

TO: PLANNING & REGULATORY COMMITTEE **DATE:** SEPTEMBER 2014
BY: PLANNING DEVELOPMENT CONTROL TEAM
 MANAGER
DISTRICT(S) WAVERLEY BOROUGH COUNCIL **ELECTORAL DIVISION(S):**
 Waverley Eastern Villages
 Mrs Young

PURPOSE: FOR DECISION **GRID REF:** 499154 135398

TITLE: MINERALS/WASTE WA/2014/0939

SUMMARY REPORT

Chiddingfold Storage Depot, Chiddingfold Road, Dunsfold, Godalming, Surrey, GU8 4PB.

Retention of 4 containers for storage purposes in connection with existing waste facility.

The application site related to the four storage containers is a long-standing industrial site and an existing waste management facility which is not located within the Metropolitan Green Belt. The waste management facility comprises industrial scale buildings and a large open concrete yard all used in connection with the importation, deposit, storage, processing and transfer of discarded automotive parts.

Officers consider that the siting and use of the storage containers within and in connection with the existing waste management facility amounts to “ancillary development” which would not ordinarily require the benefit of planning permission¹. However, condition 2 of planning permission Ref. WA/2013/1223 prevents the siting and erection of buildings without the prior approval of the CPA.

In this context, the applicant is perfectly entitled to choose to store materials, plant or machinery in the open yard area of the existing waste management facility without the benefit of planning permission subject to that storage not impeding upon the approved layout of the facility or those storage activities leading to a breach of any of the planning conditions imposed upon planning permission Ref. WA/2013/1223.

Indeed ancillary storage activities, over and above those associated with the storage containers, already take place along the south-eastern boundary of the facility as shown in the photographs accompanying this report. The only difference between what is being proposed and what can legitimately take place on site in terms of storage is the fact that the applicant is seeking permission to site and use storage containers in accordance with condition 2 of planning permission Ref. WA/2013/1223 for security purposes.

The storage containers are to be located within the existing confines of the waste management facility and along its south-eastern boundary between previously approved vehicle parking spaces². The storage containers have been cited on this boundary and used in conjunction with the existing waste management facility since before October 2013 but, for whatever reason, were not included in the WA/2013/1223 proposal.

¹ The Encyclopaedia of Planning Law and Practice at P55.39

² Ref. WA2014/0056

The total storage space to be provided by the storage containers do not represent a material increase of floorspace over that which currently exists within the permanent and substantially constructed buildings located on the wider site. Moreover, the storage containers would certainly not occupy a materially larger area of the waste management facility than the existing buildings.

The adjacent residential property's ³ curtilage is located approximately 40m away with intervening established woodland extending from the boundary of the waste management facility which is defined by a 2m (6ft) high close boarded fence. The waste management facility's northern boundary adjacent to Chiddingfold Road is defined by established hedgerows and trees. Part of Building A and B's facades and roof profiles, existing fencing and security access gate can be seen from Chiddingfold Road and this has been the case since before the applicant commenced occupation of the site. However, Officers do not consider that the storage containers would be visible for any public vantage point despite their current colour and intended location.

In the context of the scale and nature of the existing waste management facility Officers consider that the storage containers are modest and well related to the permitted use of the land concerned. Officers also consider the proposal to be proportionate and reasonable in the circumstances. However, so as to provide some degree of visual mitigation, as suggested by local residents, Officers consider that the painting the containers matt black would be appropriate and reasonable as this colour is likely to be absorbed into the shadows of the adjacent woodland. Any planning condition to this effect would be enforceable by the CPA.

Handling of materials, plant and equipment for storage purposes within an existing waste management facility, and specifically the open yard area, will create a degree of noise. This would be no different to the storage of materials in the proposed storage containers. Accordingly, Officers do not consider that the proposal amounts to an increase in site activity or an intensification of the permitted use of the land.

The waste management facility is subject to a range of planning conditions which seek to control hours of operation, site activities and noise arising from such activities in the interests of local amenity. Should planning permission be granted for the retention and use of the storage containers the planning conditions imposed upon planning permission Ref. WA/2013/1223 would apply equally to the use of the storage containers.

The recommendation is GRANT planning permission Ref. WA/2014/0939 subject to conditions.

APPLICATION DETAILS

Applicant

Refine Metals (UK) Ltd.

Date application valid

14 May 2014

Period for Determination

13 August 2014

Amending Documents

None

³ Larchwood

SUMMARY OF PLANNING ISSUES

This section identifies and summarises the main planning issues in the report. The full text should be considered before the meeting.

	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
Principle of the Development	Yes	35 - 52
Noise, Visual and Landscape Impact	Yes	53 - 74

ILLUSTRATIVE MATERIAL

Site Plans

Drawing: 100/03 Block Plan Location Plan Rev. G dated December 2012

Drawing: 100/05 Plan 2 Rev. B dated 10 December 2013

Aerial Photographs

Aerial 1

Aerial 2

Site Photographs

Figure 1 – Storage containers along south-eastern boundary 1

Figure 2 – Storage containers along south-eastern boundary 2

Figure 3 – South-eastern boundary screening

Figure 4 – Eastern boundary screening

Figure 5 – Close up photograph of storage containers

BACKGROUND

Site Description and Planning History

1. The application site measures some 0.68ha and is situated approximately 1.9km east of Chiddingfold and some 1.7km south-west of Dunsfold. It comprises two existing buildings ("Buildings A and B") and an open concrete yard with existing open-sided storage sheds.
2. Building A measures 2,747m² and includes mezzanine flooring of 560m². This building is used to sort, catalogue and store discarded automotive parts and houses a number of ancillary office, technical, and staff-welfare facilities. A small converted boiler room (some 35.08m²) protrudes from Building A's south-eastern façade which is used for ancillary office accommodation.
3. To the south-east of Building A is the smaller Building B which measures 220m² and is used to process (cutting and decanting) discarded catalytic converters. The open yard comprises concrete hardstanding and open-sided storage sheds located to the west of Building A and along the application site's south-western boundary. The application site is accessed off Chiddingfold Road via security gates between Buildings A and B.
4. The application site is located within an Area of Great Landscape Value ("AGLV") which has been designated a candidate area for inclusion in the Surrey Hills Area of

Outstanding Natural Beauty (“AONB”). It is not situated within the Metropolitan Green Belt.

5. In respect of local dwellings, Wetwood and Millmead cottages are located immediately east of the application site’s north-eastern boundary beyond Chiddingfold Road. Larchwood abuts the application site to the south-east beyond a small block of woodland. Woodside Cottage (designated by Waverley Borough Council as a building of Local Merit) and a horse riding stable establishment are located some 190m to the northwest of the application site along Chiddingfold Road. Several large agricultural sheds associated with Wetwood Farm are situated about 100m to the north-east of the application site beyond Wetwood Cottage and Millmead Cottage respectively. Further dwellings are clustered around the junction of Chiddingfold Road, Plaistow Road, Wrotham Hill and Dunsfold Common Road some 1km to the south-west.
6. In October 2013 Surrey County Council granted planning permission Ref. WA/2013/1223 for *“the importation, deposit, storage and transfer of discarded automotive parts (class B8); importation, deposit, storage and processing of discarded catalytic converters; together with external alterations to the former boiler room, additional vehicle parking spaces and installation of passive infrared lighting.”*
7. This decision notice was followed by notice Ref. WA2014/0056 dated April 2014 which approved details of a scheme for the parking and turning of vehicles and a delivery management plan, and a scheme for repair and maintenance of the concrete yard surface. These details were submitted pursuant to conditions 13, 14, and 15 of planning permission ref: WA/2013/1223.
8. In April 2014 the applicant submitted an application (Ref. WA/2014/0863) to vary a number of planning conditions relating to planning permission Ref. WA/2013/1223. At the time of writing this report application Ref. WA/2014/0863 remains undetermined.

THE PROPOSAL

9. Condition 2 of planning permission Ref. WA/2013/1223 states that, *“Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that Order with or without modification), no plant, buildings, structures or machinery (other than those expressly authorised by this permission), whether fixed or moveable, shall be stationed, erected, or constructed on the application site without the prior written approval of the County Planning Authority.”*
10. Consequently, the proposal subject to this report seeks planning permission for the retention and continued use of four storage containers located within the application site in accordance with condition 2 of planning permission Ref. WA/2013/1223 as set out in the preceding paragraph.
11. The applicant explains that the four storage containers are required so as to provide secure storage of materials associated with the lawful use of the land and buildings concerned i.e. the existing waste management facility.
12. The storage containers have been located, and used for the purposes applied for, on the application site since before planning permission Ref. WA/2013/1223 was granted in October 2013. The proposal includes their continued positioning along the south-eastern boundary of the waste management facility as shown on Drawing Ref. 100/05 Plan 2 Rev B dated 10 December 2013.
13. The storage containers each measure 12m x 2.2m and are currently painted orange.

CONSULTATIONS AND PUBLICITY

Consultees (Statutory and Non-Statutory)

14. Waverley Borough Council
- Object "as it has not been satisfactorily demonstrated that the proposal would not adversely affect the residential amenities of the area, in particular in relation to the noise impact."

Parish/Town Council and Amenity Groups

15. Dunsfold Parish Council
- Object as "these are four very large, very high and very bright orange shipping containers. These containers are intrusively and unacceptably visible for the residents of Larchwood in this rural landscape. Furthermore their location on the boundary of Larchwood garden means that any noise relating to filling and emptying of these containers has a serious adverse effect on the amenity and quiet enjoyment of the residents of Larchwood."

Summary of publicity undertaken and key issues raised by public

16. The application was publicised by the posting of a single site notice and an advert was placed in the Surrey Advertiser on 30 May 2014. A total of 10 owner/occupiers of neighbouring properties and other interested parties were directly notified about the proposal by way of letter dated 30 May 2014.
17. Three public objections have been raised with regards to the proposal. A summary of the material points raised by objectors is as follows:
- For what storage activity will these shipping containers be used?
 - We appreciate that the applicant erected partial fencing around some of the perimeter of the site but unfortunately it is not high enough and we can still see the containers
 - Driving a forklift up a metal ramp into the shipping containers currently produces a metallic booming noise which echoes around the yard and the perimeter fence does not reduce this noise
 - The applicant places loose metal, crates and sundry items on top of the containers exacerbating the noise issue
 - The applicant has a huge high security building similar to an aircraft hangar in size, why does it need any more storage capacity?
 - The additional storage capacity proposed is excessive and unjustified
 - The retention of four large luminously bright orange storage containers is at odds with any planning guidelines or rules whether local or national
 - Local residents enjoy significant protection from unauthorised or inappropriate development as outlined in policies C2, C3, RD1, D1, D2, D3, PPG24, NRM7, NRM10 and DC3
 - The presence of the containers has and continues to have a significant impact on the residential amenity and conflicts with the character of the area

THE DEVELOPMENT PLAN

18. Surrey County Council, as the County Planning Authority ("CPA"), has a duty under Section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise.
19. Section 70(2) of the Town and Country Planning Act 1990 ("the 1990 Act") requires the CPA, in determining planning applications, to have regard to (a) the provisions of the Development Plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations. At present in relation to the development proposed the Development Plan comprises the Surrey Waste Plan 2008 ("SWP") and the saved policies of the Waverley Borough Local Plan 2002 ("WLP").
20. The National Planning Policy Framework ("the Framework") was adopted in March 2012. This document provides national guidance to local planning authorities in making decisions in respect of planning applications. The Framework is intended to make the planning system less complex and more accessible by summarising national guidance which replaces numerous planning policy statements and guidance notes, circulars and various letters to Chief Planning Officers. The guidance document is based on the principle of the planning system making an important contribution to sustainable development, which is seen as achieving positive growth that strikes a balance between economic, social and environmental factors.
21. The Development Plan remains the cornerstone of the planning system. Planning applications which comply with an up to date Development Plan should be approved whilst refusals should only be on the basis of conflict with the Development Plan and other material considerations.
22. The Framework states that policies in local plans should not be considered out of date simply because they were adopted prior to publication of the Framework. However, the policies in the Framework are material considerations which planning authorities should take into account. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework - the closer the policies are to the policies in the Framework, the greater the weight they may be given.
23. One local resident and objector has made reference to policies of the South East Plan 2009 ("SEP")⁴. However, In May 2010 the Government announced its intention, through the Localism Bill, to abolish this Regional Spatial Strategy. By letter dated 6 July 2010 the Secretary of State revoked the SEP. Accordingly, the SEP no longer forms part of the Development Plan and is not a material consideration in respect of any planning application to be determined by Surrey County Council or any other local planning authority in the south-east of England.

PLANNING CONSIDERATIONS

Metropolitan Green Belt

24. The application site is not located within the Metropolitan Green Belt and therefore there is no need for the applicant to demonstrate that there are one or more factors which amount to 'very special circumstances' that clearly outweigh the harm caused to the Green Belt by reason of inappropriateness, and any other harm, in accordance with Green Belt planning policy and guidance.

Surrey Hills Area of Outstanding Natural Beauty and Areas of Great Landscape Value

⁴ Policies NRM7 and NRM10

- 25. The application site is however located within “land beyond the Green Belt” and in an Area of Great Landscape Value (“AGLV”) and therefore, in considering the proposal, Officers will have regard to any relevant planning policies in these respects.
- 26. Further, the application site is located within a designated Candidate Area that will be considered by Natural England for inclusion within the Surrey Hills Area of Outstanding Natural Beauty (“AONB”) during the period 2014 to 2019⁵. However, Natural England will be undertaking a boundary review of the Suffolk Coast and Heaths AONB (starting in early 2014/15) and has indicated to the Surrey Hills AONB Board that it will not run two boundary reviews concurrently on the basis that it will want to draw on the experience with the Suffolk Coast and Heaths variation order work to inform the Surrey Hills AONB approach⁶. Accordingly, the best estimate is therefore that Natural England will be in a position to progress the work on the Surrey Hills AONB review in approximately 12-20 months⁷.
- 27. Consequently the Surrey Hills AONB Board has advised that, for planning purposes, the Candidate Areas proposed for inclusion within the AONB do not currently carry any weight in respect of their candidate status in so far as the protection afforded to the AONB by the National Planning Policy Framework 2012 and the relevant policies of the Development Plan are concerned⁸.

Ancient Woodland and Designated Sites

- 28. The waste management facility abuts Birchen Copse (Ancient Semi Natural Woodland) which includes the Chiddingfold Forest Site of Special Scientific Interest (SSSI) some 60m from the western boundary of the application site. However, having regard to the scale and nature of the proposal, considering the well defined and contained existing waste management facility, and recognising that the proposal would not lead to development being undertaken outside of these confines, Officers do not consider that these designations are material to the determination of the proposal.

Flooding and Surface Water Drainage

- 29. The waste management facility is located within Flood Zone 1 (land with the lowest probability of flooding). The storage containers would occupy a total surface area of 114m² and are to be located on an existing concrete surface which makes up the facility’s open yard area. In considering applications Refs. WA/2013/1223, WA2014/0056 and WA/2014/0863 the Environment Agency did not raise any concerns with regards to flooding or surface water drainage issue. Similarly, the Borough Council and local objectors have not raised concerns about the waste management facility or the proposed storage containers in relation to flooding or surface water drainage. Consequently, Officers do not consider flooding or surface water runoff to be material considerations in respect of the proposal.

Highways, Traffic and Access

- 30. The continued siting and use of the storage containers is unlikely to lead to an increase in vehicle movements associated with the existing waste management facility as it is unlikely that any vehicles would frequent the site specifically in relation to the storage containers. The storage containers have been cited on the south-eastern boundary of the facility and used in conjunction with the authorised land use since before October

⁵ Surrey Hills AONB Board Minutes of meeting held on 16 April 2014
⁶ Surrey Hills AONB Board Minutes of meeting held on 16 April 2014
⁷ Surrey Hills AONB Board Minutes of meeting held on 16 April 2014 (timescale adjusted to take account of time elapsed since April 2014)
⁸ Report by Rob Fairbanks to AONB Board dated 16 April 2014

2013. Planning permission for the facility was granted in October 2013 whilst the applicant's Delivery Management Plan was approved by Surrey County Council in April 2014. Accordingly, Officers consider that the vehicle movements associated with the waste management facility as a whole, including the storage containers, have already been assessed by the CPA in conjunction with the County Highway Authority. Given the low volume of vehicle movements associated with the existing waste management facility there are no planning conditions imposed upon planning permission Ref. WA/2013/1223 which limits the numbers of vehicles that may frequent to the site. Consequently, Officers do not consider that highway, traffic or access issues are material to the determination of this proposal.

Other Matters

31. English Heritage's National Heritage List for England does not show any Listed Buildings within close proximity to the waste management facility and no Registered Parks and Gardens, Local or National Nature Reserves, Special Protection Areas ("SPA"), Sites of Nature Conservation Importance ("SNCI"), or Special Areas of Conservation ("SAC") appear to surround the waste management facility.
32. Objectors have raised concerns with regards to the visual and noise impact of the storage containers and therefore Officers will also give consideration to any such impacts likely to result as a consequence of the proposal.
33. Decisions relating to planning applications are limited by law to "material planning considerations". Any issues which are not considered material will be set aside by Officers in making their recommendation to Surrey County Council's Planning and Regulatory Committee. By way of example the following matters are not considered material planning considerations: boundary disputes, covenants or other property rights issues; effect on local property values; the applicant's conduct, private affairs, or other civil matters; and the future development intentions of the applicant.
34. The Parish Council and some local residents have raised concern with regards to the retrospective nature of the proposal. Whilst Officers acknowledge that undertaking development without first obtaining planning permission is not recommended, it is not an offence to do so. Government advice is that the fact that a development has already taken place should make no difference to the CPA's considerations of its merits. For this reason Officers do not consider that the retrospective nature of the proposal is material to the determination of the planning application.

PRINCIPLE OF THE DEVELOPMENT

National Guidance

Planning Policy Framework 2012

Planning Policy Guidance 2014

Development Plan Policy

Waverley Local Plan 2002

Policy IC1 – Design and Layout

Policy IC4 – Existing Industrial and Commercial Premises

Policy IC5 – Existing Bad Neighbour Uses

Policy C2 – Countryside Beyond the Green Belt

Policy Context

35. Paragraph 14 of the National Planning Policy Framework ("the Framework") explains that at the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

36. For decision-taking this means: (a) approving development proposals that accord with the development plan without delay; and (b) where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
37. In this respect the Planning Practice Guidance (“the Practice Guidance”) stresses the importance of having a planning system that is genuinely plan-led. Accordingly, the Practice Guidance echoes the Framework in that where a proposal accords with an up-to-date development plan it should be approved without delay.
38. Paragraph 17 of the Framework goes on to state that within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin decision-taking.
39. The principles considered relevant to the proposal are that planning should: (1) be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency; (2) not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives; (3) proactively drive and support sustainable economic development to deliver the business, industrial units and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the business and other development needs of an area, and respond positively to wider opportunities for growth; (4) always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; (5) take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it; (6) contribute to conserving and enhancing the natural environment and reducing pollution; and (7) encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
40. Paragraph 19 of the Framework stresses that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and explains that planning should operate to encourage and not act as an impediment to sustainable growth. Accordingly, the Framework advocates that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 20 of the Framework expands on this by stating that to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
41. Policy IC1 of the Waverley Borough Local Plan 2002 (“WLP”) states that proposals for industrial and commercial development will be permitted where the proposed development complies with other policies in this Plan. In considering such proposals the Council will have regard to whether any net loss of residential, leisure, shopping, community or other uses which contribute to the character or function of the locality would arise from the development and, if so, the importance of retaining those uses.
42. Policy IC4 of the WLP states that other than where Policies IC6 to IC11 apply, the Council will support proposals for the development of existing industrial and commercial premises where they do not conflict with other policies in this Plan, particularly D1 and IC1, and where: (a) the proposals do not detract from the amenities or privacy of nearby residents; and (b) the proposals are specifically designed for light industrial, research,

offices and, in appropriate locations, general industrial uses, storage and distribution. The policy goes on to explain that where sites are located in or close to environmentally sensitive or residential areas, conditions may be attached to any planning permission restricting external storage, hours of use, external lighting, vehicle movements, etc. Policy D1 of the WLP is discussed in the Noise, Visual and Landscape Impacts of this report at paragraphs 53 to 74 below. Officers do not consider that policies IC6 to IC11 are relevant to the proposal.

43. Further, where proposals relate to an existing industrial and commercial site outside a settlement, the Council will support proposals which meet the above criteria and which: (i) do not involve a material increase in bulk or floorspace over that which currently exists within permanent and substantially constructed buildings on the site; (ii) do not occupy a materially larger area of the site than the existing buildings; (iii) do not materially extend beyond the existing principal buildings into open land; and/or (iv) do not have a materially adverse effect on the appearance of the countryside or the amenities of nearby properties.
44. Policy IC5 of the WLP advocates that where existing industrial and commercial sites are considered to be suitably located, but the specific activities taking place cause undue disturbance or loss of amenity to neighbouring residential areas or environmentally sensitive areas, permission will not normally be granted for intensification or expansion. Such uses will be encouraged to move to the Coxbridge site at Farnham. It goes on to state that the Council will encourage the redevelopment of these sites for appropriate alternative industrial and commercial development which meets the criteria in Policy IC1 and other policies in this Plan. Where these sites are located in or close to environmentally sensitive areas or residential development conditions may be attached to any planning permission restricting external storage, hours of use, external lighting, vehicle movements etc.
45. Policy C2 of the WLP is clear that in the countryside beyond the Green Belt and outside rural settlements identified in Policy RD1, the countryside will be protected for its own sake. Building in the open countryside away from existing settlements will be strictly controlled.

The Development

46. Although the storage containers do not represent “buildings” in the traditional sense, for planning purposes, section 336 of the Town and Country Planning Act 1990 defines “buildings” as *“including any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building”*.
47. The applicant has explained that the four storage containers⁹ are required to provide sufficient secure external storage of materials relating to the existing waste management facility. The storage containers are to be located within the existing confines of the waste management facility and along its south-eastern boundary between previously approved vehicle parking spaces¹⁰. Their continued siting and use would not result in the loss of residential, leisure, shopping, community or other uses which contribute to the character or function of the locality and therefore the proposal satisfies policy IC1 of the WLP.
48. The storage containers have been cited on this boundary and used in conjunction with the existing waste management facility since before October 2013. The Parish Council and some local residents have raised concerns about what the storage containers are to be used for. However, it is clear to Officers that the storage containers can only be

⁹ Each measuring 12m x 2.2m

¹⁰ Ref. WA2014/0056

legitimately used in connection with the authorised use of the land concerned¹¹ of which one of the primary uses is “storage”. Moreover, the applicant has plainly described the development proposed as, “retention of 4 containers for storage purposes in connection with the existing waste facility”.

49. Officers consider that the siting and use of the storage containers within and in connection with the existing waste management facility amounts to “ancillary development” which would not ordinarily require the benefit of planning permission¹². However, condition 2 of planning permission Ref. WA/2013/1223 prevents the siting and erection of buildings without the prior approval of the CPA. In this context, the applicant is perfectly entitled to choose to store materials, plant or machinery in the open yard area of the existing waste management facility without the benefit of planning permission subject to that storage not impeding upon the approved layout of the facility or those storage activities leading to a breach of any of the planning conditions imposed upon planning permission Ref. WA/2013/1223. Nevertheless, condition 2 of planning permission Ref. WA/2013/1223 stipulates that the erection of a building to securely store materials in the open requires the prior approval of the CPA.
50. The storage containers occupy a total area of no more than 114m² of land already developed and used for waste management purposes including storage and distribution activities. In the context of the existing waste management facility, which occupies a total area of land measuring 6,800m², this figure is negligible¹³. The total storage space to be provided by the storage containers do not represent a material increase of floorspace over that which currently exists within the permanent and substantially constructed buildings located on the wider site. Moreover, the storage containers would certainly not occupy a materially larger area of the waste management facility than the existing buildings. Accordingly, subject to amenity considerations, Officers consider that the proposal satisfies policy IC4 of the WLP.
51. In respect of policy IC5 of the WLP Officers recognise that the proposal is related to an existing waste management facility located within a long-standing industrial site established before the Second World War. The waste management facility is subject to a range of planning conditions which seek to control hours of operation, site activities and noise arising from such activities in the interests of local amenity. Should planning permission be granted for the retention and use of the storage containers the planning conditions imposed upon planning permission Ref. WA/2013/1223 would apply equally to the use of the storage containers. Given the ancillary nature of the proposal Officers do not consider that the retention and continued use of the storage containers would lead to an intensification of existing permitted activities for the reasons explain in paragraph 49 above. Accordingly, Officers consider that the proposal satisfies policy IC5 of the WLP.
52. Whilst the storage containers, by definition, are considered to be “buildings”, Officers do not consider that the proposal concerns building in the open countryside. The containers are to be located on and used in association with an existing waste management facility located on previously development and well established land. Accordingly, and having regard to the fact that the planning conditions imposed upon planning permission Ref. WA/2013/1223 would apply to the use of the storage containers should planning permission be granted, Officers consider that the proposal satisfies policy C2 of the WLP.

NOISE, VISUAL AND LANDSCAPE IMPACTS

National Guidance

Planning Policy Framework 2012

¹¹ The use of land described by planning permission Ref. WA/2013/1223

¹² The Encyclopaedia of Planning Law and Practice at P55.39

¹³ Less than 2% of the total area of occupation

Development Plan Policy

Surrey Waste Plan 2008

Policy DC3 – General Considerations

Waverley Local Plan 2002

Policy D1 – Environmental Implications of Development

Policy D4 – Design and Layout

Policy C3 – Area of Great Landscape Value

Policy Context

53. Paragraph 56 of the Framework discusses good design and states that the Government attaches great importance to the design of the built environment. It goes on to explain that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. In this respect paragraph 57 asserts that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings.
54. Paragraph 59 of the Framework states that Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. In this respect paragraph 60 explains that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. However, it would be proper to seek to promote or reinforce local distinctiveness.
55. Paragraph 61 elaborates on paragraphs 59 and 60 by stating that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. However, paragraph 64 of the Framework is clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
56. Paragraph 109 of the Framework states that the planning system should contribute to and enhance the natural and local environment by: (a) protecting and enhancing valued landscapes; and (b) preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution.
57. Paragraph 120 goes on to explain that to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.
58. Paragraph 123 of the Framework states that planning decisions should aim to: (a) avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; (b) mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; (c) recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and (d) identify and protect areas of tranquillity which have

remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

59. Policy DC3 of the Surrey Waste Plan 2008 states that planning permission for waste related development will be granted provided it can be demonstrated by the provision of appropriate information to support a planning application that any impacts of the development can be controlled to achieve levels that will not significantly adversely affect people, land, infrastructure and resources.
60. Policy D1 of the WLP states that the Council will have regard to the environmental implications of development and will promote and encourage enhancement of the environment. Development will not be permitted where it would result in material detriment to the environment by virtue of: (a) harm to the visual character and distinctiveness of a locality, particularly in respect of the design and scale of the development and its relationship to its surroundings; (b) loss of general amenity, including material loss of natural light and privacy enjoyed by neighbours and disturbance resulting from the emission of noise, light or vibration; and (c) potential pollution of air, land or water, including that arising from light pollution and from the storage and use of hazardous substances.
61. Policy D4 of the WLP states that the Council will seek to ensure that development is of a high quality design which integrates well with the site and complements its surroundings. In particular development should: (a) be appropriate to the site in terms of its scale, height, form and appearance; (b) be of a design and materials which respect the local distinctiveness of the area or which will otherwise make a positive contribution to the appearance of the area; (c) not significantly harm the amenities of occupiers of neighbouring properties by way of overlooking, loss of daylight or sunlight, overbearing appearance or other adverse environmental impacts; (d) pay regard to existing features of the site such as landform, trees, hedges, ponds, water courses and buffer zones, walls or buildings; (e) protect or enhance the appearance of the street scene and of attractive features such as landmark buildings, important vistas and open spaces; (f) incorporate landscape design suitable to the site and character of the area, of a high standard and with adequate space and safeguards for long-term management; and (g) provide adequate amenity space around the proposed development.
62. Policy C3 of the WLP explains that the Council will protect and conserve the distinctiveness of the landscape character areas within the Borough. Management and enhancement of landscape features to conserve landscape character and retain diversity will be promoted. Development appropriate to the countryside will be expected to respect or enhance existing landscape character by appropriate design. Landscapes designated as Areas of Great Landscape Value make a valuable contribution to the quality of Waverley's countryside and the setting of the towns. Strong protection will be given to ensure the conservation and enhancement of the landscape character.

The Development

63. The storage containers are to be retained and used on the south-eastern boundary of the existing waste management facility. The adjacent residential property's ¹⁴ curtilage is located approximately 40m away with intervening established woodland extending from the boundary of the waste management facility which is defined by a 2m (6ft) high close boarded fence. The waste management facility's northern boundary adjacent to Chiddingfold Road is defined by established hedgerows and trees. Part of Building A and B's facades and roof profiles, existing fencing and security access gate can be seen from Chiddingfold Road and this has been the case since before the applicant commenced occupation of the site. However, the storage containers would not be visible for any public vantage point despite their colour and intended location.

¹⁴ Larchwood

Accordingly, Officers do not consider that the storage containers would lead to a loss of natural light or privacy, harm the distinctiveness of the locality (which includes the long-standing storage depot), or harm the character of the AGLV designation applicable.

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64. The storage containers are to be used for secure storage associated with the existing waste management facility. As discussed in paragraph 49 above, the applicant is entitled to choose to store materials, plant or machinery in the open yard area of the existing waste management facility without the benefit of planning permission. Indeed ancillary storage activities, over and above those associated with the storage containers, already take place along the south-eastern boundary of the facility as shown in the photographs accompanying this report. The only difference between what is being proposed and what can legitimately take place on site in terms of storage is the fact that the applicant is seeking permission to site and use storage containers in accordance with condition 2 of planning permission Ref. WA/2013/1223 for security purposes.
65. Some objectors have said that they can see the storage containers and that is adversely affecting their visual amenity. Although this may be the case for the owners/occupiers of Larchwood if they were to venture into the woodland between their residential curtilage and the waste management facility Officers do not consider that it would detract from their enjoyment of existing visual amenity. The storage containers are to be located within a waste management facility which primarily comprises industrial buildings and concrete hardstanding. Additionally, waste receptacles and various items of plant, machinery and equipment along with vehicles are located around the open yard area of the facility. If the storage containers were not located on the south-eastern boundary of the facility, and the owners/occupiers of Larchwood were to venture into the woodland between their residential curtilage and the waste management facility, they would continue to see the waste management facility and its associated activities and infrastructure. Consequently, although Officers acknowledge that the storage containers may be visible to a degree and with effort it is not considered that they would undermine visual amenity in any way.
66. Moreover, in the context of the scale and nature of the existing waste management facility Officers consider that the storage containers are modest and well related to the permitted use of the land concerned. Accordingly, Officers consider the proposal to be proportionate and reasonable in the circumstances. However, so as to provide some degree of mitigation, as suggested by local residents, Officers consider that the painting the containers matt black would be appropriate and reasonable as this colour is likely to be absorbed into the shadows of the adjacent woodland much more than a green colour would. Any planning condition to this effect would be enforceable by the CPA.
67. Waverley Borough Council has not objected to the proposal on visual amenity or landscape grounds.
68. For the reasons discussed in paragraphs 63 and 67 above, and in relation to landscape impact and visual amenity, Officers consider that the proposal satisfies policies D1, D4 and C3 of the Waverley Local Plan 2002 and policy DC3 of the Surrey Waste Plan 2008.
69. In respect of the noise impact of the proposal the Framework advocates that planning decisions recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them. The existing waste management facility is subject to a range of controls imposed in the interests of local amenity. One of these controls is an average limit on noise emanating from site operations over a 30 minute period.
70. Condition 4 of planning permission Ref. WA/2013/1223 states that the level of noise arising from any operation, plant or machinery permitted or required by this planning permission shall be limited to, when measured at least 3.5m from the facade of Wetwood

Cottage or Larchwood, 42 LAeq after correction for the characteristics of the noise as defined in BS4142 paragraph 8.2 during any 30 minute period.

71. At the time planning permission Ref. WA/2013/1223 was granted in October 2013 the owners/occupiers of Wetwood Cottage were provided with the contact details for the County's Noise Consultant. They were invited, should they have had any concerns that noise being generated by site activities, to contact the noise consultant and request that he undertake noise measurements to establish whether condition 4 was being breached. The County's records show that no such contact was made with the County's noise consultant.
72. The Borough Council has objected to the proposal on the basis of the adverse impact on the residential amenities of the area as a result of the increased activity in this part of the site and the absence of any additional Noise Impact Assessment to address the use of the metal storage containers. Local objectors have raised similar concerns.
73. However, it needs to be borne in mind that the applicant can store materials, plant or machinery in the open yard area of the existing waste management facility without the benefit of planning permission. Handling of materials, plant and equipment for storage purposes within an existing waste management facility will create a degree of noise. This would be no different to the storage of materials in the proposed storage containers. Accordingly, Officers do not consider that the proposal amounts to an increase in site activity or an intensification of the permitted use of the land. The only reason the applicant has submitted this application is because of the restrictions placed on the development by condition 2 of planning permission Ref. WA/2013/1223. This condition requires the applicant to seek the prior approval of the County Planning Authority in terms of the design and siting of any new structure or buildings. It does not require the applicant to justify their proposal with a Noise Impact Assessment given that the waste management facility is already the subject of noise controls in the interest of local amenity.
74. Having regard to paragraphs 69 to 73 above, Officers consider that the proposal satisfies policy DC3 of the Surrey Waste Plan 2008 and policies D1 and D4 of the Waverley Local Plan 2005.

HUMAN RIGHTS IMPLICATIONS

75. The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda is expressly incorporated into this report and must be read in conjunction with the following paragraph.
76. The Officer's view is that this application does not engage any of the articles of the Convention and has no human rights Implications.

CONCLUSION

77. The applicant seeks planning permission to continue to site and use four storage containers within an existing waste management facility located on long-standing and well established industrial land. The waste management facility is well screened on its south-eastern and northern boundaries by existing and established trees and hedgerows and an existing established woodland respectively. Officers do not consider that the storage containers can be seen from any public vantage point and Officers do not consider, having regard to the nature and scale of the existing waste management facility and existing visual screening, that the storage containers would undermine local visual amenity of the AGLV landscape designation applicable to the wider area.

78. Officers have considered the principle of the development proposed and consider this to be reasonable and proportionate in the circumstances. Moreover, Officers consider that the continued siting and use of the storage containers is akin to ancillary storage activities which the applicant has and continues to undertake within the open yard area of the existing waste management facility.
79. Officers recognise that the waste management facility as a whole, including ancillary storage activities, would create a degree of noise. However, this can be expected given the nature and scale of the facility. The planning permission associated with the facility already controls, amongst other matters, the average noise generated from site activities and therefore the continued use of the storage containers would be controlled in this respect. In all other respects Officers consider the proposal to be well related to the existing land use and proportionate to the nature and scale of the existing facility.
80. Having regard to the above, Officers do not consider that this planning application can be reasonably and justifiably refused in accordance with Development Plan policy.

RECOMMENDATION

81. Officers recommend that planning application Ref. WA/2014/0939 be **GRANTED** subject to conditions:

Conditions:

1. The development hereby approved shall be carried out in all respects strictly in accordance with the following plans/drawings:

Drawing: 100/03 Block Plan Location Plan Rev. G dated December 2012
Drawing: 100/05 Plan 2 Rev. B dated 10 December 2013
2. Within 1 month of the date of this permission the storage containers shall be painted matt black and thereafter be maintained in this colour for the duration of the development hereby permitted.

Reasons:

1. For the avoidance of doubt and in the interests of proper planning.
2. In the interests of local visual amenity in accordance with Policy DC3 of the Surrey Waste Plan 2008.

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

National Planning Policy Framework 2012

National Planning Policy Practice Guidance 2014

The Development Plan

Surrey Waste Plan 2008

Waverley Local Plan 2002

Other Documents

None

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