

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: 504451 174309

TITLE: MINERALS/WASTE SP15/01184/SCC

SUMMARY REPORT

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

The installation and use of concrete crushing plant for the processing of construction and demolition wastes to produce recycled aggregate.

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 to redevelop the site, allowing for the construction and use of a permanent recycling, recovery and processing facility for construction and demolition waste comprising a Materials Recovery Facility building (MRF), site office and workshop, wheel wash and two weighbridges, lorry and car parking areas, storage areas, site entrance and access road, and landscape perimeter screening bunds. The 2009 permission allows for the use of a concrete crusher inside the MRF. However the 2009 permission was subsequently varied by planning reference SP/14/01125/SCC in March 2015 to allow operations involving the use of shredding machinery to be carried out inside the MRF building 24 hours per day, 7 days per week. As a result of the March 2015 planning permission the County Planning Authority restricted the use of concrete crushing plant at the site by planning condition as no crusher was proposed under the 2015 permission and to maintain planning control over the use of a concrete crusher at the site.

The concrete crusher application site area is approximately 0.19 ha and is located on the southern boundary within the existing operating compound on an open concrete hardstand area adjacent to a permitted washing plant, and approximately 22m to the west of the (yet to be constructed) MRF building. The applicant still requires the use of a concrete crusher and the proposal is to locate and operate the concrete crusher in a different location within the site compound from that permitted in 2009 in order to produce recycled aggregate from the construction and demolition waste handled at the site. The crusher is to be used in connection with washing plant equipment already permitted for use at the site. The operating hours proposed for the use of the concrete crusher are between 07:00 to 18:00 Monday to Friday and 07:00 to 13:00 on Saturdays. The proposal does not seek to change the throughput or type of waste handled at the site, which is controlled by the waste licence issued from the Environment Agency.

Local residents have raised concerns about noise and dust from the use of the machinery. Spelthorne Borough Council have raised strong objection to the proposal on the grounds of visual intrusion within the Green Belt, the intensification of the use of the site and further disturbance arising from the use of the concrete crusher. The local member objects to the proposal.

The implications of the siting and use of the concrete crushing plant within the existing recycling yard area have been assessed against Green Belt policy and in terms of impacts to local environment and amenity.

Development Plan policies seek to protect the local environment and the amenities of local residents from the adverse effects of development. The issues to be assessed for this particular proposal involve issues of noise, air quality (dust), landscape and visual matters. No objection has been raised by the respective consultees on these issues. Officers consider that, taking into account the mitigation measures proposed and controls through the relevant planning conditions, the development is unlikely to give rise to any significant adverse impact on amenity and the local environment.

The proposed development is inappropriate development in the Green Belt and would have an impact on openness. In relation to Green Belt policy, Officers recognise that the proposal would allow the site to contribute towards Surrey's targets for producing recycled aggregate and sustainable waste management more generally. Officers also acknowledge that the principles of this permanent waste site in this Green Belt location have already been accepted. The siting and operation of the concrete crusher in the proposed location is considered acceptable and would not result in greater harm to the openness of the Green Belt or the visual amenities of the Green Belt than at present such that the proposal complies with SWP 2008 Policy CW6 and an exception to Green Belt policy can be made.

Officers conclude that, taking account of the factors advanced by the applicant and that the proposal is ancillary development to an existing waste management facility, very special circumstances exist such that harm to the Green Belt and any other harm is clearly outweighed by the need for the proposal. 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

13 August 2015

Period for Determination

12 November 2015

Amending Documents

WBM Acoustic Consultants - Noise Assessment dated 9 November 2015

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.

Issue	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
Air Quality (dust)	Yes	30-51
Noise & Hours of Working	Yes	52-63
Landscape & Visual	Yes	64-71
Highways, Traffic & Access	Yes	72-78
Metropolitan Green Belt	No	79-94

ILLUSTRATIVE MATERIAL

Site Plan

Plan 1

Aerial Photographs

Aerial 1

Aerial 2

Site Photographs

Figure 1 View of the proposed concrete crusher location facing the southern screening bund

Figure 2 View of existing internal access haul road facing west

Figure 3 View of existing landscape screening bunds at site entrance

Application Plan

Site Plan 1163/40D: Site Location Plan dated 5 August 2015

BACKGROUND

Site Description

- 1 The application site, an area of approximately some 0.19 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 In November 2009 planning permission was granted for the redevelopment of the Oakleaf Farm site of approximately 9.4 hectares for the construction and use of the site as a permanent recycling, recovery and processing facility for construction and demolition wastes, which included the erection of a Materials Recovery Facility (MRF) building, offices

and other infrastructure and the use of a concrete crusher inside of the MRF building under planning reference SP08/0992 dated 19 November 2009.

- 12 The 2009 permission was subsequently varied by planning reference SP/14/01125/SCC dated 13 March 2015 to allow operations involving the use of shredding machinery to be carried out inside the MRF building 24 hours per day, 7 days per week. As a result of that planning permission the use of a concrete crusher is no longer permitted at the waste site.
- 13 The applicant is now seeking planning permission for the installation and use of concrete crushing plant for use in site operations for processing the imported construction and demolition wastes to produce recycled aggregate. The crusher is to be used in connection with washing plant equipment already permitted for use at the site.
- 14 The proposed concrete crusher is to be located on the southern boundary within the existing yard on an open concrete hardstand area adjacent to the washing plant, and approximately 22m to the west of the yet to be constructed materials MRF building.
- 15 The applicant anticipates the crusher would be run for between 1 and 2 hours per day. The operating hours proposed for the use of the concrete crusher are between 07:00 to 18:00 Monday to Friday and 07:00 to 13:00 on Saturdays. The proposal does not seek to increase the amount or type of waste handled at the site which is controlled by a waste licence issued from the Environment Agency.

CONSULTATIONS AND PUBLICITY

District Council

- 16 Spelthorne Borough Council – Planning: Strongly Objects, on the grounds of visual intrusion within the Green Belt, the intensification of the use of the site and further disturbance arising from the use of the concrete crusher

Officer Comment

The County Council acknowledges the points of objection raised by the Borough Council. These points are addressed within the detailed sections of the planning considerations contained within this report below.

- 17 Spelthorne Borough Council Environmental Health – Air Quality: No objection
- 18 Spelthorne Borough Council Environmental Health – Noise: No comments to make

Consultees (Statutory and Non-Statutory)

- 19 The Environment Agency South East: No objection.
- 20 County Air Quality Consultant - RPS Ltd: No objection
- 21 County Noise Consultant - RPS Ltd: No objection, subject to conditions

Parrish/Town Council and Amenity Groups

- 22 Stanwell Moor Residents Association: No comments received

Summary of publicity undertaken and key issues raised by public

23 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. In response to date 3 letters of representation have been received by the County Planning Authority (CPA) objecting to the proposed development. Not all points raised are relevant to this proposal. Of the comments made, issues regarding air quality; noise; and hours of operation are material to this proposal. For completeness comments on highway matters are also noted.

The local member and local District councillor both object to the proposal.

A summary of the main points raised are grouped together below:

Pollution – Dust

- There would be extra pollution, we already have a lot of aircraft from Heathrow
- Dust would be horrendous.
- Breathing in fine dust containing crystalline silica can cause lung damage. Will the concrete crusher lead to more dangerous pollution in an area that is already highly polluted. If the proposal increases poor air quality it should be refused.

Noise

- There would be extra noise, we already have a lot of aircraft from Heathrow
- Already hear continuous noise from the site all day
- Noise would be horrendous

Hours of operation

- The crusher will be run for one to two hours per day. How will the hours of operation be controlled.
- We have been told the crusher will operate 24 hours per day

Highway matters

- The traffic would be terrible
- There is a continuous stream of lorries along Horton Road and a lot park up before entering the site.
- Lorries are not mindful towards other road users
- Road made narrow with parked cars on one or both sides making it dangerous when confronted with HGV's

Officer Comment

The issues raised will be discussed within the sections of this report below.

PLANNING CONSIDERATIONS

- 24 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.
- 25 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.
- 26 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).
- 27 The Government sets out its specific planning policy for waste in the National Planning Policy for Waste 2014 (NPPW) and accompany Planning Practice Guidance NPPG. The NPPW seeks to deliver England’s waste ambitions by driving waste management up the waste hierarchy, the delivery of resource efficiency through the provision of modern infrastructure and wider climate change benefits; ensuring waste management is considered alongside other spatial planning concerns such as housing and transport; providing a framework in which communities and business take more responsibility for their own waste; helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment; and ensuring the design and layout of new residential and commercial development and other infrastructure complements sustainable waste management.
- 28 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 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 locational criteria set out in Appendix B of the

NPPW. In this case the Appendix B locational criteria of relevance include c) *landscape and visual impact*, f) *Traffic and access*, g) *air emissions including dust*, and j) *noise, light and vibration*. 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.

- 29 The proposal is for the installation and use of a concrete crusher in connection with processing imported construction and demolition wastes handled by the site to produce recycled aggregate. Officers consider that the main issues that arise in considering this proposal are: Green Belt policy; and potential impacts on the environment and local amenity in respect of noise and hours of working, and air quality issues. For clarification matters of visual amenity and highway matters are also addressed.

ENVIRONMENT AND AMENITY CONSIDERATIONS

National Guidance

National Planning Policy Framework 2012 (NPPF)

National Planning Practice Guidance (PPG)

National Planning Policy for Waste 2014 (NPPW)

Surrey Waste Plan 2008

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

Policy CW6 Green Belt

Policy DC3 General Considerations

Spelthorne Borough Core Strategy and Polices Development Plan Document 2009

Strategic Policy SP6 – Maintaining and Improving the Environment

Policy EN3 Air Quality

Policy EN8 Protecting and Improving the Landscape and Biodiversity

Policy EN11 Development and Noise

Air Quality – (Dust)

- 30 European Union (EU) legislation on air quality forms the basis for national UK legislation and policy on air quality. The EU Framework Directive 2008/50/EC on ambient air quality assessment and management came into force in the UK in June 2010. The Directive aims to protect human health and the environment by avoiding, reducing or preventing harmful concentrations of air pollutants. National Air Quality legislation is transposed into the Air Quality Standards Regulations 2010 and the UK Air Quality Strategy 2007 in conjunction with the Environment Act 1995. The Environment Act 1995 provides a system under which local authorities are required to review and assess the air quality within their administrative boundaries area. Should this process identify that objectives set in the Air Quality Strategy will not be met, the local authority must declare an Air Quality Management Area.

- 31 The NPPF advocates 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 air pollution. To prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area should be taken into account.
- 32 Paragraph 124 of the NPPF states that “planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMA) and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan”. At paragraph 122, the NPPF goes on to state that local planning authorities 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.
- 33 The National Planning Policy for Waste (NPPW) requires 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 and the locational implications of any advice on health from relevant health bodies. Appendix B location criteria point (g) *air emissions, including dust* states considerations will include the proximity of sensitive receptors, including ecological as well as human receptors, and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained equipment and vehicles.
- 34 Surrey Waste Plan 2008 (SWP 2008) Policy DC3 seeks to ensure that proposals do not cause significant adverse harm to land or people from dust emissions and requires appropriate mitigation measures to be identified so as to minimise or avoid any material adverse impact.
- 35 Policy EN3 (Air Quality) of Spelthorne Borough Council Core Strategy Development Plan Document 2009 (SBC CS DPD 2009) states the Council will seek to improve the air quality of the Borough and minimise harm from poor air quality by:
- a) supporting measures to encourage non-car based means of travel,
 - b) supporting appropriate measures to reduce traffic congestion where it is a contributor to existing areas of poor air quality,
 - c) requiring an air quality assessment where development:
 - i) is in an Air Quality Management Area, and
 - ii) generates significant levels of pollution, or
 - iii) increases traffic volumes or congestion, or
 - iv) is for non-residential uses of 1000 m² or greater, or
 - v) is for 10 or more dwellings, or

- vi) involves development sensitive to poor air quality
- d) refusing development where the adverse effects on air quality are of a significant scale, either individually or in combination with other proposals, and which are not outweighed by other important considerations or effects and cannot be appropriately and effectively mitigated,
- e) 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 and which are not outweighed by other material considerations.
- 36 Neither the NPPW, nor the Waste section of the National Planning Practice Guidance (PPG) provide any specific direction on dust assessment methodology for waste planning applications. In the absence of this, Surrey County Council expects applicants for waste developments to follow the dust assessment advice provided earlier for minerals workings. Lending support to this approach, guidance is referred to the former MPS2 (Minerals Policy Statement 2) and its Annex 1 (Dust). The MPS2 stated that *“Industries involving similar process (i.e. aggregates recycling, construction and waste disposal, etc) should take into account relevant elements of this Statement in planning their own development proposals, in the expectation that they will be applied by planning authorities.”*
- 37 The key planning principle set out in MPS2 is that dust emissions should, as far as possible, be controlled, mitigated or removed at source. Development proposals that could give rise to dust emissions should include appropriate proposals for the control and/ or mitigation of such emissions. MPS2 defines dust as *“particulate matter in the size range 1 - 75µm in diameter [...] particles that are less than or equal to 10µm in diameter are commonly referred as PM10.* Paragraph 1.1 of Annex 1 of MPS outlines that *residents can potentially be affected by dust up to 1km from the source, although concerns about dust are most likely to be experienced near to dust sources, generally within 100m, depending on site characteristics and in the absence of appropriate mitigation”.* The paragraph goes on further to state that dust emissions should be kept at a level that reflects high environmental standards and that this should be achieved by working towards continuous improvement based on best available techniques.
- 38 There are two issues concerning airborne particles from waste development sites, the impact upon residential amenity by causing a nuisance; and the impact upon health. The technical guidance documents on dust suggest that: (a) large dust particles, which make up the greatest proportion of dust emitted from mineral workings, will largely deposit within 100m of sources, (b) intermediate-sized particles are likely to travel up to 200 – 500m from the source, and (c) PM₁₀ particles, which makes up a small proportion of the dust emitted from most mineral workings, are only deposited slowly but may travel 1000m or more with concentrations decreasing rapidly on moving away from the source due to dispersion and dilution.
- 39 Oak Leaf Farm is identified within the Surrey Waste Plan 2008 Policy WD2 for development as a recycling facility. A Key Development Criteria is that the level of activity proposed should be similar to that currently experienced at the site and that *“concrete crushing is not considered an appropriate process at this location”.* It is therefore important to be satisfied that it can be demonstrated that generated dust levels from the proposal will not give rise to a significant adverse impact and cause harm to residential amenity.

- 40 In November 2009 Surrey County Council granted planning permission at the application site for the construction and operation of a permanent waste recycling facility for processing construction and demolition waste, permitted under reference SP08/0992 dated 19 November 2009. The permission included construction of a building to operate as a Materials Recovery Facility (MRF) as well as a variety of waste processing machinery for use either on external processing areas; such as soil screeners and a washing plant, or within the MRF building; such as trommel screen, balers, conveyers and blower equipment. The 2009 permission also allowed the use of a concrete crusher inside the MRF building. The site operates under a Dust Action Plan (DAP) which was approved by the County Council in September 2010 under application ref. SP10/0476. This was followed when, in March 2015, planning permission (ref: SP/14/01125/SCC) was granted for changes to the permitted hours of working of the MRF building permitted under application ref. SP08/0992 to allow machinery to operate inside the building for twenty-four hours a day, seven days a week. However, under that permission the use of a concrete crusher at the site would not be permitted, as no concrete crusher was proposed under the March 2015 permission and to maintain planning control, the County Planning Authority restricted the use of concrete crushing plant at the site by planning condition.
- 41 The applicant now seeks permission to install and operate a concrete crusher on the site in order to produce recycled aggregate. It is proposed that the concrete crusher will be installed in a new location within the site, on open land within the operating compound, located on a concrete hardstanding between the permitted washing plant and MRF building, adjacent to the southern boundary of the site. The application proposes no new additional vehicle movements, or increase in the volume and type of waste permitted for handling at the site.
- 42 The proposal has the potential to give rise to dust emissions during the operation of the concrete crusher. The application site is located within an Air Quality Management Area (AQMA) designated for annual mean nitrogen dioxide (NO₂), which covers the whole of the borough of Spelthorne. Three letters of representation have been received against the proposal which raise issues regarding; dust nuisance; and effects of pollution on health.
- 43 The applicant has submitted an Air Quality Assessment (AQA) to accompany the application which focuses on potential dust nuisance that may be generated during the operation of the crusher. The AQA identifies that the nearest sensitive receptors lie over 200m from the proposed concrete crusher location.
- 44 In terms of health impacts, the AQA identifies that dust generated from the operation of the crusher would be of relatively large particle size which the applicant highlights, studies have shown are of a size unlikely to affect health. Consequently, the impact on health from these particles is unlikely to be significant compared to the smaller particle sizes associated with combustion type processes (<2.5 µm) such as those from traffic emissions from surrounding road network. Included in the report is an assessment of data from the most up-to-date local monitoring of the AQMA undertaken by Spelthorne Borough Council for NO₂, PM₁₀ and PM_{2.5} at the Oaks Road monitoring location which, for the period 2011-2013, indicates that all air quality strategy objectives have been met for the period.
- 45 In terms of dust nuisance, the applicant states that their observation of existing soil screening and processing operations indicate that any impact of dust arising from site operations is limited to the vicinity of the activity within the site, even without dust suppression measures.

- 46 The applicant has proposed a range of mitigation measures for controlling dust from the crushing activity which includes; minimise drop heights through the use of variable height conveyor; avoiding double handling through appropriate siting of equipment; and suppressing dust through using water sprays. In addition to the measures proposed, the site is screened by 6m and 8m high bunds constructed along the perimeter of the site which includes landscape planting on the bunds.
- 47 The applicant's assessment concludes that the potential for dust nuisance from the proposal to surrounding residential and community properties would be low, and that subject to implementation of the mitigation proposed (referred in the paragraph above) the release of dust can be controlled to an extent that would prevent a nuisance and ensure that residual effects will not be significant.
- 48 The County Air Quality Consultant (CAQC) has reviewed the applicant's air quality assessment. The CAQC notes the assessment findings and considers that it is clear that the risk of adverse impact of dust pollution from the proposal is low, adding that the assessment shows that the nearest downwind receptors are more than 200m from the proposed crusher location. In addition the CAQC notes there is an 8m screening bund separating the site from receptors to the north of the site. Accordingly the CAQC agrees with the findings of the applicant's air quality assessment that the risk of dust impacts is low and does not raise objection to the proposal and adding that, with the implementation of mitigation measures, dust impact would be negligible. The Environment Agency (EA) raises no objection, having assessed the proposal as having a low environmental risk.
- 49 Spelthorne Borough Council (SBC) Environmental Health Officer (EHO) has not raised objection to the proposal, although recommended that a condition be imposed to any permission to ensure that a dust management plan is submitted for approval and subsequent implementation. Officers acknowledge the recommendations of the SBC Environmental Health Officer, however the site operates under an approved Dust Action Plan already and the applicant has proposed a range of measures for mitigating dust for this proposal with which to complement the approved dust scheme for the site.
- 50 On this basis Officers consider that, having regard to the paragraphs above, the development proposed would not give rise to significant adverse impact to local amenity with regard to dust impacts.

Air Quality - Dust Conclusion

- 51 Officers conclude that, subject to the successful implementation of measures for mitigating dust proposed, and further controls secured by planning condition, 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.

Noise and Hours of Working

- 52 Paragraphs 109 – 125 of the NPPF advocates 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 air pollution. Accordingly, to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural

environment or general amenity, and the potential sensitivity of the area should be taken account.

- 53 The NPPF requires that planning policies and decisions should aim to (a) avoid noise from giving rise to significant adverse impacts on health and quality of life as a result from new development; (b) mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; (c) recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and (d) identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason
- 54 The NPPW at bullet point number 3, paragraph 7, 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. Under Appendix B point (j) *noise and vibration*, considerations will include the proximity of sensitive receptors. The operation of large waste management facilities in particular can produce noise affecting both the inside and outside of buildings. Intermittent and sustained operating noise may be a problem if not properly managed.
- 55 Policy DC3 seeks to ensure that proposals do not cause significant adverse harm to land or people from dust emissions and requires appropriate mitigation measures to be identified so as to minimise or avoid any material adverse impact. 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.

The Development

- 56 As discussed in the paragraphs above SWP 2008 Policy WD2 *Key Development Criteria* considers concrete crushing as not an appropriate process at this location. It is therefore important to be satisfied that it can be demonstrated that noise levels from the proposal will not give rise to significant adverse impact and harm residential amenity.
- 57 In 2009 planning permission was granted which allowed for the use of concrete crusher at the site within in the MRF building. In 2015 under ref SP14/01125/SCC the applicant was granted planning permission for changes to operations inside the MRF building and at that time did not require the use of concrete crushing plant, so no crusher was proposed in the application. To maintain planning control and protect harm to the amenity and as no crusher was proposed under the 2015 the County Planning Authority restricted the use of a concrete crusher by planning condition. Officers recognise that there is the potential to generate noise at the site from the activities proposed. Three letters of representation have been received from neighbouring residents raising concern on potential noise impacts from the proposal.
- 58 The proposed concrete crusher is to be located at a new location on the southern boundary within the existing yard on an open concrete hardstand area adjacent to the washing plant, and approximately 22m to the west of the yet to be constructed materials MRF building. The operating hours proposed for the crusher are between 07:00 to 18:00 Monday to Friday and 07:00 to 13:00 on Saturdays. The applicant anticipates the crusher would be run for between

1 and 2 hours per day during the proposed operating hours. The proposal does not seek to increase the amount or type of waste handled at the site which is controlled by a waste licence issued from the Environment Agency. No new vehicle movements proposed for this application.

- 59 The applicant submitted a detailed noise report (WBM Acoustic Consultants 15 July 2015) that assesses the up-to-date noise environment at the site with inclusion of a concrete crusher. The noise assessment follows the principles of the noise assessment made for previous planning applications for redeveloping the site (refs.SP08/0992 as varied by SP/14/01125/SCC). The applicant's noise assessment identifies the same nearest noise sensitive receptor locations as being: 121 Horton Road, 149 Horton Road and Pegasus Stables dwellings (over 200m from the crusher). The report also includes assessment against the noise conditions (Condition 17) which have been imposed on the parent planning permission to control existing operational noise from the development. The noise assessment concludes that the calculated site noise levels for site operations including the proposed concrete crusher operation at Pegasus Stables dwellings (the nearest noise sensitive receptor) would be at the permitted site noise limit set for Pegasus Stables dwellings, allowing for mitigation from the 8m high screening bund.
- 60 The County Noise Consultant (CNC) noted the findings of the noise assessment, although noted that the assessment followed criteria contained within the Surrey County Councils '*Guidelines for Noise Control – Minerals and Waste or the Governments Planning Practice Guidance on Minerals*' and whilst these guidelines include waste disposal, they imply that where a waste operation is not associated to minerals site restoration, other methods should apply. Consequently the CNC considers the assessment should be made against British Standard (BS) 4142:2014 '*Methods for rating and assessing industrial and commercial sound*'. The CNC therefore recommended that the applicant should amend the noise assessment and submit a report to include an assessment of the proposal in accordance with the aforementioned BS 4142:2014.
- 61 The applicant subsequently submitted a revised noise assessment dated 9 November 2015. The CNC noted the findings in the report, although commented that an acoustic feature correction has not been included in the revised assessment. However, the CNC considers that if a conservative 3 dB correction was to be applied this would result in the excess of rating over background sound level of -1 dB. The CNC therefore considers that, in accordance with BS 4142:2014, where the rating level does not exceed the background sound level, the specific sound source from the crushing activity will have a low impact. In conclusion, the CNC recommends that the existing planning condition limiting the level of noise from all operations on site should remain in place for this application. In addition, a suitably worded condition should also be imposed to ensure that the concrete crusher does not operate out of hours.
- 62 SBC Environmental Health (Noise) requested further information directly from the applicant. After receipt of the requested information and confirmation that the noise limit stipulated on the original planning permission can be met, the SBC Environmental Health officer has since made no further comment. The EA has not raised objection to the proposal.

Conclusion – Noise and Hours of Working

- 63 Having regard to the above paragraphs, Officers consider that the development would not have significant adverse impact on local amenity on the grounds of noise and any impacts can be satisfactorily controlled by condition. Officers conclude that the proposal is in accordance with relevant development plan policies and Government policy and guidance contained in the NPPF and NPPG with regard to noise and hours of working.

Landscape and Visual Impact

- 64 National Planning Policy for Waste Appendix B locational criteria (g) *landscape and visual impacts* states, when determining planning applications, waste planning authorities considerations will include (i) the potential for design-led solutions to produce acceptable development which respects landscape character; (ii) the need to protect landscapes or designated areas of national importance (National Parks, the Broads, Areas of Outstanding Natural Beauty and Heritage Coasts) (iii) localised height restrictions.
- 65 Surrey Waste Plan 2008 Policy DC3 (General Considerations) requires that appropriate information be submitted in support of a planning application to demonstrate that any visual and landscape impact of the development on the application site and surrounding land including townscape can be controlled to achieve levels that will not significantly adversely affect people, land and infrastructure. The policy requires an assessment of the landscape and visual impact from the proposal.
- 66 Policy EN8 of the Spelthorne Borough Core Strategy and Policies DPD requires that new development, wherever possible, contributes to an improvement in the landscape and avoids harm to any features of the landscape; and that planning permission be refused where development would have a harmful impact on the landscape.
- 67 The application site located on the urban fringe is bounded immediately to the north and west by residential properties, to the south by reservoirs and to the east by Stanwell Moor Road. The context of the surrounding land includes exhausted and restored mineral workings, light commercial and industrial uses, Heathrow airport (to the north), and the M25 and other arterial roads.

The Development

- 68 The proposed concrete crusher is to be located at a new location on the southern boundary within the existing yard on an open concrete hardstand area. The applicant states that the height of the crusher is 4.05m.
- 69 The application site is a developed site where 6m and 8m high are constructed around the perimeter. Officers are satisfied that the crusher at approximately 4m in height, and at the proposed location, would not be visible above the perimeter screening bunds. Furthermore, landscape planting schemes already approved for the bunds will afford further screening of the site as the planting establishes.
- 70 Within the site, the crusher would be located adjacent to the washing plant already permitted, and 22 meters to the west of the MRF building (yet to be constructed) which has a ridge height of approx 10 meters and is much higher, therefore within the context of the site the visual impact of the crusher would be limited.

Conclusion Landscape and Visual Impact

- 71 Officers are satisfied that the proposal would not conflict with the aims and objectives of relevant development plan policies and Government policy and guidance contained in the NPPF and NPPG with regard to landscape and visual impacts.

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

Spelthorne Borough Core Strategy and Policies Development Plan Document

Policy CC2 – Sustainable Travel

- 72 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.
- 73 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.
- 74 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.
- 75 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

- 76 Concerns have been raised by neighbouring residents with regards to highway safety and vehicle movements. Officers note the concerns raised, however these concerns do not directly relate to the subject of this planning application. The proposal is for the use of a concrete crusher for processing construction and demolition wastes already permitted for handling at the site in order to produce recycle aggregate. There are no new HGV movements proposed under this planning application.
- 77 All HGV movements would be the same as existing, as already allowed for the site. Under the existing consent (ref.SP08/0992, as varied by SP/14/01125/SCC) there are several planning conditions for controlling Traffic matters which will remain extant, one of which limits the daily volume of vehicle movements to and from the site through Stanwell Moor village. Outside of that limit, all other access for the site is via Stanwell Moor Road (A3044) where there are no restrictions. The site has a waste licence issued from the Environment Agency (EA) of approx 250,000tpa which limits the amount of waste handled by the site and determines the overall limit of HGV vehicle movements which can access the site annually.

Highways conclusion

- 78 In conclusion Officers are satisfied that, as the proposal is for the operational use of a concrete crusher at the site and as there will be no material change to vehicle movements at the site by way of this planning application, the proposal accords with relevant development plan policies and Government policy and guidance contained in the NPPF and NPPG, and NPPW on highways matters.

GREEN BELT

Surrey Waste Plan 2008

Policy WD2 – Recycling, storage, transfer, materials recovery and processing facilities (excluding thermal treatment)

Policy CW5 – Location of Waste facilities

Policy CW6 – Development in the Green Belt

Aggregates Recycling Joint Development Plan Document for the Minerals and Waste Plans (2013)

Policy AR1 – Presumption in favour of sustainable development

Spelthorne Borough Local Plan 2001

Policy GB1 Development Proposals in the Green Belt

- 79 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.

- 80 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.
- 81 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.
- 82 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.
- 83 Policy WD2 of Surrey Waste Plan 2008 identifies the locations where planning permission will be granted for development involving recycling, storage, transfer, materials recovery and processing of waste. For such development to take place the policy test should be met including the need to satisfy key development criteria and where very special circumstances can be demonstrated in accordance with the provisions of Policy CW6 of the SWP 2008. Waste sites also have to be assessed against SWP 2008 development control Policy DC3 (General Considerations), which requires that the County Council be satisfied the impacts of a proposal will not significantly affect the local environment and amenity and that applicant has demonstrated they have assessed the particular environment and amenity issues.

Harm

- 84 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.
- 85 The proposal is for the installation and use of a concrete crusher located within the existing operator’s compound to be used for processing imported construction and demolition waste permitted for handling at the site. The concrete crusher would have greater impact on the openness of the Green Belt by virtue of its presence thereby causing harm, furthermore a key development criteria (Policy WD2 of SWP 2008) identifies that concrete crushing is not considered an appropriate activity at this location and thereby its presence can cause other harm in terms of adverse impacts to neighbouring residential amenity, especially from noise and dust. 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

- 86 The applicant has advanced an argument for what they consider to be a case for very special circumstances. They state the site is a permitted waste recycling facility, granted planning permission in 2009 to redevelop the site and which also previously granted the use of a crusher on this site (Ref. SP08/0992). By virtue of a revised planning permission (Ref.SP/14/01125/SCC) granted in 2015 the use of a concrete crusher operation would no longer be permitted at the site. The applicant still wishes to be able to produce recycled aggregate, stating they have the same need for a concrete crusher as at the time of the 2009 parent planning permission. The concrete crusher will form an integral part of the recycling operations where concrete, brick and rock residuals arising from imported construction and demolition waste will be crushed on site which otherwise would require removal for processing elsewhere at another facility. They state that the use of the crusher on site would improve the sites operational efficiency for contributing to sustainable waste management and would reduce vehicle movements.
- 87 The application the subject of this report does not seek to amend the type or volume of waste undertaken at this waste recycling facility, which is controlled by a waste licence issued by the Environment Agency. The Oak Leaf Farm site is identified as a site under Policy WD2 of SWP 2008 where planning permission for development involving waste recycling, recovery and processing will be granted provided key development criteria are met and where very special circumstances can be demonstrated in accordance with provisions of Policy CW6 for development in the Green Belt.
- 88 In considering whether very special circumstances may exist, Officers accept that the principle of the construction and operation of the application site as a permanent waste recycling facility for processing construction and demolition waste in this Green Belt location has already been established and accepted by virtue of the existing planning permissions (principally Ref.SP08/0992), thereby already establishing a need for the site. It is further acknowledged this previous planning permission (Ref.SP08/0992) established a principle of the use of a concrete crusher on site, albeit in a different location.
- 89 The Oak Leaf Farm site is listed as a permanent aggregate recycling site in the County's *Aggregates Recycling Joint DPD for Minerals and Waste Plan* (Policy AR1) where the aim of the County Council, in seeking to make increased provision for aggregate recycling, is to support recycled aggregate production at existing facilities. Officers recognise that at a typical C&D waste processing facility the production of recycled aggregate involves a number of processes which includes the use of concrete crushing plant. If permitted, the concrete crusher is to be used on site in conjunction with a washing plant (already permitted) as part of the sites recycled aggregate potential, thereby contributing towards goals for sustainable waste management and moving waste up the hierarchy.
- 90 The proposed concrete crusher would be ancillary to the existing waste management use which is characterised by amongst other things, buildings, structures, moving and fixed plant and machinery, material stockpile and daily vehicle movements. The crusher is well located within the existing compound, on the southern boundary and screening of the site is already afforded by the construction of 6m and 8m high perimeter screening bunds which also include a scheme of landscape planting. Taking these factors into consideration, Officers do not consider that the crusher would have an adverse impact on local visual amenity, the

local landscape or local highway network and consider that the crusher is proportionate to the nature and scale of the existing waste management facility.

- 91 Policy CW6 of the SWP 2008 states that the characteristics of the application site and wider environmental and economic benefits of sustainable waste management may contribute to very special circumstances. Having regard to the existing waste management use outlined above, Officers are of the opinion that the impact of the proposed development in terms of loss of openness on the Green Belt would be limited in the context of the location of the plant within the existing waste management facility.
- 92 With regard to 'other harm', in view of the conclusions in the above sections on environment and amenity, highways, and visual matters, Officers do not consider that the amenities of the Green Belt would be harmed to such a degree that planning permission should be refused, that would result as 'any other harm' in the context of Green Belt planning policy. Officers are satisfied that any significant adverse impacts can be controlled through the mitigation proposed and where necessary, secured through planning condition.

Green Belt Conclusion

- 93 Officers recognise that the recycling and processing activities carried out at the site require appropriate plant and equipment to maximise the sites efficiency towards recycling C&D waste. Officers are satisfied that there is the need for the concrete crusher which would be ancillary to the permitted recycling of construction and demolition waste and will enable the production of recycled aggregate, contributing to greater efficiencies for sustainable waste management and cannot be located elsewhere. Officers are also 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 have only limited impact on openness of the Green Belt and any other harm.
- 94 For the reasons discussed, Officers consider that there are factors that exist 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 such that an exception to policy can be made. 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

- 95 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.
- 96 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.
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CONCLUSION

- 97 The applicant is proposing the installation and use of concrete crushing plant within the existing operating compound at the recycling facility. In 2009 planning permission was granted which allowed for the use of concrete crusher at the site within in the MRF building. In 2015 under ref SP14/01125/SCC the applicant was granted planning permission for changes to operations inside the MRF building and at that time did not require the use of concrete crushing plant, so no crusher was proposed in the application. To maintain planning control and protect harm to the amenity and as no crusher was proposed under the 2015 permission the County Planning Authority restricted the use of a concrete crusher by planning condition. This is an established site with planning permission for the production of recycled aggregated and the applicant has stated that there is now a need for the use of a concrete crusher on site as it would form an integral part of the recycling process, without which aggregate production would not be possible.
- 98 The application site is located in the Metropolitan Green Belt and therefore planning permission may only be granted where factors that amount to very special circumstances exist that clearly outweigh the harm caused by inappropriateness and any other harm. The crusher is considered to be appropriately sited within the yard on the southern boundary which would be adjacent a permitted washing plant and MRF building. In this location the crusher would not cause harm to visual amenity, the site is well screened with 6 and 8 meter high perimeter screening bunds which include landscape planting schemes on the bunds. Officers are satisfied that with regard to air quality that the risk of impact would be low, reduced to negligible through the implementation of the proposed mitigation and management measures. In terms of noise the sound source would have a low impact, subject to further controls to be imposed through planning conditions.
- 99 Officers consider that the proposal is proportionate to the need and within the existing context of the site the proposal will only have a limited impact on the openness of the Green Belt, and any other harm can be controlled by conditions. The proposed facilities are ancillary to the primary waste use at the site and the characteristics of the existing developed site and wider environmental and economic objectives for sustainable waste management are considerations that contribute to very special circumstances. Officers therefore consider that there are factors as identified above which combined amount to very special circumstances and outweigh any harm caused.

RECOMMENDATION

The recommendation is to PERMIT, subject to the following conditions

Conditions:

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

Drawing number 1163/40D: Site Location Plan dated 5 August 2015

2. No lights shall be illuminated nor shall any operations or activities authorised or required by this permission be carried out outside the following hours:

07:00 to 18:00 Mondays to Fridays

07:00 to 13:00 Saturdays

and there shall be no working on Sundays, or Bank, National or Public Holidays.

3. The level of noise 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 3.5m 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 3.5m from the facade of the noise sensitive locations at Pegasus stables or the properties in Hithermoor Road.
4. No activity hereby permitted shall cause dust to be emitted so as to cause nuisance or loss of amenity at sensitive receptors. Should such emissions occur the activity shall be suspended until it can be resumed without causing any unacceptable emissions. The operation of the concrete crusher shall be commensurate with the Dust Action Plan approved under Ref. SP10/0476 dated 29 September 2010 or as subsequently amended.

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 protect the amenities of local residents in accordance with Policy DC3 of the Surrey Waste Plan 2008.
3. 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.
4. In the interests of local amenity, the environment and/or human health to comply with Surrey Waste Plan 2008 Policy DC3.

Informatives:

1. The Applicant's attention is drawn to the requirements of the Environmental Permit for the site. Please check with the Environment Agency as to whether your site is compliant with the current permit and also legislation.
2. 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

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BACKGROUND PAPERS

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

Government Guidance

National Planning Policy Framework 2012

National Planning Policy for Waste 2014

National Planning Practice Guidance

The Development Plan

Surrey Waste Plan 2008

Surrey Minerals Plan 2011

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 Officer

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