

**TO:** PLANNING & REGULATORY COMMITTEE**DATE:** 15 October 2014**BY:** PLANNING DEVELOPMENT TEAM MANAGER**DISTRICT(S)** SPELTHORNE BOROUGH COUNCIL**ELECTORAL DIVISION(S):**  
**Stanwell & Stanwell Moor**  
**Mr Evans****PURPOSE:** FOR DECISION**GRID REF:** 504455 174379

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**TITLE:** MINERALS/WASTE SP/14/01125/SCC

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**SUMMARY REPORT****Land at Oakleaf Farm, Horton Road, Stanwell Moor, Surrey, TW19 6AF**

**The construction and use of a recycling, recovery and processing facility for construction and demolition waste on a site of approximately 9.4 hectares comprising: MRF building, site office and workshop; wheel wash and two weighbridges; lorry and car parking areas; storage areas; site entrance and access road; and landscaping bunds without compliance with Condition 3 and Condition 21 of planning permission ref: SP08/0992 dated 19 November 2009 to allow operations to be carried out within the MRF building 24 hours per day, 7 days per week.**

Planning permission ref.SP08/0992 was granted in November 2009 subject to conditions for the use of the land for the construction and operation of a permanent waste recycling facility for the recycling, recovery and processing of construction and demolition (C&D) waste. The approved development allows for redevelopment of the existing site by enlarging the existing compound area from 5.5ha to 9.4ha. The site compound would be subdivided into different elements. Soil recycling is to be under taken on a number of external areas to create a specialist product involving the stockpiling and processing of unprocessed and processed soils and operation of soil screening processing plant. Another area is to be used for operating a washing plant for screening out stone content form imported C&D materials.

The development also involves the construction of a new building for a Materials Recovery Facility (MRF Building) in the south eastern part of the compound area which would enable the sorting and recovery of commercial and mixed skip wastes such as plastic, wood, paper and cardboard . The operations inside the building involve the use of a variety of waste processing plant and machinery such as trommel screen, balers, conveyors and blower equipment and the provision of material storage areas. The planning permission also allowed use of a concrete crusher inside the building for processing oversize hardcore materials for the imported C&D waste. The development also comprises the construction of screening bunds around the perimeter of the site and other ancillary development such as weighbridges, workshop, site office, wheel wash and parking areas. A waste licence exists for the site limiting throughput to 251,000 tonnes per annum.

Under Section 73 of the Town and Country Planning Act 1990 the applicant is seeking planning permission to modify the wording of Condition 3 (hours of working) and 21 (lighting) of planning permission ref:SP08/0992 to vary the hours of working of the permitted Materials Recycling Facility building (MRF building) to allow machinery within the building to be operated for twenty-four hours per day, seven days per week.

This request is being made because the applicant has a waste management company interested in constructing the MRF building, but the company would need to be able to operate machinery on a continuous basis. The applicant wishes to use shredding equipment instead of the concrete crusher currently permitted under planning permission Ref: SP08/0992. The proposal is to operate shredding equipment to shred all the mixed waste coming into the MRF building to a uniform size, and the resulting material will then be sorted. With mixed waste being expensive to dispose of, very little concrete and hardcore gets in to the waste stream and therefore a concrete crusher is not needed for this operation. The building would be manned at night-time by up to four site personnel.

The hours of working controlled by planning condition limit operational activities at the site to 0700-1800 Mondays to Fridays, and 0700-1300 Saturdays which includes the MRF Building. To operate the MRF building continuously the applicant is seeking to change the hours of working that control the use of the building.

All operational activities would take place inside the MRF building during the extend hours applied for. The applicant does not seek to open the site to HGV traffic, or carry out any activity on the site outside of the MRF building, except during the hours currently permitted. Only site personnel working in the building will enter or leave the site outside the currently permitted hours.

No external lighting was proposed under the original planning application and lighting is controlled by Condition 21 of the ref.SP08/0992 planning consent. The proposal includes the submission of details of new security type lighting to be used externally to satisfy the Condition 21 for use at the site during the hours of darkness.

The applicant has submitted a noise assessment to demonstrate that the increase in night-time noise limit and 24 hour working would not cause harm to the environment or residential amenity. The applicant has also submitted assessments for both dust and lighting to demonstrate that likely issues from these impacts would not cause harm to the residential amenity. Eleven letters of representation have been received raising objection on matters of HGV traffic, noise, dust and lighting. No objections have been raised by the technical consultees on the proposal, Views are awaited from Spelthorne Borough Council planning and environmental health departments.

Officers consider that the proposal is acceptable and would not cause further harm to Green Belt; and the development should be capable of operation without giving rise to any adverse impact on amenity and environmental interests. Officers consider that planning permission should be granted in this Departure case subject to the imposition of conditions and the prior completion of a deed of variation to a Section 106 Agreement.

**The recommendation is subject to referral to the Secretary of State as a Departure and the prior completion of a deed of variation of a S106 Agreement, to PERMIT subject to conditions**

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## APPLICATION DETAILS

### ***Applicant***

Charles Morris Fertilisers Ltd

### ***Date application valid***

3 June 2014

### ***Period for Determination***

2 September 2014

### ***Amending Documents***

Letter dated 15 August 2014 from Environmental Assessment Services Limited  
Revised WBM Technical Note (Noise), dated 18 August 2014  
Email dated 26 September 2014 from Environmental Assessment Services Ltd  
Email dated 26 September 2014 from Agent responding to dust comments

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## 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.

	<b>Is this aspect of the proposal in accordance with the development plan?</b>	<b>Paragraphs in the report where this has been discussed</b>
Highways, Traffic and Access	Yes	36 – 42
Noise	Yes	44 – 66
Air Quality (dust)	Yes	67 - 87
Lighting	Yes	88 – 93
Metropolitan Green Belt	No	94 – 101
LEMP	Yes	102

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## ILLUSTRATIVE MATERIAL

### **Site Plan**

Site plan

### **Aerial Photographs**

Aerial 1 – Oak Leaf Farm boundaries  
Aerial 2 – Application site area

## Site Photographs

Figure 1 – Existing site entrance

Figure 2 – Existing site operations looking northeast

Figure 3 – Existing site operations looking East

Figure 4 – Existing site operations looking southwest towards the reservoir

Figure 5 – Existing site operations looking northwest

Figure 6 – Site layout plan

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## BACKGROUND

### *Site Description*

- 1 The application site known as Oakleaf Farm, off Horton Road, Stanwell Moor lies approximately 1 km south east of junction 14 of the M25, some 500 metres south west of London Heathrow Airport's western perimeter and approximately 75 metres north of King George VI Reservoir. The Staines reservoirs are part of the Staines Moor SSSI and South West London Waterbodies Special Protection Area (SPA) and Ramsar Site. The site lies in the southern end of the Colne Valley Regional Park.
- 2 The site lies within the Metropolitan Green Belt characterised by typical urban land uses on the fringes of southwest London. These land uses include dwellings, commercial and industrial land, common recreational land and Heathrow Airport. The application site is also located within an Air Quality Management Area (AQMA), which covers the whole of the borough of Spelthorne.
- 3 The current site is nearly 10 ha of former mineral workings under the control of the applicant, which was granted planning permission in 2009 for a permanent recycling, recovery and processing facility for construction and demolition waste (including for commercial and industrial wastes) to be built on the site. The site access lies to the east of Stanwell Moor village centre, on the southern side of Horton Road opposite a garden centre which lies on the northern side, some 100 metres to the west of the A3044 Stanwell Moor Road (dual carriageway). A public right of way, known as Haws Lane forms the southern boundary of the site, and beyond this is the reservoir. A more dense area of housing lies to the west and north west of the site, beyond an area used as paddocks, within 60-120 metres of the site boundary.

### *Planning History*

- 1 The site has a complicated planning history, with the original consent for sand and gravel extraction gained by way of three planning permissions granted in the 1960s, which required the site to be restored to an agricultural use. The infilling of the extraction area was undertaken by Charles Morris Fertilizers who also obtained planning permission in 1966 (ref. STA.P.9214) for the storage of processed organic sludge on a smaller area of the site.

- 2 The site was being used for the unauthorised import, storage and treatment of other waste materials, which led to an Enforcement Notice being issued on 23 July 1992 in respect of these unauthorised activities. Following an appeal, the Enforcement Notice was upheld with some minor amendments and was granted a long compliance period until April 1995.
- 3 In April 1995 planning permission (ref. SP95/0174) was refused for the use of 5.2 hectares of the site for the importation, storage and export of soil for a temporary period of 10 years. However, on 24 July 1996 planning permission was granted on appeal (ref. APP/B3600/A/95/256933), subject to the completion of a Section 106 legal agreement to secure the discontinuance of all uses and the completion of restoration by the end of the ten-year period (24 July 2006). In addition, this decision required the cessation of organic sludge storage and the removal of screening bunds, both of which benefited from planning permission.
- 4 In January 1997 (ref. SP96/CLD/06) an application for a Certificate of Lawful Use for the processing and storage of hardcore, concrete, tarmac planings and soil on an area of 0.18ha was refused. In September 1998 (ref. SP98/CLD/03) a further application for a Certificate of Lawful Use for processing waste concrete, hardcore and tarmac planings and storage and screening of soil on area of 0.3ha was also refused.
- 5 Condition 6 of the 1996 appeal decision requires the prior written approval of the County Planning Authority in respect to the erection on site of any buildings, fixed or moveable is required. In October 2000 (ref. SP00/0038B), the applicant gained planning permission for the stationing of a mobile snack bar and steel cabin canteen for use by site employees for a temporary period until 24 July 2006. In March 2005 (ref. SP04/01113), planning permission was also granted for the retention of two linked portacabins for use as a site office for a temporary period until 24 July 2006.
- 6 In November 2006 a planning application (ref: SP06/0626) for the continued use of the land granted on appeal (5.2ha) and an adjacent area of land (1.36ha) to the west, for the recycling of some 100,000 to 150,000 tonnes per annum of inert waste for a further period of three years was refused. The Applicant lodged an Appeal against the refusal of this planning application which was later withdrawn.
- 7 In November 2009, planning permission (ref: SP08/0992) was granted to redevelop the site for the construction and use of a recycling, recovery and processing facility for construction and demolition waste, comprising an MRF building, site office and workshop; wheel wash and two weighbridges; lorry and car parking areas; storage areas; site entrance and access road and landscaped bunds. The planning permission ref:SP08/0992 was subject to 32 conditions of which 8 conditions required the submission of further schemes for approval by the County Planning Authority (CPA). These were submitted to and approved by the CPA in 2010 under the following planning permissions:
  - Ref.SP10/0430 dated 3 August 2010 – for Condition 20 (Details of Bird Hazard Management Plan)
  - Ref.SP10/0390 dated 6 September 2010 – for Condition 25 (Method statement for controlling Japanese knotweed)
  - Ref.SP10/0278 dated 23 September 2010 – for Condition 24 (Scheme of landscaping, planting and maintenance) and Condition 26 (Scheme for the provision and management of a buffer zone alongside ditch)

- Ref.SP10/0476 dated 29 September 2010 – for Condition 29 (Details of Dust Action Plan)
  - Ref.SP10/0617 dated 29 September 2010 – for Condition 28 (Details of external materials for buildings)
  - Ref.SP10/0668 dated 20 December 2012 – for Condition 13 (Method of Construction Statement)
  - Ref.SP10/0734 dated 20 December 2012 – for Condition 27 (Scheme of surface water drainage)
- 8 In 2011 a non-material amendment to the planning permission ref.SP08/0992 was sought in order to increase the base level within the compound 21m AOD from 20m AOD. This was approved by the CPA in April 2012.

## THE PROPOSAL

### **Context**

- 9 This planning application, made under Section 73 of the Town and Country Planning Act 1990 (as amended), seeks to amend two conditions of planning permission SP08/0992 dated 19 November 2009. These are Conditions 3 and 21 which relate to the hours of working of the site, and lighting as outlined below.

### **Condition 3**

Condition 3 and the reason for the imposition are as follows;

- 3 *'No authorised operations or activities shall be carried out, and no lights illuminated, except between the following times:*

*0730 – 1800 hours Mondays to Fridays*

*0700 – 1300 Saturdays*

*Neither shall any servicing, maintenance or testing of plant be carried out between 1800 and 0700 hours nor shall any other operation or activity take place on a Sunday or any public holiday. This shall not prevent the carrying out of emergency operations, but these should be notified to the County Planning Authority'.*

Reason

*'To safeguard the environment and local amenity in accordance with the Surrey Waste Plan 2008 Policy DC3'.*

- 10 The applicant now wishes to vary Condition 3 to enable a change to the permitted hours of working of the Materials Recovery Facility (MRF) building (yet to be constructed) to allow machinery within the building to operate for twenty-four hours a day, seven days a week.

- 11 The applicant states that the reason for this application is that there is a waste management company interested in constructing and operating the MRF, but this company wishes to be able to operate machinery within the building on a continuous basis. The company's intention is to shred commercial and industrial waste recovered from the construction and demolition waste stream within the MRF to a uniform size and sort the resulting material. The materials arising from the shredding and sorting process would then be exported off site.
- 12 To carry out the shredding operation the company also wishes to be able to operate shredding equipment within the MRF building, rather than the concrete crusher currently permitted under planning permission ref.SP08/0992. The applicant states that a concrete crusher is not needed for this operation as very little concrete and hardcore gets into this waste stream due to mixed waste being expensive to dispose of. The proposal is to operate one slow speed shredder, and two fine shredders, and a variety of ballistic, optical, magnetic and trommel sorters.
- 13 The applicant does not seek to open the site to HGV traffic or carry out any activity on the site outside of the building during the extended hours. These would remain as activities undertaken between those hours already permitted by Condition 3 of the permission ref. SP08/0992. Only site personnel would enter or leave the site outside of the hours already permitted.
- 14 Condition 3 also restricts the hours of operation of lighting at the site. No external lighting was proposed under the original application for the redevelopment of the site. This proposal to vary the operating hours of the MRF would mean the building operating during the hours of darkness and this will necessitate the provision of some lighting which would be in use outside of the hours currently permitted. The applicant is now proposing new lighting for the car parking area to allow personnel to move safely between their vehicles and the MRF building. The use of lighting at the site is also controlled further by Condition 21 of ref.SP08/0992.

**Condition 21**

Condition 21 and the reason for the imposition are as follows;

21 *'No flood lighting or any form of external lighting, including security lighting other than that explicitly approved by this permission, shall be installed on the site without the prior written approval of the County Planning Authority'.*

Reason

*'To reduce the impact on visual amenities of the locality to comply with Surrey Waste Plan 2008 policy DC3'.*

- 15 As stated above, no lighting was proposed at the time of the original application. The applicant now wishes to vary Condition 21 of ref.SP08/0992 so as to enable the provision of new external lighting which will be required in the car parking area to allow the safe movement of personnel between their vehicles and the building during the hours of darkness.

- 16 The car parking area is situated to the north of the MRF building and the applicant is proposing new lighting comprising of 4 low level LED lighting bollards, 1 metre high in the car park area; and 3 LED bulkhead lights to be positioned on the northern side of the MRF building, at 1.5 metres above ground level, all as shown on plan drawing ref.1163/37B. It is proposed that the new lighting will work on sensors activated by movement.

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## CONSULTATIONS AND PUBLICITY

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

- |    |                                       |   |                                    |
|----|---------------------------------------|---|------------------------------------|
| 17 | Spelthorne Borough Council – Planning | - | Views awaited                      |
| 18 | Spelthorne Borough Council - EHO      | - | Views awaited                      |
| 19 | The Environment Agency                | - | No objection                       |
| 20 | County Highway Authority - TDC        | - | No objection subject to conditions |
| 21 | County Noise Consultant               | - | No objection subject to conditions |
| 22 | County Air Quality Consultant – dust  | - | Further views awaited              |
| 23 | County Lighting Consultant            | - | No objection                       |

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

- |    |                                      |   |                   |
|----|--------------------------------------|---|-------------------|
| 24 | Stanwell Moor Residents' Association | - | No views received |
|----|--------------------------------------|---|-------------------|

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

- 25 The application was publicised by the posting of three site notices and an advert was placed in the local newspaper. A total of 123 of owner/occupiers of neighbouring properties were directly notified by letter. 11 letters of representation have been received to date from neighbouring residents with regard to this proposal. Of these letters all eleven have raised objection to the proposal.
- 26 The following points are a summary of concerns raised within letters of objection to the proposal:

#### *Noise*

- There will be noise pollution from operating the MRF building 24 hours per day, seven days a week.
- The proposal will mean more unwanted noise every day, all day and all night.
- There is enough noise forced on resident's everyday from Heathrow Airport.
- The plant will not be completely silent especially in the dead of night when the faintest noise travels and there will be no respite from noise
- Cannot open windows because of noise and dust



#### *Air Quality - Dust*

- The site creates a lot of dust which is deposited onto cars and house windows.
- The MRF building will cause dust pollution 24 hours a day
- The building will not capture all dust

#### *Lighting*

- Concerns are raised over increases to light pollution
- Illuminating the car park may encourage potential unauthorised usage of the car park and the potential for vandalism

#### *General*

- No guarantee from the applicant that the use of the building for a 24/7 operation of shredding equipment will be maintained and that this will not be subsequently replaced with the concrete crusher

#### *Traffic*

- When the operation is up and running the amount of heavy traffic passing through the village would be unacceptable.
- Concern that the 24/7 operation will also increase the volume of HGV traffic to potentially dangerous levels on Horton Road and more widely in the area during the daytime and evening.
- Concern there will be increase in HGV movements that will increase noise and vehicle fumes especially in the evenings.

#### Officer note

Many of the objectors have raised concerns regarding HGV traffic in relation to this proposal. The issues raised relate to the volume, highway safety issues and pollution by HGVs. However, this proposal is not seeking to make any changes to the HGV traffic using the site from that already permitted under the planning permission (ref.SP08/0992). HGVs would continue to operate at the site under the hours already permitted: 0700-1800 Mondays to Fridays, 0700-1300 Saturdays. There would be no HGV traffic using the site outside of those hours, this would be conditioned. The proposal does not seek to increase the volume of HGV vehicle movements to the site from those already permitted, as the applicant is not proposing to increase the volume of material handled at the site which will remain as existing.

There have also a number of additional points raised which relate to enforcement matters that do not apply to this proposal.

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## **PLANNING CONSIDERATIONS**

- 27 This application is submitted under section 73 of the Town and Country Planning Act 1990 (as amended). Section 73 of the Town & County Planning Act 1990 allows planning permission to be given for development of the same description as development already permitted but subject to different conditions.

- 28 Local planning authorities can grant permission to Section 73 applications unconditionally or subject to different conditions, or they can refuse the application if they decide the original condition(s) should continue. If granted a section 73 planning application creates a fresh planning permission and leaves the existing planning permission intact. The development, which the application under section 73 seeks to amend, will by definition have been judged to be acceptable in principle at an earlier date. Section 73 provides a different procedure for such applications from that applying to applications for planning permission, and requires the local planning authority to consider only the question of the conditions subject to which planning permission should be granted, though in doing so the authority should have regard to all material considerations and determine the application in accordance with the development plan unless material considerations indicate otherwise.

### **Principles of the development**

- 29 The principles of the development for this site have already been established when planning permission ref.SP08/0992 was granted in 2009. The site has a waste management licence to handle a throughput of 251,000 tonnes per annum. The planning permission has allowed for the redevelopment of the site for the construction and use as a recycling, recover and processing facility for construction and demolition (C&D) waste. A new enlarged compound area of 9.4 hectares is to be created that would be divided into several different elements. These elements comprise of areas for a soil recycling operation using soil screening machinery. The manufacturing of specialist soil products forms the predominant activity for the Oak leaf Farm site.
- 30 Other areas comprise the recycling of C& D waste utilising a washing plant, and a concrete crusher (to be housed inside the new MRF building) to produce secondary aggregate. The 2009 planning permission also includes the construction and use of a new Materials Recovery Facility building (MRF building) that is to be constructed in the south eastern corner of the site. Activities in the building involve the use of machinery for the processing of imported mixed skip waste to separate materials such as wood, plastic, paper and cardboard that is also handled by the site. The permission allows for the use of a concrete crusher within the new building for further processing of C&D waste. In addition there is a number of ancillary development with the permission including amongst others; screening bunds, weighbridges, wheel wash office and workshop.
- 31 Under the application (ref.SP08/0992) a range of issues were assessed. The application site is in the Green Belt and the principles of this development in the Green Belt have been assessed and accepted when the planning permission ref. SP08/0992 was granted. Oak Leaf Farm is identified in the Surrey Waste Plan 2008 as a suitable site for recycling, storage, transfer, materials recovery and processing facilities under Policy WD2. Sites identified within Policy WD2 are considered to be able to contribute to regional targets for waste management and to provide a level of certainty to communities, waste collection and disposal authorities.
- 32 In addition, the planning permission ref:SP08/0992 took account assessment made of matters relating to; waste issues; traffic, transportation and access; Environmental Impact Assessment; ecology; the landscape and visual impact; air quality and dust and noise; flooding, hydrology and hydrogeology; bird strike; lighting; and contaminated land.

- 33 In granting the permission the applicant entered into A section 106 Agreement to provide long-term management of the ecological and biodiversity area to the northwest of the application site and for the facilitation in upgrading the footpath to the south of the application site to a bridleway

### **The Development Plan**

- 34 The County Council as County Planning Authority has a duty under Section 38 (6) of the Planning and Compulsory Purchase Act 2004 to determine this application in accordance with the Development Plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 (as amended) (1990 Act) requires local planning authorities when 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 this application the Development Plan consists of The Surrey Waste Plan 2008; The Surrey Minerals Plan Core Strategy Development Plan Document 2011 (SMPCS DPD 2011); Spelthorne Borough Core Strategy and Policies DPD 2009, and the saved polices from the Spelthorne Borough local Plan 2001.
- 35 The National Planning Policy Framework (NPPF) was adopted in March 2012. This document provides guidance to local planning authorities in producing local plans and in making decisions on planning applications. The NPPF 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 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. The Development Plan remains the cornerstone of the planning system. Planning applications, which comply, with an up to date Development Plan should be approved. Refusal should only be on the basis of conflict with the Development Plan and other material considerations.
- 36 The NPPF 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 NPPF 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 NPPF (the closer the policies are to the policies in the Framework, the greater the weight they may be given).

### **Highways, Traffic and Access**

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

##### Policy DC3 General Considerations

- 37 Government policy on transport is set out in part 4 ‘Promoting sustainable transport’ of the NPPF (paragraphs 29 to 41). The NPPF recognises the important role transport policies have in facilitating sustainable development and contributing to wider sustainability and health objectives with the Government recognising that different communities will require different policies and measures, and the opportunities for maximising sustainable solutions will vary from urban to rural areas. Developments that generate significant amounts of

movements are required to be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether opportunities for sustainable transport modes to avoid the need for major transport infrastructure (which will depend on the nature and location of the development) have been taken up; can suitable and safe access for all people be achieved; and can cost effective improvements be undertaken within the transport network to limit significant impacts of the development, with development only being refused on transport grounds where residual cumulative transport impacts are severe.

- 38 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. The information supporting the planning application must make assessment of impacts of traffic generation, access and suitability of the highway network in the vicinity and for proposals to demonstrate that there would be no adverse impacts from such matters on local amenity and the local environment.
- 39 The principles of the development on matters relating to highways, traffic and access were assessed and have been accepted when planning permission ref SP08/0992 was granted in 2009. Under this application to change the hours for operating the MRF building there are no changes proposed to the hours or an increase in operating capacity permitted for HGVs using the site. The applicant states that there is no intention to open the site to HGV traffic except during the hours currently permitted. The HGVs using the site would continue to operate within the permitted working hours for the site; 0700 – 1800 Mondays to Fridays and 0700 – 1300 Saturdays and to the existing movements already permitted under the planning permission (ref.SP08/0992) which are established by the waste management licence that controls the waste handled at the site to 251,000 tonnes per annum.
- 40 During the extended hours of operation applied for the MRF building would be manned and the applicant states that it would only be those site personnel working in the building that will enter or leave the site outside of the currently permitted hours. The applicant proposes that up to 4 site personnel would be required to work at the site during the additional hours of working being applied for. These site personnel would arrive and leave the site by cars which would be parked in the car park located on the northern side of the MRF building.
- 41 As stated above, the applicant does not propose to open the site to HGV traffic outside of the hours that had been permitted. The control of HGV movements is secured by several planning conditions under the planning permission ref.SP080992. One of the conditions includes the control of HGV movements through Stanwell Moor village. This is based on no more than 8 inbound on HGV movements accessing the site from Stanwell Moor per hour (90 inbound HGV movements in any one weekday/ 50 inbound HGV movements in any one Saturday). Those same requirements along with the other conditions relating to HGV movements would be brought forward by planning condition under any new planning permission.

- 42 The County Highways Authority (CHA) have assessed the application and does not raise objection to the proposal. However, the CHA has recommended that in interests of local amenity the imposition of a further planning condition restricting hours of delivery and also loading and unloading in relation to HGVs using the site if any new planning permission were minded to be granted.
- 43 The current proposal is not proposing to change HGV movements permitted for the site and other than the recommendation of a further condition restricting HGVs, the County Highway Authority has not requested any further mitigation measures in relation to the proposal on highway matters. Officers therefore conclude that on highways and traffic matters that the proposal is acceptable and consistent with the aims and objectives of the NPPF and development plan policies relating to such matters.

**Environmental and Amenity Issues**

**Surrey Waste Plan 2008**

Policy DC2 Planning Designations

Policy DC3 General Considerations

**Spelthorne Borough Local Plan 2001**

Policy RU11 Safeguarding Sites of Nature Conservation Importance

**Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009**

Strategic Policy SP6 - Maintaining and Improving the Environment

Policy EN3 - Air Quality

Policy EN11 - Development and Noise

Policy EN13 - Light Pollution

- 44 This section of the report deals with environmental and amenity matters under the headings noise, dust and lighting. Some of the development plan policies listed above relate to one or more of the topics.

**Noise**

- 45 The NPPF expects that the planning system should contribute to and enhance the natural and local environment by “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” (paragraph 109).
- 46 Paragraph 122 of the Framework advocates that in ensuring that the site is suitable for its new use local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. It goes on to state that the local planning authority should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

- 47 In Paragraph 123 of the NPPF it is stated that planning policies and decisions should aim to: avoid noise from giving rise to significant adverse impacts on health and quality of life as a result from new development; 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; 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 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.
- 48 Surrey Waste Plan 2008 Policy DC3 (General Considerations) requires that information be submitted to accompany a planning application which demonstrates that any impacts of the development with regard to noise can be controlled to achieve levels that will not significantly affect people, land, infrastructure and resources.
- 49 Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009 Policy EN11 (Development and Noise) seeks to minimise the impacts of noise and sets out a series of criteria by which to achieve this including measures to reduce noise to acceptable levels and ensuring provision of appropriate noise attenuation measures.
- 50 Surrey County Council has produced its own noise guidelines, "Guidelines for Noise Control: Minerals and Waste Disposal", 1994, by which waste development should comply with. The guidelines recognise that waste related activities raise possible noise problems from their operation as sites for transfer, treatment or processing of waste will normally be located in urban areas. Tables 6 and 7 set out noise limits for site preparation and site operation activities. The guidelines also state that every effort should be made to operate the site so as to minimise noise at all time.
- 51 The principles of the development in terms of noise impacts were assessed and accepted when planning permission ref.SP08/0992 was granted. The development permitted involves a number of noise generating activities including the use of soil screeners and the use of new plant and equipment including a wash plant, the MRF, a baler and a concrete crusher. The screeners and wash plant would operate outdoors and the remaining equipment being housed within the MRF building. The applicant recognised the need to minimise and attenuate noise from the application site and the activities to be undertaken and consequently proposed to construct new screening bunds around the perimeter of the new enlarged compound area. The screening bunds also form part of the approved development (ref.SP08/0992) and are to be constructed 8 meters in height along the northern western and eastern boundaries of the site; and 6 metres along the southern boundary adjacent with the Right of Way.
- 52 Oak Leaf Farm is identified within the Surrey Waste Plan 2008 Policy WD2 for recycling however one of the Key Development Criteria is that the level of activity proposed should be similar to that currently experienced at the site and that "concrete crushing was not considered an appropriate process at this location". In assessing that application (ref.SP08/0992) it was therefore important for the planning authority to be satisfied that the applicant demonstrated that noise levels and activities that could create noise will not give rise to a significant adverse impact and harm to residential amenity

- 53 The applicant provided a noise assessment as part of the original application (ref.SP08/0992) in 2008 which made an assessment of the calculated operational noise levels for the site taking into consideration the screening bunds as noise attenuation measures and a MRF building to house the concrete crusher, a baler and the MRF processing equipment such as a trommel screen, blower equipment and conveyor. The calculated operational noise levels were based on a worse case scenario in that all plant and equipment was considered as operating simultaneously and for 100% of the assessment period. The assessment concluded that the calculated site noise levels for the worst-case scenario (all equipment and machinery operating 100% of the time) would be in the range of 46 to 52 dB LAeq. This includes the use of the concrete crusher. These levels fall within the BS 4142 limit of LAeq = LA90 5dB(A) and also fall within the noise limits previously set for the site as required by the key development criteria set out within the Surrey Waste Plan 2008.
- 54 From the calculations undertaken by the County Noise Consultant, he concluded that the proposal would meet the noise criteria, although recommended that the site noise limit should be 55 LAeq for the properties 121 to 149 in Horton Road and 47 LAeq for Pegasus Stables and the other housing to the west of the site which are not significantly affected by traffic on Horton Road. In granting planning permission in 2009 noise limits for the site have been secured by planning condition imposed on the 2009 consent. The requirements of the existing conditions for noise would be brought forward under any new planning permission if permission were minded to be granted along with the requirements of any new planning condition controlling night time noise limits from the site.
- 55 The applicant now wishes to change the type of machinery used inside the building from concrete crusher to shredding equipment and a variety of ballistic, optical, magnetic and trommel sorters. They have stated that they would no longer require the use of a concrete crusher and instead wish to use shredding equipment inside the building, although the shredding machinery would require to operate on a continuous basis which would mean 24 hours a day 7 days a week. This application seeks to vary the "*Hours of Working*" controlled by planning Condition 3 imposed under the planning permission ref.SP08/0992 to allow the MRF building to operate on a 24/7 basis.
- 56 The application proposes to operate one slow speed shredder and two fine shredders instead of a concrete crusher. They state that the intention is to shred all the commercial and industrial waste coming into the MRF building to a uniform size, and the resulting material will then be sorted. Products that can be reused, or sent for further processing will be taken off site, and residue materials being taken to an appropriately licensed landfill. The application states that with mixed waste being expensive to dispose of, very little concrete and hardcore gets into this waste stream, and accordingly a concrete crusher is not needed for this operation. This proposal is therefore assessed on the basis that there will be no longer a concrete crusher at the site.
- 57 The MRF building (yet to be constructed) is located in the south eastern corner of the site with the main openings in the east elevation and southern elevation. The building has dimensions of 110m in length, 45m in depth and a maximum height of 10m. The three main openings have dimensions of 5 m by 5m.

- 58 Under Condition 3 of the permission (ref.SP08/0992) the hours of working are limited to 0700-1800 Mondays to Fridays and 0700-1300 Saturdays. The noise limits for the site are set out in Condition 17 of the planning permission ref. SP08/0992. Condition 17 states that *“Noise levels arising from the development hereby permitted shall not exceed the level of 55 LAeq (½ hour) measured at, or recalculated as at, a height of 1.2m and at least 3.5 m from the facade of the properties 121 to 149 Horton Road or 47 LAeq (½ hour) measured at, or recalculated as at, a height of 1.2m and at least 3.5 m from the facade of the noise sensitive locations at Pegasus Stables or the properties in Hither moor Road.”*
- 59 Under this proposal there are periods such as evenings, night-times, Saturday afternoons and further restrictions on Sundays and public holidays that are not covered by Condition 3 and subsequently the corresponding noise limits imposed by Condition 17. The proposal does not seek to bring activities closer to residential properties but does involve changes to activities inside the building over the extended night-time hours and daytime weekend hours applied for. The application therefore needs to be assessed to ensure that the proposal does not result in adverse effects on residential amenity from noise generated by the operation of the MRF building and the shredding equipment inside the building twenty-four hours per day, seven days per week.
- 60 Objections from local residents have been received referring to impacts of noise from existing activities in the area especially from the nearby Heathrow Airport and referring to an increase in noise since construction of the site has begun, and objecting to any further activities at the site at night-time. The County Council has not received any complaints in relation to noise since the 2009 planning permission was granted, although complaints on dust have been received. Matters relating to dust issues will be addressed in a separate section of this report.
- 61 The applicant has submitted a noise assessment with this planning application which assesses the potential noise implications of the changes proposed. The assessment includes a new noise survey undertaken in April 2013 and calculated noise levels at the three receiver locations (2 on Horton Road and on at Pegasus Stable), using the same approach to the calculations as for the noise assessment for the 2009 planning permission for both daytime and night-time periods. The calculations have been based on the use of the proposed shredding machinery instead of a concrete crusher inside the MRF building and taking account of the acoustic mitigation measures for the site.
- 62 The County Noise Consultant has been consulted on the application and raised a number of concerns regarding the noise assessment first provided with application. There were elements where the noise calculations provided had been based on substitute data and certain assumptions had been made. It was therefore considered necessary that a more robust noise assessment should be provided to demonstrate that the proposal for the building operating on a 24/7 basis can strictly meet night time noise limits taking into account; the exact construction specifications/materials of the building in order that the acoustic insulation properties of the building can be demonstrated for when the building is operating at night time; that noise calculations are based on confirmed/exact noise specifications for the single slow speed shredder type machinery that is to be used in the building; and taking account of the acoustic performance of any ventilation system that will be required for the building during use especially when the doors are closed at night time.



- 63 Subsequently the applicant submitted a revised noise assessment dated August 2014 that provides further detailed work of the sound insulation properties of the building, noise calculations of the specific type of slow speed shredder to be used, and assessment of the acoustic performance of a ventilation system for the MRF building with which to address the concerns raised by Officers.
- 64 The calculated noise levels for the daytime period incorporate shredding equipment instead of concrete crushing inside the MRF with the three main doors are open (a requirement of the sites approved dust action plan for the daytime working) and the other site activity as previously tested in 2008. The revised noise assessment concludes that for the daytime hours the calculated noise levels for operating shredding equipment in substitute of a concrete crusher at the identified three receiver locations (2 at Horton Road and Pegasus Stables) would be within the range of 47 to 50 dB LAeq which is within the permitted daytime site noise limits for the site that have a range of 47 to 55 dB LAeq.
- 65 For the calculated site noise levels for the night-time period, the assessment is made on the basis that the doors to the building would be closed at night and outside the hours currently permitted hours of operation, with no external activities at these times. The noise assessment concludes that the night-time noise limits at the three assessment positions would be in the range 28 dB LAeq (at Pegasus Stables) to 35 dB LAeq (at the properties in Horton Road)
- 66 The County Noise Consultant has assessed the revised August 2014 noise report and considers the noise assessment is more robust with figures properly derived, and building cladding and ventilation acoustic specification properly defined as is also the types of shredding plant to be used. He considers the noise measurements to be correct and accepts the values and the derived night time limits accord to the Surrey Noise Guidelines, and is of the opinion that that proposal would meet night-time noise criteria. He has however recommended an adjustment to the night-time noise limits and suggests that a lower limit set of 33 LAeq value for the Horton Road residence and limit set for Pegasus Stable at 28 LAeq. The County Noise Consultant raises no objection to the proposal and recommends the imposition of a condition to limit night-tie noise limits which is to be in addition to existing conditions controlling noise levels.
- 67 In conclusion Officers consider subject to the controls through the existing planning conditions being maintained, and the addition of a planning condition to secure night-time noise limits the proposal is acceptable in noise terms for continuous operations and that the proposal is in accordance with relevant development plan polices and Government guidance and policy in the NPPF and NPPG.

### **Air Quality (dust)**

- 68 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to unacceptable levels of air pollution. To prevent unacceptable risks from pollution planning decisions should ensure new development is appropriate for its location and that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity should be taken into account and account taken of the potential sensitivity of the area to adverse effects from pollution (NPPF paragraph 120). In

relation to dust emissions, policy in the NPPF is that unavoidable dust emissions should be controlled, mitigated or removed at source.

- 69 PPS 10 Annex E identifies air emissions, including dust, as an issue needing to be considered when assessing the suitability of a site as a location for waste development and refers to the proximity of sensitive receptors and the extent to which adverse emissions can be controlled. Guidance in paragraph 32 of PPS10 is that where a waste management facility requires an environmental permit from the pollution control authority it shouldn't be necessary for planning conditions to be used to control the pollution aspects of the development.
- 70 Paragraph 122 of the Framework goes on to advise that when considering development proposals the local planning authority should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.
- 71 Policy DC3 of the Surrey Waste Plan 2008 states that planning permission for waste related development will be granted provided that any impacts of the development can be controlled to achieve levels that will not significantly affect people, land, infrastructure and resources. Matters such as the release of polluting substances to the atmosphere, and adverse effects on neighbouring amenity including fumes and dust, should be assessed and where necessary, appropriate mitigation should be identified so as to minimise or avoid any material adverse impact and compensate for any loss. The whole of Spelthorne Borough is designated as an Air Quality Management Area (AQMA) due to levels of nitrogen dioxide, mainly attributable to road traffic and Heathrow Airport. The AQMA does not apply to PM<sub>10</sub> particulate matter. For particulates the main areas are adjoining the M25 and Heathrow Airport. Air quality from existing mineral workings and landfill sites in the borough are not identified as a source of emissions and concern in terms of air quality.
- 72 Policy SP6 (Maintaining and Improving the Environment) of Spelthorne Core Strategy seeks to maintain and improve the quality of the environment within the borough by ensuring development proposals contribute to improving air quality. Policy EN3 (Air Quality) sets out a series of criteria to assist in the improvement of air quality within the Borough. To minimise harm from poor air quality the criteria state there would be support for appropriate measures to reduce traffic congestion where it is a contributor to existing areas of poor air quality; that an air quality assessment will be required where development is proposed in an AQMA and is for non-residential uses of 1000m<sup>2</sup> or greater; refusing development where the adverse effects on air quality are of a significant scale, either individually or in combination with other proposals; and refusing development where the adverse effects of existing air quality on future occupiers are of a significant scale which cannot be appropriately or effectively mitigated.
- 73 The potential impacts from dust of the construction and operation of this recycling, recovery and processing facility were assessed and considered acceptable when the principles of the development were established when planning permission ref.SP08/0992 was granted in 2009.

- 74 The activities undertaken at the site have the potential to cause dust. At the time of the application ref.SP08/0992 the applicant put forward a number of mitigation measures to reduce any fugitive dust emissions arising from the site. Screening bunds would be constructed around the perimeter which would be seeded. Material brought into the site for processing and subsequently processed material will be placed in stockpiles no greater than 6m in height adjacent to the bunds as these will provide shelter from winds and reduce the potential for dust emissions; and the soil screeners within the centre of the site are to be shrouded. The concrete crusher is to be located within the MRF building alongside the MRF itself. The MRF building would have four doors of which only two would be operational with the two remaining doors to be used as emergency exits only. The main doors to the building were subsequently reduced to three doors.
- 75 The building would be situated in the southeast corner of the site, which is the point furthest away from residential properties and the two operational doors are located out of the prevailing winds and off-set from each other on the east elevation and southern elevation of the MRF building. The operational doors will not need to remain shut on noise grounds and the bunds to the south will provide shelter from prevailing winds. The applicant stated that the design will assist in minimising the amount of fugitive dust emissions from the activities proposed to be carried out inside the MRF building. Additionally the concrete crusher will be fitted with a fine water spray on the conveyor belt to dampen the crushed aggregate as it leaves the crusher.
- 76 The closest receptors to the site are the Stables located on Hithermoor Road approximately 10m to the west; properties located on Glenhaven Drive located approximately 35m to the northwest of the site; and residential properties Yellowstocks and Kestrel and the Vermeulen Garden Centre all located to the northeast of the site approximately 35m, 45m and 53m respectively from the site.
- 77 The Air Quality Assessment found that the most sensitive receptors to potential dust emissions from the proposal are Yellowstocks, Kestrel and the Vermeulen's Garden Centre due to these receptors being located down wind from the application site and being based on a worse case scenario of all operations being carried out at the same time. The Assessment found that there is potential for dust to impact at both these two receptor locations on average every other week. However, the receptors are approximately 100m away from the stockpiles and over 200m away from the soil screeners and are outside of the distance at which dust is considered likely to be deposited and as such the assessment concludes that dust nuisance is unlikely to occur at these locations. Whilst the stables and residential properties located on Glenhaven Drive would be closer to the operational activities proposed at the site, these receptors would be screened from the activities by the bunds. Additionally neither receptor are located within the prevailing wind direction therefore the conditions experienced are less suitable to transporting the larger dust particles and consequently there is greater potential for dust to be deposited before it reaches the receptor.
- 78 The County Dust Consultant assessed the dust assessment provided by the applicant and raised no objection to the proposal provided that a Dust Action Plan (DAP) be submitted for approval providing information on agreed trigger levels, details of the recording system and complaint handling system proposed; details of the on-site sprinkler system and wind speeds that would cause the system to activate. In granting the 2009 planning permission

there were several planning conditions imposed on the consent for controlling dust at the site, including the submission for approval of the recommended DAP.

- 79 A Dust Action Plan (DAP) was submitted and approved in 2010 which sets the dust control measures for the site. The DAP identifies the dust generating activities at the site which includes operations undertaken in the MRF building. The measures that are employed at the site to minimise and control dust nuisance arising from the MRF building comprise: the building will be located in the southeast corner of the site and the doors will be off-set from each other and located out of the prevailing wind, which is from the southwest; the doors to the MRF building will open on to the bunds, which will shelter the building from the wind; and the concrete crusher will have a fine water spray on the conveyor belt to dampen the crushed aggregate as it leaves the crusher. Under both the 2009 planning permission and the approved DAP no additional ventilation system was proposed for the building, as the measures approved under the original planning application and set out in the DAP were considered sufficient for controlling dust emissions from the building.
- 80 The applicant now wishes to change the type of machinery used inside the building from concrete crusher to shredding equipment and a variety of ballistic, optical, magnetic and trommel sorters and these operation have the potential to cause dust.
- 81 In making this application the applicant considered that the key issue byway of the proposal would be the likely impacts from noise and the details submitted to support the proposal had been structured around the submission of a noise assessment report, discussed in detail above.
- 82 At the time no assessment of the likely risk of dust emissions from operating the building during the extended hours applied for had been made. Objections received on the proposal from local residents refer to dust nuisance from the existing operations at the site, with dust being experienced on cars, windows and washing. The County Council received two complaints during May and July 2012 for dust in relation to the site. The concerns were investigated by Enforcement officers at the time and it was found that the operator, although had been following the requirements of the measures set out in the DAP, an issue had occurred causing a delay in the instillation of an extension to the external water spray system for dampening the construction of the new western bund although this had subsequently been rectified. The later concern queried if the site had dust mitigation measures in place as the area was experiencing a dry period. Officers are not aware of any further complaints of dust since the 2009 permission was granted. The site operator has circulated contact details to neighbouring residents for them to contact the site directly with which to raise any concerns from the site operations so that they can be addressed without delay.
- 83 During consultation and assessment of the noise assessment report it was identified within the assessment that, in order that the proposal could meet night-time noise limits the main doors to the building would need to be shut. The noise calculations for night-time noise were calculated taking this into consideration. In addition the noise assessment also makes assessment of ventilation systems and fan noise on the basis that a fan/extract system plant would be required for dust control of the building to compensate for the main doors to the building being closed at night-time, which would necessary as part of the measures to control noise emissions at night-time. These would be changes required to the dust control and mitigation measures approved under the 2010 DAP.

- 84 Officers subsequently requested that the applicant should provide details on dust to support the application which assesses any changes to the dust control measures for the site that would be necessary for the proposed operating of the MRF building on a 24/7 basis and the changes to the plant machinery operating inside the building.
- 85 The applicant submitted further details for dust in August 2014. The dust assessment identifies that the air quality report supporting the original planning application for the facility in 2008 recommended controlling dust as it occurs by water sprays and a variety of operational controls to limit dust generation. The air quality report identified that dust impacts the nearest receptors will be reduced as the main potentially dust activities will be enclosed within the MRF building. The assessment also adds that, if the interior of the building retains a high dust load, an extract ventilation system will tend to blow, at least some dust out from the building. The applicant proposes two approaches to address the potential problem, 1) keep the dust load within the building down to an acceptable level so minimal dust is blown out of the building. The dust load will be controlled to some degree to protect the workforce within the building; and 2) remove dust from the airflow upstream of the fans by filtration, baffles/deposition bay and or/ electrostatic precipitation. The version of the ventilation system would of a type used in most industrial extraction systems.
- 86 The County Dust Consultant has reviewed the information on dust submitted by the applicant and commented that from the details provided it was unclear whether either of the two approaches would be adopted and requested the applicant to clarify the position. The applicant confirmed that the proposal includes the installation of both a powered ventilation system and a filtration/settlement unit that would be at ground level outside of the building. The County Dust Consultant has confirmed that proposed approach should provide a satisfactory means of removing the dust from air leaving the building, although has recommended the imposition of a planning condition requiring the details of the proposed 'filtration/settlement unit at ground level outside the building at ground level to be submitted to the planning authority for approval. The County Dust Consultant also advises that DAP approved in 2010 will require some small amendments to address differences for dust control measures for the extended hours of operation being applied for.
- 87 This application made as Section 73 application seeks to vary the Conditions 3 (hours of working) and Condition 21 (details of lighting) only. Whilst it has been necessary for the applicant to identify further control measures for dust mitigation, the precise details of control cannot be agreed at this stage. The planning conditions imposed on ref.SP08/0992 relating to dust would be brought forward under any new consent if any new planning permission were minded to be granted. A planning condition would imposed requiring the submission of a revised DAP that is to include for approval by the County Planning Authority details of the dust ventilation system proposed and the changes to the way the mitigation measures are to be implemented during the additional hours. The revised DAP would be required to be approved prior to the commencement of any operations in the MRF building.
- 88 In conclusion Officers are satisfied that with the dust control measures in place for Oak Leaf Farm, and secured by planning condition and subject to the imposition of the condition for a revised Dust Action Plan, the operation of MRF building including the use of shredding equipment and at night-time would not give rise to significant adverse effects from dust, and the proposal is in accordance with relevant development plan policies and

Government guidance and policy in the NPPF and NPPG and PPS10 on dust impacts from this type and scale of waste facility.

## Lighting

- 89 Policy DC3 (General Considerations) 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. The policy outlines that information, relevant to the proposal, must be supplied providing an assessment and mitigation measures for a number of criteria. Criteria (ix) of the policy relates to glare.
- 90 Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009 Policy EN13 (Light Pollution) states that the Council will seek to reduce light pollution by: (a) encouraging the installation of appropriate lighting; and (b) only permitting lighting proposals which would not adversely affect amenity or public safety and require the lights to be: (i) *appropriately shielded, directed to the ground and sited to minimise any impact on adjoining areas*; and (ii) *of a height and illumination level of the minimum required to serve their purpose*.
- 91 At the time of the original application (ref.SP08/0992) no external lighting was proposed and Condition 21 was imposed on the consent which controls external lighting. The application states that the proposed operation of the MRF building during the hours of darkness will necessitate lighting in the car park area to permit site personnel to move safely between their cars and the building. That car parking area is to the north of the MRF building and it is proposed that low level lighting bollards, 1 meter high would be installed in this area in addition to bulkhead lights on the MRF building itself which would be at 1.5 meters above ground level. The lights will work on sensors activated by movement and are identified on the new plan drawing No. 1163/37B – MRF Lighting Layout dated May 2014.
- 92 The County Lighting Consultant has assessed the proposal and considers the proposed illumination levels will be relatively low, and the choice of the luminaire having only downward light will give no concern for nuisance obtrusive lighting into neighbouring residents/premises and negligible “sky glow”.
- 93 Officers are of the view that that the new lighting proposed comprising of low level bollards and bulkhead lights on the northern elevation of the building are essential for safety and security reasons that would be necessary during the hours of darkness. The County Lighting Consultant has advised that the illumination levels from the new lighting will be low and will not give concern to neighbouring residents or local amenity.
- 94 In conclusion Officers are satisfied that as the new lighting proposed is of a security type lighting that will operate on sensors activated by movement and no other lighting is proposed and taking account of the County Lighting Consultant, the operation of MRF building with the new would not give rise to significant adverse effects from light pollution, and the proposal is in accordance with relevant development plan policies and Government guidance and policy in the NPPF and NPPG.

## Green Belt

### Surrey Waste Plan 2008

Policy CW5 – Location of Waste facilities

Policy CW6 – Development in the Green Belt

### Spelthorne Borough Local Plan 2001

Policy GB1 Development Proposals in the Green Belt

- 95 Paragraph 79 of the NPPF establishes the importance of Green Belts. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green belts are their openness and their permanence. Paragraph 87 of the NPPF states that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green belt and should not be approved except in very special circumstances. Paragraph 88 states that when considering any planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green belt, and goes on to say that 'very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 96 Planning Policy Statement 10 – Planning for Sustainable Waste Management (PPS10) states that Green Belts should be protected but planning authorities should recognise the particular locational needs of some types of waste management facilities and that these locational needs, together with the wider environmental and economic benefits of sustainable waste management are material considerations that should be given significant weight in determining whether proposals should be given planning permission.
- 97 Policy CW6 of the Surrey Waste Plan 2008 states that there will be a presumption against inappropriate waste related development in the Green Belt except in very special circumstances. 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. It goes on to say that the following considerations may contribute to very special circumstances, which are the lack of suitable non-Green Belt sites, the need to find locations well related to the source of waste arisings and the characteristics of the site.
- 98 The Surrey Waste Plan 2008 in the supporting text to Policy CW6 recognises there is an immediate and acute shortfall of waste management facility capacity within the South East Region, including Surrey, and states that it is likely to be necessary to locate some waste management facilities within the Green Belt where non Green Belt sites cannot be found in order that the necessary waste management infrastructure can be delivered.
- 99 Spelthorne Borough Local Plan 2001 Policy GB1 Development Proposals in the Green Belt advises that development in the Green Belt, which would conflict with the purposes of the Green Belt and maintaining its openness, will not be permitted.
- 100 As detailed in the planning history and discussed elsewhere in this report above, planning permission ref: SP08/0992 was granted for the construction and operation of the MRF facility in 2009. It is that planning permission (ref.SP08/0992) which has established the principle for the operation of this MRF facility in the Green Belt. In the case of the extant permission, Officers accepted there to be a number of factors, which together constituted

very special circumstances that clearly outweighed the harm to the Green Belt, such that an exception to policy can be made. These factors include a need for recycling C&D waste and the other waste streams handled at the site thereby moving this waste hierarchy contributing to the county's target for aggregate recycling and towards sustainable waste management in general, and a lack of alternative sites within north west Surrey and the wider catchment area for the site. Officers do not consider that there has been any material change in the Green Belt position.

- 101 This application does not seek to change the volume or type of waste handled at the site which has a waste management licence of 251,000 tonnes per annum. The proposal seeks to make changes to the way operations for processing wastes are undertaken inside the MRF building already granted permission. No new development or activity is proposed outside of the building. The development is an existing recycling facility and the changes to the machinery to be operated within the building are being made to improve the efficiency for the processing and recycling of materials that are handled inside the building, which would towards both national and local targets towards sustainable waste management.
- 102 The very special circumstances advanced by the applicant and accepted under the 2009 planning permission for the permanent siting and operation of this recycling facility which outweigh any potential harm to the Green Belt by reason of inappropriateness still exist and are material in the case of this proposal and as such Officers conclude that an exception to policy can be made subject to referring the matter to the Secretary of State.

### **Landscape and Ecology Management Plan**

- 103 The planning permission ref:SP08/0992 was permitted on the basis that prior to the grant of the planning permission the applicant would enter into a Section 106 legal agreement to provide long-term management of the ecological and biodiversity area to the northwest of the application site and for the facilitation in upgrading the footpath to the south of the application site to a bridleway. This is Section 73 application that if permission was minded to be granted a new planning permission would be issued under a new reference number. It will be necessary for the S106 to be brought forward under any new permission and therefore if planning permission were minded to be granted a deed of variation to the S106 is to be completed prior to issuing of any new planning permission.

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### **HUMAN RIGHTS IMPLICATIONS**

- 104 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.
- 105 In this case, it is the Officers view that there will be dust, noise and lighting impacts but the Officers view is that these can be controlled by condition. The scale of such impacts is not considered sufficient to engage in Article 8 1 of protocol 1. As such, this proposal is not considered to interfere with any Convention right.
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## CONCLUSION

- 106 The proposal would allow the MRF building to operate twenty for hours per day, seven days per week. The proposal would allow for the continual processing which would improve the efficiency for the processing and recycling of materials that are handled inside the building, and contribute towards both national and local targets towards sustainable waste management and recycling of materials. The proposal would not involve any deliveries or HGV movements to the site outside of the daytime hours already permitted for the site and no other activities or operations would be undertaken outside of the building outside the day time operational hours which would remain as existing. There would be access required by site personnel outside of the hours currently permitted as the building is to be manned. The proposal would be for a maximum of four site personnel who would arrive and leave the site by car. The proposal includes some new security type light to allow these site personnel safe access between their cars and the building. This would be low level lighting to be positioned in the car park area and along the northern elevation of the MRF building operated by sensor.
- 107 The implications for extending the working hours of the MRF building and using shredding equipment instead of a concrete crusher involves the assessment of issues including traffic, highways and access, noise, dust, lighting and an assessment against Green Belt policy. Objections have been received from local residents on these issues apart from Green Belt. No objections have been received from technical consultees on these matters, subject to the continuation of the existing planning conditions and imposition of additional planning conditions where recommended being imposed on any new consent. No views had been received from Spelthorne Borough Council at the time of concluding this report.
- 108 In conclusion, here are no policy objections in relation to the impacts on local amenity in terms of highways, noise, dust and lighting. Where safeguards are required these can be secured though the imposition of conditions. The principles of the development in the Green Belt have been established when planning permission was granted 2009. Officers consider that the matters considered together with very special circumstances advanced by the applicant in 2009 to justify the inappropriate development in the Green Belt continue to apply and outweigh the harm by reason of inappropriateness and harm to openness and an exception to policy can be made. The proposal seeks to improve efficiency for the recycling of materials, which would assist the targets for sustainable waste management. Taking account of all these matters, Officers consider that planning permission should be granted in this Departure case subject to the imposition of conditions and the prior completion of a deed of variation to a Section 106 Agreement.

## RECOMMENDATION

**The recommendation is subject to referral to the Secretary of State as a Departure and the prior completion of a deed of variation of a S106 Agreement, to PERMIT subject to conditions**

### Approved Documents

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

Drawing No 1163/2C Site Location Plan dated 30.05.06  
 Drawing No 1163/6N Site Layout Plan dated January 2008  
 Drawing No 08/126/02B Proposed MRF Crushing & Bailing Building dated 30.10.08  
 Drawing No 1163/9E Bunds Sections dated September 2008  
 Drawing No 08/126/01 Proposed Office Elevations dated 30.10.08  
 Drawing No 08/126/03 Proposed Garage Elevations dated 30.10.08  
 Drawing No 1163/35 Proposed variation of condition 3 of planning permission SP08/0992 dated February 2014  
 Drawing No. 1163/37B MRF Lighting Layout dated May 2014

## Hours of Working

2. With the exception of the operation of shredding and sorting machinery as specified in the planning application within the MRF building; allowing for the access of site personnel and use of security lighting; no other authorised operations or activities permitted by planning permission Ref: SP08/0992 dated 19 November 2009 shall be carried out, and no lights illuminated, except between the following times:

0700-1800 Mondays to Fridays  
 0700-1300 Saturdays

Neither shall any servicing, maintenance or testing of plant be carried out between 1800 and 0700 hours nor shall any other operation or activity take place on a Sunday or any public holiday. This shall not prevent the carrying out of emergency operations, but these should be notified to the County Planning Authority.

3. No construction operations or activities authorised or required as approved by the planning permission Ref: SP08/0992 dated 19 November 2009 shall be carried out except between the following times:

0730 - 1700 hours Mondays to Fridays excluding Public Holidays  
 0730 - 1300 hours Saturdays

There shall be no construction working on Sundays or Public Holidays.

4. There shall be no deliveries or the loading and unloading by HGVs accept between the following times:

0700-1800 Mondays to Fridays  
 0700-1300 Saturdays

There will be none on a Sunday or any public holiday.

## Limitations

5. Only commercial and industrial and construction and demolition waste shall be imported onto the application site as outlined within the application documents submitted with planning permission Ref: SP08/0992 for handling and processing at the site and within the Materials Recycling Facility (MRF) building. All other waste shall be removed from the site and disposed of at a suitably licensed landfill.

6. The operation of shredding and sorting machinery for processing commercial and industrial waste as referred in condition 5 above shall only take place inside the MRF building as shown on plan drawing No.1163/35 Proposed Variation of Condition 3 of Planning Permission SP08/0992 dated February 2014.
7. Concrete crushing machinery shall not be operated at the site or within the MRF building at any time.
8. All processed and unprocessed waste stockpiled externally at the site, shall be stored within the areas delineated on Drawing No. 1163/6N dated January 2008. Stockpile heights shall not exceed a height of 6 metres above ground level.
9. The two profile height posts erected within the stockpiling area as delineated on Plan 1163/6N to display the profile heights and maintained for the duration of the use hereby authorised.
10. All loads entering and leaving the application site shall be sheeted.
11. Notwithstanding any provision to the contrary under Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent Order, no plant, building or machinery whether fixed or moveable other than that specifically outlined by this decision shall be erected on the application site external to the materials recovery/recycling building without the prior written approval of the County Planning Authority in respect their siting, design, specification and appearance of the installation, such details to include the predicted levels of noise emission and their tonal characteristics of any plant or machinery.

### **Traffic**

12. In accordance with the requirements of the planning permission Ref: SP08/0992 dated 19 November 2009 the existing access from the site shall first be permanently closed and any kerbs, verge, footway, fully reinstated by the applicant, in a manner to be agreed in writing with the County Planning Authority, and thereafter maintained as such.
13. In accordance with the requirements of planning permission Ref: SP08/0992 dated 19 November 2009 no new development shall be occupied until space has been laid out within the site in accordance with plan 1163/6N for vehicles to be parked and for the loading and unloading of number vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. The parking/turning area shall be used and retained exclusively for its designated purpose.
14. Before any of the operations which involve the movement of materials in bulk to or from the site are commenced, facilities shall be provided as must be approved by the County Planning Authority, in order that the operator can make all reasonable efforts to keep the public highway clean and prevent the creation of a dangerous surface on the public highway. The agreed measures shall thereafter be retained and used whenever the said operations are carried out.

15. The Method of Construction Statement submitted and approved by planning permission ref.SP100668 dated 20 December 2010 shall be implemented strictly in accordance with the approved details contained therein. Only the approved details shall be implemented during the construction period.
16. The sign erected at the site exit advising HGV drivers to turn right out of the site shall be permanently maintained. This will direct drivers to use the vehicle route via the A3044 rather than turning left onto Horton Road and travelling through Stanwell Moor village. This sign shall not prohibit local deliveries, defined as those within Stanwell Moor, from turning left.
17. There shall be no more than 8 inbound HGV movements accessing the site from Stanwell Moor per hour (90 inbound HGV movements in any one weekday/ 50 inbound HGV movements in any one Saturday). The site operator shall conduct surveys of the number of HGVs accessing the site daily from Stanwell Moor for a period of five consecutive days including one Saturday, to be undertaken at no greater than two within the first year of operation (with a minimum of six months between the two surveys) and subsequent reviews at intervals thereafter to be approved by the County Planning Authority following the submission of the second survey. The surveys shall be submitted to the County Planning Authority on completion.

### **Rights of Way**

18. The ditch as shown on Drawing No1163/6N shall be cleaned and regularly maintained so as to contain any run off from the bund and prevent water flowing on to public right of way 3 Staines.

### **Noise and Vibration**

19. With the exception of the operating of shredding and sorting machinery within the MRF building between the hours of 1700 to 0730, noise levels arising from the development shall not exceed the level of 55 LAeq (½ hour) measured at, or recalculated as at, a height of 1.2m and at least 3.5 m from the facade of the properties 121 to 149 Horton Road or 47 LAeq (½ hour) measured at, or recalculated as at, a height of 1.2m and at least 3.5 m from the facade of the noise sensitive locations at Pegasus Stables or the properties in Hither moor Road.
20. During the hours of 1700 to 0730 hours the level of noise arising from the night time operation of the MRF building and any associated activity, when recalculated as at a height of 4 m above ground level and 3.5 m from the facade of a residential property or other noise sensitive building that faces the site shall not exceed 33 LAeq, during any 5 minute period for the properties 121 to 149 Horton Road or 28 LAeq, during any 5 minute period at Pegasus Stables.
21. The level of noise arising from any operation, plant or machinery on the site in association with construction activities when measured at or recalculated as at a height of 1.2m above ground level and 3.6m from the facade of any residential property or other occupied building shall not exceed Leq = 70dB(A) when measured over any 60 minute period.

22. The quietest available items of plant and machinery shall be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels.

### **Bird Management Plan**

23. The Bird Hazard Management Plan received on 12 July 2010 submitted and approved by planning permission ref: SP10/0430 dated 3 August 2010 shall be implemented strictly in accordance with the approved details contained therein.

### **Lighting Scheme**

24. No flood lighting or any form of external lighting, including security lighting other than that explicitly approved by this permission, shall be installed on the site without the prior written approval of the County Planning Authority.

### **Ecology**

25. No removal or cutting of vegetation including trees and shrubs shall be carried out on site between the 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the County Planning Authority in advance of such works.

### **Landscaping**

26. The scheme of landscaping, planting and maintenance submitted and approved by planning permission ref: SP10/0278 dated 23 September 2010 shall be implemented strictly in accordance with the approved details contained therein. All landscaping and planting in accordance with the approved scheme shall be carried out within a period of 12 months from the date on which the development of the site commenced and shall be maintained for a period of 10 years, such maintenance to include the replacement of any trees and shrubs that may die or are severely damaged with trees or shrubs of a similar size and species in the next available planting season.

### **Japanese Knotweed**

27. The detailed method statement for the removal or eradication of Japanese Knotweed submitted and approved by planning permission ref: SP10/0390 dated 6 September 2010 shall be implemented strictly in accordance with the approved details contained therein. The development shall proceed in accordance with the approved method statement.

### **Flood Risk and Surface Water Drainage**

28. The scheme for the provision and management of a buffer zone alongside the ditch submitted and approved by planning permission ref: SP10/0278 dated 23 September 2010 shall be implemented strictly in accordance with the approved details contained therein. Thereafter the development shall be carried out in accordance with the approved scheme.
29. The scheme to dispose of foul and surface waters submitted and approved by planning permission ref: SP10/0734 dated 20 December 2010 shall be implemented strictly in accordance with the approved details contained therein.

## Details of Building

30. The details of materials to be used externally on new buildings submitted and approved by planning permission ref.SP10/0617 dated 29 September 2010 shall be carried out and completed in all respects strictly in accordance with the Details of Building Materials dated 28 June 2010. No omissions or variations shall take place.

## Dust

31. No operations subject of this permission shall commence within the MRF building until a revised Dust Action Plan has been submitted and approved by the County Planning Authority. The revised Dust Action Plan shall specify the measures and appropriate additional procedures, including control and mitigation measures and modifications to site operations, and the details and specifications for the installation of a powered ventilation system, and a filtration/settlement unit at ground level outside the building to manage dust emissions taking account of: actual and forecast meteorological conditions such as rainfall, wind direction and wind speed; and routine visual observations of dust emissions.
32. The Dust Action Plan Revision 2 dated 10 August 2010 submitted and approved by planning permission ref.SP10/0476 dated 29 September 2010 shall be implemented strictly in accordance with the approved details contained therein until such times as a revised Dust Action Plan pursuant to Condition 30 above has been submitted to and approved By the County Planning Authority.
33. The detail with regard to Conditions 30 and 31 above shall be implemented in accordance with details approved, or as may be subsequently amended and approved following periodic reviews of the Plan which are to be undertaken at no greater than two year intervals in the first six years and five year intervals thereafter for the duration of the use of the site.
34. Having regard to the Dust Action Plan approved or subsequently amended, no activity hereby permitted shall cause dust to be emitted from the soil processing area and stockpiling area so as to cause nuisance or loss of amenity at sensitive receptors. Should such emissions occur the relevant activity shall be suspended until it can be resumed without causing any unacceptable emissions.
35. Notwithstanding the requirements of Conditions 30 to 33 above, the operators shall employ appropriate control and mitigation measures in accordance with Section 6 `Proposed Mitigation Measures` provided within the Air Quality Assessment October 2008 and amending information dated 18 February 2009 and approved by planning permission ref.SP08/0992 dated 19 November 2009. The scheme shall be implemented in accordance with the recommendations of the report and complied with at all times.

## REASONS FOR IMPOSING CONDITIONS:

1. For the avoidance of doubt and in the interests of proper planning.

2. To safeguard the environment and local amenity in accordance with Surrey Waste Plan 2008 Policy DC3.
3. To safeguard the environment and local amenity in accordance with Surrey Waste Plan 2008 Policy DC3.
4. To safeguard the environment and local amenity and in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Surrey Waste Plan 2008 Policy DC3; and Policies CC2 and CC3 of the Spelthorne Borough Core Strategy and Policies DPD 2009.
5. To comply with the terms of the application and in the interests of the local environment and amenity, and to comply with Surrey Waste Plan 2008 Policy DC3.
6. To safeguard the environment and local amenity in accordance with Surrey Waste Plan 2008 Policy DC3.
7. To enable the County Planning Authority to exercise control over the development and to minimise its impact on the amenities of the local area, and local environment in accordance with Surrey Waste Plan 2008 Policy DC3
8. To reduce the impact on the visual amenities of the locality to comply with Surrey Waste Plan 2008 Policy CW6 and Policy DC3.
9. In the interests of local amenity and to accord with Surrey Waste Plan 2008 Policy DC3.
10. In the interests of local amenity and to accord with Surrey Waste Plan 2008 Policy DC3.
11. To enable the County Planning Authority to exercise control over the development and to minimise its impact on the amenities of the local area, and local environment in accordance with Surrey Waste Plan 2008 Policy DC3.
12. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies CC2 and CC3 of the Spelthorne Borough Core Strategy and Policies DPD 2009.
13. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies CC2 and CC3 of the Spelthorne Borough Core Strategy and Policies DPD 2009.
14. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies CC2 and CC3 of the Spelthorne Borough Core Strategy and Policies DPD 2009.
15. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies CC2 and CC3 of the Spelthorne Borough Core Strategy and Policies DPD 2009.

16. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies CC2 and CC3 of the Spelthorne Borough Core Strategy and Policies DPD 2009.
17. In the interests of local amenity and to accord with Surrey Waste Plan 2008 Policy DC3.
18. To protect the route of the public footpaths and bridleways and the amenities of the users and comply with Planning Policy Guidance note 13 (PPG13).
19. To ensure the minimum disturbance and avoid nuisance to the locality to comply with Surrey Waste Plan 2008 Policy DC3.
20. To ensure the minimum disturbance and avoid nuisance to the locality to comply with Surrey Waste Plan 2008 Policy DC3.
21. To ensure the minimum disturbance and avoid nuisance to the locality to comply with Surrey Waste Plan 2008 Policy DC3.
22. To ensure the minimum disturbance and avoid nuisance to the locality to comply with Surrey Waste Plan 2008 Policy DC3.
23. To minimise the attractiveness of flat roofs and soil stockpiles to birds which could engaged the safe movement of aircraft.
24. To reduce the impact on visual amenities of the locality to comply with Surrey Waste Plan 2008 Policy DC3.
25. In the interests of amenity and wildlife conservation to comply with Surrey Waste Plan 2008 Policy DC2 and Spelthorne Borough Core Strategy and Policies DPD 2009 Policy EN8.
26. To ensure that the landscaping is maintained to provide for the long-term visual amenities of the area/ nature conservation in accordance with Surrey Waste Plan 2008 Policy DC3 and Spelthorne Borough Core Strategy and Policies DPD 2009 Policy EN8.
27. To prevent the spread of Japanese Knotweed (*Fallopia japonica*) which is an invasive plant, which the spread of is prohibited under the Wildlife and Countryside Act 1981. To prevent its spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment occurring.
28. To prevent the encroachment of the development on watercourses which has a potentially severe impact on their ecological value.
29. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
30. In order to retain proper planning control over the development and in the interests of safeguarding the environment and local amenity in accordance with the Spelthorne Borough Core Strategy and Policies DPD 2009 Policy EN1.



31. In the interests of local amenity and to comply with Surrey Waste Plan 2008 Policy DC3.
32. In the interests of local amenity and to comply with Surrey Waste Plan 2008 Policy DC3
33. To allow a review of the effectiveness of control mechanisms and allow necessary action to be taken if the dust mitigation practices need to be modified in accordance with Surrey Waste Plan 2008 Policy DC3.
34. In the interests of local amenity and to comply with Surrey Waste Plan 2008 Policy DC3.
35. In the interests of local amenity and to comply with Surrey Waste Plan 2008 Policy DC3.

#### INFORMATIVES:

1. The Applicant's attention is drawn to the advice set out within the letter from BAA dated 15 December 2008 with regard to bird management plans.
2. It is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
3. The London Water Ring Main or a large diameter stored water tunnel is in the area and special precautions will be required to avoid any damage that may occur as a result of the proposed development. The applicant is advised to contact Developer Services, Contact Centre on 0845 850 2777 for further information.
4. The Applicant should note that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicant should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation. Failure to do so may result in fines and potentially a custodial sentence.
5. The Applicant's attention is drawn to the Rights of Way memo of 10 December 2008 and the accompanying plan.
6. The Applicant is reminded that the granting of planning permission does not authorise the obstruction or interference with a public right of way.
7. The Applicant's attention is drawn to the possible need for the concrete crusher to have a permit under the Environmental Permitting Regulations 2007.
8. Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Control Division of Surrey County Council.

9. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority.
10. The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.
11. When a temporary access is approved or an access is to be closed as a condition of planning permission an agreement with, or licence issued by, the Highway Authority will require that the redundant dropped kerb be raised and any verge or footway crossing be reinstated to conform with the existing adjoining surfaces at the developers expense. (Note: It is preferable where possible to arrange for the adjacent highway to be included in the area edged red on the application when Circular 11/95 provides that conditions may be suitable to control this).
12. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
13. The applicant is advised that Public Footpath 3 and Public Bridleway 3. runs through the application site and it is an offence to obstruct or divert the route of a right of way unless carried out in complete accordance with appropriate legislation.
14. The applicant is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
15. An HGV shall mean any goods vehicle 3.5 tonnes Gross Vehicle Weight (gww) and above and shall include any skip vehicle, irrespective of weight.
16. The County Planning Authority confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.

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**CONTACT**

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Duncan Evans

**TEL. NO.**

0208 541 9094

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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:

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**Government Guidance**

National Planning policy Framework 2012

National Planning Practice Guidance (NPPG) March 2012

Planning Policy Statement 10 – Planning for Sustainable Waste Management

**The Development Plan**

Surrey Waste Plan 2008

Spelthorne Borough Local Plan 2001

Spelthorne Borough Core Strategy and Policies DPD 2009

**Other Documents**

Planning application, the Committee Report to the 17 February 2010 Planning and Regulatory Committee meeting

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