5 metres in width and 6.4 metres in height; whilst the workshop/vehicle maintenance element measures approximately 22.3 metres in length, 12.5 metres in width and has a monopitch roof that slopes down from a maximum height of 9.95 metres to approximately 8.65 metres.
- Building 02 – measures approximately 51.3 metres in length, 18.4 metres in width and has a monopitch roof that slopes down from a maximum height of 9.95 metres to approximately 7.05 metres.
- Building 03 – measures approximately 29.8 metres in length, 18.4 metres in width and has a monopitch roof that slopes down from a maximum height of 7.05 metres to approximately 5.10 metres.

10. The machines proposed to be used on site are a Keeextract k3 Combo Screener and a Metrotrack Pegson Crusher, which are both mobile and free standing, and intended to be located in a yard in Zone 3 when on site. This yard would be enclosed by the location of Building 02 (nearly 10 metres in height), bunding (approximately 4 metres in height and landscaped) and acoustic fencing (approximately 4 metres in height). The application advises that these machines would be off-site for a lot of the time as they would be used on construction sites so the crushing can be undertaken in situ. At intervals of between 2-4 weeks (to suit availability of the plant and the requirement for the replenishment of the stocks of processed materials) this mobile plant would be brought to operate on the application site for periods of between 1-2 working days.

11. The applicant states that the building design and materials would be similar to those used in agricultural/horticultural developments typical for the area. All external building materials are proposed to be green in colour.

12. The proposed development would also provide associated external circulation yard space and car parking for nearly 50 vehicles (including parking for disabled users and allocated spaces for aggregates lorries). Five cycle parking spaces are shown located on the north side of Building 01 and there are 3 electric vehicle charging points proposed (located on the southern edge of Zone 3).

13. The Supplementary Transport Statement (Addendum Report) suggests that under potential future operating conditions, the proposed development has the potential to generate a total of 126 total two-way vehicle movements over a typical working day of which 70 two-way vehicle movements would be private vehicles (cars) owned by Wrubble staff and 56 two-way vehicle movements would be HGVs.

14. The peak hourly period in the morning is between 07:00-08:00 hours, just before the network peak on the surrounding highway network when it is anticipated that the application site would generate 22 total two-way vehicle movements broken down into 17 arrivals (all cars) and 5 departures (all HGVs).

15. The peak hourly period in the late afternoon / early evening is between 17:00-18:00 hours, coinciding with the network peak on the surrounding highway network when it is anticipated that the application site would generate a total of 27 two-way vehicle movements broken down into 8 arrivals (all HGVs) and 19 departures (all cars).

16. Vehicular access is already gained directly from the Evesham Road (A44), to the east of a roundabout junction. It is described in the application as having good visibility in both directions and providing more than adequate visibility splays on land that does not require third party ownership. Currently, the residential properties at Orchard View have a wholly separate access directly off the A44, which is located immediately to the west of the application site access.

17. Following discussion with the County Highway Officer, the proposed access arrangements have been revised so that the existing residential access is closed off from the public highway with separate provision made from an improved access into the application site; in short, the two accesses are combined. Security gates for the proposed development would be located further into the application site, so that

access to the residential properties would not be impeded. This arrangement is intended to significantly improve highway safety.

18. Modifications to the existing access would also include provision of a ghosted right turn lane onto Evesham Road (A44), measuring approximately 3.5 metres wide. The ghosted right turn lane is provided with a 10 metre turning length and an 85 metres deceleration length. Hatching either side of the ghosted right turn lane would be provided with red coloured surface screeding to distinguish it from the main running carriageway.

19. To accommodate the ghosted right turn lane, and to maintain the main running carriageway as 3.5 metre lanes in both directions, Evesham Road (A44) would be widened on the northern side of the carriageway from a point 55 metres west of the existing vehicular access through to the recently constructed pedestrian refuge island, west of the crematorium access. There would also be minor widening on the southern side of the carriageway in vicinity of the existing lay-by where the existing verge would be relocated southwards by approximately 0.75 metres. All widening works can be accommodated within the publicly maintainable highway.

20. The new access would be flanked by a footway measuring approximately 2 metres wide, that, to the west, would extend from a new uncontrolled pedestrian crossing with refuge island over the Evesham Road (A44) and to the east would continue along the newly formed northern kerb on Evesham Road (A44) up to the retained existing access to the adjoining agricultural field. An uncontrolled crossing would be provided across the vehicular access to the site. All pedestrian crossing points would be provided with dropped kerbs and tactile paving.

21. A second access point into land owned by the applicant is proposed to be retained. This access is located to the east of the main access and is intended to be limited to allow agricultural access to the paddock to the east of Zone 1 only.

22. The majority of existing field boundary hedgerows and trees are proposed to be retained. A small section of the hedgerow on the western boundary would be removed to provide the new access to residential properties at Orchard View. Replacement hedging is proposed just south of the new entrance. A short stretch of hedgerow of low ecological value located along the eastern boundary of the application site is proposed to be removed entirely and replaced with new tree and hedgerow planting. A pond is proposed at the southern end of the site, to provide a sustainable drainage scheme for surface water and biodiversity benefit. New tree and shrub planting, amenity and wildflower meadow grassland is proposed throughout the site.

23. Acoustic fencing (approximately 4 metres in height) is proposed along the western boundary (starting alongside an existing office building on site) and to wrap around Zone 4 at the northern boundary end of the site. A landscape bund (approximately 4 metres in height and 7 metres wide) is proposed along the eastern boundary of the site, starting at the point at which the acoustic fencing ends and ending at the attenuation pond.

24. The company currently employs 20 to 25 full-time equivalent (FTE) staff; this is proposed to be increased by 10 new FTE staff in the next 2 years should planning permission be granted for this proposal.
25. The hours of operation are proposed as: Mondays to Fridays, 07:00 hours to 17:00 hours; Saturdays, 07:30 hours to 13:00 hours; and no working on Sundays or Bank or Public Holidays.
26. A very similar application was registered in June 2020 (County Planning Authority reference: 20/000027/CM). This application was withdrawn due to changes to the proposed works in the highway verge, and this amended application submitted.

The Site

27. The application site is located within the Vale of Evesham located between Pershore (approximately 3.5 kilometres south-west) and Evesham (approximately 5 kilometres south-east). It lies to the north-east of Lower Moor (approximately 500 metres) and to the north-west (approximately 800 metres) of the village of Fladbury.
28. The application site measures approximately 2.5 hectares in area and was formerly used for mushroom production. Hardstanding across the site remains largely intact, and there are some small buildings and one polytunnel remaining, along with much of the infrastructure used to control the environment within the polytunnels. It currently has a somewhat dilapidated appearance, with rough grass and vegetation growth.
29. The application site has two existing vehicular accesses onto Evesham Road (A44). Earlier this year, soils/builder's rubble had been deposited just inside the main entrance; this has recently been removed.
30. Mature hedgerows, including some semi-mature trees, define the boundaries of this site, with groups of trees located along the southern and northern boundaries. A residential dwelling known as Orchard View lies adjacent to the northern boundary. This property also hosts a caravan site (District Council reference: W/15/01079/CU). The Vale Crematorium (District Council reference: 17/00511/FUL) lies to the east. At its closest point, the gardens of the Crematorium lie just the other side of the hedge to the proposed application site; the main Crematorium building lies approximately 145 metres from the north eastern boundary of the site. Springhill Nursery, comprising a substantial area of glasshouses (District Council reference: W/10/01610/PM) and an anaerobic digester (County Planning Authority references: 12/000079/CM (Minute No. 832 refers), 13/000006/CM, and 18/000018/CM (Minute No. 990, refers)) lies just over 50 metres to the south of the southern boundary of the application site, on the other side of Evesham Road (A44). To the west is arable farmland.
31. There are two Conservation Areas in the wider setting of the site: Fladbury Conservation Area, located approximately 850 metres south-east; and Lower Moor Conservation Area located approximately 1 kilometre south-west. The Cotswolds Area of Outstanding Natural Beauty (AONB) lies over 4.5 kilometres south from the site.

32. The closest designated nature conservation sites of national importance are Highclere Site of Special Scientific Interest (SSSI) and Tunnel Hill Meadow SSSI, which are located approximately 2.2 and 3.2 kilometres north-east from the application site respectively.

33. There are number of Local Wildlife Sites (LWS) located approximately 1 kilometre from the application site, including:

- Craycombe Road Verge LWS, approximately 1 kilometre south-east;
- Wood Norton Complex LWS, approximately 1.1 kilometres north-east;
- Lower Moor Pits and Lench Ditch LWS, approximately 1.1 kilometres south-west; and;
- River Avon LWS, approximately 1.2 kilometres south-east.

34. The historic park and garden of Wood Norton Hall is located approximately 1.2 kilometres to the north-east of the site.

35. The Scheduled Monument 'Settlement Site North of Spring Hill' is located approximately 300 metres south-west from the site, on the other side of Evesham Road (A44). There are no listed buildings in the immediate locality but there are several in the wider setting of the site. The closest are Wilspit Cottage and Barn at Glebe Farm, Grade II Listed Buildings located approximately 500 and 600 metres from the site respectively.

36. The application site falls within Flood Zone 1 (low risk of flooding).

37. The south-western corner of the site falls within the Terrace and Glacial Sand and Gravel Minerals Safeguarding Area and majority of the site is in the Minerals Consultation Area of the Emerging Minerals Local Plan. The restored site of the former Lower Moor Quarry lies approximately 850 metres to the south-west.

38. The application site was described in the original description of development as simply 'at Former Valecrest Site'. It is recognised that District Council permission reference: W/15/00964/PN granted to Valecrest Ltd, occupied a greater area, including land to the east of the current application site. The phrasing 'land at Former Valecrest Site now within the description of development is intended to make clear, (in conjunction with the red line boundary) that the current application under consideration does not extend across the whole of the Former Valecrest Site; it occupies only the western part, approximately half of the Former Valecrest Site.

Summary of Issues

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

- The waste hierarchy;
- Location of the development;
- Landscape character, visual impacts and historic environment;
- Impact on neighbouring uses including residential amenity;
- Traffic and highway safety and public rights of way;

- Ecology and biodiversity; and
- Water environment.

Planning Policy

National Planning Policy Framework

40. The revised National Planning Policy Framework (NPPF) was published on 20 July 2021 and replaces the previous NPPF published in March 2012 and July 2018 and February 2019. A National Model Design Code was also published on 20 July 2021. The government expect the National Model Design Code to be used to inform the production of local design guides, codes and policies.

41. The revised NPPF sets out the government's planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions and should be read as a whole (including its footnotes and annexes).

42. 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*".

43. 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 well-designed, beautiful and safe places, 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 protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

44. 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.

45. 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.

46. 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.

47. 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 11: Making effective use of land
- 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 (NPPW)

48. The National Planning Policy for Waste (NPPW) 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

49. The Development Plan is the strategic framework that guides land use planning for the area. The extant 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.

50. Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF and NPPW are material considerations in this planning decision.

51. With regard to the weight to be given to existing policies adopted prior to the publication of the revised NPPF, Annex 1 of NPPF 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

52. The Waste Core Strategy was adopted in November 2012 and sets out planning policies against which applications for waste development in the county must be judged. The Waste Core Strategy policies relevant to the proposal are:

- 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

53. The South Worcestershire Development Plan covers the administrative areas of Worcester City Council, Wychavon District Council and Malvern Hills District Council. The SWDP was adopted in February 2016. The South Worcestershire Development Plan policies that are of relevance to the proposal are:

- 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 7: Infrastructure
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
Policy SWDP 32: Minerals

Draft Planning Policy

Emerging Worcestershire Minerals Local Plan

54. Worcestershire County Council is preparing a new Minerals Local Plan for Worcestershire that will be a restoration led plan. This document will set out how much and what minerals need to be supplied, where minerals should be extracted, how sites should be restored and how minerals development should protect and enhance Worcestershire's people and places. Once it is adopted it will replace the existing minerals policies in the County of Hereford and Worcester Minerals Local Plan.

55. The Publication version of the Emerging Minerals Local Plan was submitted to the Secretary of State for Housing, Community and Local Government (now the Secretary of State for Levelling Up, Housing and Communities) the on 17 December 2019 for independent examination.

56. The Secretary of State has appointed Elizabeth Ord LLB (Hons) LLM MA DipTUS and Beverley Wilders BA (Hons) PgDurb MRTPI as independent Planning Inspectors to assess the 'soundness' and legal compliance of the plan. The Local Plan hearings for the Emerging Worcestershire Minerals Local Plan, were held virtually on Wednesday 11 November to 13 November 2020 and on Friday 18 December 2020 to discuss the principal matters identified by the Inspector.

57. Following the hearing sessions, Worcestershire County Council prepared "Main Modifications" and "Additional Modifications" to the Minerals Local Plan that was submitted for examination. "Main Modifications" are the changes which are necessary to make the plan sound and/or legally compliant and must be recommended by the Inspector. "Additional Modifications" are minor changes which the Council may make so long as they do not materially affect the plan's policies. The modifications address representations made on the submitted Minerals Local Plan and issues discussed at the hearing sessions.

58. Consultation on the proposed Main Modifications commenced on 2 August 2021. However, an issue was found in regard to some of the data shown on the draft Policies Map and the consultation period stopped on 10 August. This issue was rectified, and the consultation restarted, running from 31 August to 12 October 2021. Any representations submitted will be considered by the Inspectors.

59. The consultation sought views on the soundness and legal compliance of proposed “Main Modifications” to the plan, the consequential changes proposed to the policies map, and the accompanying assessments, which included an updated Sustainability Appraisal, Habitats Regulations Assessment and Equality Impact Assessment.

60. The Examination formally remains open until the Inspectors issue their report and it is possible that further hearing sessions could be held if the Inspectors choose to do so. However, the Council has not received any indication from the Planning Inspectors that they intend to do so. In the circumstances the Emerging Worcestershire Minerals Local Plan cannot yet be declared sound and cannot be adopted. It is not yet, therefore, part of the development plan.

61. The NPPF states in Section 4 (paragraph 48) that:

“Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.*

62. Given that all the policies in the Emerging Minerals Local Plan are subject to unresolved objections and having regard to the advice in the NPPF, Section 4, it is the view of the Head of Planning and Transport Planning that the following policies in the Emerging Minerals Local Plan should be given limited weight in development management terms in the determination of this application.

63. The Emerging Minerals Local Plan policies that, for the avoidance of doubt, are of relevance to the proposal are set out below:

Draft Policy MLP 13: Contribution of Substitute, Secondary and Recycled Materials and Mineral Waste to Overall Minerals Supply; and

Draft Policy MLP 41: Safeguarding Locally and Nationally Important Mineral Resources.

Emerging South Worcestershire Development Plan Review (SWDPR)

64. Worcester City Council, Wychavon District Council and Malvern Hills District Council are reviewing the SWDP. The SWDPR will cover the period to 2041. The ‘Preferred Options’ consultation version of the SWDPR was consulted on from 4 November to 16 December 2019. An Additional Preferred Options (focused on

Sustainability Appraisal) Consultation (Regulation 18), was consulted upon from 1 March to 19 April 2021.

65. The next step is to produce a Publication Consultation (Regulation 19) following which the SWDPR would be submitted to the Secretary of State for Levelling Up, Housing and Communities for independent examination. The Secretary of State would then appoint an independent Planning Inspector to assess the 'soundness' and legal compliance of the plan. The timetable for these steps is not currently known as they have been delayed by at least 6 months (the previous expected adoption date was anticipated for April 2023). Having regard to the advice in the NPPF, Section 4, as the SWDPR is still at an early stage of preparation, only limited weight should be applied to the policies.

66. The SWDPR policies that, for the avoidance of doubt, are of relevance to the proposal are set out below:

Draft Policy SWDPR 2: The Spatial Development Strategy and Associated Settlement Hierarchy

Draft Policy SWDPR 3: Strategic Transport Links

Draft Policy SWDPR 4: Green Infrastructure

Draft Policy SWDPR 5: Historic Environment

Draft Policy SWDPR 6: Infrastructure

Draft Policy SWDPR 7: Health and Wellbeing

Draft Policy SWDPR 9: Non Allocated Employment Development

Draft Policy SWDPR 25: Design

Draft Policy SWDPR 26: Biodiversity and Geodiversity

Draft Policy SWDPR 28: Management of the Historic Environment

Draft Policy SWDPR 29: Landscape Character

Draft Policy SWDPR 31: Renewable and Low Carbon Energy

Draft Policy SWDPR 32: Management of Flood Risk

Draft Policy SWDPR 33: Sustainable Drainage Systems

Draft Policy SWDPR 34: Water Resources, Efficiency and Treatment

Draft Policy SWDPR 35: Amenity

Other Documents

Waste Management Plan for England (2021)

67. The Government, through Defra, published the latest Waste Management Plan for England in January 2021. The Waste Management Plan for England is required to fulfil the requirements of the Waste (England and Wales) Regulations 2011 and together with its associated documents, local authorities' waste local plans and, combined with the equivalent plans produced by the devolved administrations in Scotland, Wales and Northern Ireland, and Gibraltar, it ensures that waste management plans are in place for the whole of the UK and Gibraltar. It supersedes the previous Waste Management Plan for England (2013).

68. While the Our Waste, Our Resources: A Strategy for England (2018) sets out a vision and a number of policies to move to a more circular economy, such as waste prevention through policies to support reuse, repair and remanufacture activities, the Waste Management Plan for England focuses on waste arisings and their management. It is a high-level, non-site specific document. It provides an analysis of the current waste management situation in England and evaluates how the Plan will support implementation of the objectives and provisions of the Waste (England and Wales) Regulations 2011. It will be supplemented by a Waste Prevention Programme for England, which will set out the Government's plans for preventing products and materials from becoming waste, including by greater reuse, repair and remanufacture supported by action to ensure better design to enable this to be done more easily.

Our Waste, Our Resources: A Strategy for England (2018)

69. This Strategy is the first significant government statement in relation to waste management since the 2011 Waste Review and the subsequent Waste Prevention Programme 2013 for England. It builds on this earlier work, but also sets out new approaches to long-standing issues like waste crime, and to challenging problems such as packaging waste and plastic pollution. The Strategy is guided by two overarching objectives:

- To maximise the value of resource use; and
- To minimise waste and its impact on the environment.

70. The Strategy sets five strategic ambitions:

- To work towards all plastic packaging placed on the market being recyclable, reusable or compostable by 2025;
- To work towards eliminating food waste to landfill by 2030;
- To eliminate avoidable plastic waste over the lifetime of the 25 Year Environment Plan;
- To double resource productivity by 2050; and
- To eliminate avoidable waste of all kinds by 2050.

71. It contains eight chapters that address: sustainable production; helping consumers take more considered action; recovering resources and managing waste; tackling waste crime; cutting down on food waste; global Britain: international leadership; research and innovation; and measuring progress: data, monitoring and evaluation.

72. Chapter 3 – 'Resource Recovery and Waste Management' is the most relevant chapter to this proposal. This states that whilst recycling rates in construction have improved since 2000, from 2013 onwards recycling rates have plateaued. The Government seeks to drive better quantity and quality in recycling and more investment in domestic recycled materials markets, such that UK-based recycling can be promoted and a reduced level of waste be processed abroad.

73. The Government seeks to:

- improve recycling rates by ensuring a consistent set of dry recyclable materials is collected from all households and businesses;
- reduce greenhouse gas emissions from landfill by ensuring that every householder and appropriate businesses have a weekly separate food waste collection, subject to consultation;
- improve urban recycling rates, working with business and local authorities;
- improve working arrangements and performance between local authorities;
- drive greater efficiency of energy from waste (EfW) plants;
- address information barriers to the use of secondary materials; and
- encourage waste producers and managers to implement the waste hierarchy in respect to hazardous waste.

The Government Review of Waste Policy England 2011

74. 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.

Planning for Health in South Worcestershire Supplementary Planning Document (SPD)

75. The South Worcestershire Planning for Health SPD was adopted in September 2017, and primarily focuses on the principal links between planning and health. The SPD addresses nine health and wellbeing principles, one of which is focussed on air quality, noise, light and water management. The SPD presents guidance on how these matters can be improved via the planning process, including '*designing development proposals to avoid significant adverse impact from pollution ...*'.

South Worcestershire Design Guide Supplementary Planning Document (SPD)

76. The South Worcestershire Design Guide SPD was adopted in March 2018 and provides additional guidance on how the design-related policies should be interpreted, for example through the design and layout of new development and public spaces across South Worcestershire. It is consistent with planning policies in the South Worcestershire Development Plan, in particular Policy SWDP 21 (Design).

South Worcestershire Water Management and Flooding Supplementary Planning Document (SPD)

77. The South Worcestershire Water Management and Flooding SPD was adopted in July 2018 and sets out in detail the South Worcestershire Councils' approach to minimising flood risk, managing surface water and achieving sustainable drainage systems. This applies to both new and existing development whilst ensuring that the reduction, re-use and recycling of water is given priority and water supply and quality is not compromised. It relates to policies SWDP 28 (Management of Flood Risk), SWDP 29 (Sustainable Drainage Systems) and SWDP 30 (Water Resources, Efficiency and Treatment) of the adopted South Worcestershire Development Plan.

Fladbury Village Plan

78. The Fladbury Village Plan was adopted in 2008 by Wychavon District Council. The Localism Act 2011 introduced a new element to the planning system for England in the form of Neighbourhood Planning. Neighbourhood Planning allows a partnership of communities including businesses, residents and interested parties to develop policies that, subject to an independent examination and community referendum, will become part of the planning framework for land uses in their local area.

79. The Fladbury Village Plan was published in May 2008, prior to this process of Neighbourhood Planning. Consequently, it is not a part of the statutory Development Plan. Furthermore, it contains no policies and does not address waste management as a land use.

Consultations

80. This application was originally submitted in December 2020 and has been through a series of iterations over the intervening months. The consultation responses reported below were made on that original application, unless stated as referring to the modified details, made available for consultation through August and September 2021.

81. **Local County Councillor Elizabeth Eyre** has confirmed she considers the proposal remains essentially the same as before and she reiterates her request that it is refused due to environmental and safety grounds. She makes the following points:

- Noise – from the numerous HGV and machinery, the impact on neighbouring residents, the impact on the adjacent crematorium and impact on the residents of Fladbury.
- The recycling equipment generates extremely high levels of noise and would be injurious to human health. Noise levels arising from the development should not exceed 10 dB(A) above background levels subject to a maximum of 55 dB.
- Dust – the potential impact on neighbouring residents, particularly the health of their children, the adjacent crematorium lying in the path of the prevailing south-westerly wind, the potential impact on local businesses and their sophisticated machinery, not in compliance with the NPPF, Waste Core Strategy or the South Worcestershire Development Plan.
- Landscape impact – the site will be visible from the road and views of Bredon Hill which have not been taken into account sufficiently, the site is in the setting of the Cotswold AONB, the proposal includes 3 large buildings, increasing the site's visibility from the road and the AONB, unprocessed stockpiles could reach a height of 10m and be a significant visual element.
- Highway impact – large vehicles will enter and exit the site near the roundabout onto a road that already has a speeding issue, safety will be reduced at this point, HGVs will drag mud onto the road, photographs are provided that anecdotally report rubble on the road having fallen from a Wrubble truck, contrary to Policy WCS 8 of the Waste Core Strategy.
- Land use – the area is agricultural and horticultural, use as a recycling facility is contrary to Policy SWDP 21 of the South Worcestershire Development Plan, calling the land previously developed is disingenuous.

- Location of a waste facility – contrary to Policy WCS 12 of the Waste Core Strategy, justification is needed for the site’s location in lower levels of the geographic hierarchy for waste facilities.
- Impact on neighbouring residents – have advised that Wrubble has offered to buy their home but they do not wish to move, concerns about the noise and vibration from the proposal and consequent impacts on their human rights.

82. Councillor Eyre previously made the following additional comments:

- Job creation is an insufficient reason to overcome harm from the business in a rural location.
- The proposed use is incompatible with agricultural and horticultural uses of land and is more appropriate for an industrial area, quarry or employment area. It is incompatible with Policies SWDP 21 and SWDP 25 in the South Worcestershire Development Plan and Policy WCS 12 of the Waste Core Strategy.
- The noise assessment is inadequate in its assessment of background noise, distance to receptors and harm to health and wellbeing. It assumes machines run empty.
- Cumulative impacts on residential caravans and the crematorium are a cause for concern, as is the absence of an Environmental Impact Assessment (EIA). Mitigation is inadequate for these receptors.
- The comparison to vehicle movements at the mushroom farm is not appropriate. A reduction in movements seems unlikely.

83. **County Councillor (Neighbouring) Daniel Boatright** has confirmed that he has spoken to residents and parish councils and received no objection.

84. **County Councillor (Neighbouring) Laura Gretton** – no comments received.

85. **Wychavon District Councillor Mr Tony Rowley** has confirmed his objection to the proposal stands as follows:

- The development is inappropriate in this rural location and incompatible with adjacent land uses.
- The development does not support an existing business or new enterprise appropriate to the location.
- It is more appropriate in an industrial area, quarry or employment area.
- The company has more flexible working practices available that could have less impact on their surroundings.
- Stockpiles and bunds would have an adverse visual impact.

86. **Fladbury Parish Council** objects to the development as now submitted, reiterating its former concerns relating to the impact on neighbouring residents and businesses of noise, dust and vibrations and providing further comment on the revised access arrangements. The Parish Council makes the following comments:

- The proposal is incompatible with policies in the South Worcestershire Development Plan and Waste Core Strategy, and also with the NPPF.

- The site is not brownfield. Agricultural sites are excluded from the definition of brownfield.
- Justification is needed why this waste operation should be located in level 3 of the Waste Core Strategy geographic hierarchy.
- The nature of the development is incompatible with the agricultural and horticultural character of the area. It does not contribute positively to the character and quality of the area (required by Waste Core Strategy) and does not integrate with existing businesses and community facilities (required by the NPPF).
- Noise, dust, landscape and visual impacts would be significant and would affect users of the crematorium and neighbouring residents.
- It is difficult to believe that crushing, grading and stockpiling would not be major sources of dust.
- No proper assessment of noise impacts has been made.
- The height of the buildings and stockpiles would have an adverse visual impact.
- The applicant has belatedly attempted to address concerns about highway safety and access to the site but has merely undermined that this location is entirely unsuitable for the proposed development.
- The Parish Council supports the removal of a right turn option into the site off the A44 but is concerned that this will exacerbate HGV use of the roundabout, which is very tight and difficult for large vehicles to circumnavigate; further that traffic using the A44 will not be expecting this movement. Such vehicles leaving the roundabout and then within 130 metres turning left into the site will undoubtedly present a hazard on this busy route.
- The Inspector considering a previous mushroom packing facility application (W/93/00855) considered that the use of the site at that time represented a material hazard to highway safety and the free flow of traffic on the road. This comment was made when the road was the B4084, with lesser traffic volume, and not the A44 strategic route that it is today.
- The intermingling of domestic vehicles with HGV must represent a distinct hazard and the intention should be to segregate the site traffic from the residential not combine them.
- The application refers to public transport use, but no bus service passes the site.
- The traffic calculations require scrutiny. The proposed movements are very different from the renewed mushroom farm application.
- The Environmental Management Systems included in the application does not apply to the proposed site.
- The applicant has failed to consult with the local community (required by the Waste Core Strategy).
- The lack of EIA is a concern, given the site size is over 0.5 hectares and in view of the likely impacts of the site operations.

87. **Hill and Moor Parish Council (Neighbouring Parish Council)** have confirmed its objection to the application, making the following comments:

- The development is inappropriate given the proximity to houses and the crematorium.

- There are deep concerns about dust and noise, particularly when using crushing and screening equipment. A link is provided to a YouTube video of the type of machinery that is proposed. The PC has been told there are noise problems at the existing site.
- The height of the buildings makes them extremely visible.
- The planning application states that the site is not visible from the road or any footpath, but this is not the case.
- The application form states that there is no adjoining watercourse, but a ditch runs adjacent to the site.
- The application states that the site is brownfield, but it is not on the Wychavon brownfield register of sites. Agricultural buildings are excluded from the definition of brownfield.
- Currently Wrubble has a licence to process up to 75,000 tonnes of inert building waste for recycling. They currently only process 40-50,000 tonnes and plan to increase hence the proposed move.
- In this amended application they have attempted to address concerns about highway safety through a “no right-turn option”. However, the roundabout near the site is too small for the Wrubble vehicles to circumnavigate and has the potential to cause traffic accidents.

88. **Norton and Lenchwick (Neighbouring Parish Council)** - no comments received.

89. **Charlton Parish Council (Neighbouring Parish Council)** notes the amendments made to the access arrangements but does not wish to amend its objection to the application on the following grounds:

- The proposed activity is not suited to the rural location.
- They are concerned about excessive noise and dust from crushing/screening and vehicles despite mitigation.
- Large buildings and stockpiles are not appropriate to the open countryside.
- The site activities would affect the caravan site and crematorium.
- The site is very close to the roundabout and crematorium. There is no provision for vehicles slowing in either direction on this extremely busy road.
- The site is referred to as brownfield but it is not on the Wychavon brownfield register.
- The application does not comply with Policies SWDP 21, SWDP 25 in the South Worcestershire Development Plan and Policies WCS 8 and WCS 14 in the Waste Core Strategy.
- The application contravenes the NPPF because of the effects of pollution on health, living conditions and the natural environment as well as the sensitivity of the site and the wider area to impacts.
- They fully support the comments made by Fladbury Parish Council.

90. **Wyre Piddle (Neighbouring Parish Council)** makes the following comments:

- The site is far enough away from Wyre Piddle that it would not cause any significant nuisance to the village.
- There would be use of noisy machinery at this facility, in excess of 107dB which may cause a nuisance to the crematorium users, the Gypsy and Traveller site at Orchard View and some dwellings within a 400 metre radius of the site.
- There may be a dust issue arising from the site when recycling aggregates which may cause issues in Wyre Piddle, although the prevailing winds are usually from the South-West.
- There would be an increase in lorry traffic on the A44, and they are concerned about the lorries turning onto the A44 from the site. They would like to see road amendments to make this safer.
- Whilst the proposal does allow for noise attenuation, they are sure that there would still be increased noise around the site, and they request that the heights of the proposed earth bunds are increased and for there to be sufficient tree planting to help reduce any noise nuisance.

91. **Wychavon District Council** have raised the following concerns to the application as submitted and has confirmed that they remain unaffected by the revised proposal details:

- The development is not compatible with adjacent land uses and would not support an existing business or new enterprise appropriate to the location. Such development would be more appropriate for an industrial area and it is not clear why this site is needed or whether there are other, more appropriate, sites.
- Policy SWDP 31 in the South Worcestershire Development Plan recognises that development should not give rise to significant adverse impacts on the effective operation of neighbouring uses. The neighbouring uses to this proposal are a crematorium and also a permanent Gypsy and Traveller site and it is not considered that these are appropriate land uses to be located adjacent to one another. This is reinforced in national planning policy in terms of paragraph 108 of the NPPF (2019) (now paragraph 110 of the revised NPPF).
- It remains unclear whether there is any other land available at the company's existing location which could be used, or if the existing sites could be used more intensively. It is both more common and appropriate for the recycling of materials to take place in existing quarry sites or within established employment areas. The use of mobile screening and crusher machines, often off site, also raises the question why a single larger site is required in this location when the company has more flexible working practices available that could have less impact on their surroundings. The operation would result in large stockpiles of aggregates which could create visual harm within the immediate landscape or require substantial screening in the form of either fencing or earth bunding (proposed to be 4 metres high in places) that itself would cause landscape harm (especially given that the site is flat). The proposal also includes a building measuring approximately 9 metres high. In these circumstances, the District Council remains of the view that this proposal is not an appropriate use of this site within the immediate locality.
- This view takes into account the amendments to the scheme to attempt to reduce the impact on neighbouring uses (including provision of a secure yard where no recycling would take place and an increase in height of the acoustic fencing/ bund adjacent to the Meadow View Gypsy and Traveller site), as well as the site's

location adjacent to the primary road network (A44). Overall, however, the proposal remains essentially the same as before and consequently Wychavon District Council's concerns remain.

92. In summary, the District Council's principal concern is the proposed use in this location and its relationship with its surroundings.

93. **The Environment Agency (EA)** have no objections to the proposal as submitted confirming that the applicant, Wrubble Ltd, currently operates under an Environmental Permit (EP) at Throckmorton Airfield. This EP would need to be surrendered and a new one issued to authorise the proposed operations at the Fladbury site.

94. The EP controls relevant point source and fugitive emissions to water, air and land including odour, noise, dust, from and within the 'installation boundary' covered by the EP. It is the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate abatement equipment, etc. Should the site operator fail to meet the conditions of an EP, the EA would take action in line with its published Enforcement and Sanctions guidance.

95. The EA has reviewed the submitted information and particularly comments on the noise assessment. The response concludes that *'based on the information submitted by the applicant we believe, at this planning stage, that the operator has provided sufficient information to demonstrate that the proposed mitigation would minimise the impact from emissions on nearby receptors. As outlined above, further controls on emissions will also be conditions of the EP, and as such the operator would be required to comply with these in full.'*

96. **Worcestershire Regulatory Services (Noise and Dust) (WRS)** are satisfied with the noise assessment and addendum, and also have no significant concerns regarding dust.

97. They confirm that the noise assessment appears to have been carried out in line with British Standard 4142: 2014. Sensitive receptors have been identified within close proximity to the proposed development. These include Orchard View to the north (residential), Hill and Moor, Throckmorton Road (residential) to the west and The Vale Crematorium to the east (commercial).

98. WRS considers the submitted information to conclude that the noise assessment indicates that with suitable mitigation, in the form of a 4 metre high acoustic bund, noise levels at the nearest sensitive receptors are acceptable and in line with WRS Technical Guidance for Planning. As such, WRS have no adverse comments or objections to make in relation to the application, subject to the implementation of proposed mitigation.

99. WRS has separately responded to the additional analysis undertaken in the Noise Impact Assessment – Addendum, to consider the potential for impact on the Vale Crematorium. WRS has confirmed that it believes the existing background noise levels fall within the 'Semi-Rural' classification, and are largely driven by road noise

from the A44. It also recognises that at the time of the background noise measurement, traffic flows had not fully returned to pre-COVID-19 levels; it is likely that the 'normal' background noise level 220 metres from the A44 could be higher than stated in the Addendum.

100. The Addendum concludes that operations are not expected to be audible inside the Chapel of Rest with windows closed. With windows open noise levels would be well below the BS8233:2014 guidance for internal residential daytime noise levels of 35dBA. The Addendum states *"when looking at the SoundPLAN noise map the predicted noise levels from the sources under assessment would be between 40 and 50 dBA across most of the Vale Crematorium site. In the context of the dominant A44 road noise the impact of these new noise sources is considered to be minimal."*

101. The report concludes *"the proposed re-location of Wrubble Ltd to the Fladbury site is expected to have no or low noise impacts on the Vale Crematorium, Chapel of Rest noise sensitive receptor in the context of the A44 road noise, assuming that all barrier mitigation and building construction measures are put in place as described here and the original noise impact assessment."*

102. WRS confirms that it is content to support the conclusions presented in the Addendum and would advise that proposed mitigation measures and building design specifications be adopted; a condition has been recommended to control noise emissions from the site.

103. WRS also advises that it is anticipated that the operator would apply for and operate in line with an EP issued by the EA. Conditions within the EP would seek to minimise nuisance from noise, dust and odour.

104. WRS have reviewed 'Dust Assessment and Control Measures for Construction Phase and Operational Phase (May 2020)' and Wrubble Ltd's Environmental Management System. Procedures within the documents appear suitable to control dust emissions from the construction and operational phase of the development.

105. Should planning permission be granted and dust issues arise due to operations on site, the EA as regulator may request a Dust Management Plan and seek to resolve issues via conditions of the EP.

106. WRS have reviewed the amended scheme and further objections made by a third party and advises that they have no further comment to make.

107. **WRS (Contaminated Land and Air Quality)** have confirmed that they have no objection. They conclude that there are no records to indicate any significant potential for contaminated land in relation to the site and the proposal is not considered to be sensitive in relation to potential contamination. No issues have been identified in relation to air quality.

108. In terms of air quality, it is recognised that the application states there would be a net reduction in vehicle movements associated with the proposal when compared to the site's previous use as a mushroom farm. The site is not located within or close to any Air Quality Management Area (AQMA) or area of poor air quality. Consequently, no adverse comments are made in relation to the proposals and local air quality.

109. It is noted that the proposal includes more than 10 car parking spaces. Consequently, the standard recommendation for electrical vehicle charging points at commercial developments is provided.

110. **South Worcestershire Land Drainage Partnership** – no comments received.

111. **The Lead Local Flood Authority (LLFA)** have advised that suitable and adequate private arrangements are put in place for the maintenance of all Sustainable Drainage Systems (SuDS) on the site for the lifetime of the development, with minimum easements around all SuDS features and any other blue infrastructure such as watercourses for maintenance access. These easements would also protect the amenity and biodiversity function of the features. Two conditions are recommended to be attached to any grant of planning permission regarding a SuDS management plan and surface water drainage design.

112. **Severn Trent Water Limited** have confirmed that they have no objection to the proposed development and do not require drainage conditions to be attached to any grant of planning permission.

113. **The County Highways Officer** confirmed that they have undertaken a robust assessment of the planning application. Based on the analysis of the information submitted, and continued discussion with the applicant's highways consultants, the County Highways Officer concludes that there would not be a severe impact from the development as now proposed and therefore there are no justifiable grounds on which an objection could be maintained subject to conditions.

114. Part of the County Highways Officer's review is to understand the number and type of vehicle trips likely to be generated by the proposal, their quantity and frequency, and the distribution on the public highway. Whilst the proposal will generate new vehicular traffic at the site access junction, the County Highways Officer recognises that a proportion of this traffic is already travelling on the A44 related to the sites existing location at the Throckmorton airfield. As such, not all of this traffic will be new trips. The information provided on these matters is accepted by the County Highways Officer.

115. The County Highways Officer is satisfied that the existing highway network does not show an existing safety concern. Further, the revised application proposes that the existing access to the adjacent residential property would be stopped up at the junction with Evesham Road (A44) and would be diverted into the vehicular access, set back 20 metres from the edge of the main carriageway. The stopping up of the residential property access would substantially reduce potential conflicts at the site access / Evesham Road (A44) junction.

116. A new section of footpath is to be provided to the east and west of the access junction providing a continuous pedestrian route along the north verge of the A44. The site is rural in location and the potential for pedestrian movements is limited, but the proposals are providing a connection that will link the site to surrounding sites, including local bus stops at Fladbury Cross and to the village of Fladbury. A new pedestrian island is provided to the west of the access on the A44 to enable safe crossing, and the recently provided pedestrian island, associated with the

crematorium site provides safe crossing to the east of the site. These two new sections of footway proposed in the revised application details satisfy the County Highways Officer's request for such provision.

117. Cycle parking is provided in line with the standards set out in the WCC Streetscape Design Guide and internal arrangements are satisfactory to provide for safe pedestrian movements on site.

118. The County Highways Officer has recommended the following conditions (in summary):

- Access gates to be set back from the public highway and to open inwards only.
- Development not to be occupied until the first 5 metres of the access have been properly surfaced.
- Development not to be occupied until at least 3 electric vehicle charging points have been provided.
- Development not to be occupied until 4 accessible car parking spaces have been provided.
- Development not to be occupied until sheltered and secure cycle parking has been provided.
- Development not to be occupied until an employment travel plan has been approved.
- Conformity with the revised details as submitted (both in terms of access and internal layout).
- Required provision of visibility splays.
- Development not to be occupied until the existing access residential access has been permanently closed to the public highway.
- Prior to the commencement of development, required provision of a Construction Environmental Management Plan.

119. **The Campaign to Protect Rural England (CPRE)** wishes to make no comments.

120. **The Cotswolds Conservation Board** have responded, confirming no comment to make in view of the site's distance from the Cotswolds AONB (now referred to as the Cotswold National Landscape by the Board).

121. **The County Landscape Officer** has reviewed the submitted details and raises no objection to the proposal. They welcome the revised landscaping as it now includes floristically enhanced grassland both on the western boundary and around the SuDS pool. They recommended that particular attention is paid to aftercare and long-term management of the bund to identify any issues of drought or windthrow that can be a risk with this type of earthwork, although these issues are appropriately addressed within the submitted Maintenance Schedule. The revised landscaping scheme in the southern part of the site delivers a fair compromise and is pleased to see the reintroduction of the wildflower meadow; no concerns or objections raised.

122. **Worcestershire Wildlife Trust** have no objections to the proposal. They note the contents of the submitted application and concludes that there does not appear to be any overriding ecological constraints to the proposals. Consequently, they are

content to defer to the opinions of the County Ecologists for all on-site biodiversity considerations.

123. **The County Ecologist** has no objections and recommends the imposition of appropriate planning conditions relating to lighting and soft landscaping details.

124. The County Ecologist has reviewed the amended submission and notes that the minor adjustments to the number of trees and shrubs are acceptable and that the proposed native shrubs and hedging at the entrance are a valuable addition.

125. **Natural England** have confirmed no objection to the revised proposal. Based on the plans submitted, Natural England considers that the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

126. **Hereford and Worcester Garden Trust** have confirmed they have no comment to make.

127. **Historic England** has responded to confirm that on the basis of the information available to date, it does not wish to offer any comments.

128. **The County Archaeologist** has confirmed that they have no objections to the proposal, subject to conditions requiring a programme of archaeological works, including a Written Scheme of Investigation and provision made for the analysis, publication and dissemination of the results and archive deposition. The County Archaeologist states that the site has been the subject of a predetermination evaluation and desk-based assessment. This work, although not completed due to the discovery of asbestos on-site, established the presence of later prehistoric settlement activity.

129. Since the trial trenching was completed on this site, an excavation has taken place directly adjacent on the Vale Crematorium site. That excavation uncovered a ring ditch or penannular enclosure with an entrance in the south-south-west. Early in its existence it was the focus of a funerary rite, with a crouched inhumation burial cut into the primary fills on the west side of the enclosure. This was dated to the Early–Middle Iron Age, though it is possible that the origins of this monument were earlier in the Bronze Age.

130. The trial trenching here combined with the results of the adjacent excavation indicates that the site contains later prehistoric settlement activity. The work to-date has established that this is archaeology of local to regional significance, which would be lost as a result of the development. It is, therefore, recommended that conditions are imposed requiring a programme of works to excavate and record this archaeology before it is lost.

131. **Wychavon District Council Archaeologist** has confirmed that they have no objection to the proposal though they recognise that there is potential for it to affect heritage assets of known archaeological significance (WSM67617, WSM32353 and WSM71207). Given the scale of the development, and the anticipated archaeological potential, the likely impact on the historic environment caused by this development may be offset by the implementation of a conditional programme of archaeological

works. Consequently, they have requested the imposition of conditions, regarding a programme of archaeological works, including a Written Scheme of Investigation and provision made for the analysis, publication and dissemination of the results and archive deposition.

132. **Historic Buildings & Places** (formerly The Ancient Monuments Society) wish to make no comments on the application.

133. **Wales and West Utilities** (Online comments via LineSearch BeforeUDig) have confirmed no objection but have provided a plan identifying a Low Pressure (LP) 21mbar – 75mbar gas pipe to the east of the site (within the Vale Crematorium site) and an Intermediate Pressure (IP) 2bar – 7bar gas pipe laid beneath the Evesham Road (A44). Advice in relation to safe and effective working around these assets is provided and would be incorporated into planning informative should planning permission be granted.

134. **Western Power Distribution (WPD)** (Online comments via LineSearch BeforeUDig) have confirmed no objection and provided a plan showing that there are existing WPD Electricity / WPD Surf Telecom apparatus (including a High Voltage 11kV overhead line) in the vicinity of the proposal. If excavating on site in the vicinity apparatus, the applicant must comply with various requirements, including Health & Safety Executive guidance.

135. **West Mercia Police** have no objections to the proposal. They note that secure yards have been provided for Zones 2-4 and recommend that consideration is given for a vehicle barrier/height restriction barrier to prevent unwanted access into Zone 1.

136. **Hereford and Worcester Fire and Rescue** has made no comment.

137. **The County Minerals and Waste Planning Policy Team** comment that the impacts upon mineral resources can be regarded as 'de minimis' and, therefore, exempt from mineral safeguarding requirements, as the area of mineral resource beneath the site itself which would be directly impacted by the development is very small, and not a significantly different impact on the resource compacted to the current use of the site; and type and scale of change proposed would not be very different from the existing use and it is, therefore, not likely to increase the risk of sterilising the mineral resource beyond the site boundary

138. **The County Public Health Practitioner** notes that a Health Impact Assessment has been submitted and, therefore, has no further comment to make.

Other Representations

139. The application has been advertised on site, in the press and by neighbour notification. To date, 60 letters of representation from the local community objecting to this application have been received, some of which are from the same respondents. These letters of representation were made available to members of the Planning and Regulatory Committee upon request. Their main comments are summarised below:

The waste hierarchy

- The proposal does not comply with several policies, particularly Policies SWDP 11, SWDP 12, SWDP 21, SWDP 25, SWDP 31 of the South Worcestershire

Development Plan and Policies WCS 8, WCS 12 and WCS 14 of the Waste Core Strategy, as well as the NPPF.

Location of the development

- Loss of agricultural land and increased industrialisation of the area is contrary to South Worcestershire Development Plan policy protecting historic environment and green infrastructure.
- The proposal is in an inappropriate location being rural; it is incompatible with agricultural/horticultural land uses in the area and should be on an industrial estate or adjacent to an existing waste site.
- The land is not brownfield land because its former use was agricultural. There are concerns about the loss of land for food production.
- Justification for locating the development in lower levels of the Waste Core Strategy geographic hierarchy is required.
- It is inconsistent with the Fladbury Village Plan which does not allow any non-agricultural development north of the railway line.
- Throckmorton Tip is located close by; this would make a more appropriate location for such a proposal.

Landscape character, visual impacts and historic environment

- There would be impacts from the development on enjoyment of local footpaths. The proposed new footpath is unlikely to be used and adds to urbanisation of the area.
- There are concerns about the landscape and visual impact, with disagreement with the outcomes of the assessment submitted. The height of the buildings makes them very visible, particularly as they are on rising ground, and they are taller than all other buildings in the area. Other elements such as stockpiles, bunds and acoustic barriers would have visual impacts.
- The visual impact of the bund has not been considered. Its height would adversely affect the adjacent important hedgerow.
- The proposed planting numbers and species are lacking in imagination and potential to provide effective mitigation.
- Construction of the SuDS pond close to the southern boundary has not taken into account the impact on the tree roots of the Leylandii which currently screen the site from the road.

Impact on neighbouring uses including residential amenity

- Concerns about the impact of noise, dust, air pollution, litter and health impacts from the crushing machines, site equipment, stockpiles and HGVs on nearby residential properties, the caravan site and the Vale Crematorium. They question the efficacy of the proposed mitigation.
- The Environmental Management Systems is for the existing operations at Throckmorton and is not relevant to the proposed site.
- The noise assessment has been poorly done and is deficient in several respects. When the mushroom farm was operating, noise from the machinery could be heard in the caravan site due to the topography of the area, the noise from the proposed use would be significantly worse.
- Request for a health impact assessment to be undertaken.
- The site is too close to the residential property with resultant detrimental impact on quality of life.

- The site is separated from the residential property Orchard View and the caravan site by only a hedge, with properties within 30 metres. There are children playing outside and concern about the contents and levels of dust, noise and vibration and impact on residents' health.
- The site is too close to the Vale Crematorium, with detrimental impact on mourners who would be expecting a peaceful environment.
- Impacts would be worse in the winter than summer months.
- The resident living closest to the development site has confirmed that he has not agreed to sell his property and does not intend to leave. However, he is concerned about the potential impact on his children who play outside for most of the day and are on site all year round.

Traffic and highway safety and public rights of way

- Additional heavy vehicle traffic on the A44 would result in more noise, air pollution and highway risk, particularly from vehicles entering and exiting the site. Slowing vehicles in proximity to the roundabout and the crematorium would create a hazard.
- The assessment of vehicle movements is based on the mushroom farm application which bears little resemblance to this proposal. It makes no reference to the vehicle movements associated with plant hire. The assessment requires scrutiny.
- The existing operations include selling direct to the public that would involve additional vehicles accessing the site.
- The applicant's current yard is a mess, with mud taken onto the road. Concern that the application site would become like this.
- There would be increased risk to properties in Fladbury and listed buildings from increased traffic. Routing through Fladbury would be a concern as it already suffers from traffic levels.
- Contamination of the A44 and use of a road sweeper to clean it up would be hazardous.
- Fladbury is not served by public transport other than a school bus.

Other matters

- There are concerns about the impact on the resale value of property.
- The absence of an EIA is a cause for concern.
- Consultation with local communities and other stakeholders has been inadequate.

140. Several technical reports have been submitted by consultants on behalf of the **Westerleigh Group**, the operators of the Vale Crematorium.

141. Peter Evans Partnership has submitted comments on behalf of the Westerleigh Group, operators of the Vale Crematorium, objecting to the proposal on transport grounds. Peter Evans Partnership has confirmed their highways objection to the revised proposals on the grounds that:

- Access proposals are unsafe and not suitable for proposed use.
- There is a lack of clarity on traffic related information for HGV movements.
- There are issues relating to suitability of internal site layout.

142. In summary Peter Evans Partnership believes the proposed site access is substandard to serve the development which gives rise to safety issues and does not meet the requirements of paragraph 110 and 111 of NPPF; it should therefore be refused.

143. Ensafe Consultants submitted comments on behalf of the Westerleigh Group addressing noise concerns and confirmed their objection in response to the amended details. Their comments are:

- Activities proposed by Wrubble include rubble crushing and similar activities, with noise-generating plant used from time to time. In addition, there would be regular movements of HGVs and associated vehicles entering and leaving the site.
- The noise assessment has not considered impacts on the memorial garden which is 100 metres from the site. It has not recognised the memorial garden as a sensitive receptor, which can account for up to a 5dB difference in predicted noise levels based on the difference in distance between the garden and the chapel of rest and are unacceptable.
- The latest Walnut Acoustics (WA) report addendum does not give a range of background noise levels as per the original Ensafe comments in relation to the previous WA report. The background noise assessment overrepresents background noise levels.
- Potential lower noise levels due to wind direction have not been considered in the assessment in the WA Addendum where there is potential for the background noise level to reduce by a further 5dB with the potential for the recycling centre rating noise level having more of an adverse impact than was originally predicted. The assessment should take account of the crematorium being a place of worship, counselling, meditation and relaxation.
- There are aspects of the noise assessment that are unclear, unreliable, simplistic or absent.
- Some of the mechanical source data was recorded partially shielded by a pile of material which is likely to lead to an underestimation of the noise levels used to assess against the background noise levels. This has still not been adequately considered.
- The assessment should take greater account of the disturbance from noise.
- the movement of vehicles and the potential use of audible reversing alarms could be considered intrusive for many of those users of the crematorium.
- It is accepted that the existing noise from the A44 would dominate the background noise, but this does tend to be a constant and steady level noise source and as stated above could be affected by the wind direction. It would be the intermittent and impulsive events that would be for many users of the crematorium be subjectively noticeable above the steady noise and likely to cause significant disturbance to those people using the crematorium.

144. Ridge Consultants has submitted comments in relation to noise, dust, transport and visual impacts on behalf of the Westerleigh Group. They too have confirmed that their concerns remain:

- Their objections relate to the loss of tranquillity from the proposed development and its impact on the users of the Crematorium, it should be noted that the proposed development abuts the existing Crematorium.

- The revised scheme still fails to accord with the following Policies: WCS 8 and WCS 14 of the Waste Core Strategy and Policies SWDP 21 and SWDP 25 of the South Worcestershire Development Plan, together with the National Planning Policy for Waste and the NPPF (specifically Section 15). The reasons for this are set out in more detail below. Concern over impacts on users of the crematorium from unsatisfactory noise levels.
- There are significant concerns over the applicant's reliance on the Environmental Management System document for The Yard at Throckmorton, a different location to the application site in question. It is understood that these permits are site specific and therefore should not be relied on when considering an entirely different site. In addition, that document is dated May 2018 and it is not clear whether it has been updated.
- Reference to the objections made by Ensaf, namely:
 - Omission of Memorial Garden as a Noise Sensitive Receptor.
 - Problems with source noise data.
 - Overestimate of background sound level.
 - Questionable categorisation of site and resultant WRS BS4142:2014 sound rating level criterion.
 - Omission of appropriate BS8233:2014 assessment for internal spaces.
 - No explanation of 10dB attenuation of open building structure.
 - Potential lower noise levels due to wind direction have not been considered in the assessment
 - Mitigation provided by the 4m bund is overestimated.
- The revised scheme still raises safety issues that have not been considered. The lack of a deceleration lane and confirmation that the appropriate visibility splays can be provided is a fundamental shortcoming of the revised scheme. The proposal therefore fails to accord with Policy WCS 8 of the Waste Core Strategy as it has not been demonstrated that a safe vehicular access can be achieved to/from the site or within the site.
- Comparison to vehicle movements at the mushroom farm permission is invalid.
- The bund is not of sympathetic nature of design to the crematorium.
- Site lighting would be insensitive to the crematorium and the rural setting, consequently, fails to accord with Policy WCS 14 of the Waste Core Strategy.
- The height of the buildings is considerably higher than the former polytunnels and the impact of them on the Cotswolds AONB have not been considered.
- Waste operations are significantly different to green houses, which are a common feature of this landscape. This application proposal fails to accord with Policies SWDP 21 and SWDP 25 of the South Worcestershire Development Plan and Section 15 of the NPPF.
- The application has failed to consider the impact of vibration.
- Whilst acknowledging the sites former use as a mushroom farm, this site has clearly been vacant for a number of years and should therefore be considered on the basis of a vacant site, which is starting to be reclaimed by the countryside. Since that time, the surrounding land uses have changed and the impact on the crematorium needs to be fully considered.
- The application is contrary to policies in the Waste Core Strategy the South Worcestershire Development Plan and national planning policy.

145. Bacchus Planning has made two submissions on behalf of **R&L Holt Ltd and Evesham Vale Growers/Vale Green Energy** who operate the site at Springhill Nursery on the opposite side of the A44. Their comments are:

- Assessment and management of dust is inadequate. If dust settles on the glasshouse roof or on the crop, it would reduce yields of tomatoes. Cleaning the roof is expensive, a specialist job and cannot be done at short notice. Dust on the tomatoes would render them unfit for consumption.
- Dust on the solar panels would require cleaning and so diversion of staff from other jobs.
- Noise and vibration would have adverse effects on the amenity of staff living and working on site and consequently the companies' ability to employ and retain good staff.
- The financial viability of the enterprise would be harmed.

146. RSK made a further submission on behalf of R&L Holt Ltd and Evesham Vale Growers/Vale Green Energy, dated 9 August 2021. Their comments in this representation reflect those made previously, focussing on a concern that dust emissions from the proposed development would adversely affect the glasshouse vegetable growing facility. The representation notes the revised NPPF and that this policy is clear that it should be assumed that the Environmental Permit regime should be assumed to operate effectively. *'Therefore, if the objectives of paragraphs 174 and 187 of the NPPF are to be met it is critically important that decision makers are confident that it is both feasible and possible to control adverse impacts before deciding if the application is an acceptable use of land in relation to amenity of neighbouring premises and occupiers. It follows that decisions makers must be provided with robust evidence about the risks, and the suitability and effectiveness of any proposed controls, of adverse impacts before they are able to make an informed determination.'*

147. The submission requests that a more thorough assessment of the potential impacts is undertaken and a dust management plan should be requested by condition.

The Head of Planning and Transport Planning's Comments

148. 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.

The Waste Hierarchy

149. 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.

150. 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.

151. This is reiterated most recently in the Waste Management Plan for England (2021) which refers to Our Waste, Our Resources: A Strategy for England (2018), which states that "*the waste hierarchy, which ranks options for waste management, has driven some progress... we have increased our rates of recovery and recycling and generated much more energy from waste. We want to shift away from waste towards resource efficiency, and will do this by focusing not just on managing waste, but, on managing the resources which become waste*".

152. 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.

153. Furthermore, paragraph 152 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*".

154. Policy WCS 2 of the Waste Core Strategy seeks to deliver new capacity for the recovery of construction and demolition wastes. Policy WCS 15 of the Waste Core Strategy requires proposals for waste management facilities to demonstrate that they would contribute to Worcestershire's equivalent self-sufficiency in waste management capacity. The Head of Planning and Transport Planning considers that as the proposed development would include the collection, recycling and reuse of soils and inert wastes generated from building projects, it would comply with the objectives of the waste hierarchy and Policy WCS 2 and help to address the capacity gap identified in the Waste Core Strategy.

Location of the Development

155. 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 Waste Core Strategy is broadly in accordance with those principles.

156. 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'.

157. Policy WCS 3 of the Waste Core Strategy supports 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.

158. The application site is 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 close to Level 3 of the geographic hierarchy and the diagram is "*indicative only and should not be interpreted as showing specific site boundaries*".

159. The application site is described as being in a more strategic location with the applicant's main markets and project sites located within 30 miles (approximately 48 kilometres). This is consequently identified to deliver reduced vehicle miles and fuel consumption, but also reduced vehicle impact through the village of Throckmorton. The application site provides both improved (direct) access to the A44 and alternative transport modes (walking, cycling and bus routes) enabling more sustainable movement patterns.

160. The Head of Planning and Transport Planning considers that any resultant reduction in vehicle miles and fuel use is difficult to quantify, although with less than 3 kilometres distance from Throckmorton Airfield (as the crow flies) the reduction is likely to be relatively small. However, the site is located on a strategic road and lorry route (as identified on the Waste Core Strategy Key Diagram) and has the potential to serve local demand for construction and demolition waste management, as well as continuing to serve construction projects.

161. The Head of Planning and Transport Planning considers that 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, all to be relevant factors in the determination of this proposal. On balance, it is considered that the proposal would comply with Policy WCS 3 of the Waste Core Strategy, which contains an element of flexibility.

162. Policy WCS 6 of the Waste Core Strategy supports waste management development situated on land with compatible uses directing 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.

163. 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".

164. As set out earlier under the 'Background' section of this report, the most recent use of the application site was for mushroom production, using an extensive system of environment-controlled polytunnels. As referenced earlier under the 'Other Representations' section of this report, objections have been received stating that the application site should not be considered as brownfield land, it is an inappropriate location for the proposed development, and the proposal would result in the irreversible loss of potentially valuable growing land and natural habitats.

165. The Head of Planning and Transport Planning considers that the site is substantially developed, with natural habitats limited to its margins. Any future agricultural or horticultural use of the site would most likely be undertaken in a similar manner to the previous mushroom production, using controlled environments within permanent/semi-permanent structures. The Head of Planning and Transport Planning considers that irrespective of whether the site is regarded as previously developed or as redundant agricultural/horticultural buildings with associated curtilage, the outcome is the same. It is not reasonable to expect this site to return to a natural state and the proposed development represents an opportunity to redress this site of despoiled land.

166. 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. Policy SWDP 2 g) gives "*encouragement ... to the redevelopment of brownfield sites.*"

167. Policy SWDP 12 b) of the South Worcestershire Development Plan 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*".

168. 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 can reasonably be described as an employment site (though not currently in operation) and the proposed development would generate new employment opportunities.

169. Wrubble Ltd currently employs 20 to 25 staff with ambitions to increase by a further 10 staff over the next two years, should planning permission be granted. The operations would be relocating from two sites at Throckmorton Airfield, which means it is reasonable to assume that existing staff would be able to move with the development as the relocation is not so distant that it would be likely to cause transport difficulties. In addition to sites allocated in the South Worcestershire

Development Plan for employment uses, Policy SWDP 8 e) supports the provision of employment land to support existing businesses of a scale appropriate to the location.

170. Whilst the operations of the proposed development are not explicitly referred to within Policies SWDP 2 and SWDP 12 of the South Worcestershire Development Plan, the proposal is considered broadly to be using an employment site, and would constitute the retention of an existing local business with growth ambitions and is for the re-use of despoiled land, complying with these policies.

171. The Head of Planning and Transport Planning is satisfied that the proposed development is appropriate to this location, that the proposed development makes an appropriate use of a site formerly in use for commercial mushroom production and that it would support the growth of this local business. Furthermore, the Head of Planning and Transport Planning concludes that, as considered in more detail below, the potential for adverse effects has been duly considered and appropriately mitigated.

172. As set out under the 'Other Representations' section in this report, an objection has been received stating that the proposed development would be contrary to the Fladbury Village Plan. On page 23, the Village Plan lists the 12 aims considered within the document. None of these direct development to or exclude it from any particular area. The Head of Planning and Transport Planning therefore considers in this instance that very limited weight should be afforded to the Fladbury Village Plan.

173. The Head of Planning and Transport Planning concludes that the proposal complies with Policies WCS 3, WCS 6 of the Waste Core Strategy and Policies SWDP 2 and SWDP 12 of the South Worcestershire Development Plan.

174. As the location of the proposed development is considered to comply with relevant policies of the Development Plan, it is not necessary for the applicant to demonstrate that there are no other better sites available. It would not be reasonable to require a comparison exercise with other sites or to require demonstration that there is no availability across industrial estates, employment sites or quarries in the vicinity of the application site.

Landscape Character, Visual Impacts and Historic Environment

175. The site is located on the northern side of Evesham Road (A44) which is considerably less built up than land to the south of the road. Land levels rise gradually within the site from the southern to the northern boundary, and again by approximately 30 metres from the northern boundary of the site; this land rise to the north of the site accommodates public rights of way. Consequently, the proposal would be visible from public vantage points to all sides of the site.

176. The western, northern and southern boundaries of the application site are defined by mature bushy hedgerows including some semi-mature conifer trees along the A44 road frontage (southern boundary). The eastern boundary is partially enclosed in the north east corner by a belt of existing woodland. This vegetation collectively creates enclosure. All of the existing hedgerows are to be retained and enhanced with the exception of the ornamental laurel hedge partially dissecting the application site.

177. A number of respondents have expressed concern about the landscape and visual impacts of the proposed development, notably from the height of buildings, stockpiles and bunds which would be created. Two buildings would be nearly 10 metres high and the third would measure approximately 7 metres high. Stockpiles of processed material would be stored inside building 02 and so would not be separately visible. The height of the bund has been designed to screen visual and acoustic impacts appropriately.

178. Policy WCS 12 of the Waste Core Strategy requires waste developments to contribute positively to the character and quality of the local area and protect and enhance local characteristics, through consideration of the character of the built environment, including appropriate use of form, mass, scale, detailing, materials and green spaces and the local landscape character. Policy WCS 11 of the Waste Core Strategy requires developments to reflect landscape character.

179. Policy SWDP 21 of the South Worcestershire Development Plan requires development to be of high quality and to integrate effectively with its surroundings. Applicants need to address siting and layout, the relationship to surroundings and other development, amenity, settlement character, scale/height/massing, links/connectivity/access, detailed design and materials, appropriate facilities including car and bike parking, landscaping and safety/security. Policy SWDP 25 of the South Worcestershire Development Plan requires that developments are appropriate to, and integrate with, the character of the landscape setting.

180. The South Worcestershire Design Guide SPD, at paragraph 4.13.3, emphasises that new development proposals must demonstrate a full appreciation of the local area to assist in nurturing local distinctiveness. This includes identifying and responding to the local climate, urban form, culture, landscape character topography, local architecture, built form and materials that are characteristic of the area, e.g. local stone usage.

181. A landscape and visual assessment of the proposal has been undertaken, concluding that on account of the combination of a sensitively designed layout and extent of the boundary vegetation that the site has the ability to absorb the impacts of the proposed development.

182. As set out earlier under the 'Other Representations' section of the report, objections were received about the detrimental visual effect on those who enjoy using the public footpaths in the area. It is noted that the landscape and visual assessment did not originally include any visual receptors from the north of the site, where public rights of way occupy an elevated position. Consequently, the applicant has conducted the landscape and visual assessment from additional visual receptors to incorporate the local footpaths. This has concluded that the impact on the public rights of way would be of moderate significance.

183. Objections have also been received to the proposed tree species mix and numbers, and a concern that the proposed SuDS system would affect the leylandii trees growing along the southern boundary of the site.

184. Wychavon District Council has raised a number of concerns, principally that the proposal is not compatible with adjacent land uses and is more appropriately located

in an industrial area. Other objections have been raised that the proposal would result in further industrialisation of the area, and that the company has more flexible working practices available that should be used to reduce detrimental effects.

185. The proposed buildings are tall, but necessarily so for operational reasons. Their design is akin to agricultural buildings in the area and there is one existing in the south-eastern corner of the adjacent site. It is recognised that the proposed operations include mobile plant that would be used elsewhere for much of the time and that the site layout results in an extensive use of the site. However, it is considered that having the buildings distributed throughout the site successfully avoids an accumulation or massing of built form. As discussed in the previous section, the location of the proposed development is concluded to be appropriate and not contrary to South Worcestershire Development Plan policy.

186. The extensive hedgerows already in situ and the landscape enhancements provide a suitable enclosure around the proposed development. Existing vegetation around the boundary of the site would be retained to provide some screening and a bund with additional planting on top is proposed to mitigate the visual impacts to the extent possible.

187. The County Landscape Officer has no objections to the application and welcomes the biodiversity improvements incorporated into the scheme. The Cotswolds Conservation Board recognises the site is some distance from the Cotswold AONB and has confirmed it has no comment to make on the proposed development. Policy SWDP 23 of the South Worcestershire Development Plan does not need to be considered further.

188. The site is currently in a disused and neglected state, overgrown with brambles in places and with dilapidated structures on site. The proposal presents the opportunity to improve the appearance of the site and ensure its maintenance and deliver biodiversity net gain in addition to delivering waste management capacity. Conditions are proposed to ensure final details of landscaping are agreed prior to commencement of the development and this includes both the replacement of trees that are detrimentally affected and the long-term management of all planting.

189. Another concern raised by letters of representation are is that of a detrimental effect on the historic environment.

190. With regard to heritage assets, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects to listed buildings in the exercise of planning functions. Subsection (1) provides that *"in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*.

191. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects Conservation Areas in the exercise of planning function stating *"in the exercise, with respect to any buildings or other land in*

a Conservation Area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

192. Policy WCS 9 in the Waste Core Strategy requires that proposals do not lead to substantial harm to or loss of significance of designated or non-designated heritage assets or their settings. Further, Policy SWDP 6 of the South Worcestershire Development Plan requires that development proposals should conserve and enhance heritage assets, including assets of potential archaeological interest. Policy SWDP 24 of the South Worcestershire Development Plan requires that recording and interpretation should be undertaken to document and understand the asset's archaeological, architectural, artistic or historic significance and that this should be made publicly available.

193. Paragraph 195 of the NPPF states that *"local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal"*.

194. Paragraph 199 of the NPPF states that *"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*. Paragraph 200 of the NPPF states that *"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: ...b) assets of the highest significance...should be wholly exceptional"*.

195. The PPG at Paragraph 018 Reference ID: 18a-018-20190723 states *"whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting..."*

196. Paragraph 194 of the NPPF states that *"where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation"*.

197. Both the County and Wychavon District Council Archaeologists identify heritage assets of significance in the vicinity of the application site, including at a new excavation on the adjacent Vale Crematorium site that has revealed an asset dated

as Early–Middle Iron Age, though it is possible that its origins were earlier in the Bronze Age. However, both advisers are content that the likely impact from the proposed development can be suitably offset by the implementation of a conditioned programme of archaeological works, including a Written Scheme of Investigation.

198. There are above ground heritage assets located within 500 metres of the site; including a small group of Grade II listed houses at Hill (to the north-west) and a Scheduled Monument, Settlement site north of Spring Hill Farm to the south-west. There are two Conservation Areas in the wider setting of the site: Fladbury Conservation Area; and Lower Moor Conservation Area. However, the Head of Planning and Transport Planning has received no objection from any of the statutory consultees concerned with heritage assets. These assets, and others in the area, are some distance from the application site and further separated from it by the Evesham Road (A44), landform and vegetation.

199. The Head of Planning and Transport Planning considers that the proposals would not lead to any material harm to any of the identified heritage assets.

200. In conclusion, the Head of Planning and Transport Planning considers that the proposed development would not have an unacceptable adverse or detrimental impact upon the character and appearance of the local area or the historic environment, in accordance with Sections 12, 15 and 16 of the NPPF, Policies WCS 9, WCS 11 and WCS 12 of the Waste Core Strategy and Policies SWDP 6, SWDP 21, SWDP 23, SWDP 24 and SWDP 25 of the South Worcestershire Development Plan, subject to the imposition of appropriate planning conditions regarding the design of the buildings on site including materials and colour, the retention of existing hedgerows around the perimeter of the site, additional bunding on the northern and eastern boundary, additional native tree planting to screen the development and a programme of archaeological works.

Impact on neighbouring land uses, including residential amenity

201. Residential properties, including caravans, are situated on the northern boundary of the site, at Orchard View. There is consequently potential for an adverse impact on residential amenity, particularly through noise and dust pollution from the proposed development.

202. The Vale Crematorium is located to the east of the site. This may be considered a sensitive receptor due to the nature of its operations. The most likely cause of detrimental impact would be from noise and dust effects. Springhill Nursery, a commercial vegetable production unit with anaerobic digestion is located to the south. The operator has made representations that the tomato crop is very susceptible to dust and that noise and vibration may affect employees.

203. The operator has also commented that it is not satisfied with WRS' advice 'but in any case, the test that should be applied in the determination of the suitability of the proposed land use is that set out in the NPPF in so much as the proposed development should not impact on the amenity of the existing land businesses and occupiers. The protection of amenity is a higher benchmark or test than that required to demonstrate the control of statutory nuisance'. Generally, objections have been

received that reference detrimental impacts arising from the location of the proposal. Some have commented that the assessment of noise has been poorly carried out.

204. Policy WCS 14 of the Waste Core Strategy prohibits waste developments from having adverse impacts on amenity from, inter alia, dust, noise, air quality, odour, litter, visual intrusion and light pollution, unless it can be demonstrated that there are benefits that outweigh adverse impacts.

205. Policy SWDP 31 of the South Worcestershire Development Plan requires development proposals to be designed in order to avoid any significant adverse impacts from pollution, including cumulative ones, on human health and wellbeing and the effective operation of neighbouring land uses.

206. The South Worcestershire Planning for Health SPD, at paragraph 2.27, notes the important role of trees in reducing air pollution, noise and greenhouse gases. At paragraph 2.46 it points to the contribution of roadside trees and green verges in reducing air pollution. It also notes at paragraph 2.45 the importance of mitigation of dust and particulate emissions from site preparation, demolition and construction and exhaust emissions from non-road mobile machinery and generators or other static plant. At paragraph 2.48 it highlights the importance of reducing noise and light pollution in potential conflicts between land uses.

207. Paragraph 187 of the NPPF advises that *'Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.'*

208. Noise, dust and health impact assessments have all been submitted as part of the application. Both WRS and the EA advise that the information provided is robust and demonstrates that the potential for detrimental emissions from noise, dust and air quality can be suitably controlled. There are a large number of established waste management operations recycling aggregate within the UK. WRS are unaware of situations where dust of this nature has posed a significant health concern over the long term. That said, there may be short term, infrequent incidences where episodes of deposition may occur for example causing a film on vehicles or glazing. However, this would not amount to a statutory nuisance.

209. It should also be noted that meteorological data from Pershore meteorological station (wind direction and speed over one full year, 2018), has been reviewed. This shows the prevailing wind direction is from the south west. Springhill Nursery is therefore in a position such that for the most part any dust would be transported away from the site of tomato production and off to the north east.

210. The Environmental Management System that has been submitted with the application is necessarily for the existing site from which Wrubble operates. It demonstrates the sort of practices used by the company to control site operations and procedures (including litter management). This type of document is generally a requirement of the EP and would be regulated by the EA. The applicant has recently confirmed that an EP for the proposed operations at the application site has been

granted by the EA, demonstrating the suitability of the management protocols to be put in place by the applicant.

211. Taking into consideration the above, the Head of Planning and Transport Planning is satisfied that dust from the proposed development would not cause an unacceptable adverse impact on amenity and does not consider a condition to be necessary or appropriate.

212. The applicant proposes 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 is adequately mitigated. A condition is recommended to this effect. A condition is also recommended to ensure that all vehicles on site are suitably maintained, use fully operational silencers and use white noise reversing warning devices, each of which will reduce the potential for noise impact off site.

213. A condition has also been recommended to limit the level of noise emissions from the site, rather than to control the type of equipment that can be used. Following advice from WRS, the Head of Planning and Transport Planning recognises that background levels measured on site were found to be 45dB LAeq. Document BS8233:2014 advises that noise in external amenity areas for new developments should not exceed 50dB LAeq16hr. Consequently, it would be reasonable to allow a +5dB on background levels, not least background noise levels may increase as a return to more normal conditions post-COVID-19 are experienced; in such a situation the impacts of any screening activities would be reduced.

214. Furthermore, recognising that screening operations are only proposed to be undertaken for a few days within each period (and a condition is included to control this level of use) and only during operational hours, allowing +5dB seems reasonable and would not cause significant impact to residential amenity. The original Noise Impact Assessment indicated that the rating level at Orchard View is likely to be 47dB, a +2dB assessment level is indicative of a 'low' impact and given the context and likelihood for background noise levels to increase, WRS confirms that it is content to support wording within a condition that would allow '+5dB above background' noise levels.

215. Equipment may change over time and may not be used appropriately, consequently a limit on the type of equipment in this case is not considered to bring a suitable level of control. Nevertheless, a condition is recommended that any equipment used on site is maintained to manufacturers specification to ensure it is kept in good working order.

216. The layout of the site is such that Zone 4, the closest to Orchard View, is proposed to be used for machinery storage only, which should be one of the quieter elements of the proposed development. This element would also be enclosed using acoustic fencing. The recycling operations are proposed to be undertaken within Zone 3, around which is proposed a bund measuring approximately 4 metre high with landscaping to mitigate noise levels. Acoustic fencing along the western boundary of the site also encloses Zone 3.

217. The proposed development would be handling inert materials only and consequently odour should not pose a problem.

218. The proposed hours of operation are 07:00 hours to 17:00 hours on weekdays and 07:30 hours to 13:00 hours on Saturdays. Therefore, lighting would only be required in the winter months during hours of darkness/twilight and the proposed lighting plan shows that spillage would be limited and contained within the site, therefore, adverse impacts are unlikely.

219. There is 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 is also no evidence to demonstrate that the proposed mitigation, which are standard measures, would not be effective or appropriate. The EA raises no objection to the proposal and has confirmed that a new EP would be required for the applicant to operate at this site, and that Permit would include further controls on emissions; advising that *“the operator will be required to comply with these in full.”*

220. The applicant has responded to the representations made to confirm that applications for a new EP and Environmental Monitoring Scheme have already been submitted, running in parallel with consideration of this planning application. The applicant has confirmed that the new EP has been granted by the EA. The applicant recognises that *“failure to meet the conditions of the EP will result in action by the EA in line with their published Enforcement and Sanctions guidance.”* The applicant also confirms that:

“Careful consideration has been given to the proposed site layout to minimise any environmental impacts. The operation associated with creation of noise and dust is the recycling of aggregates. This forms a small component of the application site and will be heavily enclosed within a purpose-built recycling zone known as Zone 3. This zone is contained by a combination of 4m height landscaped bunds, acoustic fencing and a 9.950m high building (Building 02).”

221. The application details demonstrate that matters of noise, dust, air quality, litter and potential impact to human health can all be appropriately managed on site. There are no objections from the statutory consultees and such matters ultimately would be regulated by the EA through the EP. There has been no specific study of vibration. However, the proposed development does not involve any operations or machinery that are likely to generate vibration effects beyond the site boundary; furthermore, no such assessment has been requested by any of the statutory consultees.

222. One representation claims that it has received reports of noise problems at the existing site, at Throckmorton Airfield. This has been investigated and it is confirmed that no complaints have been received by the County Planning Authority, the EA, or WRS.

223. The proposed access layout would change the arrangements currently in place. However, the proposed entrance way has been designed so as not to impede residential access (an element of amenity) and to avoid any vehicles queuing on the public highway.

224. The Head of Planning and Transport Planning is satisfied that the proposed development is in an appropriate location, incorporates appropriate mitigation measures and that there would be no significant harm caused to either residential amenity or other local business. Furthermore, it is noted that paragraph 188 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*".

225. Paragraph Reference ID: 28-050-20141016 of the Government Planning Practice Guidance (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*".

226. In view of the above matters, the Head of Planning and Transport Planning considers that, subject to the imposition of appropriate conditions including the implementation of the mitigation measures set out in the submitted application and a limit on noise emissions from the site, the proposal would have no adverse noise, dust or odour impacts upon residential amenity or that of human health, nor is the operation likely to have a significant adverse effect on existing commercial developments in the vicinity of the site. The proposed development is considered to comply with Policy WCS 14 of the Waste Core Strategy, Policy SWDP 31 of the South Worcestershire Development Plan, and the NPPF.

227. An objection has been received on the basis that the proposal would have an effect on property values. The Head of Planning and Transport Planning notes their concerns but advises that property values are not a relevant material consideration in the determination of this planning application.

Traffic and Highway Safety and Public Rights of Way

228. The application site benefits from an existing access leading directly onto the Evesham Road (A44) which is proposed to be improved. New kerb lines are proposed to open up the sight lines, and two new footways are proposed either side of the main access. The proposal includes stopping up the existing separate residential access (to incorporate it into the site access) provision of a ghosted right turn for vehicles travelling west on the A44 and dedicating a secondary access to be for agricultural use only. On site there is adequate space to allow vehicles to manoeuvre safely, with marked pedestrian walkways incorporated into the site design.

229. The peak hourly period in the morning is between 07:00-08:00 hours, just before the network peak on the surrounding highway network when it is anticipated that the application site would generate 22 total two-way vehicle movements broken down into 17 arrivals (all cars) and 5 departures (all HGVs).

230. The peak hourly period in the late afternoon / early evening is between 17:00-18:00 hours, coinciding with the network peak on the surrounding highway network when it is anticipated that the application site would generate a total of 27 two-way vehicle movements broken down into 8 arrivals (all HGVs) and 19 departures (all cars).

231. Objectors to the application have commented on the potential for impacts on the A44 of vehicles entering and leaving the site, some noting the proximity to the roundabout to the east of the site and raising safety concerns. Representations have also been received that the proposed footway would not lead to anywhere, that there is limited bus connection with the site and that the traffic assessment is not robust.

232. Wychavon District Council refers to paragraph 108 of the NPPF (2019) (renumbered to paragraph 110 in the revised NPPF and updated as shown in bold text below), which states that "*in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."

233. The access arrangements have been the subject of ongoing discussion between the County Highways Officer and the applicant with revised proposals submitted to address the County Highways Officer's concerns. This has included undertaking a Road Safety Audit. The County Highways Officer has confirmed that no objections are held to the proposal as now submitted, subject to the imposition of recommended conditions. These essentially seek to ensure that the submitted details will be implemented and maintained throughout the lifetime of the development and seek some other final details, such as through the requested Employee Travel Plan. All of the County Highways Officer's requested conditions have been incorporated into those recommended at the end of this report.

234. Policy WCS 8 in the Waste Core Strategy requires that sites are well connected to the strategic transport network and use alternatives to road transport where practicable, and that vehicular and pedestrian access to the site is safe and adequate to support the proposed waste management facility, either as it is or with improvements that form part of the application.

235. Policy SWDP 7 of the South Worcestershire Development Plan requires development to provide or contribute towards the provision of infrastructure needed to support it and that any new infrastructure required is operational no later than the appropriate phase of development for which it is needed.

236. Policy SWDP 4 of the South Worcestershire Development Plan requires proposals for development to offer sustainable travel choices and contribute to infrastructure necessary to support these. They must also address road safety.

237. The South Worcestershire Planning for Health SPD emphasises at paragraph 2.51 that new development should be designed to encourage alternative transport modes, for example by providing bicycle storage points and/or changing facilities in workplaces.

238. NPPF paragraph 111 advises that “*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.*”

239. The proposal would generate a number of movements of both commercial and private vehicle types. The Head of Planning and Transport Planning considers that it is not possible to be definite about the level of reduction in vehicle numbers as no verified traffic count exists from the time the former mushroom production unit was operating. However, the County Highways Officer has accepted the applicant’s estimates of trip generation across all the vehicles likely to access the site and raises no objection.

240. In any event, the site is located on the Evesham Road (A44) which is a part of the strategic highway network and the proposed number of vehicles (and consequent movements) is not unreasonable. It is also recognised that a number of these movements would already be occurring on the public highway, as Wrubble is already operating in this locality.

241. The application includes alternative modes of transport to the car, enabling staff and visitors to access the site via walking, cycle and bus routes. Objections have been received suggesting that the new footway would not be used and that (other than the school bus) there is no public bus provision in Fladbury. Nevertheless, the Head of Planning and Transport Planning considers that the provision of these transport options is to be welcomed.

242. Local Parish Councils have objected on the grounds that a restriction on a right-hand turn (which is supported) would exacerbate HGV movements on the roundabout, which will cause a highway safety issue. The current proposal does not restrict a right turn of the A44, but incorporates a ghosted right turn off the A44 into the site. The County Highway Officer has confirmed this design complies with current road design standards. Fladbury Parish Council also references an Inspector’s report (application reference W/93/00855). That report was made in relation to a former development located on the adjacent site, using the access now proposed (and recommended to be restricted by condition) to be used for agricultural access only.

243. An objection has been received raising concerns of risk to properties in nearby villages (particularly Fladbury) and listed buildings with potential increased heavy traffic. As already identified, the A44 is a part of the major road network and it is reasonable to assume that much of the traffic that would result from the proposed development is already using this route. There is no evidence to sustain a concern that vehicle movements from the proposed development would have an adverse detrimental effect on either residential amenity or heritage assets. The County

Highways Officer accepts that the existing highway network does not show an existing safety concern.

244. Representations have been received concerned that mud would be tracked from the site onto the road, as is claimed to already happen at the applicant's current location. The applicant's current facility is located at Throckmorton Airfield where there are a number of different businesses operating, it is not possible to be certain of the source of mud being taken onto the public highway. Nevertheless, this is a matter that can be appropriately controlled by condition and this is recommended.

245. An objection has been raised that the proposed development is contrary to policy SWDP 11, Vale of Evesham Heavy Good Vehicles Control Zone, of the South Worcestershire Development Plan. The application site actually lies outside of this zone, on the western side of Evesham. In any event, a traffic assessment has been submitted and is considered as part of this report.

246. The proposed development does not directly affect the route of any public right of way. The potential for impact on the enjoyment of such routes in the vicinity of the site has been considered above and concluded to be acceptable.

247. The Head of Planning and Transport Planning is satisfied that the proposal would not have an unacceptable impact upon highway safety, nor have a severe impact on the road network, subject to the imposition of conditions as recommended by the County Highways Officer. The Head of Planning and Transport Planning is also satisfied that the proposal would not have an unacceptable impact upon the public rights of way in the vicinity of the site. The Head of Planning and Transport Planning considers the proposal accords with Section 9 of the NPPF, Policy WCS 8 of the Waste Core Strategy and Policy SWDP 4 of the South Worcestershire Development Plan.

Ecology and Biodiversity

248. The application site extends across approximately 2.6 hectares and accommodates native tree and shrub species. Having been deserted for a time there is the potential for it to have gained ecological and/or biodiversity interest.

249. Policy WCS 9 of the Waste Core Strategy requires that a proposal, including its location, design, operation, landscaping and/or restoration will have no unacceptable adverse impacts on other internationally, nationally or locally designated or identified habitats, species or nature conservation sites. It also requires that a proposal takes advantage of opportunities to enhance the character, quality and significance of environmental assets. Policy WCS 11 of the Waste Core Strategy requires developments to incorporate landscaping which enhances, links and extends natural habitats.

250. Policy SWDP 22 of the South Worcestershire Development Plan prohibits development that would have adverse effects on international, national or locally designated wildlife sites, valued trees and woodlands or sites of biodiversity importance. Moreover, development should, wherever practicable take opportunities to enhance conservation value and conserve corridors/networks. Policy SWDP 31 of

the South Worcestershire Development Plan requires developments to be designed to avoid significant impacts on biodiversity.

251. The South Worcestershire Design Guide SPD states at paragraph 4.7.2 that, where appropriate, an ecological appraisal should be undertaken to identify key habitats and species on site and the immediate vicinity and establish the key constraints to development of the site and opportunities for potential habitat improvements.

252. An extended phase 1 habitat survey was undertaken in 2014 by qualified ecologists as well as a specialist survey for bats. A further survey was undertaken on 12th March 2020 by the same qualified ecologist to update the findings of the previous extended phase 1 survey and to record any changes in the baseline since 2014. The majority of the polytunnels had been removed in the intervening period.

253. The construction of the buildings were found to be largely unsuitable for bats and no roosts or any evidence of bats was found. In 2014, badger tracks were noted in mud along the eastern boundary, but despite an extensive search no setts were found. In 2020, there was no evidence of badgers, but fox tracks were found close to the north east corner. The findings of the survey are recorded in the updated ecology addendum report which accompanies this planning application.

254. In short, the surveys found little of ecological or biodiversity interest, with the exception of the native hedgerows along the southern and western boundaries, which were considered likely to be 'important' under the Hedgerow Regulations 1997. The internal hedgerow running north/south along the eastern edge of the mushroom tunnels was found to be prominently evergreen laurel and leylandii cypress with low landscape and ecological value. Planting of a new hedgerow and native trees along the eastern boundary would offset the loss of this vegetation, increase the biodiversity value of the site and strengthen the wildlife corridor along the eastern boundary. Elsewhere on the site the vegetation was characterised by semi-improved grassland. There is traditional orchard Biodiversity Priority Habitat immediately adjacent to the north of the site, although this is unlikely to be affected by the proposed development.

255. The proposed scheme delivers 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 (discussed further below) and the following recommendations have been incorporated into the site layout:

- Mature boundary hedgerows on the boundaries of the application site to be retained;
- Removal of the vegetation within the application site to be undertaken outside of bird nesting season, or alternatively supervised by a qualified ecologist;
- New native hedgerow to be planted along the eastern boundary to mitigate for the loss of the existing vegetation;
- Increased biodiversity through new planting, habitat creation as a solution to storage of surface water runoff and landscaping; and
- A minimal and sensitive lighting scheme to minimise the impact on nocturnal wildlife.

256. Neither Natural England nor Worcestershire Wildlife Trust have raised any objections to the proposal. Worcestershire Wildlife Trust are content to defer to the opinions of the County Ecologists for all on-site biodiversity considerations. The County Ecologist has welcomed the amendments to the soft landscaping proposals and has no objection to the landscaping plan as proposed or the site lighting plan, subject to the imposition of appropriate conditions.

257. The Head of Planning and Transport Planning is satisfied that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area, subject to the imposition of appropriate conditions relating to a landscaping plan and a site lighting plan. The proposed development is 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 is in line with guidance in the South Worcestershire Design Guide SPD.

Water Environment

258. Policy WCS 10 of the Waste Core Strategy requires that developments will have no adverse impacts on flood risk and will remain safe during flood events. It further requires that there are no adverse impacts on surface or groundwater quality, quantity, flow or biodiversity.

259. Policy SWDP 28 of the South Worcestershire Development Plan requires developments to minimise the impacts of and from all forms of flood risk. Policy SWDP 29 of the South Worcestershire Development Plan requires developments to manage surface water through SuDS and reduce the risk of diffuse pollution. Policy SWDP 30 of the South Worcestershire Development Plan requires that all development proposals must demonstrate that there are or will be adequate water supply and water treatment facilities in place to serve the whole development. Policy SWDP 31 of the South Worcestershire Development Plan requires development proposals to be designed in order to avoid any significant adverse impacts from pollution, including cumulative ones, on the water environment.

260. The South Worcestershire Planning for Health SPD notes at paragraph 2.49 the importance of considering flood risk in detail at an early stage in the planning process to ensure that the risk to any development is as low as possible and that new development itself would not exacerbate the risk. Developments also need to consider water efficiency and usage in order to help reduce the strain on river water abstraction and water treatment pressures.

261. The proposal lies within Flood Zone 1 (low probability of flooding) as identified on the EA's Indicative Flood Risk Map. The Government's PPG identifies that all uses of land are appropriate within this zone. The submitted assessment of overland flow, coastal/tidal, groundwater and sewer flooding mechanisms does not suggest other than a low risk of flooding at the site.

262. A SuDS system including water recycling proposals has been proposed that requires a new storage/attenuation pond. This has been incorporated along the southern boundary at the application site frontage adjacent to the existing drainage ditches that are on site. Foul drainage would be in the form of a new sewage treatment plant within the application site boundary.

263. Severn Trent Water Limited has no objection to the proposed development. The Lead Local Flood Authority (LLFA) has advised that suitable and adequate private arrangements are put in place for the maintenance of all SuDS on the site for the lifetime of the development, with minimum easements around all SuDS features and any other blue infrastructure such as watercourses for maintenance access. These easements would also protect the amenity and biodiversity function of the features. Two conditions are recommended to be attached to any grant of planning permission regarding a SuDS management plan and surface water drainage design.

264. The Head of Planning and Transport Planning considers that in light of the above, including the comments from the LLFA, the proposal would not have an unacceptable adverse impact on the water environment or flooding. The Head of Planning and Transport Planning considers the proposal accords 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.

Other Matters

Minerals

265. The southern portion of the application site falls within a Minerals Consultation Area for sand and gravel and so is subject to Policy SWDP 32 of the South Worcestershire Development Plan. This requires an assessment of the scope for minerals extraction to be made before development takes place. The site is also subject to Draft Policy MLP 41 of the Emerging Minerals Local Plan, which requires proposals to demonstrate that they will not sterilise safeguarded mineral resources.

266. As discussed previously, the application site has been subject to previous development and is not expected to return to a natural state; consequently, the mineral resource is already sterilised. In this instance there is not considered to be any greater impact on sterilisation than existing on the site currently. Because of this and because the amount of mineral affected is very small, the County Minerals and Waste Policy Team regard the impacts upon the mineral resource, as ‘*de minimis*’ and, therefore, exempt from mineral safeguarding requirements.

Climate Change

267. It is acknowledged that both Wychavon District Council and Worcestershire County Council declared a climate emergency in July 2021.

268. 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”* (Paragraph 152).

269. Policy SWDP 27 of the South Worcestershire Development Plan seeks to reduce carbon emissions and secure sustainable energy solutions, requiring that all new developments over 100 square metres gross or one or more dwellings should incorporate the generation of energy from renewable or low carbon sources

equivalent to at least 10% of predicted energy requirements, unless it has been demonstrated that this would make the development unviable. Policy WCS 11 of the Waste Core Strategy has a similar policy, although this only applies where a gross building footprint of 1,000 square metres or more would be created.

270. Under Section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. Therefore, it is considered that Policy SWDP 27 of the South Worcestershire Development Plan takes precedence over Policy WCS 11 of the Waste Core Strategy in relation to the generation of energy from renewable or low carbon sources, in this instance.

271. The total gross floor area of the new buildings proposed is in the region of 2,000 square metres. However, this floor space is substantially made up of open fronted operational buildings used for machinery or materials storage. The gross floor area for buildings dedicated to office and welfare facilities is in the region of 400 square metres, which is well below the threshold of Policy WCS 11.

272. Under the title of 'Energy Statement' (at paragraph 4.15), the Planning Design and Access Statement (August 2021) states that:

"The main maintenance building (Building 01) has been orientated to maximise power generated via solar gain. Solar power generated on the application site will be utilised to produce approximately 25% of the energy required to run the operations. This will be generated from roof mounted solar panels on the south facing roof of Building 01. The thermal performance of the new buildings will be improved through the use of thermal elements with u-values which improve upon the minimum requirements set out in current Building Regulations. Low air-leakage rates and detailing to reduce thermal bridging will also be incorporated in order to reduce the energy required for space heating by minimising heat loss through the building fabric. The building design will also allow for natural ventilation and the use of energy efficient appliances, low energy lighting and fittings will be utilised where possible. In accordance with the WCC Streetscape Design Guide, 3 charging points will be provided within Zone C (as shown on Figure DNS 03G) to encourage the use of electric vehicles."

273. It is concluded that the proposed development accords with policy and the stated provisions can be appropriately secured through conditions requiring implementation of the development in accordance with the approved submitted details.

274. The Head of Planning and Transport Plan is satisfied that the proposed development complies with both Policy WCS 11 of the Waste Core Strategy and Policy SWDP 27 of the South Worcestershire Development Plan.

Need for Environmental Impact Assessment (EIA)

275. Representation has been made criticising the lack of a formal EIA. EIA is required for developments described in Schedule 1 and Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as

amended). A Screening Decision (or Screening Opinion) is the process of determining whether an EIA is required as part of a planning application.

276. The Screening Opinion for this site was originally made in August 2020, on receipt of application reference 20/000027/CM. That Screening Opinion has been revisited (26 August 2021) for the current application as revised and again concludes that *“given the nature and scale of the proposal and the nature of the receiving environment it is considered that while there may be some impact on the surrounding area as a result of this proposal, it would not be of a scale and nature likely to result in significant environmental impact.”* There is no requirement for an EIA to be submitted.

Consultation

277. Letters of representation have been received commenting that the community engagement for this proposal has been less than adequate. Policy WCS 15 of the Waste Core Strategy supports development proposals where it demonstrates how community involvement has been conducted and the way in which this has informed the development of the proposal.

278. It is considered good practice as set out at paragraphs 39 and 40 of the NPPF as well as in Worcestershire County Council’s Statement of Community Involvement (February 2015 and update dated August 2021) for applicants to engage with the local community and where relevant, with statutory and non-statutory consultees before submitting their applications. Notwithstanding this, it is noted that there is no statutory requirement for applicants to undertake pre-application public consultation on such applications.

279. Within the Planning Design and Access Statement, the applicant has explained the public consultation that it has undertaken, including sending details of the proposed scheme to neighbours located within 400 metres of the application site, to Parish Councils and local Councillors, and others including the Vale Crematorium and Springhill Nursery. It also summarises the feedback that was received prior to submitting the application. There is also reference to this proposal on the company’s website.

280. The statutory requirements for consultation on planning applications by local planning authorities are outlined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The statutory requirement is for a site notice in at least one place on or near the land to which the application relates for not less than 21 days and; by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.

281. Five public notices were erected on and near the land to which the application relates. A press notice was published in the Evesham / Cotswold Journal, giving 42 days’ notice. Neighbour consultation letters were sent out to 25 properties / businesses in the vicinity of the proposal. An electronic copy of the submission was also made available on Worcestershire County Council’s website.

282. In light of this, the Head of Planning and Transport Planning is satisfied that the County Planning Authority has complied with the appropriate procedures.

Utilities including Pipeline

283. Wales and West Utilities makes no objection but have provided a plan identifying a Low-Pressure gas pipe to the east of the site (within the Vale Crematorium site) and an Intermediate Pressure gas pipe laid beneath the Evesham Road (A44). Advice in relation to safe and effective working around these assets is provided and would be incorporated into planning informative notes on the decision notice should planning permission be granted.

284. Western Power Distribution have provided a plan showing that there their apparatus (a High Voltage 11kV overhead line) is located in the vicinity of the proposal. They comment that if excavating on site in the vicinity apparatus, the applicant must comply with various requirements, including Health & Safety Executive guidance.

285. In light of this, the Head of Planning and Transport Planning is satisfied that the proposal would not have an unacceptable impact upon utilities.

Human Rights Act 1998

286. 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.

287. 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 local planning authority can grant planning permission in accordance with adopted policies in the development plan.

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

Conclusion

289. 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.

290. Although the site is at the lowest level in the Waste Core Strategy geographic hierarchy, the applicant has demonstrated that it provides 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 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", on balance it is considered that the proposal would comply with the Worcestershire Waste Core Strategy.

291. Whilst the proposal is located in the open countryside, as defined by the South Worcestershire Development Plan, it is noted that the site can 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 is for the re-use of land.

292. A number of concerns have been raised about the landscape and visual impacts of the proposal. A Landscape and Visual Impact Assessment has been undertaken which shows that, although the buildings on the site would be tall and, therefore, visible from the surrounding area, sufficient mitigation has been proposed to reduce these visual impacts to a satisfactory level. This includes using materials and colours that are 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 considers 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.

293. Both the County and Wychavon District Council Archaeologists identify heritage assets of significance in the vicinity of the application site. However, both advisers are content that the likely impact from the proposed development can be suitably offset by the implementation of a conditioned programme of archaeological works, including site investigation. There are above ground heritage assets located within 500 metres of the site but due to separation and intervening structures, landform and vegetation the proposal is 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.

294. Respondents to the application have 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 have all been submitted as part of the application. Both WRS and the EA advise that the information provided demonstrates that the potential for detrimental emissions from noise, dust and air quality can be suitably controlled. It is also noted that the applicant proposes 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 is adequately mitigated. The Head of Planning and Transport Planning considers the proposal accords Policy WCS 14 of the Waste Core Strategy and Policy SWDP 31 of the South Worcestershire Development Plan, and the NPPF.

295. There is 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 is also no evidence to demonstrate that the proposed mitigation, which are standard measures, would not be effective or appropriate.

296. The proposal would generate a number of movements of both commercial and private vehicles. The application details suggest, 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 have been received that question the appropriateness of the main entrance in terms of highway safety and that the analysing undertaken by the applicant cannot be relied upon. It is 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 are not unreasonable and concluded to be acceptable.

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

298. Ecological surveys have 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 delivers 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 is 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 is in line with guidance in the South Worcestershire Design Guide SPD.

299. The proposal lies within Flood Zone 1, the lowest level of flood risk. The submitted assessment of overland flow, groundwater and sewer flooding mechanisms does not suggest other than a low risk of flooding at the site. A SuDS system including water recycling proposals has been proposed that requires 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 is considered that the proposal is 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.

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

301. The development proposal is considered to adequately respond to policy seeking to reduce carbon emissions and secure sustainable energy solutions, not

least as it has been designed to benefit from solar gain, natural ventilation and offers charging points for electric vehicles.

302. The Head of Planning and Transport Planning considers that a formal EIA is not required, that community engagement to an acceptable level has been undertaken and considers that should planning permission be granted, planning informative notes attached to the decision notice are appropriate to use in respect of gas pipelines in the vicinity of the site.

303. Both Policies WCS 1 of the Waste Core Strategy and SWDP 1 of the South Worcestershire Development Plan state 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 is 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 can be sufficiently mitigated to an acceptable level. Development of the site offers 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.

Recommendation

304. The Head of Planning and Transport Planning recommends 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.

Contact Points

Specific Contact Points for this report

Steven Aldridge, Team Manager – Development Management

Tel: 01905 843510

Email: saldridge@worcestershire.gov.uk

Background Papers

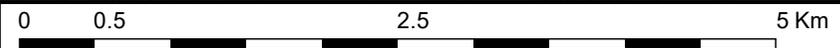
In the opinion of the proper officer (in this case the Head of Planning and Transport Planning) the following are the background papers relating to the subject matter of this report:

The application, plans and consultation replies in file reference 20/000043/CM, which can be viewed online at: www.worcestershire.gov.uk/eplanning by entering the full application reference. When searching by application reference, the full application reference number, including the suffix need to be entered into the search field. Copies of letters of representation are available on request from the Team Manager – Development Management.

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The Site



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Indicative Scale: 1:50,000

Date Printed: 11/6/2021

County Matter application (Ref: 20/000043/CM) for 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



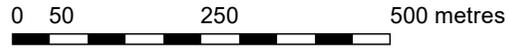
Countryside Service
Worcester Woods Country Park
Wildwood Drive
Worcester
WR5 2LG

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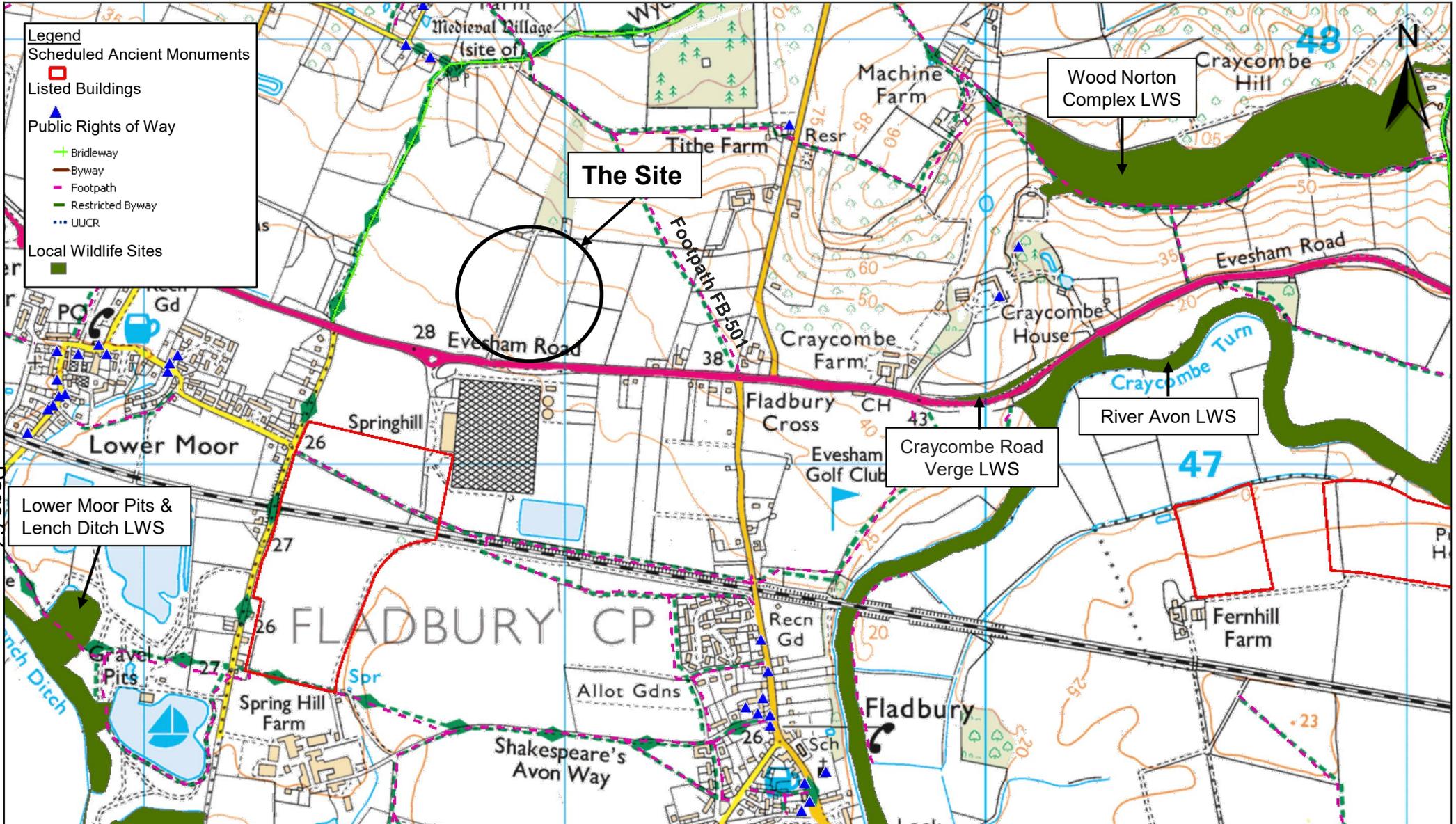
Date Printed: 11/6/2021

County Matter application (Ref: 20/000043/CM) for proposed groundwork and civil engineering depot and recycling facility, associated landscaping and surface water attenuation on land at Former Valecrest Site, Evesham, Fladbury, Worcestershire



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WR5 2LG

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Page 67

Legend

- Scheduled Ancient Monuments
- Listed Buildings
- Public Rights of Way
 - Bridleway
 - Byway
 - Footpath
 - Restricted Byway
 - UUCR
- Local Wildlife Sites

Lower Moor Pits & Lench Ditch LWS

The Site

Wood Norton Complex LWS

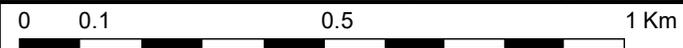
River Avon LWS

Craycombe Road Verge LWS

worcestershire
county council

Countryside Service
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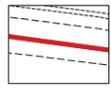
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Date Printed: 23/9/2021

County Matter application (Ref: 20/000043/CM) for 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.
Ref: 20/000043/CM.

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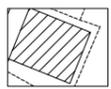
Site Boundary



Ownership Boundary



Existing Vegetation



Existing Buildings

0 50m



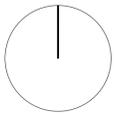
Rev A: Update to boundary of vis-splay at entrance - 25/04/2021
 Rev B: Change to redline to accommodate a right hand turning lane - 19/07/2021
 Rev C: Further change to redline to accommodate a right hand turning lane - 18/08/2021

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KEY

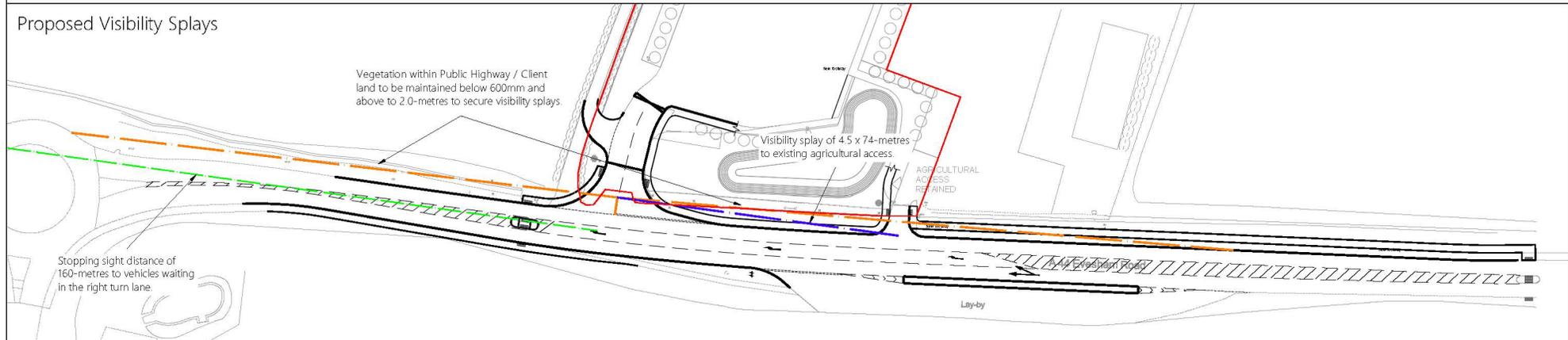
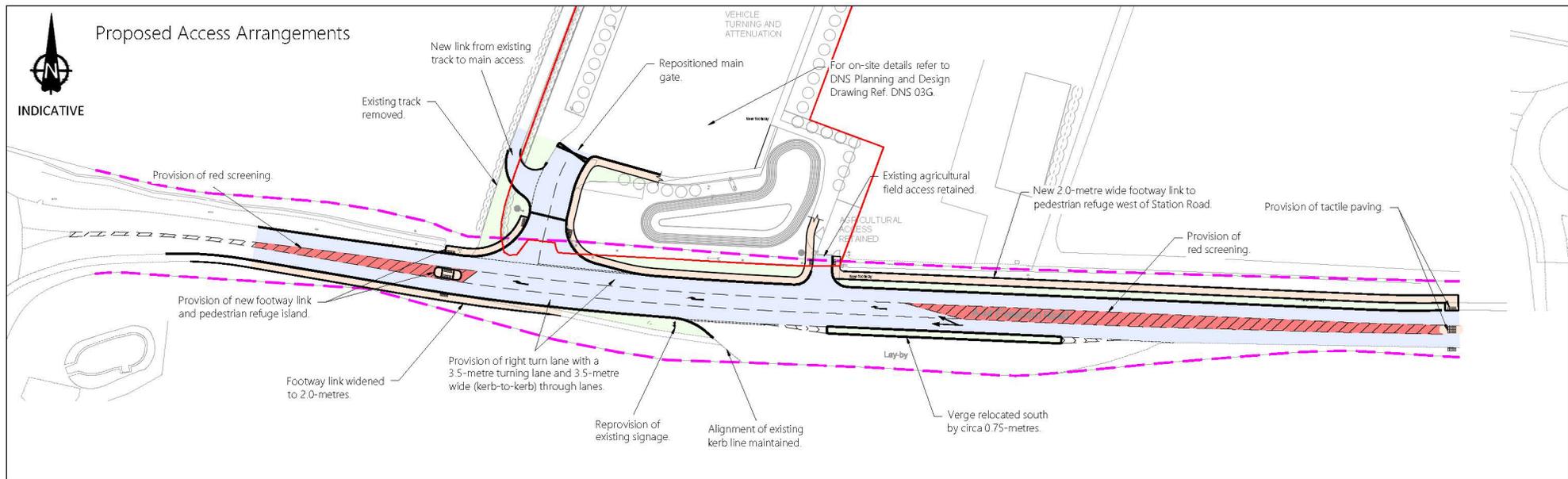
-  Existing Vegetation
-  Proposed Trees
-  Proposed Amenity Grass Area
-  Proposed Wildflower Grass Area
-  Proposed 4m High x 7m Wide Landscape Bund
-  Proposed SUDs Attenuation
-  Proposed Shrubs Under Trees
-  Proposed 4m Acoustic Fence (colour RAL 6021)
-  Proposed Lighting Column
-  Proposed EV Electric Charging Point
-  Proposed Cycle Parking Sheffield Stands
-  Proposed Footpaths

0 50m



Rev A: Change in redline boundary to reduce site area, reduction in size of building 01. Parking and staff welfare facilities added to Zone 3 - 29/05/20.
 Rev B: Changes from amenity grass areas to wildflower meadow areas, reduction in amenity shrub areas and changes to tree species as requested by county ecologist. Increase in height of landscaped bund to 4m and introduction of 4m acoustic fence as requested by acoustic consultant. Increase in width of entrance from 7.0m to 8.5m to allow two way access for lorries. 2.4m x 160m visibility splay added to site plan and extract plan showing full extent of visibility splay added. Lighting columns added - 22/10/20.
 Rev C: Change in main entrance details and addition of new footpath linking the site to the existing local footpath network connecting internally into the site. 5 cycle parking spaces added and 3 EV electrical charging points added within Zone 3 - 19/11/20.
 Rev D: Following comments from County Highways, further changes made to the main entrance combining two existing accesses to one off A44. Vis-splay revised and shown on Milestone Figure 21070/001. Area of new native landscaping added next to front entrance to mitigate for removal of 3.5m of existing hedging to create the new access arrangement - 26/04/21.
 Rev E: Following more comments from County Highways, further changes made to the main preventing a right hand turn off A44 into the site 09/06/21.
 Rev F: Following more comments from County Highways, further changes made to the main entrance with the provision of a right hand turn off A44 and revised pedestrian links - 19/07/21.
 Rev G: Following more comments from County Highways, further changes made to the main entrance with the provision of a right hand turn off A44 and revised pedestrian links - 18/07/21.

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Notes

- Do not scale from this drawing. All dimensions shown are in metres unless noted otherwise.
- This drawing has been based upon Ordnance Survey information produced by others and Milestone Transport Planning cannot be held responsible for any discrepancies which may arise because of it.
- See Drawing No. 21070 / 006 Rev A for dimensions.

Key	Description
	Carriageway
	Footway
	Verge
	Red Screening
	Highway Boundary
	Visibility Splay (4.5m x 160m)
	Forward Visibility Splay (160m)
	Visibility Splay (4.5m x 74m)

Drawing Revisions				Chk:
Rev.	Drm.	Date:	Details	
-	ZM	15/07/2021	First issue	MS
A	ZM	02/08/2021	Revised layout	MS
B	ZM	13/08/2021	Revised layout	MS
C	ZM	20/08/2021	Revised layout	MS

Client:
Wrubble Ltd

Project:
Land North of Evesham Road (A44) Fladbury, Worcestershire

Title	
Proposed Site Access Arrangements to A44 Evesham Road - Right Turn Lane	
 Abbey House, 282 Farnborough Rd, Farnborough, Hants GU14 7NA Tel: 01483 397888 Gateshead IBC, Mulgrave Terrace, Gateshead, NE8 1AN Tel: 0191 838 7220	
Drawing Number: 21070/005	Scale: 1:1,000 @ A3 Revision: C

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