

## ITEM NO

**TO:** PLANNING & REGULATORY COMMITTEE –  
BY DELEGATION

**DATE:** 20 August 2008

**BY:** PLANNING MANAGER

**DISTRICT(S)** REIGATE & BANSTEAD BOROUGH  
COUNCIL

**ELECTORAL DIVISION(S):**  
Earlswood & Reigate South

**PURPOSE:** FOR DECISION

**GRID REF:** 527694 148271

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**TITLE:** MINERALS AND WASTE APPLICATION RE08/1300

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### APPLICATION DETAILS

#### Land at Earlswood Depot, Horley Road, Redhill

Details of an arboricultural method statement and tree protection scheme pursuant to Condition 5; details of a landscape management plan pursuant to Condition 6; and details of a physical barrier to separate the skip storage area from the access road and roundabout pursuant to Condition 13 of planning permission ref: RE08/0253 dated 29 April 2008.

#### *Applicant*

Surrey Waste Management Ltd

#### *Date application valid*

13 June 2008

#### *Period for Determination*

8 August 2008

#### *Amending Documents*

Revised Page 5 of the Landscape Management Plan and revised Page 1 of Appendix 2 of the Landscape Management Plan dated 13 August 2008 was received from the applicant on 15 August 2008 and supersede the corresponding pages submitted with the original application dated 3 June 2008.

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### BACKGROUND

#### *Site Description*

- 1 Earlswood Civic Amenity (CA) site (also known as a Community Recycling Centre (CRC)) is located within the Metropolitan Green Belt approximately 2km south of Redhill and 3km south east of Reigate. The residential area of Earlswood is approximately 1.1km north east of the site. The current site occupies an area of 0.27ha and operates as a civic amenity site. The site is bounded to the east by the A23 Horley Road, with allotment gardens and a football ground immediately beyond this. The London Victoria to Gatwick Airport railway line runs immediately behind this. To the north of the site lies Reigate and Banstead Borough Council Depot with Earlswood Common immediately beyond this. Land to the south of the existing CA site, formerly occupied by an incinerator, is an area of underused land comprising hardstanding, scrub and trees currently utilised for the storage of skips and containers. Beyond this area lie a series of allotment gardens and the residential area of South Earlswood. To the west of the site lies the operational Earlswood Sewerage Treatment Works with open land beyond.

## Planning History

- 2 The CA site consists of up to 15 skips and recycling bins located on one level which are open to the public to recycle or dispose of household and general garden waste between 8am and 5:30pm Monday to Friday and 9am to 5pm Saturday and Sunday. To dispose of their waste into the containers members of the public have to climb up side access steps. Due to the restrictive size of the site, and to allow the recycling skips or containers to be removed when full, the tip area of the site is temporarily required to close to members of the public to enable heavy goods vehicles to enter, load, turn and leave the site. There are two vehicular access points off the A23 into the existing site, one from the south eastern end, accessed by members of the public, and one at the south western end of the site for use by staff and the operator.
- 3 Planning permission for the civic amenity operations was originally granted (RE80P/285) in 1980. In 1992, consent was granted (RE92/0207) to redevelop the site including land to the south as a refuse transfer station, civic amenity site and recycling centre, but this has not been implemented. A Materials Recovery Facility was permitted on this land to the south in July 1998 (RE98/ 0082) but the permission was not implemented and this permission has now lapsed. In July 1998 planning permission was granted for two applications – the continued use of land for the deposit and temporary storage of glass cullet in three bays (RE98/0567) and for the continued use of land as a civic amenity site (RE98/ 0568). The construction of four covered bays for receipt and temporary storage of recycled materials was granted planning permission (ref: RE02/1340) in December 2002.
- 4 Recent case history includes the granting of planning permission in January 2007 (ref: RE06/2004) to re-design the layout of the CRC site to provide a split-level recycling facility to improve recycling provision and waste separation at the site by expanding the existing site. The planning application made provision to expand the site both southwards and south westwards from the existing operational area to increase the total site area to 2.05 hectares. Access was to remain from the A23 but new internal access arrangements would be provided including the installation of a one-way internal road system, which would run along the perimeter of the site. Members of the public on entering the site would utilise this internal road, driving up a ramp (1.5m in height to provide the split level) to the appropriate bin to deposit waste. Space would be provided between the recycling containers and bins and the parking bays to allow the public to walk to recycling containers to dispose of waste safely. Heavy goods vehicles would utilise the central area of the community-recycling centre to collect and remove full recyclable containers and skips from site with this area not being accessible to members of the public. This area would also contain staff parking, a weighbridge and office. Access to this area would be gained from the proposed roundabout, and from the area via the perimeter road.
- 5 In April 2008 amendments to the above scheme were granted under planning permission ref. RE08/0253 for modifications to the internal layout of the community recycling centre. This involved altering the orientation of the layout with the area to the west being shortened by approximately 30m and the area to the south being increased in length by approximately 25m. All other details of the proposal approved in 2007 remain unchanged.
- 6 Most recently in May 2008 the method construction statement (ref: RE08/1101) was submitted for approval as details pursuant to satisfy the requirements of Condition 12 of the planning permission (ref. RE08/0253).

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## THE PROPOSAL

- 7 The details submitted are to satisfy Conditions 5, 6 and 13 of planning permission ref. RE08/0253, which are as follows:

**Condition 5:** *“Prior to commencement of the development hereby permitted, details of a full Arboricultural method statement and tree protection scheme shall be submitted to and approved in writing by the County Planning Authority. The development shall be carried out and maintained strictly in accordance with the approved details.”*

**Reason:** *“To protect trees and hedgerows on the site in the interests of the visual amenities of the area and the environment in accordance with Surrey Structure Plan 2004 Policies SE8 and SE9.”*

**Condition 6:** *“Prior to commencement of the development hereby permitted, details of a Method Construction Statement, to include details of:*

- parking for vehicles of site personnel, operatives and visitors;*
- loading and unloading of plant and materials;*
- storage of plant and materials; and*
- provision of boundary hoarding behind any visibility zones.*

*shall be submitted to and approved in writing by the County Planning Authority. The development shall be carried out and maintained strictly in accordance with the approved details.”*

**Reason:** *“To ensure that the landscaping scheme is maintained to provide for the long-term amenities of the area/nature conservation in accordance with Surrey Structure Plan 2004 Policy SE8.”*

**Condition 13:** *“Prior to the commencement of the development hereby permitted, details of a physical barrier to separate the skip storage area to the north of the site from the access road and roundabout so as to prevent HGV’s from reversing out of this area, shall be submitted to and approved in writing by the County Planning Authority. The development shall be carried out and maintained strictly in accordance with the approved details.*

**Reason:** *“In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and in the interests of amenity in accordance with Surrey Structure Plan 2004 Policies DN2 (Movement Implications of Development) and DN3 (Parking Provision) and Surrey Waste Local Plan 1997 Policy WLP7 (Environmental Protection and Public Safety) and the proposed Surrey Waste Plan Policy DC3 (General Considerations).”*

- 8 Condition 5: The Arboricultural method statement and tree retention and arboricultural constraint plans have been prepared by consultants and detail guidance and a timescale to ensure adequate tree protection throughout the proposed development on the site. The plans submitted also detail tree numbers, which trees are to be retained and removed, and the root protection fencelines.
- 9 Condition 6: The Landscape management plan has been prepared by consultants and details the long-term design objectives, management responsibilities and maintenance schedules for all of the landscaped areas.
- 10 Condition 13: Details of the physical barrier that is to separate the skip storage area to the north of the site from the access road and roundabout have been submitted in the form of an elevation plan and photomontage.

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## **CONSULTATIONS AND PUBLICITY**

### ***District Council***

- 11 Reigate & Banstead Borough Council No objection to the proposed details for Conditions 6 or 13 but comment that the proposed Arboricultural Method Statement and Tree Protection Scheme (Condition 5) may not be practicable.

### **Consultees (Statutory and Non-Statutory)**

- 12 County Highway Authority No objection to the proposed development.
- 13 County Council Landscape Officer  
Condition 5: No objection but commented as to whether the guidelines presented can be enforced.  
Condition 6: No objection but commented that he would have preferred to see other species such as hazel or ash used for the coppice management technique. However, he was not against the use of oaks in principle if there were sound silvicultural reasons.  
The applicant responded that they did not believe that there was the necessary space on site to allow for a large number of oaks to grow to maturity. They add that in an email from the County Landscape Officer on 2 May 2008 he noted that oak coppicing would secure lower level screening and promote biodiversity. The applicant also notes that a percentage of plant mix will be hazel. This is considered sufficient justification.  
Condition 13: Would like the security fence black and not silver to reduce its visual impact.  
Unfortunately, when the fence was approved under RE06/2004 there was no condition on the permission relating to the colour of the fence, which was an oversight. I have asked the applicant to reconsider the colour of the fence a number of times but they have already ordered the fence. Therefore, it is not considered appropriate to make this gate, which forms part of the fence, black when the remainder of the fence will be silver. As the fence will be located within the compound it is not considered that its impact on the surrounding area or landscape will be unreasonable.  
No objection to the proposed development.
- 14 County Council Ecology Officer
- 15 County Council Trees & Woodland Officer  
Commented that the proposed Landscape Management Plan made no mention of possible bats in the area.  
The applicant was advised of this and sent in a revised Landscape Management Plan for comment. The Trees and Woodland Officer is satisfied with the revisions and this will form part of any approved Land Management Plan.  
He also commented that the proposed colour of the fence be amended. However, for the reasons stated in Section 13 above, this is not possible and he has been made aware of this.

### **Parish/Town Council and Amenity Groups**

- 16 Salfords and Sidlow Parish Council No comments were received.

### **Summary of publicity undertaken and key issues raised by public**

- 17 The application was publicised by the posting of 2 site notices. A total of 2 neighbouring properties were directly notified by letter – No. 10 and No. 22 Maple Road. No representations were received.
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## PLANNING CONSIDERATIONS

### Introduction

- 18 This application is for the submission of details of an arboricultural method statement and tree retention and arboricultural constraint plans, a landscape management plan and details of a physical barrier pursuant to Conditions 5, 6 and 13 of planning permission ref: RE08/0253. The details pursuant to Condition 5 specify the guidance and timescale to ensure adequate tree protection throughout the proposed development on the site and also detail tree numbers, which trees are to be retained and removed, and the root protection fencelines. The details pursuant to Condition 6 detail the long-term design objectives, management responsibilities and maintenance schedules for all of the landscape areas. An elevation plan and photomontage show details of the physical barrier that is to separate the skip storage area to the north of the site from the access road and roundabout and are the details submitted for Condition 13.
- 19 The proposal will be assessed against the actual and/or potential impact on the Green Belt, the local transportation network and the landscape and local amenity.

### Green Belt

#### **Planning Policy Guidance 2 – Green Belt Surrey Structure Plan 2004**

*Policy LO4 – The Countryside and Green Belt*

#### **Surrey Waste Plan 2008**

*Policy CW6 – Development in the Green Belt*

*Policy WD1 – Civic Amenity Sites*

#### **Reigate and Banstead Borough Local Plan 2005**

*Policy Co 1 – Setting and Maintenance of the Green Belt*

- 20 The Earlswood Community Recycling Centre (CRC) is located within the Metropolitan Green Belt. Government policy on Green Belt is set out in Planning Policy Guidance Note 2 (PPG2) “Green Belts” (Revised January 1995). Paragraph 1.4 of the guidance outlines that the most important attribute of the Green Belt is its openness and states that *“the fundamental aim of Green Belt policy is to prevent urban sprawl through keeping land permanently open”* to ensure that development occurs in locations allocated in development plans. Paragraph 3.2 of the guidance note states that *“inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted”*. There is a presumption against development other than for a small range of uses deemed to be compatible with the objectives of the Green Belt. Where a proposal is for inappropriate development *“very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”*. Waste related development is by definition inappropriate.
- 21 Further consideration is provided in Paragraph 3.13 with regards to the re-development of land which is located within the Green Belt for infrastructure developments or improvements, stating *“when re-development of land occurs in the Green Belt, it should as far as possible contribute to the achievement of the objectives for the use of land in Green Belts”*. The use of land should be in accordance with the objectives set out in PPG2, that is, the enhancement and retention of attractive landscapes, access to the open countryside and to secure nature conservation interests.
- 22 Surrey Structure Plan 2004 Policy LO4 (The Countryside and Green Belt) guides the control of development within the Green Belt stating, *“that the openness and intrinsic qualities of the countryside will be protected”*. Although the policy states that there is a presumption against inappropriate development, it recognises that some operational development, such as waste management, may be acceptable within the countryside where need is justified and adverse impacts can be satisfactorily managed.
- 23 The Surrey Waste Plan 2008 was adopted on 6 May 2008 and is a material consideration with very considerable weight in the determination of a planning application for waste development. Policy CW6 (Development in the Green Belt) seeks to ensure that the Green Belt policy serves its proper purpose whilst making provision exceptionally for necessary waste management development. Policy WD1 (Civic Amenity Sites) lists Earlswood as a site where planning permission will be granted for extension or improvement provided that the development meets key development criteria and where very special circumstances can be demonstrated in accordance with Policy CW6.

- 24 Reigate and Banstead Borough Local Plan 2005 Policy Co1 (Setting and Maintenance of the Green Belt) states that planning permission will not be granted for development that is inappropriate in the Green Belt unless it is justified by very special circumstances.
- 25 The expansion of the recycling centre has already been granted permission subject to a number of conditions. Therefore, issues relating to the green belt, including openness and very special circumstances, have already been justified under the original permission. The consultees have, in general, been favourable towards the submission and in general seem to find it acceptable. Some of the consultees have raised concerns that some aspects may not be enforceable. However, this is not considered to be a reason for refusal and a condition of any permission granted will be that the development is to be carried out and completed strictly in accordance with the approved plans.

## Transport

### **Surrey Structure Plan 2004**

*Policy DN2 - Movement Implications of Development*

### **Surrey Waste Plan 2008**

*Policy DC3 – General Considerations*

- 26 Surrey Structure Plan 2004 Policy DN2 (Movement Implications of Development) states that development will only be permitted where it is, or can be made, compatible with the transport infrastructure within the area. Should the transport implications of development lead to a harmful impact on other people or the environment, mitigation measures should be included. Policy DN3 (Parking Provision) of Surrey Structure Plan 2004 states that *"maximum parking standard should be set according to the location, type of development and public transport accessibility."*
- 27 Policy DC3 (General Considerations) of the Surrey Waste Plan 2008 states that planning permissions for waste related development will be granted provided appropriate information supports the application in that any impacts of the development can be controlled to achieve levels that will not significantly adversely affect people, land, infrastructure and resources. Of particular relevance is part (x) that specifies the potential and/or actual effect of traffic generation, access and the suitability of the highway network in the vicinity for the proposed activity.
- 28 The proposed development seeks to limit potential and actual negative effects by retaining all activity on site. Condition 13 of the permission was bought about to ensure that HGV's could not reverse out of the skip storage area. County Transport Development Control Officers have no objection to this proposal and comment that apart from the construction phase, the proposal will have no transportation impact.

## Landscape and Amenity

### **Surrey Structure Plan 2004**

*Policy SE8 – Landscape*

*Policy SE9 – Trees and Woodland*

### **Surrey Waste Plan 2008**

*Policy DC3 – General Considerations*

- 29 Policy SE8 (Landscape) of the Surrey Structure Plan 2004 states that development should seek to retain the distinctiveness of the County Landscape Character Areas, conserving and enhancing the diversity of the Surrey landscape. The policy advises that development should contribute to meeting local countryside management project objectives, in particular improvements to areas where landscape is becoming degraded, especially on the urban fringe.
- 30 Policy SE9 (Trees and Woodland) of the Surrey Structure Plan 2004 notes that promoting woodland management and protecting individual or groups of trees should be encouraged. It states that proposals for new development will be expected to show how new planting and existing trees and woodland will be effectively managed and integrated.

- 31 The consultees in general have agreed that the Arboricultural and Landscape Management Plans submitted for Conditions 5 and 6 are acceptable. Reigate & Banstead Borough Council objected in part by stating that they did not see how the plans were practicable and County Council's Landscape Officer commented that he was unsure of how they could be enforced. However, it is considered that these plans and statements are well thought out and prepared and there is no reason to suspect that the applicant will not carry out the plans satisfactorily. A condition of any permission granted will of course state that all development will have to be carried out in accordance with the approved plans and documents.
- 32 Several comments were made regarding the proposed colour of the gate, which is to be silver. Consultees noted that they would have preferred this gate to be either black or green. However, the fence that this gate is to be a part of has already been approved and there are no controls specifying its colour. The applicant has stated several times that this fence is to be silver and it has already been ordered. It is not considered appropriate to require one section of the fence (the gate) to be black when the rest of the fence will be silver. In addition, as the gate and fence are located within the site, they will not have a significant impact upon the surrounding landscape.

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### HUMAN RIGHTS IMPLICATIONS

- 33 The Human Rights Act Guidance for Interpretation, found at the end of this report, is expressly incorporated into this report and must be read in conjunction with the following paragraph.
- 34 In this case, it is the Officer's view that the scale of any impact is not considered sufficient to engage Article 8 or Article 1 of Protocol 1 and as such, this proposal is not considered to interfere with any Convention right.

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### CONCLUSION

- 35 The application for the redevelopment of the CA has already been approved subject to conditions. This application involved the submission of the details of the Arboricultural Method Statement and Tree Protection Scheme, Landscape Management Plan and physical barrier pursuant to Conditions 5, 6 and 13 of planning permission ref: RE08/0253. Following consultations and responses from a range of parties, it is felt that the submitted details are sufficient and acceptable and should therefore be approved.

### RECOMMENDATION

The recommendation is to **APPROVE**.

Conditions:

1. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the terms of this permission, the submitted:
  - a) Arboricultural Method Statement dated February 2007 by RPS Consultants;
  - b) Tree Retention and Removals and Protective Fencing Plan dated 4 January 2008 Fig. 001 Rev. 1;
  - c) Arboricultural Constraint Plan dated 31 January 2007 Fig. 002 Rev 0;
  - d) Landscape Management Plan dated 3 June 2008 by Frances Russell;
  - e) Letter from Sita dated 14 August 2008 stating that Page 5 and Page 1 of Appendix 2 of the Landscape Management Plan have been superseded and will be replaced by pages dated 13 August 2008;
  - f) Plan showing Gate and Fencing Project Number 07514190102 dated October 2007;
  - g) Photomontage received 9 June 2008;

and in accordance with such details as are subsequently approved by the County Planning Authority, and no variations or omissions shall take place without the prior approval in writing of the County Planning Authority.

Reasons:

1. To ensure the permission is implemented in accordance with the terms of the application and to enable the County Planning Authority to exercise planning control over the development pursuant to the Surrey Structure Plan 2004 Policies LO4, SE8, SE9, DN2, Reigate and Banstead Borough Local Plan 2005 Policy Co1, and Surrey Waste Plan 2008 Policies CW6, WD1 and DC3.

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## **THE TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) (ENGLAND) (AMENDMENT) ORDER 2003**

### **Reasons for the grant of planning permission and development plan policies/proposals relevant to the decision.**

The development

- 1 Is in accordance with the development plan policies so far as they are relevant to the application and there are no material considerations which indicate otherwise.

The proposal has been considered against the following development plan policies/ provisions:

#### **National Policy**

Planning Policy Guidance Note 2 – Green Belt

#### **Surrey Structure Plan 2004:**

Policy LO4 – The Countryside and Green Belt

Policy SE8 – Landscape

Policy SE9 – Trees and Woodland

Policy DN2 – Movement Implications of Development

#### **Surrey Waste Plan 2008:**

Policy CW6 – Development in the Green Belt

Policy WD1 – Civic Amenity Sites

Policy DC3 – General Considerations

#### **Reigate and Banstead Borough Local Plan 2005:**

Policy Co1 – Setting and Maintenance of the Green Belt

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## **HUMAN RIGHTS ACT 1998 GUIDANCE FOR INTERPRETATION**

The Human Rights Act 1998 does not incorporate the European Convention on Human Rights into English law. It does, however, impose an obligation on public authorities not to act incompatibly with those Convention rights specified in Schedule 1 of that Act. As such, those persons directly affected by the adverse effects of decisions of public authorities may be able to claim a breach of their human rights. Decision makers are required to weigh the adverse impact of the development against the benefits to the public at large.

The most commonly relied upon articles of the European Convention are Articles 6, 8 and Article 1 of Protocol 1. These are specified in Schedule 1 of the Act.

Article 6 provides the right to a fair and public hearing. Officers must be satisfied that the application has been subject to proper public consultation and that the public have had an opportunity to make representations in the normal way and that any representations received have been properly covered in the report.

Article 8 covers the right to respect for a private and family life. This has been interpreted as the right to live one's personal life without unjustified interference. Officers must judge whether the development proposed would constitute such an interference and thus engage Article 8.



Article 1 of Protocol 1 provides that a person is entitled to the peaceful enjoyment of his possessions and that no-one shall be deprived of his possessions except in the public interest. Possessions will include material possessions, such as property, and also planning permissions and possibly other rights. Officers will wish to consider whether the impact of the proposed development will affect the peaceful enjoyment of such possessions.

These are qualified rights, which means that interference with them may be justified if deemed necessary in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Any interference with a Convention right must be proportionate to the intended objective. This means that such an interference should be carefully designed to meet the objective in question and not be arbitrary, unfair or overly severe.

European case law suggests that interference with the human rights described above will only be considered to engage those Articles and thereby cause a breach of human rights where that interference is significant. Officers will therefore consider the impacts of all applications for planning permission and will express a view as to whether an Article of the Convention may be engaged.

#### **CONTACT**

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#### **BACKGROUND PAPERS**

The deposited application documents and plans, including those amending or clarifying the proposal, responses to consultations and representations received as referred to in the report and included in the application file and the following:

Government Guidance – Planning Policy Guidance Note 2 – Green Belt

The Development Plan – Surrey Structure Plan 2004, Surrey Waste Plan 2008, Reigate and Banstead Borough Local Plan 2005

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