

**TO:** PLANNING & REGULATORY COMMITTEE **DATE:** 24 February 2016

**BY:** PLANNING DEVELOPMENT TEAM MANAGER

**DISTRICT(S)** SPELTHORNE BOROUGH COUNCIL **ELECTORAL DIVISION(S):**

**Stanwell & Stanwell Moor**

**Mr Evans**

**PURPOSE:** FOR DECISION

**GRID REF:** 504375 174375

**TITLE:** MINERALS/WASTE SP/15/00929/SCC

## **SUMMARY REPORT**

**Oakleaf Farm Waste Recycling Facility, Oakleaf Farm, Horton Road, Stanwell Moor, Surrey TW19 6AF**

**Construction and use of 2.47 hectares of new concrete hardstanding to resurface the existing unmade compound area at Oak Leaf Farm waste recycling, recovery and processing facility.**

The Oak Leaf Farm Waste Recycling Facility, an area of some 9.4ha, lies to the south of Horton Road, Stanwell Moor, approximately 1 km south east of Junction 14 of the M25 Motorway, some 500m south west off London Heathrow Airport's western perimeter and approximately 75m north of King George VI Reservoir. Access to the site is off Horton Road. The application site lies within the Metropolitan Green Belt.

The Oak Leaf Farm site is a former mineral working with a complicated planning history dating back to the 1960's and is identified in the adopted Surrey Waste Local Plan 2008 as suitable for development as a waste management facility.

In November 2009 planning permission (ref.SP08/0992) was granted for the construction and use of the site as a permanent waste recycling, recovery and processing facility for construction and demolition waste on a site of approximately 9.4ha. The scheme provided for the construction of a new bunded compound of which 2.19ha would be laid to concrete hardsurface and the remaining 2.47ha to an unmade surface (e.g. bare soil, stone). The applicant states that at the time of application ref.SP08/0992, the extent of concrete hardstanding proposed had been limited on the grounds of cost.

The application site area of 2.47ha is the unmade surface area that forms the western part of the operating compound. The proposal is for construction works and would involve surfacing the remaining 2.47 ha of unmade surface with concrete. The concrete surface would provide a cleaner surface, easier to maintain in clean and tidy condition and give rise to less dust during drier conditions. The concrete surface would enable the site to operate more efficiently during wet weather. The concrete would be laid during the existing permitted hours for site construction

operations, laid in sections using premixed concrete at between 150 to 200sqm per day. It is calculated it would take between 125 to 165 days to lay the additional concrete. There would be some additional vehicle movements involved of up to 25 concrete delivery vehicles per day. It is stated these movements would be incorporated into the existing vehicle limits for the site.

Development Plan policies seek to protect the local environment and the amenities of local residents from the adverse effects of development. This particular proposal raises issues for surface water drainage, highway matters, noise and air quality (dust). No technical objections have been raised by the respective consultees on these issues however Spelthorne Borough Council have raised strong objection on the grounds of intensification of the use of the site. It is considered that, taking into account the advice of technical consultees and mitigation measures proposed and controls through the relevant planning conditions, the development is unlikely to give rise to any significant adverse impact on amenity or local environment.

The proposed development is inappropriate development in the Green Belt and would have an impact on openness by virtue of its presence. In relation to Green Belt policy, Officers consider there are factors which amount to very special circumstances regarding this development, which clearly outweigh the harm to the Green Belt and any other harm. The proposal is for ancillary development to an existing waste management facility. Having regard to existing characteristics of the waste site and amenity benefits for providing the concrete surface, Officers consider the proposal would not result in greater harm to the openness of the Green Belt or the visual amenities of the Green Belt than at present, and that the proposal is acceptable and complies with SWP 2008 Policy CW6 and an exception to Green Belt policy can be made. Officers therefore consider that the proposal is proportionate to the need and in accordance with development plan policies and taking the above into consideration, planning permission should be granted subject to conditions.

**The recommendation is to PERMIT subject to conditions**

---

## **APPLICATION DETAILS**

### ***Applicant***

Charles Morris Fertilisers Ltd

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

26 June 2015

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

25 September 2015

### ***Amending Documents***

Letter from EAS Ltd dated 24 September 2015 – further details for surface water drainage; email from EAS Ltd dated 13 January 2016 and attachments.

---

## **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>Issue</b>	<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 & Access	Yes	28 - 37
Surface Water & Flood Risk	Yes	38 - 47
Noise	Yes	48 - 63
Air Quality (dust)	Yes	64- 72
Metropolitan Green Belt	No	73 - 84

**ILLUSTRATIVE MATERIAL**

**Site Plan**

Site plan

**Aerial Photographs**

Aerial 1

Aerial 2

**Site Photographs**

Figure 1 – Unmade surface vs existing concrete facing west (northern extract)

Figure 2 – Unmade surface vs. existing concrete facing west (southern extract)

Figure 3 – View of existing internal access haul road facing west

**Application Plan**

Site Plan 1163/41D: Site Location Plan dated 27 April 2015

**BACKGROUND**

***Site Description***

- 1 The application site, comprising an area of some 2.47 hectares is situated at the Oak Leaf Farm Waste Recycling Facility, off Horton Road, Stanwell Moor and is located in the Metropolitan Green Belt. The site lies approximately 1 km south east of junction 14 of the M25, some 500 metres south west off 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 main 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 main site perimeter boundary.

### ***Planning History***

- 3 The Oak Leaf farm site, of nearly 10 hectares is a former mineral working and has a complicated planning history. The original consent for sand and gravel extraction was 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.
- 4 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.
- 5 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 a 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.
- 6 Subsequently, Oak Leaf Farm is identified in the adopted Surrey Waste Local Plan 2008 as a site suitable for development as a waste management facility.
- 7 In November 2009 planning permission (ref.SP08/0992) was granted to redevelop the site as a permanent waste facility, allowing for the construction and use of the site for the recycling, recovery and processing of construction and demolition waste, comprising: a Materials Recovery Facility (MRF) building; site office and workshop; wheel wash; two weighbridges; lorry and car parking areas; storage areas; site entrance and access road; and landscaped bunds.
- 8 Attached to planning permission (ref: SP08/0992) is a Section 106 legal agreement to secure a landscape and ecology management plan and footpath upgrade, and some 32 planning conditions. Some 8 of those 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:
  - 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)
- 9 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 to 21m AOD from 20m AOD. This was approved by the CPA in April 2012 (ref.SP11/00418).
- 10 More recently at the County Council's Planning and Regulatory Committee meeting of 15 October 2014 Members resolved, subject to the prior completion of a variation to the Section 106 legal agreement and subject to conditions, to permit planning application ref: SP/14/01125/SCC for changes to the permitted hours of working of the Materials Recovery Facility building (MRF) permitted under application ref.SP08/0992 so as to allow machinery within the building to operate for twenty-four hours a day, seven days a week. Following completion of a variation to the Section 106 legal agreement planning permission ref. SP/14/01125/SCC was issued on 13 March 2015.

## THE PROPOSAL

- 11 The applicant is seeking planning permission for the construction and use of 2.47 hectares of new concrete hardstanding to resurface the existing unmade compound area at Oak Leaf Farm waste recycling, recovery and processing facility.
- 12 In November 2009 planning permission (ref.SP08/0992) was granted for the construction and use of the site as a permanent waste recycling, recovery and processing facility for construction and demolition waste on a site of approximately 9.4 hectares. The scheme provided for the construction of a new bunded compound of which 2.19 hectares would be laid to concrete. The applicant has stated that at the time of application ref.SP08/0992, the extent of concrete hardstanding was limited on the grounds of cost.
- 13 The applicant now wishes to concrete hardsurface the entire operational compound area. This would involve surfacing the remaining 2.47 hectares of unmade compound surface with new concrete. The applicant states that the advantages would be that concrete is easier to maintain in a clean and tidy condition, and would give rise to less dust during dry conditions. It would also provide a surface with which to work efficiently during wet weather.

## CONSULTATIONS AND PUBLICITY

### *District Council*

#### 14 **Spelthorne Borough Council**

##### Objection

*“This Authority Strongly OBJECTS to the proposed application on the grounds of the intensification of the use of the site and further noise and disturbance arising from the recently approved 24 hour use of the site in terms of plant and vehicle movements”*

##### Officer Comment

Comments to the points raised by the Borough Council are as follows:

- *Intensification of the use of the site*

In November 2009 Surrey County granted planning permission reference SP08/0992 (as amended by planning permission SP/14/01125/SCC dated 13 March 2015) to allow redevelopment of the site for the construction and use of a recycling, recovery and processing facility for construction and demolition waste, and associated development, on a site of approx 9.4 hectares. The 2009 permission allowed for the construction of a bunded operating compound. At the time of the application 2.19 hectares of the operating compound, which had been limited on cost grounds, would be laid to concrete. The remaining 2.47 hectares would be left to an ‘unmade’ operating hardsurface.

The applicant now wishes to concrete hardsurface the remaining 2.47 ha of the compound which they state ‘in order to maintain a clean and tidy operating area, and now have funds available’. The proposal does not seek to change the nature of site operations, either in terms of type or intensity, which will remain as already permitted for the site. There will however be some additional construction works, which would be considered temporary, as a result of this proposal. The likely impacts of the construction of the additional 2.47 ha concrete hardsurface will be addressed within the body of this report below.

- *Further noise and disturbance arising from the recently approved 24 hour use of the site in terms of plant and vehicle movements*

In March 2015 revision was made to the parent planning permission (ref SP08/0992) when the County Council granted planning permission ref SP/14/01125/SCC to allow plant and machinery to operate inside the MRF Building (yet to be constructed) 24 hours per day, 7 days per week. The permitted revisions to site operations are confined to the MRF building and all operational activities are to be undertaken within the building only, especially in terms of plant and machinery. There would be some limited external activity involving site personnel arriving to and from the site in light vehicle. The likely impacts of the revisions to the 24 hour operation of the MRF Building have already been assessed and considered acceptable when SP/14/01125/SCC was granted.

In terms of this application, the proposal would generate some additional vehicle movements during the construction of the additional concrete surface. There is the potential of some noise during the construction activities proposed. Assessment of these issues will be addressed within the body of the report below.

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

- 15 **The Environment Agency**  
No objection
- 16 **The Lead Local Flood Authority – Surrey County Council (SuDS)**  
No objection subject to conditions
- 17 **The County Highway Authority – Transport Development Planning**  
No Objection, subject to conditions
- 18 **Thames Water**  
No objection
- 19 **Affinity Water**  
No objection

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

- 20 **Stanwell Moor Residents' Association**  
No comments received

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

- 21 The application was publicised by the posting of 2 site notices and an advert was placed in the local newspaper. A total of 76 of owner/occupiers of neighbouring properties were directly notified by letter. No letters of representation have been received from neighbouring residents or members of the public.

---

## **PLANNING CONSIDERATIONS**

- 22 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; Spelthorne Borough Core Strategy and Policies DPD 2009, and the saved polices from the Spelthorne Borough local Plan 2001.
- 23 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.

- 24 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).
- 25 Planning Policy Statement 10 (PPS10) Planning for Sustainable Waste Management and the companion guide was replaced in October 2014 by updated National Planning Policy for Waste (NPPW) and the guidance NPPG. The NPPW seeks to deliver England's waste ambitions to work towards a more sustainable and efficient approach to resource use and management. Positive planning plays a pivotal role in delivering the country's waste ambitions by driving waste management up the waste hierarchy through delivery of sustainable development, including the provision of modern infrastructure.
- 26 Paragraph 7 of the NPPW sets out six bullet points that waste planning authorities should take account of when determining planning applications. Of these bullet points, bullet point three, four and five are the most relevant in determining this planning application. Bullet point three requires consideration to the likely impact of a waste development proposal on the local environment and on amenity against criteria set out in Appendix B of the NPPW. Appendix B sets out a list of locational criteria, which of relevance include a) protection of water quality and flood risk, g) air emissions including dust, and j) noise. Bullet point four of paragraph 7 seeks to ensure that waste management facilities in themselves are well designed so that they contribute positively to the character and quality of the area in which they are located. And bullet point 5 states that decision makers should not be concerned with the control of processes which are a matter for the pollution control authorities, and assume that the relevant control regimes will be properly applied and enforced.
- 27 The proposed works by way of this application would be ancillary to the redevelopment of the site as an extension to the 2.19 ha of concrete hardstanding already permitted. Officers consider that the main issues that arise in considering this proposal are: Green Belt policy; Highways matters; and potential impacts on the environment and local amenity in respect of flood risk and drainage. For completeness noise and hours of working, and air quality matters will also be addressed.

## **HIGHWAYS, TRAFFIC AND ACCESS**

### **National Guidance**

National Planning Policy Framework 2012 (NPPF)

National Planning Policy for Waste 2014 (NPPW)

### **Surrey Waste Plan 2008**

Policy DC3 General Considerations



### Policy CC2 – Sustainable Travel

- 28 Government policy on transport is set out in part 4 ‘Promoting sustainable transport’ of the NPPF (paragraphs 29 to 41). At paragraph 32, the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Planning decisions should take account of whether safe and suitable access can be achieved for all people, and that development should only be prevented or refused on transport grounds where its residual cumulative impacts would be severe.
- 29 Paragraph 7 of the NPPW at bullet point number 3 advises that waste planning authorities when determining waste planning applications should consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B of the NPPW. In respect of traffic and access, point (f) of Appendix B advises that considerations should include the suitability of the road network and the extent to which access would require reliance on local roads.
- 30 Policy DC3 of the Surrey Waste Plan 2008 states that planning permission for waste related development will be granted provided it can be demonstrated that the traffic generation, access and the suitability of the highway network in the vicinity, including access to and from a motorway and primary route network associated with the proposal can be controlled to achieve levels that will not significantly adversely affect people, land, infrastructure and resources.
- 31 Spelthorne Borough Council Core Strategy Policy CC2 (Sustainable Travel) provides that the Borough Council will seek to secure more sustainable travel patterns through only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking account where relevant:
- number and nature of additional traffic movements, including servicing needs,
  - capacity of the local transport network,
  - cumulative impact including other proposed development,
  - access and egress to the public highway, and
  - highway safety

### *The Development*

- 32 The site already generates HGV movements and the impacts of which were assessed and accepted at the time the planning permission was granted by the County Council in 2009 under ref SP08/0992.
- 33 The applicant now wishes to concrete hardsurface the remaining unmade 2.47ha surface of the site in order to maintain the area in a clean and tidy condition, and to reduce potential dust in dry conditions and provide a surface to operate from in wet conditions. The proposal would give rise to some additional HGV vehicle movements during construction of the concrete surface. The applicant states the proposal would involve between 150 and 200 square metres of new concrete laid per day, which would generate between 19 and 25 vehicles per day (38 to 50 vehicle movements). This would calculate to between 124 and 165 days required for concrete laying for the additional 2.47ha area.

The applicant has stated this would not be carried out on a continuous basis as the concrete sections require time to set.

- 34 The County Highways Authority (CHA) has been consulted on the application to assess the likely highway impacts generated by the proposal. The CHA does not raise objection to the proposal in-principle, but does consider that the total number of vehicle movements associated with the concreting, and the waste recycling, recovery and processing activities combined should not exceed the existing condition which limits vehicles movements generated by the site through Stanwell Moor. The CHA has therefore recommended that a planning condition be imposed on any new consent, if planning permission were minded to be granted, which limits HGV access through Stanwell Moor in line with the existing planning condition.
- 35 None of the other technical consultees consulted on the proposal have raised objection on highways grounds. No letters of representation have been received from neighbouring residents or members of the public.
- 36 Spelthorne Borough Council has raised objection to the planning application on the grounds of the intensification and use of the site in terms of vehicle movements. Officers do not consider, taking into account the advice from the Highway Authority, that traffic generation from the proposal would give rise to additional adverse impacts on highway grounds. The site already generates vehicle movements and the additional traffic generation, which is for site construction traffic, considered temporary in nature.

#### *Highways conclusion*

- 37 Officers consider that, on basis of the information provided and advice of specialist technical consultees, and subject to the imposition of the recommended planning conditions on highway matters, the proposal would be acceptable from a highways point of view. Officers conclude therefore that the proposal is in accordance with relevant development plan policies and Government policy and guidance contained in the NPPF and NPPG on highways matters.

## **ENVIRONMENT AND AMENITY CONSIDERATIONS**

### **National Guidance**

National Planning Policy Framework 2012 (NPPF)

National Planning Policy for Waste 2014 (NPPW)

### **Surrey Waste Plan 2008**

WD2 Recycling, Storage, Transfer, Materials Recovery and Processing Facilities (Excluding Thermal Treatment)

Policy DC3 General Considerations

### **Spelthorne Borough Core Strategy and Development Plan Document 2009**

Strategic Policy SP6 Maintaining and Improving the Environment

Policy LO1 Flooding

Policy EN1 Design of New Development

**Surface Water and Flood Risk**

- 38 Government policy on flood risk is contained in part 10 'Meeting the challenge of climate change, flooding and coastal change' of the NPPF (paragraphs 93 to 108). The aims of the planning policy on flood risk, as set out in the NPPF and the NPPF Technical Guidance are to ensure flood risk is taken into account in planning decisions and plan preparation; to avoid inappropriate development in areas at risk of flooding by directing development away from high flood risk areas; and where development is necessary making it safe without increasing flood risk elsewhere. Guidance on how policy should be implemented is set out in the accompanying NPPF Technical Guidance.
- 39 Paragraph 103 of the NPPF sets out that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, (informed by a site-specific flood risk assessment following the Sequential Test, and if required) it can be demonstrated that 1) within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and 2) the development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can safely be managed, including emergency planning; and it gives priority to the use of sustainable drainage systems.
- 40 Paragraph 7 of the NPPW requires that when determining waste planning applications, waste planning authorities should consider the likely impact on the local environment and amenity against locational criteria set out in appendix B. In testing the suitability of sites waste planning authorities should consider Appendix B criteria (g) protection of water quality and resources and flood risk management where considerations will include the proximity of vulnerable groundwater aquifers. The suitability of locations subject to flooding, with consequent issues relating to the management of potential risk posed to water quality from waste contamination, will also need particular care.
- 41 Policy DC3 of the SWP 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 include, where relevant to a development proposal, assessment of: the contamination of ground and surface water; the drainage of the site and adjoining land and the risk of flooding; and the groundwater conditions and hydrogeology of the locality. Where necessary, appropriate mitigation should be identified so as to minimise or adverse any material adverse impact and compensate for any loss. Policy L01 (Flooding) of the SBCCS DPD 2009 seeks to reduce flood risk and its adverse effects on people and property in Spelthorne through a range of measures including reducing the risk of flooding from surface water and its contribution to fluvial flooding by requiring development to have appropriate sustainable drainage systems.

*The development*

- 42 Much of the Borough of Spelthorne lies within the floodplains of the River Thames Colne or Ash. The application site lies approximately 420m east of the River Colne at its closest point. The application site is classified by the Environment Agency in the EA's most up to date flood risk map and the Spelthorne Borough Councils Strategic Flood Risk Assessment as falling in Flood Zone 1. Flood Zone 1 (*low probability or low risk*) is defined as being land having less than 1 in 1000 annual probability of river or sea flooding. The site is used for non-hazardous waste treatment. This type of waste development has a flood risk vulnerability classification of '*less vulnerable*' under Table 2 (Flood risk vulnerability classification) of the national Planning Practice Guidance (PPG). The PPG then sets out under Table 3 (Flood risk vulnerability and flood zone compatibility) that less vulnerable development that may be considered acceptable development in Flood Zone 1.
- 43 The applicant is seeking permission to lay 2.47ha of new concrete hardsurface to replace the existing unmade surface within the operating compound at the application site. The new concrete hardsurface would be an extension to the 2.19 hardsurface already permitted in November 2009 under planning permission reference SP08/0992. The impacts and issues of flood risk and surface water drainage of SP08.0992 were assessed and accepted when the permission was granted in 2009.
- 44 The applicant has submitted a Flood Risk Assessment (FRA) in support of this planning application. The applicants FRA has assessed the proposal in accordance with application of the Sequential tests set out in the NPPF and PPG. The assessment identifies that the proposed development fulfils the requirements of the Sequential test as it lies in Flood Zone 1 the lowest flood risk, and that the development proposed is suitable for Flood Zone 1, therefore the proposal is not required to pass the exception test. The FRA confirms that there would be no significant adverse impact of flood risk from the proposal, subject to certain recommendations for surface water drainage. To accompany the FRA the applicant has submitted a revised Surface Water Drainage Strategy (SWDS) which assess the additional 2.47 ha concrete surface incorporated into the scheme of surface water drainage approved for the site. As per the existing site drainage, the revised SWDS proposes site surface water runoff will be managed through infiltration system and disposal to soakaway, with the use of silt-traps and oil interceptors to minimise any risk of groundwater contamination, and to keep runoff at the existing "Greenfield" flow rate.
- 45 The Environment Agency (EA) has assessed the application from a water quality perspective and raises no objection to the proposal in that regard. The Lead Local Flood Authority (LLFA) assessed the proposal for flood risk noting the applicant findings set out in the FRA. However, the LLFA raised a number of issues with the proposed surface water drainage strategy requesting that further information be provided to satisfactorily demonstrate how the sites drainage scheme will cater and manage for the potential increase in surface water runoff.
- 46 The applicant subsequently provided additional supporting information between September 2015 and January 2016 to address the concerns raised by the LLFA. Following review of the further details the LLFA is satisfied that the proposal now satisfies matters on surface water management, subject to conditions to ensure that the SuDS Scheme is properly implemented and maintained for the lifetime of the development.

#### *Conclusion Surface Water and Flood Risk*

- 47 Officers consider that on the basis of the information provided, taking into account advice of specialist technical consultees and subject to implementation of mitigation measures proposed and the recommended planning conditions, the proposal is acceptable on flood risk and surface water drainage issues. Officers conclude therefore that the proposal is in accordance with relevant development plan policies and Government policy and guidance contained in the NPPF and NPPG on flood risk and drainage matters.

### **Noise and Hours of Working**

- 48 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).
- 49 The NPPF goes on to state at paragraph 123 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.
- 50 Bullet point number 3 of paragraph 7 of national planning policy on waste (NPPW) advises that waste planning authorities when determining waste planning applications should consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B of the NPPW. In respect of noise point (j) of Appendix B advises that considerations will include the proximity of sensitive receptors. The operation of large waste management facilities in particular can produce noise, including from goods vehicle traffic movements to and from a site.
- 51 At paragraph 122 of the NPPF it is stated that a local planning authority should focus on whether the development itself is an acceptable use of the land, and the impact of that use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. 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
- 52 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.
- 53 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.
- 54 In terms of noise, the site already has planning permission for amongst other things, for the construction of 2.19ha of concrete hardsurface within the new operating compound

area permitted in 2009 under planning permission ref. SP08/0992 (as amended in 2015 under planning permission ref. SP/14/01125/SCC). The construction of the additional 2.47ha of concrete hardsurface within the existing operating area would be ancillary to the 2009 planning permission.

- 55 In terms of use, the operational activities to be undertaken on hardsurface area would be the same as existing, involving operations such as the use of plant and machinery for processing imported construction and demolition wastes for then export as product that were permitted in 2009 and no changes are proposed. The existing activities are currently undertaken on an unmade surface and the applicant now wishes to concrete the remainder of the 2.47ha unmade surface in order to provide and maintain a clean and efficient operating area for those activities.
- 56 The noise impacts arising from the operations permitted in 2009, including the construction of the 2.19 ha hardstanding, were assessed and accepted when planning permission was granted. To maintain planning control over the development, several planning conditions have been imposed which set limits to the maximum noise levels arising from the permitted site operations. A further condition is also imposed restricting the hours of operation for construction works that limits those operations to 0730-1700 hours Mondays to Fridays excluding Public Holidays; 07:00-1300 hours Saturdays; and no construction working on Sundays or Public Holidays.
- 57 As further mitigation to minimise and attenuate noise from the application site and the activities to be undertaken therein, the 2009 permission included for the construction of new screening bunds around the perimeter of the new enlarged compound area. The screening bunds 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 Rights of Way.
- 58 The likely noise impacts from concreting the remaining 2.47 would involve construction works along with some additional HGV movements as discussed in the Highways section above. The applicant states the construction works would involve vehicles bringing ready-mix concrete to the site. The vehicle would arrive to and from the site via Stanwell Moor road. Arriving at the site vehicles will travel directly to the pour location and it is proposed between 150 and 200 square metres of new concrete laid per day. Due to the time required for the concrete to set the operation will not be undertaken on a continuous basis. Based on the information provided by the applicant it is estimated that between 124 and 165 days will be required for concrete laying for the additional 2.47ha area now proposed.
- 59 No objections have been raised by the technical consultees consulted on the application on the grounds of noise. No letters objections have been received from neighbouring residents or members of the public.
- 60 As discussed in this report above, Spelthorne Borough Council has raised objection to the application on the grounds of intensification of the site and further noise and disturbance arising from the recently approved 24 hour use of the MRF building. This proposal does not seek to change the nature of waste operations or waste type or throughput at the site. The proposal is for construction works which seek permission to replace an existing unmade surface with a concrete hardsurface with no intensification of use of the site.

- 61 Nevertheless, Officers recognise that there is the potential to generate noise at the site from the activities proposed. However, Officers also recognise that planning permission already exists for redevelopment of the site that involves a number of noise generating activities which include construction activities, and which were assessed and accepted when permission was granted in 2009. The site already has measures in place to control noise including the construction of 6 and 8 metre high screening bunds along the site perimeter, and further controls on noise limits, hours of working and traffic movements imposed by condition.
- 62 The activities proposed are for construction works which would be ancillary to the redevelopment of the site. These works would be subject to the same measures for controlling noise limits from site operations which can be secured by condition. Officers therefore consider that any additional noise impact from this proposal would be limited and not give rise to adverse impact subject to maintaining existing measures for controlling noise.

#### *Noise and Hours of Working Conclusion*

- 63 Officers conclude subject to maintaining existing measures and limits on noise and hours of operation secured by planning condition, the proposal would be acceptable on noise grounds. Officers conclude therefore that the proposal is in accordance with relevant development plan policies and Government policy and guidance contained in the NPPF and NPPG with regards to noise.

#### **Air Quality - Dust**

- 64 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.
- 65 Paragraph 7, bullet point 3, of the new national planning policy on waste (NPPW) advises that waste planning authorities when determining waste planning applications should consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B of the NPPW. In respect of air emissions including dust, point (g) of Appendix B advises that considerations will include the proximity of sensitive receptors and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained and managed equipment and vehicles.
- 66 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.
- 67 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.

- 68 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 PM10 particulate matter. For particulates the main areas are adjoining the M25 and Heathrow Airport.
- 69 Policy SP6 (Maintaining and Improving the Environment) of the Spelthorne Borough 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) advises that Spelthorne Borough Council will seek to improve the air quality of the Borough and minimise harm from poor air by refusing development where the adverse effects on air quality are of a significant scale and which cannot be appropriately and effectively mitigated.
- 70 This proposal involves the laying of additional ready-mix concrete on an area comprising 2.47ha of unmade operating surface within the existing operating compound at the Oak Leaf Farm recycling facility. The applicant states the concrete would be poured in sections of approximately 150 to 200m<sup>2</sup> which will give rise to between 19 and 25 deliveries by HGV vehicle per day. The delivery vehicles would travel to and from the pour location via internal access roads. The applicant states that the concrete to be laid is premixed, as such there would no potential for dust generation. They also state that the advantages of a concrete surface is that the surface would be easier to maintain and keep clean and give to less dust during dry conditions.
- 71 Officers recognise that there is the potential to generate some dust emissions at the site from the activities proposed with regards to the movement of vehicles on internal access roads and surfaces. However, Officers also recognise that planning permission already exists for the redevelopment of the site as a permanent waste site which involves a number of dust generating activities which includes construction works. Under the existing planning permission the site has in place a range of measures to mitigate dust including amongst others: measures to keep internal access road surfaces clean; internal speed limit of 10-15mph; that the site is well screened with 6 and 8 metre perimeter screening bunds; and that the site operates under a Dust Action Plan (DAP). The proposed construction works are ancillary to the redevelopment of the site and Officers consider that subject to maintaining the existing measures for managing the sites dust emissions, the proposal would be acceptable in dust terms.

#### *Conclusion Air Quality – Dust*

- 72 Officers conclude, subject to maintaining existing measures to mitigate dust, the proposal would be acceptable in terms of dust. Officers conclude therefore that the proposal is in accordance with relevant development plan policies and Government policy and guidance contained in the NPPF and NPPG with regards to air quality – dust.

## **GREEN BELT**

### **Surrey Waste Plan 2008**



## Spelthorne Borough Local Plan 2001

### Policy GB1 Development Proposals in the Green Belt

- 73 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 80 of the NPPF states that Green Belt serves five purposes: (a) to check the unrestricted sprawl of large built-up areas, (b) to prevent neighbouring towns merging into one another, (c) to assist in safeguarding the countryside from encroachment, (d) to preserve the setting and special character of historic towns, and (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 74 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.
- 75 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.”* Policy CW6 goes on to state that the characteristics of the application site and wider environmental and economic benefits of sustainable waste management may contribute to very special circumstances.
- 76 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.

#### *Harm*

- 77 The application site lies within an existing waste management facility, which is located within the Green Belt where there is a general presumption against inappropriate development. Waste management operations, including the proposal, are not deemed to be compatible with the objectives of maintaining the openness of the Green Belt and are therefore considered to be inappropriate development.
- 78 The proposal is for additional concrete hardsurfacing within the existing operator’s compound at the site. The additional concrete hardsurface area would have greater impact on the openness of the Green Belt during its construction, however the completed concreted area would have negligible impact on the existing developed operational area. Inappropriate development may only be permitted where very special circumstances are demonstrated to outweigh the harm caused by inappropriateness and any other harm. Therefore the applicant will need to demonstrate that very special circumstances exist that overcome the harm caused to the Green Belt

#### *Very Special Circumstances*

- 79 The applicant has advanced an argument that the principle for the construction and operation of the waste recycling facility processing construction and demolition waste has already been established in this Green Belt location by virtue of the existing planning permissions. The proposal involves essential ancillary infrastructure to this existing waste management facility which is allocated in the Surrey Waste Plan 2008 as a site suitable for development as a recycling, storage, transfer, materials recovery and processing facility (excluding thermal treatment).
- 80 The applicant states the additional concrete area is necessary as part of the ongoing development of the site, and in order to maintain a clean and safe operating area. The additional concrete area would help improve the efficiency of recycling operations at the site. The applicant also states proposal would have benefits towards wider amenity in reducing likely dust from the existing unmade surface within the compound.
- 81 The benefits of the waste management facility have already been accepted, as addressing waste as a resource, moving it higher up the waste hierarchy and meeting the needs of the national Waste Management Plan and sustainability principles of the NPPF and NPPW.
- 82 Officers recognise that the proposed additional concrete hardsurface would have an impact on the Green Belt in terms of openness. However the proposal is for ancillary development at an existing waste management site and cannot be located elsewhere as it meets the needs of the operational improvement of the site. Officers are of the opinion that this impact would be limited in the context of the existing waste management facility. The works are contained within an existing compound which is well screened by perimeter screening bunds 8 metres high to the west, north and east and 6 metres high along the southern boundary.

#### *Green Belt Conclusion*

- 83 Officers recognise that the recycling and processing activities carried out at the site require appropriate supporting infrastructure. Officers are satisfied the need for the concrete surface will enable clean and safe site operations, contributing to greater efficiencies for waste recycling operations and cannot be located elsewhere, and accordingly that these are factors that amount to very special circumstances which clearly outweigh the harm to the Green Belt. Officers are satisfied that the proposal is proportionate to the nature, scale and character of the existing waste management facility and that the scale of the development would not have greater harm on the openness of the Green Belt, or the visual amenities than at present. In relation to any other harm, for the reasons assessed in the detailed issues sections discussed above, Officers consider that proposal is proportionate to the need and unlikely to give rise to any significant adverse impact amenity or local environment.
- 84 For the reasons discussed, Officers consider that there are factors which amount to very special circumstances that clearly outweigh the harm caused to the Green Belt by reason of inappropriateness and any other harm identified in this report. Accordingly, Officers consider the proposal satisfies the requirements of Green Belt policy contained within relevant development plan policies and Government policy and guidance contained in the NPPF and NPPG, and NPPW.

---

## **HUMAN RIGHTS IMPLICATIONS**

- 85 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.
- 86 It is acknowledged that the proposal has the potential to impact on residential amenity. The issues are considered and assessed in the report and it is the Officers view that the scale of any potential impacts, either on their own or the cumulative effect of multiple impacts, are not considered sufficient to engage Article 8 or Article 1 and any impact impacts can be mitigated through the mitigation measures incorporated into the proposal and by planning conditions. As such, this proposal is not considered to interfere with any Convention right.

---

## CONCLUSION

- 87 This application is for a proposal to concrete surface 2.47ha of unmade operating area within the existing operating compound at the Oak Leaf Farm Waste Recycling facility. This is an established waste site with planning permission for processing construction and demolition waste. Currently, the majority of construction and demolition and soil waste processing operations are carried out on unmade surface's within the sites compound. The proposed concrete surface would provide a cleaner operating surface, easier to maintain in clean and tidy condition and give rise to less dust during drier conditions. The concrete surface would enable the site to operate more efficiently during wet weather.
- 88 This particular proposal raises issues for surface water drainage, highway matters, noise and air quality (dust). No technical objections have been raised by the respective consultees on these issues however Spelthorne Borough Council have raised strong objection on the grounds of intensification of the use of the site. It is considered that, taking into account the advice of technical consultees and mitigation measures proposed and controls through the relevant planning conditions, the development is unlikely to give rise to any significant adverse impact on amenity or local environment.
- 89 The proposed development is inappropriate development in the Green Belt and would have a limited impact on openness during its construction. In relation to Green Belt policy, Officers consider there are factors which amount to very special circumstances regarding this development, which clearly outweigh the harm to the Green Belt and any other harm. The proposal is for ancillary development to an existing waste management facility. The provision of the concrete surface will enable clean and safe site operations, contributing to greater efficiencies for waste recycling at the facility and thereby contributing to the wider goals for achieving sustainable waste management and moving waste up the hierarchy.
- 90 Having regard to existing characteristics of the waste site and amenity benefits for providing the concrete surface, Officer's consider the proposal would not result in greater harm to the openness of the Green Belt or the visual amenities of the Green Belt than at present, and that the proposal is acceptable and complies with SWP 2008 Policy CW6 and an exception to Green Belt policy can be made. Officers therefore consider that the proposal is proportionate to the need and in accordance with development plan polices and taking the above into consideration, planning permission should be granted subject to conditions.

## RECOMMENDATION

The recommendation is to PERMIT subject to conditions

Conditions:

### Approved Plans and Drawings

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

Drawing number 1163/41D: Proposed Additional Hardstanding dated 27 April 2015

Drawing number CMF/OLF/D001-D Rev G: Surface Water Drainage Plan dated April 2015

### Commencement

2. The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission. The applicant shall notify the County Planning Authority in writing within seven working days of the commencement of development.

### Pre-Commencement

3. Prior to the commencement of the development hereby approved, details of how the sustainable drainage system will be protected and maintained during the construction of the development shall be submitted to and approved by the County Planning Authority. The scheme shall be implemented as approved.
4. Prior to the commencement of the development hereby approved, details of how the Sustainable Drainage System will cater for system failure or exceedance events, both on and offsite, shall be submitted to and approved by the County Planning Authority. The scheme shall be implemented as approved.
5. Prior to the commencement of the development hereby approved, a maintenance plan that includes details on maintenance regimes of each SuDS element and who will maintain the elements, shall be submitted to and approved by the County Planning Authority. The scheme shall be implemented as approved.

### Hours

6. No construction operations or activities authorised by this permission 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 operations or activities authorised by this permission on Sundays, National, Bank or Public Holidays.

### Highways

7. For the duration of the concrete deliveries to the site required by this permission, the total number of HGV vehicles accessing the application site from Stanwell Moor including those permitted under SP08/0992 shall not exceed 90 per weekday day, 50 on a Saturday and no

more than 8 per hour. Records of vehicle numbers shall be maintained and made available to the County Planning Authority upon request.

### Noise

8. The level of noise arising from any operation, plant or machinery on the site in association with construction of the development hereby permitted 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.

#### Reasons:

1. In the interests of proper planning and to ensure that the permission is implemented in accordance with the terms of the application.
2. To enable the County Planning Authority to exercise control over the site for the development hereby permitted and comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
3. To protect against pollution of watercourses and prevent flooding and to ensure satisfactory storage of/disposal of surface water from the site, and to comply with Surrey Waste Plan 2008 Policy DC3 and Spelthorne Borough Core Strategy and Development Plan Document 2009 Policy LO1 Flooding.
4. To protect against pollution of watercourses and prevent flooding and to ensure satisfactory storage of/disposal of surface water from the site, and to comply with Surrey Waste Plan 2008 Policy DC3 and Spelthorne Borough Core Strategy and Development Plan Document 2009 Policy LO1 Flooding.
5. To protect against pollution of watercourses and prevent flooding and to ensure satisfactory storage of/disposal of surface water from the site, and to comply with Surrey Waste Plan 2008 Policy DC3 and Spelthorne Borough Core Strategy and Development Plan Document 2009 Policy LO1 Flooding.
6. To enable the County Planning Authority to adequately control the development and to protect the amenities of local residents in accordance with Policy DC3 of the Surrey Waste Plan 2008.
7. 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.
8. To ensure the minimum disturbance and avoid nuisance to the locality to comply with Policy DC3 of the Surrey Waste Plan 2008 and Policy EN11 of the Spelthorne Borough Core Strategy and Policies and Development Plan Document 2009.

#### Informatives:

1. 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.

**CONTACT**

Duncan Evans

**TEL. NO.**

0208 541 9094

---

**BACKGROUND PAPERS**

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

**Government Guidance**

National Planning Policy Framework 2012

National Planning Policy for Waste 2014

National Planning Practice Guidance

**The Development Plan**

Surrey Waste Plan 2008

Spelthorne Borough Core Strategy and Policies DPD February 2009

Spelthorne Borough Local Plan 2001 (Saved policy)

**Other Documents**

Planning permission Ref SP08/0992 dated 19 November 2009 and accompanying application documents and Officers report.

---