

TO: PLANNING & REGULATORY COMMITTEE **DATE:** 20 April 2016
BY: PLANNING DEVELOPMENT TEAM MANAGER
DISTRICT(S) SPELTHORNE BOROUGH COUNCIL **ELECTORAL DIVISION(S):**
Stanwell & Stanwell Moor
Mr Evans
PURPOSE: FOR DECISION **GRID REF:** 504453 174373

TITLE: MINERALS/WASTE SP14/01125/SCD1

SUMMARY REPORT

Land at Oakleaf Farm, Horton Road, Stanwell Moor, Surrey TW19 6AP

The construction and use of a recycling, recovery and processing facility for construction and demolition waste on a site of approximately 9.4 hectares comprising: MRF building, site office and workshop; wheel wash and two weighbridges; lorry and car parking area; storage areas; site entrance and access road; and landscaping bunds without compliance with Condition 2 and 4 of planning permission ref: SP/14/01125/SCC dated 13/03/2015 to allow operational flexibility for the access and egress of vehicles based at the site.

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. In March 2015 planning permission SP/14/01125/SCC granted which varied the hours of working permitted under Ref SP08/0992 in order 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.

Under Section 73 of the Town and Country Planning Act 1990 the applicant is seeking planning permission to modify Condition 2 and 4 (hours of working) of planning permission Ref.

SP/14/01125/SCC dated 13 March 2015 to vary the hours heavy goods delivery vehicles (HGVs) are permitted to access the site.

The application site already generates vehicle movements and the waste licence of 251,000tpa issued for the site determines the overall numbers for heavy goods vehicle (HGV) traffic to the site. Under the existing planning permission, HGVs are only permitted to enter and leave the site between 07:00 hours and 18:00 hours Mondays to Fridays, and between 07:00 and 13:00 on Saturdays and not at all on Sundays or Public Holidays. Due to the changing nature of waste collection requirements the applicant is requesting operational flexibility for HGV access to the site outside these hours. Oak Leaf Farm has an operator's licence to operate 24 HGV vehicles from the application site. The proposal will involve up to 24 HGVs (preloaded) leaving the site and up to 24 HGVs (waste collections) returning to the site during the extended hours sought. This would generate up-to 48 HGV vehicle movements during the out of hours period. However these movements are not additional to the existing total movements already handled at the site which remains as existing. The proposal would mean HGV activity at the site 24 hours per day, 7 days per week. However, there will be no loading or unloading of vehicles outside the existing permitted hours of working. Other than the changes to times for vehicle access, there are no changes proposed to existing waste activities permitted at the site and which would remain undertaken during the permitted daytime working hours. No new lighting is proposed.

Local residents have raised concerns about noise and disturbance, and highway safety from the HGV movements. Spelthorne Borough Council have raised objection to the proposal on the grounds of noise and disturbance arising from the 24 hour use of the site in terms of plant, vehicle movements and lighting.

The implications of increasing the hours when HGVs may access and egress the site have been assessed against Green Belt policy and in terms of impacts to the 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 assessed for this particular development proposal involves issues of highway, traffic and access, noise and air quality. 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.

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

The recommendation is, subject to the prior completion of a deed of variation of a S106 Agreement, to PERMIT subject to conditions

APPLICATION DETAILS

Applicant

Charles Morris Fertilisers Ltd

Date application valid

27 October 2015

Period for Determination

26 January 2016

Amending Documents

None

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
Highways, Traffic & Access	Yes	38-53
Noise & Hours of Working	Yes	54-66
Air Quality	Yes	67-78
Metropolitan Green Belt	No	79-91

ILLUSTRATIVE MATERIAL

Site Plan

Plan 1

Aerial Photographs

Aerial 1

Aerial 2

Site Photographs

Figure 1 HGV parking area looking east

Figure 2 HGV parking area looking north

Figure 3 View of existing internal access haul road facing west

Figure 4 View of existing landscape screening bunds at site entrance

Application Plan

Site Plan 1163/48: Site Location Plan dated 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.
- 11 In March 2016 Surrey County Council granted planning permission Ref. SP15/01184/SCC comprising the installation and use of a concrete crusher, located on the southern boundary of the site compound, in connection with the production of recycled aggregate at the site, and Ref. SP/15/00929/SCC comprising the concreting of 2.47ha of existing unmade surface within the site operating compound.

THE PROPOSAL

- 12 This planning application, made under Section 73 of the Town and Country Planning Act 1990 (as amended), seeks to amend two conditions of planning permission SP/14/01125/SCC dated 13 March 2015. These are Conditions 2 and 4 which relate to the hours of working that control the times HGV vehicles access and egress the site.
- 13 The applicant is seeking the flexibility for HGVs to leave and access the site 24 hours per day, seven days per week. The site operators have an operator's licence to operate 24 HGV vehicles from the application site. At present HGVs are only permitted to enter and leave the site between 07:00 hours and 18:00 hours Mondays to Fridays, and between 07:00 and 13:00 on Saturdays and not at all on Sundays or Public Holidays.
- 14 The applicant states that an increasing number of contracts specify out of hours collection to reduce pressure on the road network, particularly in urban areas. The applicants are unable to tender for this sort of business and flexibility is key to that. The applicant now wishes to vary Condition 2 and Condition 4 of planning permission reference SP/14/01125/SCC (dated 13 March 2015) to allow HGV vehicles to leave and access the site outside of the hours currently permitted.
- 15 The proposal will involve up to 24 HGVs (preloaded) leaving the site and up to 24 HGVs (waste collections) returning to the site during the extended hours sought. There is an HGV parking area located within the site compound towards the northern side, west of the site entrance. HGVs arriving at the site during the out of hours would park up within the designated parking area in the site compound. Waste materials brought into the site would remain on the HGVs which would be sheeted, or in covered bins on the vehicles. The applicant also states that the unloading and loading of HGVs would take place during the existing working hours for the site, which are between 0700-1800 Monday to Fridays and 07:00-1300 Saturdays. The drivers of the HGVs would arrive or leave the site by car or bicycle.
- 16 All HGVs operating during the out of hours would access the site from the south along Stanwell Moor Road (A3044), and those leaving would travel northwards along Stanwell Moor Road. None of the out of hours HGVs would access or leave the site through Stanwell Moor Village.
- 17 The applicant does not seek to change the hours for site operations (for example waste recycling, recovery and processing operations) or type and volume of waste permitted for handling at the site. The site operates under a waste licence issued and monitored by the Environment Agency.

CONSULTATIONS AND PUBLICITY

District Council

- 18 **Spelthorne Borough Council - Planning:**
Objection
- 19 **Spelthorne Borough Environmental Health Officer:**
No objection

Consultees (Statutory and Non-Statutory)

- 20 **County Highway Authority – Transport Development Planning:**
No objection, subject to conditions
- 21 **County Noise Consultant - RPS Planning & Development Ltd:**
No objection, subject to conditions
- 22 **County Air Quality Consultant - RPS Planning & Development Ltd:**
No objection
- 23 **The Environment Agency:**
No comments to make

Parish/Town Council and Amenity Groups

- 24 **Stanwell Moor Residents' Association:**
No comments received

Summary of publicity undertaken and key issues raised by public

- 25 The application was publicised by the posting of 2 site notices and an advert was placed in the local newspaper. A total of 124 of owner/occupiers of neighbouring properties were directly notified by letter. At the time of this report, 2 letters of representation have been received raising objection to the application.

The key issues raised:

- Suffer enough noise and pollution from the site
- Amount of lorries passing homes already is unacceptable
- 24 Hour operation would not give any peace
- HGVs using the site have no respect for other road users
- Should be a S106 agreement to create a roundabout at the junction of Horton Road to divert All HGV traffic from village

Officer note

Not all issues raised are relevant to this proposal and include non-planning matters which fall to separate enforcement and regulatory regimes such as highway matters enforced by the Police. Officers acknowledge comments made in respect of a S106 agreement. Horton Road is a public highway and open to passing HGV traffic not related to the site. When planning permission for the permanent site was granted in 2009 a number of controls were imposed to control site HGV traffic which includes a planning condition limiting the amount of site related HGV movements through Stanwell Moor village.

The relevant issues to be considered for this application are issues on noise, air quality and highway and access matters which are assessed in the relevant sections of this report below.

PLANNING CONSIDERATIONS

- 26 This application is submitted under Section 73 of the Town and Country Planning Act 1990 (as amended). Section 73 of the Town & County Planning Act 1990 allows planning permission to be given for development of the same description as development already permitted but subject to different conditions.
- 27 Local planning authorities can grant permission to Section 73 applications unconditionally or subject to different conditions, or they can refuse the application if they decide the original condition(s) should continue. If granted a section 73 planning application creates a fresh planning permission and leaves the existing planning permission intact. The development, which the application under section 73 seeks to amend, will by definition have been judged to be acceptable in principle at an earlier date. Section 73 provides a different procedure for such applications from that applying to applications for planning permission, and requires the local planning authority to consider only the question of the conditions subject to which planning permission should be granted, though in doing so the authority should have regard to all material considerations and determine the application in accordance with the development plan unless material considerations indicate otherwise.
- 28 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.
- 29 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.
- 30 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).
- 31 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.

- 32 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 12 points (a to i) in Appendix B of the NPPW. 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.

PRINCIPLE OF THE DEVELOPMENT

- 33 Oak Leaf Farm is identified in the Surrey Waste Plan 2008 Policy WD2 as a suitable site for recycling, storage, transfer, materials recovery and processing facility. Sites identified within Policy WD2 are considered to be able to contribute to regional targets for waste management and to provide levels of certainty to communities, waste collection and disposal authorities.
- 34 The principle of the development for this permanent waste management facility and the potential impacts on openness of this Green Belt location were assessed and accepted when planning permission ref.SP08/0992 was granted in November 2009. The 2009 planning permission (Ref.SP08/0992) allows for redevelopment of Oak Leaf Farm for the construction and use as a recycling, recovery and processing facility for processing construction and demolition (C&D) waste. The site has an annual waste throughout of 251,000tpa which is controlled by waste licence issued by the Environment Agency.
- 35 The 2009 planning permission comprises of a number of elements. This includes the creation of a new enlarged compound area of 9.4 ha including 6m and 8m high perimeter screening bunds. Within the sites operating compound there are buildings, processing and storage areas, and lorry and car parking and turning areas amongst other things. The site already generates HGV movements, the total numbers of which are determined by the 251,000tpa waste throughput.
- 36 A range of issues were assessed and accepted in determining planning application Ref.SP08/0992. In addition to Green Belt policy, assessment was made on matters relating to: waste management issues; traffic, transportation and access; environmental impact assessment; ecology; the landscape and visual impact; air quality and dust and noise; flooding, hydrology and hydrogeology; bird strike; lighting; and contaminated land.
- 37 This is a Section 73 application and the local planning authority is required to consider only the question of the conditions subject to which planning permission should be granted, though in doing so the authority should have regard to all material considerations and determine the application in accordance with the development plan unless material considerations indicate otherwise. The proposal seeks to vary Conditions 2 and 4 of Ref. SP/14/01125/SCC in order to allow HGVs site access outside of current permitted hours. The proposal would mean HGV activity at the site 24 hours per day 7 days per week, although the extended hours for HGVs would be for a defined number of HGV movements for up to 48 movements out of hours. It will be necessary to consider whether the out of hours HGV movements would have an unacceptable adverse effect on local environment and amenity. Officers consider that the main issues to be considered for this application are: potential impacts on the local amenity in respect of highway matters, noise and air quality.

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 2009

Policy CC2 – Sustainable Travel

- 38 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.
- 39 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.
- 40 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.
- 41 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

- 42 Oak Leaf Farm is an existing waste management facility with planning permission (Refs. SP08/0992 and SP/14/01125/SCC) for the construction and operation as a recycling facility processing construction and demolition waste. The waste recycling facility has a potential annual waste throughput of up to 251,000 tonnes per annum (tpa) which is set in the waste licence issued by the Environment Agency.
- 43 The impacts from HGV movements associated with handling up-to 251,000tpa waste throughput have been assessed and accepted under the 2009 planning permission. There are several conditions imposed on the existing planning permissions (Refs.SP08/0992 and SP/14/01125/SCC) to control HGV movements including the times when HGVs can access the site.

- 44 The applicant states that an increasing number of waste collection contracts require waste now to be collected out of hours to reduce the pressures of vehicle movements on roads, particularly in urban areas. Under the existing planning permission, HGVs are only permitted to enter and leave the site between 07:00 hours and 18:00 hours Mondays to Fridays, and between 07:00 and 13:00 on Saturdays and not at all on Sundays or Public Holidays. Due to the changing of nature of waste collection requirements the applicant is requesting operational flexibility for HGV access to the site 24 hours per day, 7 days per week.
- 45 Oak Leaf Farm has an operator's licence to operate 24 HGV vehicles from the application site. The proposal will involve up to 24 HGVs (preloaded) leaving the site and up to 24 HGVs (waste collections) returning to the site during the extended hours sought. This would generate up-to 48 HGV vehicle movements during the out of hours period. However these movements are not additional to the existing total movements already handled at the site which remains as existing, but are a change to the times when HGVs can access the site for a specified number of movements (48 movements).
- 46 All HGVs would access the site from Stanwell Moor Road (A3044) using the existing site access off Horton Road. HGVs travelling to the site would approach from the south on the A3044 and those leaving the site would travel northwards on the A3044. None of HGVs accessing the site outside of the permitted times for site operations would access or leave the site through Stanwell Moor Village. The HGVs operating during out of hours would be parked within the designated parking area within the site compound which is located towards the northern side, west of the site entrance. The drivers of the lorries would arrive or leave the site by car or bicycle.
- 47 The applicant has stated that there would be no loading or unloading of HGV vehicles during the out of hours period. The proposal would involve HGVs leaving the site preloaded, however, any loading of the vehicles would be undertaken during the existing permitted hours for site operations (i.e. 0700-1800 weekdays, 0700-1300 Saturdays). The out of hours HGVs returning to the site also involves waste collections. The applicant states that this collected waste material would remain on the parked up HGVs in either covered vehicles or in covered skip bins and the material would then be emptied into the MRF building when the permitted daytime operational hours commence (i.e. at 7am). This would be the same as the current situation where a loaded HGV were to arrive at the site close to or at 1800 hours on a weekday or 1300hours on a Saturday and then unloaded during the existing permitted hours for waste operations.
- 48 The proposal does not seek to increase the total amount of HGV traffic to the site or type and volume of waste handled at the site, or seek to change the times permitted for waste operations which would remain as existing (i.e. 0700-1800 weekdays, 0700-1300 Saturdays), notwithstanding the 24hr activities allowed to take place associate to the operation of the MRF building. However, the proposal would mean that the site would be operating HGV traffic 24 hours per day, seven days per week involving a defined number of vehicles (equating to 48 movements) during the out of hours period.
- 49 Two letters of objection from neighbouring residents have been received on the application where the key concerns raised relate to noise and HGV traffic through residential areas. Spelthorne Borough Council has raised objection to the application on the grounds from noise and disturbance from the 24 hour use of the site in terms of plant, vehicle movements and lighting. Matters on noise will be assessed in the Noise section of this report below. In respect of the other issues, this application does not propose any new lighting from that already approved under the planning permission for the site (Refs. SP08/0992 or as varied under ref SP/14/01125/SCC) and the use of any lighting would remain controlled by condition. In terms of this proposal it is necessary to be satisfied that the out of hours movements would not give rise to significant adverse impacts on highways grounds.

- 50 The County Highway Authority (CHA) has been consulted on the application. The CHA notes that there is no increase proposed to the total numbers of HGV movements already allowed for the site assessed and accepted when planning permission was granted in 2009. The CHA considers that the main issues for the proposal are environmental (i.e. such as noise disturbance), as from a highway network point of view, as the proposed additional hours would result in HGV movements outside of the busiest times these movements can be accommodated on the highway network. The CHA has recommended several conditions for the application which includes a new planning condition limiting no more than 48 HGV movements during the out of hours period, and that the existing planning condition (Condition 15 of Ref.SP08/0992 or Condition 17 of Ref. SP/14/01125/SCC) which limits the amount of vehicles through Stanwell Moor Village should remain in place for this application. The CHA concludes that there is no objection to the application on highways highway safety and capacity grounds and has recommended that planning permission should be granted subject to the recommendation of conditions.
- 51 Officers acknowledge that the proposal will give rise to up to 48 additional vehicle movements during the extended hours sought. However, the movements proposed are for changes to the times when HGVs access the site for a defined number of HGVs and the application does not seek to increase the overall HGV traffic handled at the site. The CHA has confirmed these movements can be safely accommodated on the highway network as these are outside of the busiest times of the road network. None of the other specialist consultees have objected to the proposal on highway grounds.

Highways conclusion

- 52 Having regard to the paragraphs above, Officers consider that, taking into consideration the advice of the specialist consultees the proposal would not give rise to significant adverse effects on highways grounds and that any likely highway impacts can be adequately controlled through planning conditions and the mitigation measures already in place at the site.
- 53 In conclusion Officers are satisfied that, subject to the recommendation of conditions, the proposal is acceptable for highways, traffic and access and accords with relevant development plan policies and Government policy and guidance contained in the NPPF and NPPG, and NPPW.

ENVIRONMENT AND AMENITY CONSIDERATIONS

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 2009

Strategic Policy SP6 – Maintaining and Improving the Environment

Policy EN3 Air Quality

Policy EN11 Development and Noise

Noise

- 54 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.

- 55 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
- 56 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.
- 57 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

- 58 As discussed in the paragraphs above, the applicant is seeking permission to allow site access for 24 HGVs based at the site (up to 48 vehicle movements) outside of the hours currently permitted which would mean HGV activity at the site 24 hours per day 7 days per week.
- 59 The Oak Leaf Farm site already has established noise limits assessed and accepted in 2009. The site has a range of measure measures to mitigate noise, including 6m and 8m high perimeter screening bunds, and there are further controls for noise limits imposed by condition on the planning permissions granted for the site (Refs SP/14/01125/SCC and SP08/0992).
- 60 Under this proposal all HGVs operating during the proposed out of hours period would access the site away from residential properties by approaching the site from the east using Stanwell Moor Road (A3044). None of the HGVs would access or leave the site through Stanwell Moor Village. HGV vehicles arriving at the site would park up within the designated parking area in the site compound. The drivers of the lorries would arrive or leave the site by car or bicycle. The applicant has stated there would be no loading or unloading of HGV vehicles during the out of hours period being sought. Other than the proposed changes associated to the change in times for HGV access, the application proposes no other changes to external activities at the site.
- 61 Spelthorne Borough Council as the local planning authority has objected to the application on the grounds of noise and two letters of objection from neighbouring residents have been received raising concerns on noise. Officers acknowledge that the proposal has the ability to generate noise and therefore it is necessary to be satisfied that the HGV

movements accessing the site during out of hours and at night time will not give rise to significant adverse impacts on noise grounds.

- 62 The applicant has submitted a detailed Noise Assessment (WBM Acoustic Consultants - Analysis of noise data, 4 August 2015) which assesses the potential noise impacts of HGVs during the proposed out of hours period.
- 63 The applicant's noise assessment and calculations assesses HGVs on the site access road during the extended hours. The noise assessment identifies that the nearest noise sensitive receptor location as being 121 Horton Road, 175m from the access road – following similar principles of the noise assessment made for previous planning applications to redevelop the site (refs.SP08/0992 as varied by SP/14/01125/SCC). The assessment calculates the maximum night time noise level from HGV movements at the nearest noise sensitive receptor (121 Horton Road) would be 55dB $L_{Amax, f}$, allowing for distance and soft ground attenuation. However, the assessment did not include correction for further noise attenuation provided by the existing 8m high screening bunds. The applicants assessment concluded that the maximum night time noise levels at the nearest noise sensitive receptor (121 Horton Road) were below the external maximum noise level suggested in the "WHO: *Guidelines for Community Noise*" and would not represent a significant impact on neighbouring residents at the nearest noise sensitive receptor.
- 64 The County Noise Consultant (CNC) has assessed the noise assessment submitted for the application. The CNC did not fully agree with the calculations provided by the applicant, identifying that the maximum site noise levels from HGVs at night time as being higher at 58 dB $L_{Amax, f}$, corrected for distance and soft ground attenuation, than the 55dB $L_{Amax, f}$ shown in the applicants noise report, although also noted that the applicants calculation did not include mitigation provided by the sites 8m high screening bund. As part of their review the CNC took into account noise attenuation provided by the 8m high site screening bund and calculated that the maximum noise levels at the receptor properties on Horton Road would be reduced to 48 dB $L_{Amax, f}$. In concluding their assessment, the CNC considers it unlikely that neighbouring residents would be able to distinguish between a normal HGV passing the site and an HGV associated with the site accessing or egressing the site, therefore there would be no significant adverse impact from the proposal. The CNC has therefore raised no objection to the application, subject to the imposition of conditions, which includes limiting the numbers of HGV movements out of hours.
- 65 As discussed in the paragraphs above the County Noise Consultant has assessed the noise impacts from the proposal and raises no objection, subject to the imposition of conditions which include further controls on the night time noise from the out of hours HGV activity. Furthermore, the County Highways Authority has confirmed that there are no grounds for objection on highway capacity and safety grounds and has recommended that planning permission should be granted subject to conditions. Officers therefore consider that, taking into consideration the advice of the specialist technical consultees, the proposal would not give rise to harmful noise impacts.

Conclusion – Noise

- 66 Having regard to the above paragraphs, Officers consider that, subject to the recommended conditions and the maintaining of existing measures for controlling noise, the proposed development can be considered acceptable on noise grounds. Officers conclude that the proposal accords with relevant development plan policies and Government policy and guidance contained in the NPPF and NPPG with regard to noise an hours of working.

Air Quality

- 67 European Union (EU) legislation on air quality forms the basis for national UK legislation and policy on air quality. The 2008 Ambient Air Quality Framework Directive sets legally binding limits for concentrations in outdoor air of major pollutants impact on public health such as particulate matter (PM10 and Pm2.5) and nitrogen dioxide (NO2). The 2008 Directive is transposed into English law through the Air Quality Standards Regulations 2010. 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.
- 68 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.
- 69 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.
- 70 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 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.
- 71 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.
- 72 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.

The Development

- 73 In 2009 planning permission SP08/0992 was granted which allows for the redevelopment of Oak Leaf Farm for the construction and use of a recycling, recovery and processing facility for construction and demolition waste. The application site is located in within an Air Quality Management Area (AQMA), which covers the whole of the borough of Spelthorne and has been designated due to high annual average concentrations of nitrogen dioxide (NO₂) associated with exhaust gas emissions. As part of the planning application Ref.SP08/0992 the applicant submitted an Air Quality Assessment which included assessment of the predicted impacts on the local air quality and AQMA from HGV movements associated with handling 251,000tpa at the site.
- 74 This application is for changes to the permitted times when HGVs may access the site which were established when planning permission was granted in 2009. The application does not propose any increase to the total number of HGV movements permitted for the site which were assessed and accepted when planning permission was granted in 2009.
- 75 The County Air Quality Consultant (CAQC) has reviewed the application in view of the likely air quality impacts from the proposed changes and against current policy guidance and legislation for air quality. The CAQC has advised that the Environmental Protection UK (EPUK)/Institute of Air Quality Management (IAQM) 2015 "*Land-use Planning & Development Control: Planning for Air Quality*" document, sets out indicative criteria for determining when an air quality assessment would be required. In the case of development proposal where there is change in HGV movements within an AQMA, the indicative threshold is a change in flows that exceeds 25 per day. The proposal does not involve any increase to the total number of HGV movements handled at the site and therefore as the indicative threshold criterion would not be exceeded, the applicant would not be required to undertake an air quality assessment for the application.
- 76 The CAQC notes the out of hours HGV movements would leave the site travelling northwards on Stanwell Moor Road (A3044), and HGV movements arriving at the site, travelling from the south on Stanwell Moor Road and would not pass residential properties. The CAQC has undertaken a review of the area which indicates that there are no high sensitivity receptors in the area of the application site which is located at the junction of Horton Road and Stanwell Moor Road (A3044). The CAQC concludes that as the EPUK/IQM threshold criteria will not be exceeded for this proposal and that the out of hours HGVs will access the site via Stanwell Moor (A3044), the impacts of the proposal on air quality would not be significant. The CAQC therefore has not raised objection to the proposal.
- 77 The Environment Agency has been consulted on the application and has no comments to make on the proposal. The Spelthorne Borough Council Environmental Health Officer (EHO) has also assessed the planning application and advises that the impacts on the

local area are likely to be minimal. Therefore the Spelthorne's Pollution Control team does not have any objection to planning permission being granted in relation to air quality and dust.

Air Quality - Dust Conclusion

- 78 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 adverse impacts to air quality and dust impacts. 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 regards to air quality – dust.

GREEN BELT

Surrey Waste Plan 2008

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

Policy CW6 – Development in the Green Belt

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.

Harm

- 83 Oak Leaf Farm is allocated in the Surrey Waste Plan 2008 (SWP 2008) Policy WD2 for most forms of waste related development including waste recycling. Development proposals for waste development identified in Policy WD2 will be granted provided that the development proposed meets key development criteria and where very special

circumstances can be demonstrated in accordance with the provisions of SWP 2008 Policy CW6 (Development in the Green Belt).

- 84 The application site is located in the Green Belt where there is a general presumption against inappropriate development. Waste management operations, including this development proposal, are not deemed compatible with the objectives of the Green Belt and maintaining openness of the Green and are considered inappropriate development.
- 85 The proposal is a Section 73 application seeking non-compliance with Conditions 2 and 4 of Ref SP/14/01125/SCC for changes to the hours of operation at this existing waste management facility in order to allow 24 HGVs based at the site the flexibility to access and egress the site outside of the permitted operational hours for vehicle movements at the site. The proposal would generate up to 48 vehicle movements during the out of hours period and would mean HGV activity at the site 24 hours per day, 7 days per week. However, these 48 vehicle movements do not represent an increase in total movements handled at the site but are changes to the times when HGV movements to the site take place.
- 86 Inappropriate development may only be permitted where very special circumstances are judged to clearly outweigh the harm caused by inappropriateness and any other harm. Where there is harm to the Green Belt the applicant will need to demonstrate very special circumstances exist in order to justify the grant of planning permission.
- 87 In the case of an application under Section 73 of the Town and Country Planning Act 1990 (as amended) the local planning authority may only consider the question of the conditions subject to which planning permission should be granted. The original planning permission remains capable of implementation and a base line for development.
- 88 In November 2009 Surrey County Council granted planning permission for the redevelopment of Oak Leaf Farm for the construction and use as a permanent recycling, recovery and processing facility for construction and demolition waste. The principles for the need for this permanent waste management facility and the potential impacts on openness in this Green Belt location were assessed and accepted when that planning permission (Ref.SP08/0992) was granted. In assessing the application Ref.SP08/0992, Officers accepted there to be a number of factors, which together constituted very special circumstances that clearly outweighed the harm to the openness to the Green Belt and any other harm such that an exception to Green Belt policy could be made. The factors include a need for recycling C&D waste and other waste streams handled at the site thereby moving this waste further up the hierarchy, contributing to county's targets for recycled aggregate and towards sustainable waste management in general, and that there is a lack of alternative sites within north west Surrey and wider catchment area for this site.
- 89 Accordingly the principle of development for a recycling, recovery and processing facility is established at this Green Belt site. The proposal to extend the hours of operation should be considered in the context of the practical consequences of imposing different conditions. The proposed extension of hours are not considered to have a material impact on the purposes of the Green Belt or its openness or to give rise to any other harm.
- 90 The potential harm from the proposed activity on the local environment and amenity with regard to noise, highway and access matters and air quality issues have been assessed above within this report.
- 91 Officers consider that the very special circumstances advanced by the applicant and accepted under the 2009 planning permission for the permanent siting and operation of this recycling facility which outweigh any potential harm to the Green Belt by reason of inappropriateness still exist and are material in the case of this proposal. Nevertheless, the proposed development does not materially affect Green Belt policy considerations.

Other Matters

- 92 In 2009, planning permission Ref:SP08/0992 was permitted on the basis that prior to the grant of that planning permission the applicant would enter into a Section 106 (S106) legal agreement to provide long-term management of the ecological and biodiversity area to the northwest of the application site and for the facilitation in upgrading the footpath to the south of the application site to a bridleway. The applicant subsequently made a Section 73 application in 2014 under Ref. SP/14/01125/SCC for changes to the type and times of equipment operated inside the MRF building permitted in 2009. That 2014 application was permitted by Surrey County Council on the basis that prior to the grant of the new planning permission a deed of variation to the S106 agreement would be agreed so that the requirements of the S106 were brought forward under the new consent. Following completion of a variation to the Section 106 legal agreement planning permission ref. SP/14/01125/SCC was issued on 13 March 2015. This is a further Section 73 application and therefore, if this application Ref.SP14/01125/SCD1 is minded to be granted a further deed of variation to the S106 will need to be agreed prior to the granting of permission so that the S106 is brought forward under any new permission reference number.

HUMAN RIGHTS IMPLICATIONS

- 93 The Human Rights Act Guidance for Interpretation, found at the end of this report, is expressly incorporated into this report and must be read in conjunction with the following paragraph.
- 94 It is acknowledged that there would be an impact on the Green Belt caused by inappropriateness of the development and harm to openness, and other harm in terms of impacts on local amenity from the impacts in respect of highways, noise and air quality. These impacts have been assessed in the body of the report. However, the scale of such impacts is not considered sufficient to engage Article 8 or Article 1 of Protocol 1 and, if planning permission were to be granted, such impacts are capable of being mitigated by the measures incorporated into the application proposal and by planning condition. There are separate mitigation measures and controls available through the Environmental Permitting regime. As such, this proposal is not considered to interfere with any Convention right.

CONCLUSION

- 95 Oak Leaf Farm is an established site with planning permission for construction and operation as a waste management recycling facility for processing construction and demolition waste. The site already generates vehicle movements for dealing with the 251,000tpa waste throughput permitted for handling at the site. Currently the times when HGVs are permitted to access the site are limited to 0700-1800 Monday to Friday and 0700-1300 on a Saturday. The applicant is seeking permission to allow HGVs access to the site outside of those hours which would mean HGV activity at the site 24 hours per day, 7 days per week, although during the out of hours period this would involve a specified number of HGV movements (48 movements). The reason for this change is that an increasing number of waste collection contracts locally to the site in North Surrey and West London are specifying out of hours collections (at night and early morning hours) when the roads are less congested.
- 96 The implications for extending the hours for HGVs access to the site involves the assessment of issues including traffic, highways and access, noise, air quality and an assessment against Green Belt policy. Objections have been received from local

residents on noise disturbance and highway safety issues and Spelthorne Borough council have raised objection on the grounds of noise and disturbance from the 24 hour use of the site in terms of plant, vehicle movements and lighting. No objections have been received from technical consultees on these matters subject to conditions where recommended. The County Highway Authority raises no objection from a highway safety and capacity point of view and has recommended planning permission should be granted subject to conditions. The County Noise Consultant is satisfied that proposal would not result in a significant adverse impact on noise grounds and has recommended conditions. The County's Air Quality Consultant has raised no objection to the proposal.

- 97 There would be no loading or unloading of HGVs during the out of hours period and no changes are proposed to the existing waste processing activities which will continue to operate under the existing permitted hours for day time operations. The proposal does not seek to increase the volume or type of waste permitted for handling at the site and there would be no increase to the total number of HGV movements. There is no new lighting proposed for this application. Any new lighting other than existing lighting already permitted for use at the site would require planning consent.
- 98 The proposal would enable the site to send out and receive HGVs to meet the changing need for waste collections outside of normal working hours. The proposal would allow the site operational flexibility to make collections at the required time and the site to function efficiently to meet current conditions. The site is well located to the source of waste arisings and the changes proposed would enable the site to collect waste which otherwise would result in an increase in waste haulage miles to waste facilities further away, afford a more efficient operation allowing the use of the site to be maximised, and the waste facility to continue to contribute to national and local objectives for sustainable waste management and the recycling of materials.
- 99 In conclusion, there are no policy objections in relation to the impacts on local amenity in terms of highways, noise and air quality and no new lighting is proposed. Where safeguards are required these can be secured through planning conditions. The principle of the development at this Green Belt site have been established when planning permission (Ref.SP08/0992) was granted in 2009. The proposal seeks to improve the operational efficiencies of the site for recycling materials, which would assist targets for sustainable waste management. Taking account of all these matters, Officers consider that planning permission should be granted subject to conditions and the prior completion of a deed of variation to a legal agreement.

RECOMMENDATION

The recommendation is subject to the prior completion of a deed of variation of a legal agreement, to PERMIT subject to conditions

Conditions:

Approved Documents

1. The development hereby permitted shall be carried out in all respects strictly in accordance with the following plans/drawings:
 - Drawing No 1163/2C Site Location Plan dated 30.05.06
 - Drawing No 1163/6N Site Layout Plan dated January 2008 (Revision N dated March 2009)
 - Drawing No 08/126/02B Proposed MRF Crushing & Bailing Building dated 30.10.08
 - Drawing No 1163/9E Bunds Sections dated September 2008 (Revision E dated 9 May 2011)
 - Drawing No 08/126/01 Proposed Office Elevations dated 30.10.08
 - Drawing No 08/126/03 Proposed Garage Elevations dated 30.10.08

- Drawing No 1163/10H Planting Plan dated March 2008 (Revision H dated 26 August 2010)
- Drawing No 1163/12 Buffer Strip Access Plan dated March 2009
- Drawing No 1163/35 Proposed variation of Condition 3 of planning permission SP08/0992 dated February 2014
- Drawing No. 1163/37B MRF Lighting Layout dated May 2014.
- Drawing No. 1163/48 Site Location Plan dated August 2015.

Hours of Working

2. With the exception of a) those HGVs referred to in Condition 3 below, and b) the 24 hour operation of shredding and sorting machinery within the MRF building and associated activities permitted under planning permission Ref. SP/14/1125/SCC dated 13 March 2015; no other authorised operations or activities permitted by planning permission ref: SP08/0992 dated 19 November 2009 shall be carried out, and no lights illuminated, except between the following times:

0700-1800 Mondays to Fridays
0700-1300 Saturdays

Neither shall any servicing, maintenance or testing of plant be carried out between 1800 and 0700 hours nor shall any other operation or activity take place on a Sunday or any public holiday. This shall not prevent the carrying out of emergency operations, but these should be notified to the County Planning Authority within 24 hours.

3. The development hereby permitted shall allow the limited site access and egress of 24 HGVs (defined as any vehicle in excess of 3.5 tonnes gross vehicle weight) based at the site and only to be parked within the designated lorry parking area shown on drawing number 1163/48 dated August 2015 outside of the hours of working specified in Condition 2 of this permission. There shall be no more than a total number of 48 HGV vehicle movements between the following times:

1800 Monday to 0700 Tuesday
1800 Tuesday to 0700 Wednesday
1800 Wednesday to 0700 Thursday
1800 Thursday to 0700 Friday
1800 Friday to 0700 Saturday, and
1300 on a Saturday to 0700 Monday morning

The operator of the site shall maintain accurate records of the number of HGV vehicles accessing and egressing the site daily between these times (including vehicle prefix) and these records shall be made available to the County Planning Authority on request.

4. There shall be no loading and unloading by delivery vehicles except between the following times:

0700-1800 Mondays to Fridays
0700-1300 Saturdays

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

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

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

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

Limitations

6. Only commercial and industrial and construction and demolition waste shall be imported onto the application site as outlined within the application documents submitted with planning permission ref: SP08/0992 dated 19 November 2009 for handling and processing at the site and within the Materials Recycling Facility (MRF) building. All other waste shall be removed from the site and disposed of at a suitably licensed landfill.
7. The operation of shredding and sorting machinery for processing commercial and industrial waste as referred in Condition 6 above shall only take place inside the MRF building as shown on plan drawing No.1163/35 Proposed Variation of Condition 3 of planning permission ref: SP08/0992 dated February 2014.
8. Concrete crushing machinery shall only be operated at the site in accordance with planning permission Ref. SP15/01184 SCC dated 7 April 2016.
9. All processed and unprocessed waste stockpiled externally at the site, shall be stored within the areas delineated on Drawing No. 1163/6N dated January 2008. Stockpile heights shall not exceed a height of 6 metres above ground level.
10. The two profile height posts erected within the stockpiling area as delineated on Plan 1163/6N to display the profile heights shall be maintained for the duration of the use hereby authorised.
11. All loads entering and leaving the application site shall be sheeted.
12. Notwithstanding any provision to the contrary under Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any subsequent Order, no plant, building or machinery whether fixed or moveable other than that specifically outlined by this permission shall be erected on the application site external to the materials recovery/recycling building without the prior written approval of the County Planning Authority in respect their siting, design, specification and appearance of the installation, such details to include the predicted levels of noise emission and their tonal characteristics of any plant or machinery.

Traffic

13. In accordance with the requirements of planning permission ref: SP08/0992 dated 19 November 2009 the former site access to the west of the main site access on Horton Road shown on plan drawing number 1163/48 dated August 2015 shall be maintained permanently closed.
14. In accordance with the requirements of planning permission ref: SP08/0992 dated 19 November 2009 no new development shall be occupied until space has been laid out within the site in accordance with plan 1163/6N dated March 2009 for vehicles to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. The parking/turning area shall be used and retained exclusively for its designated purpose.
15. Before any of the operations which involve the movement of materials in bulk to or from the site are commenced, facilities shall be provided as must be approved by the County Planning Authority, in order that the operator can make all reasonable efforts to keep the public highway clean and prevent the creation of a dangerous surface on the public highway. The agreed measures shall thereafter be retained and used whenever the said operations are carried out.

16. The Method of Construction Statement approved by planning permission ref: SP10/0668 dated 20 December 2010 shall be implemented strictly in accordance with the approved details contained therein. Only the approved details shall be implemented during the construction period.
17. A sign shall be permanently maintained at the site exit advising HGV drivers to turn right out of the site and to use the vehicle route via the A3044 rather than turning left onto Horton Road and travelling through Stanwell Moor village. This sign shall not prohibit local deliveries, defined as those within Stanwell Moor, from turning left
18. There shall be no more than 8 inbound HGV movements accessing the site from Stanwell Moor per hour (90 inbound HGV movements in any one weekday/ 50 inbound HGV movements in any one Saturday) and none of these movements shall be outside of the hours of working specified in Condition 2 of this permission. The site operator shall conduct surveys of the number of HGVs accessing the site daily from Stanwell Moor for a period of five consecutive days including one Saturday, to be undertaken at no greater than two within the first year of operation (with a minimum of six months between the two surveys) and subsequent reviews at intervals thereafter to be approved by the County Planning Authority following the submission of the second survey. The surveys shall be submitted to the County Planning Authority on completion.

Rights of Way

19. The ditch as shown on Drawing 1163/6N dated March 2009 shall be cleaned and regularly maintained so as to contain any run off from the bund and prevent water flowing on to public right of way 3 Staines.

Noise and Vibration

20. The development hereby permitted shall not commence until a Night-time Noise Management Plan which shall include best practice and mitigation measures for noise management of night time HGV site traffic and associated activities as specified in the planning application, has been submitted to and approved in writing by the County Planning Authority. The Plan shall cover the hours 1800 to 0700 on any night. The scheme shall be implemented and maintained as approved.
21. With the exception of the operating of shredding and sorting machinery within the MRF building between the hours of 1700 to 0730, noise levels arising from the development shall not exceed the level of 55 LAeq (½ hour) measured at, or recalculated as at, a height of 1.2m and at least 3.5 m from the facade of the properties 121 to 149 Horton Road or 47 LAeq (½ hour) measured at, or recalculated as at, a height of 1.2m and at least 3.5 m from the facade of the noise sensitive locations at Pegasus Stables or the properties in Hithermoor Road.
22. During the hours of 1700 to 0730 hours the level of noise arising from the night time operation of the MRF building and any associated activity, when recalculated as at a height of 4 m above ground level and 3.5 m from the facade of a residential property or other noise sensitive building that faces the site shall not exceed 33 LAeq, during any 5 minute period for the properties 121 to 149 Horton Road or 28 LAeq, during any 5 minute period at Pegasus Stables.
23. During the times stated in Condition 3 of this permission, the external maximum level of noise arising from HGV movements within the site or on the access road shall not exceed 60 dB LAmax,f as a façade level or 57 dB LAmax,f as a free-field level at any residential or other noise sensitive building, assessed at a height of 1.5 m for bedrooms on the ground floor or 4.0 m for bedrooms on the first floor.

24. The level of noise arising from any operation, plant or machinery on the site in association with construction activities when measured at or recalculated as at a height of 1.2m above ground level and 3.6m from the facade of any residential property or other occupied building shall not exceed $Leq = 70dB(A)$ when measured over any 60 minute period.
25. The quietest available items of plant and machinery shall be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels.

Bird Management Plan

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

Lighting Scheme

27. No flood lighting or any form of external lighting, including security lighting other than that already approved, shall be installed on the site.

Ecology

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

Landscaping

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

Japanese Knotweed

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

Flood Risk and Surface Water Drainage

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

Details of Building

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

Dust

34. The Dust Action Plan Revision 2 dated 10 August 2010 approved by planning permission ref: SP10/0476 dated 29 September 2010 shall be implemented strictly in accordance with the approved details contained therein unless and until such times as a revised Dust Action Plan pursuant to Condition 35 below has been submitted to and approved by the County Planning Authority in writing.
35. No operations approved under planning permission SP/14/01125/SCC dated 13 March 2015 shall commence within the MRF building until a revised Dust Action Plan has been submitted to and approved by the County Planning Authority in writing. The revised Dust Action Plan shall specify the measures and appropriate additional procedures, including control and mitigation measures and modifications to site operations, and the details and specifications for the installation of a powered ventilation system, and a filtration/settlement unit at ground level outside the building to manage dust emissions taking account of: actual and forecast meteorological conditions such as rainfall, wind direction and wind speed; and routine visual observations of dust emissions.
36. The detail with regard to Conditions 34 and 35 above shall be implemented in accordance with the details approved, or as may be subsequently amended and approved following periodic reviews of the Plan which are to be undertaken at no greater than two year intervals in the first six years and five year intervals thereafter for the duration of the use of the site.
37. No activity hereby permitted shall cause dust to be emitted from the soil processing area and stockpiling area so as to cause nuisance or loss of amenity at sensitive receptors. Should such emissions occur the relevant activity shall be suspended until it can be resumed without causing any unacceptable emissions.
38. Notwithstanding the requirements of Conditions 34 to 37 above, the operators shall employ appropriate control and mitigation measures in accordance with Section 6 'Proposed Mitigation Measures' provided within the Air Quality Assessment October 2008 and amending information dated 18 February 2009 and approved by planning permission ref.SP08/0992 dated 19 November 2009. The scheme shall be implemented in accordance with the recommendations of the report and complied with at all times.

Reasons:

1. For the avoidance of doubt and in the interests of proper planning.
2. To enable the County Planning Authority to exercise planning control and to safeguard the environment and local amenity in accordance with Surrey Waste Plan 2008 Policy DC3.
3. To enable the County Planning Authority to exercise planning control and to safeguard the environment and local amenity in accordance with Surrey Waste Plan 2008 Policy DC3.
4. To safeguard the environment and local amenity and in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Surrey Waste Plan 2008 Policy DC3; and Policies CC2 and CC3 of the Spelthorne Borough Core Strategy and Policies DPD 2009.

5. To enable the County Planning Authority to exercise planning control and to safeguard the environment and local amenity in accordance with Surrey Waste Plan 2008 Policy DC3.
6. To comply with the terms of the application and in the interests of the local environment and amenity, and to comply with Surrey Waste Plan 2008 Policy DC3.
7. To safeguard the environment and local amenity in accordance with Surrey Waste Plan 2008 Policy DC3.
8. To enable the County Planning Authority to exercise control over the development and to minimise its impact on the amenities of the local area, and local environment in accordance with Surrey Waste Plan 2008 Policy DC3.
9. To reduce the impact on the visual amenities of the locality to comply with Surrey Waste Plan 2008 Policy CW6 and Policy DC3.
10. In the interests of local amenity and to accord with Surrey Waste Plan 2008 Policy DC3.
11. In the interests of local amenity and to accord with Surrey Waste Plan 2008 Policy DC3.
12. To enable the County Planning Authority to exercise control over the development and to minimise its impact on the amenities of the local area, and local environment in accordance with Surrey Waste Plan 2008 Policy DC3.
13. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies CC2 and CC3 of the Spelthorne Borough Core Strategy and Policies DPD 2009.
14. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies CC2 and CC3 of the Spelthorne Borough Core Strategy and Policies DPD 2009.
15. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies CC2 and CC3 of the Spelthorne Borough Core Strategy and Policies DPD 2009.
16. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies CC2 and CC3 of the Spelthorne Borough Core Strategy and Policies DPD 2009.
17. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies CC2 and CC3 of the Spelthorne Borough Core Strategy and Policies DPD 2009.
18. In the interests of local amenity and to accord with Surrey Waste Plan 2008 Policy DC3.
19. To protect the route of the public footpaths and bridleways and the amenities of the users and comply with Planning Policy Guidance note 13 (PPG13).
20. To ensure the minimum disturbance and avoid nuisance to the locality to comply with Surrey Waste Plan 2008 Policy DC3.
21. To ensure the minimum disturbance and avoid nuisance to the locality to comply with Surrey Waste Plan 2008 Policy DC3.
22. To ensure the minimum disturbance and avoid nuisance to the locality to comply with Surrey Waste Plan 2008 Policy DC3.

23. To ensure the minimum disturbance and avoid nuisance to the locality to comply with Surrey Waste Plan 2008 Policy DC3.
24. To ensure the minimum disturbance and avoid nuisance to the locality to comply with Surrey Waste Plan 2008 Policy DC3.
25. To ensure the minimum disturbance and avoid nuisance to the locality to comply with Surrey Waste Plan 2008 Policy DC3.
26. To minimise the attractiveness of flat roofs and soil stockpiles to birds which could engaged the safe movement of aircraft.
27. To reduce the impact on visual amenities of the locality to comply with Surrey Waste Plan 2008 Policy DC3.
28. In the interests of amenity and wildlife conservation to comply with Surrey Waste Plan 2008 Policy DC2 and Spelthorne Borough Core Strategy and Policies DPD 2009 Policy EN8.
29. To ensure that the landscaping is maintained to provide for the long-term visual amenities of the area/ nature conservation in accordance with Surrey Waste Plan 2008 Policy DC3 and Spelthorne Borough Core Strategy and Policies DPD 2009 Policy EN8.
30. To prevent the spread of Japanese Knotweed (*Fallopia japonica*) which is an invasive plant, which the spread of is prohibited under the Wildlife and Countryside Act 1981. To prevent its spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment occurring.
31. To prevent the encroachment of the development on watercourses which has a potentially severe impact on their ecological value.
32. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
33. In order to retain proper planning control over the development and in the interests of safeguarding the environment and local amenity in accordance with the Spelthorne Borough Core Strategy and Policies DPD 2009 Policy EN1.
34. In the interests of local amenity and to comply with Surrey Waste Plan 2008 Policy DC3.
35. In the interests of local amenity and to comply with Surrey Waste Plan 2008 Policy DC3.
36. To allow a review of the effectiveness of control mechanisms and allow necessary action to be taken if the dust mitigation practices need to be modified in accordance with Surrey Waste Plan 2008 Policy DC3.
37. In the interests of local amenity and to comply with Surrey Waste Plan 2008 Policy DC3.
38. In the interests of local amenity and to comply with Surrey Waste Plan 2008 Policy DC3.

Informatives:

1. The Applicant's attention is drawn to the advice set out within the letter from BAA dated 15 December 2008 with regard to bird management plans.
2. It is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public

network through on or site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

3. The London Water Ring Main or a large diameter stored water tunnel is in the area and special precautions will be required to avoid any damage that may occur as a result of the proposed development. The applicant is advised to contact Developer Services, Contact Centre on 0800 009 3921 for further information.
4. The Applicant should note that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicant should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation. Failure to do so may result in fines and potentially a custodial sentence.
5. The Applicant's attention is drawn to the Rights of Way memo of 10 December 2008 and the accompanying plan.
6. The Applicant is reminded that the granting of planning permission does not authorise the obstruction or interference with a public right of way.
7. The Applicant's attention is drawn to the possible need for the concrete crusher to have a permit under the Environmental Permitting Regulations 2007.
8. Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Control Division of Surrey County Council.
9. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority.
10. The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.
11. When a temporary access is approved or an access is to be closed as a condition of planning permission an agreement with, or licence issued by, the Highway Authority will require that the redundant dropped kerb be raised and any verge or footway crossing be reinstated to conform with the existing adjoining surfaces at the developers expense. (Note: It is preferable where possible to arrange for the adjacent highway to be included in the area edged red on the application when Circular 11/95 provides that conditions may be suitable to control this).
12. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
13. The applicant is advised that Public Footpath 3 and Public Bridleway 3. runs through the application site and it is an offence to obstruct or divert the route of a right of way unless carried out in complete accordance with appropriate legislation.

14. The applicant is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
15. An HGV shall mean any goods vehicle 3.5 tonnes Gross Vehicle Weight (gvw) and above and shall include any skip vehicle, irrespective of weight.
16. The County Planning Authority confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.

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

Spelthorne Borough Core Strategy and Policies DPD February 2009

Spelthorne Borough Local Plan 2001 (Saved Policies)

Other Documents

Planning permission Ref. SP/14/01125/SCC dated 13 March 2015, the accompanying application documents and Officers report

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

Section 106 Legal Agreement for planning Ref SP08/0992, varied by planning Ref SP/14/01125/SCC
