

TO: PLANNING & REGULATORY COMMITTEE **DATE:** 21 November 2018

BY: PLANNING DEVELOPMENT MANAGER

DISTRICT(S) SPELTHORNE BOROUGH COUNCIL **ELECTORAL DIVISION(S):**
Laleham & Shepperton
Mr Walsh

CASE OFFICER: David Maxwell
CONTACT NO: 01483 518899

PURPOSE: FOR DECISION **GRID REF:** 505844 167689

TITLE: MINERALS AND WASTE APPLICATION SP18/00304/SCC

SUMMARY REPORT

Shepperton Quarry, Littleton Lane, Shepperton, Surrey TW17 0NF

The use and siting of two container units for employee welfare purposes, ancillary to the proposed aggregates recycling facility at the site for a temporary period until 30 September 2019 (retrospective).

This retrospective application is for the use and siting of two container units for employee welfare purposes for a temporary period until 30 September 2019. The container units are situated next to the existing two-storey weighbridge office and mess hut in the south-west corner of the aggregates recycling facility (ARF). The ARF occupies the north-east part of the wider Shepperton Quarry site and the container units are ancillary to the operation of the ARF.

This application was submitted in conjunction with joint retrospective planning application ref: SP18/00308/SCC for the temporary use of land at Shepperton Quarry as an ARF until 21 May 2019 with restoration of the aggregates recycling area by 30 September 2019. The period of time sought for the container units was commensurate with the deadline for the completion of the restoration of the ARF. The wider Shepperton Quarry site is located within the Metropolitan Green Belt and is required to be restored by 21 February 2020.

The container units measure approximately 4.1 metres in length by 2.75 metres in width by 2 metres in height. They have a steel frame, are steel clad and are coloured blue. They are used as a ladies WC and a clothes drying room to cater for employees working at the ARF. They were originally granted temporary planning permission retrospectively in May 2012. This was after they had been identified as not benefiting from planning permission by Planning Enforcement Officers during a site visit in November 2011.

The container units have subsequently received two further temporary planning permissions, in conjunction with the ARF, to extend their presence on the site. The most recent planning permissions for the two container units and the ARF expired on 21 May 2017. Condition 2 of the most recent planning permission required the container units to be removed and the land to be landscaped and restored by 21 May 2017. However, since May 2017, the two container units have remained in use in association with the ARF which has continued to operate.

The retrospective application for the ARF was considered by the Planning and Regulatory Committee at their meeting on 17 October 2018 where it was resolved that planning permission be refused. A decision notice was subsequently issued on 1 November 2018. The planning application for the ARF was considered in advance of this application to address local concerns that the ARF application be considered at the earliest possible date.

The key issues in determining this application are compliance with the development plan and the impact on environmental interests. The proposed development comprise two buildings which constitute inappropriate development in the Green Belt. In considering this application for temporary planning permission, it will also be necessary to consider whether very special circumstances exist to overcome the harm to the Green Belt by reason of inappropriateness and any other harm.

Spelthorne Borough Council and the Borough Council Environmental Health Officer (EHO) have not raised any objections to the application. Charlton Village Residents Association (RA) object to the application claiming that the operator flagrantly ignores the law regarding planning applications and has failed to restore the site on time. Shepperton Residents RA have expressed their concern although the reasons provided primarily relate to planning application ref: SP18/00308/SCC for the use of land as an ARF. No views have been received from Laleham RA. Representations have been received objecting to the application primarily due to the applicant's failure to restore the site by 21 May 2017, the continued operation of the site following the expiry of planning permission and the applicant's failure to comply with planning conditions.

The two container units are located within Flood Zone 3 which is defined as having a high probability of flooding. The Environment Agency (EA) have objected to the application and the Lead Local Flood Authority (LLFA) have recommended that planning permission is refused as they both consider the submitted Flood Risk Assessment (FRA) to be inadequate. The applicant has confirmed that they do not intend to amend the FRA to address these concerns claiming that given the context of the site which has been operating as an ARF for almost 20 years (with the two container units having been on site for around 7 years), the concerns expressed by the EA and the LLFA are not justified and are disproportionate. The applicant has therefore failed to demonstrate that the proposal would not have a significant adverse effect in terms of surface water drainage and risk of flooding.

The proposed development is within the Green Belt, which is inappropriate and by definition harmful to the Green Belt and does not preserve openness and conflicts with the purposes of protecting Green Belt land including protecting the countryside from encroachment. There is no longer any need for the development following the refusal of retrospective planning application ref: SP18/00308/SCC for the ARF in November 2018. Further, the applicant has not provided appropriate technical information to assess the impacts on surface water drainage and flood risk. The applicant has failed to demonstrate the very special circumstances to outweigh the harm by reason of inappropriateness, and any other harm. The proposal is therefore contrary to the development plan policies in respect of Green Belt, surface water drainage and flood risk. Accordingly, Officers consider that the planning application should be refused.

The recommendation is that planning permission be refused.

APPLICATION DETAILS

Applicant

Killoughery Waste Management Ltd

Date application valid

26 February 2018

Period for Determination

28 May 2018 (Extension of time agreed by the applicant until 28 November 2018).

Amending Documents

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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.

	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
Drainage and Risk of Flooding	No	57 - 69
Landscape and Visual Impact	Yes	70 - 75
Ecology	Yes	76 - 81
Lighting	Yes	82 - 84
Restoration	Yes	85 - 92
Green Belt	No	93 - 101

ILLUSTRATIVE MATERIAL

Site Plan

Plan 1 - Site Location and Application Site Area

Aerial Photographs

Aerial 1 - Shepperton Quarry

Aerial 2 - Two Container Units Outlined in Red

Site Photographs

Figure 1 - Container Unit 1: Clothes Drying Room

Figure 2 - Container Unit 2: Ladies WC

BACKGROUND

Site Description

1. The two container units are located next to the existing two-storey weighbridge office and mess hut in the south-west corner of the aggregates recycling facility (ARF) at Shepperton Quarry. They provide welfare facilities for staff working at the ARF in the form of a ladies WC and a clothes drying room. The ARF extends to approximately 3.56 hectares and is situated within the Metropolitan Green Belt. It is situated in the north eastern part of the wider Shepperton Quarry site beyond the existing industrial estate.
2. Shepperton Quarry lies on the west side of Littleton Lane just north of the M3 Motorway, to the south-east of Laleham and to the west of Shepperton. The closest housing to the ARF is situated on the opposite side of Littleton Lane, some 350 metres to the north-east. Access to the ARF is via the main entrance into Shepperton Quarry from Littleton Lane.
3. The ARF facility is used to recycle construction, demolition and excavation (C,D&E) waste materials in order to produce recycled soils and recycled aggregates for sale and export

off site. The ARF includes a two storey weighbridge office, two container units for employee welfare purposes which are the subject of this application, stockpiles of processed and unprocessed materials and a range of mobile plant and equipment comprising two mobile screeners, a wheeled loading shovel, a 360 degree hydraulic excavator and a mobile crusher.

4. The eastern boundary of the ARF comprises a 4 metre high bund formed from soils stripped from the site. The northern boundary is made up of a 6 metre high bund formed from imported materials. The working area is surfaced with hardcore. The ARF is owned by Brett Aggregates Ltd (BAL) and leased to the site operator, Killoughery Waste Management (KWML), to undertake aggregates recycling operations.
5. The application site lies in an area with a long history of mineral working. As well as the ARF, the wider Shepperton Quarry site comprises: a lake previously used for the disposal of silt arising from mineral processing within the former plant site; areas of hardstanding; the former Breedon concrete batching plant; and the Littleton Lane industrial estate. Laleham Farm to the north of the ARF has been worked and restored back to agriculture. Land at Home Farm, Laleham Nurseries and Shepperton Studios, situated some 600 metres further to the north, have more recently been backfilled and restored.
6. An estimated 500,000 tonnes of unworked reserves of mineral exist under both the former plant site and the adjacent industrial estate. The working of the remaining mineral and restoration of Shepperton Quarry is controlled through the working and restoration conditions approved on 28 February 2012 (ref. SP98/0643), under the Review of Old Mineral Permissions (ROMP) provisions of the Environment Act 1995. This requires the entire Shepperton Quarry site to be restored to nature conservation use by 21 February 2020, with the ARF to be restored to meadow grassland divided by retained and new hedgerows. A Section 106 legal agreement entered into in connection with the SP98/0643 ROMP decision provides for a long term Landscape and Biodiversity Management Plan for the restored Shepperton Quarry site.
7. The approved restoration scheme includes the formation of 3 new water bodies and is based on the remaining mineral reserves being worked. However, BAL has informed the County Planning Authority (CPA) that they no longer intend to work the remaining minerals. As a consequence, the approved restoration scheme is no longer deliverable and Officers are in discussion with BAL over the development of a revised scheme which will need to be submitted for approval.
8. The whole of Spelthorne has been designated as an Air Quality Management Area (AQMA) for annual mean Nitrogen Dioxide NO₂ since the year 2000. The eastern and northern parts of the ARF including the proposed two container units lie within the Shepperton Quarry Site of Nature Conservation Importance (SNCI). The lake to the east of Littleton Lane is designated as the Littleton Lake SNCI. The vast majority of the ARF lies within Environment Agency Flood Zone 2. However, small areas of land within the south-west, which includes the two container units, and extreme south-east corners of the site lie within Flood Zone 3. Most of the land surrounding the ARF is also within Flood Zone 3.
9. An underground Intermediate Pressure (above 2 bar) Gas Pipeline passes beneath part of the bell mouth of the entrance to Shepperton Quarry. An overhead Electricity Transmission Line aligned in a north to south direction is situated a short distance to the east of the eastern boundary of the ARF.
10. The ARF was originally granted temporary planning permission on Appeal in May 1999 (Appeal ref: T/APP/8360/A/98/1013164). The facility has been operational for almost 20 years and subject to a number of further temporary planning permissions, the most recent of which (ref: SP16/00662/SCC) expired on 21 May 2017.

11. The ARF was permitted to import up to 100,000 cubic metres per annum of C,D&E waste for recycling up until 21 May 2016. However, the most recent temporary planning permission (ref: SP16/00662/SCC) prohibited the ability to import C,D&E waste material onto the site. This was after the applicant, BAL, found out that the operator, KWML, already had sufficient volumes of C,D&E waste material stockpiled on site. Consequently, BAL invited the CPA to impose a planning condition preventing the importation of waste material to the ARF.
12. Condition 8 of the most recent planning permission (ref: SP16/00662/SCC) required the ARF to be removed and the land landscaped and restored by 21 May 2017 in accordance with the approved restoration scheme (ref: SP98/0643). However, the ARF has continued to operate since this time.
13. The two container units were originally granted retrospective planning permission in May 2012 for a temporary period of 2 years (ref: SP/12/00386). This was after they had been identified as not benefiting from planning permission by Planning Enforcement Officers during a site visit in November 2011. The container units have subsequently received two further temporary planning permissions, the most recent of which (ref: SP16/00663/SCC) expired on 21 May 2017. Condition 2 required the container units to be removed and the land to be landscaped and restored by 21 May 2017. However, since May 2017, the two container units have remained in use in association with the ARF.
14. In March 2017, BAL submitted two Section 73 applications concurrently to extend the time period for both aggregates recycling and the use of the two container units respectively. The application for the container units sought to vary Condition 2 of planning permission ref: SP16/00663/SCC dated 8 August 2016 in order to allow for their continued use until 30 September 2019. BAL subsequently withdrew both applications on 11 May 2017. This was after BAL were made aware that KWML required the ability to import C,D&E waste material again for recycling due to a lack of C,D&E waste material on-site. BAL then informed KWML that if they wished to import C,D&E waste material again for recycling, then they would need to submit the two planning applications themselves.
15. In May 2017, KWML submitted two Section 73 applications to extend the time period for the ARF, including the ability to import up to 100,000 cubic metres per annum of C,D&E waste for recycling, and the use of the two container units with restoration by 30 September 2019. However, although the applications were submitted through the planning portal before the expiration date of the planning permissions, the cheque, in respect of the planning fee, was sent by post and was not received until the day after both planning permissions had expired. This was due to there being no post at the Council's Offices at weekends. As a consequence, the submissions could not be accepted as valid 'Section 73' applications. As the planning permissions had expired, KWML were informed that two full planning applications would need to be submitted.
16. During the remainder of 2017, KWML made two attempts to submit full planning applications in July and October which the CPA were unable to validate. The applications were amended and re-submitted in February 2018. Following a number of further revisions, the CPA was finally able to validate the applications on 26 February 2018. Since that time, the CPA have formally consulted on the applications. Following more detailed assessment of the applications by Officers and in response to feedback from technical consultees, the CPA has been in a process of negotiation with the applicant which has involved the need for the provision of further information / clarification. This approach reflects the CPA's duty to work positively and proactively with the applicant in order to facilitate sustainable development.
17. During 2018, KWML has been reducing stockpiles, clearing the northern part of the ARF and reducing the levels on this part of the site. KWML has also been involved in site clearance work within the wider Shepperton Quarry site. Information derived in September

2018 from a monitoring visit to the site revealed that the operational area of the ARF had significantly decreased in size.

18. The retrospective planning application (ref: SP18/00308/SCC) for the ARF was considered by the Planning and Regulatory Committee at their meeting on 17 October 2018 where it was resolved that planning permission be refused on the grounds of Green Belt, surface water drainage and the risk of flooding. A decision notice was subsequently issued on 1 November 2018.

Planning History

19. Planning permission (Appeal ref: T/APP/8360/A/98/1013164) was originally granted on appeal on 21 May 1999 for an aggregates recycling facility (ARF) at Shepperton Quarry for a temporary period of 5 years until 21 May 2004 involving the processing of up to 100,000 cubic metres per annum of imported C,D&E waste from north-west Surrey.
20. The planning permission for the ARF was subsequently extended for: 5 years until 21 May 2009 under Appeal ref: APP/B3600/A/05/1175072 dated 16 February 2006; 5 years until 21 May 2014 under planning permission ref: SP09/0371 dated January 2011; 2 years until 21 May 2016 under planning permission ref: SP14/00835/SCC dated 24 September 2014; and 1 year until 21 May 2017 under planning permission ref: SP16/00662/SCC dated 8 August 2016. Condition 8 required the site to be restored by 21 May 2017. Condition 9 prevented the further importation of C,D&E waste.
21. Planning permission (ref: SP98/0643) was granted in February 2012, under the Review of Old Mineral Permissions (ROMP) for the working of the remaining mineral reserves and restoration of Shepperton Quarry to nature conservation use by 21 February 2020, including a revised set of planning conditions. The permission was subject to a Section 106 Agreement dated 27 February 2012 to regulate the passage of heavy goods vehicles (HGVs) and to secure a 25 year Landscape and Biodiversity Management Plan.
22. Planning permission (ref: SP/12/00386) was granted retrospectively in May 2012 for the siting and use of two container units for employee welfare purposes at the site comprising a ladies WC and a clothes drying room, ancillary to the mineral processing and aggregates recycling activities, for a temporary period until 21 May 2014.
23. The planning permission for the two container units was subsequently extended for: 2 years until 21 May 2016 under planning permission ref: SP14/00633/SCC dated 24 September 2014; and 1 year until 21 May 2017 under planning permission ref: SP/16/00663/SCC dated 8 August 2016. Condition 2 required the development to be removed and the land to be landscaped and restored by 21 May 2017.
24. Planning applications ref: SP17/00501/SCC and SP17/00491/SCC for the continued use of land as an ARF and for the siting of two container units for employee welfare purposes respectively until 30 September 2019 were withdrawn by BAL in May 2017.
25. Planning application ref: SP18/00308/SCC was refused in November 2018 for an ARF including the importation of up 100,000 cubic metres per annum of C,D&E waste for recycling until 21 May 2019 with restoration by 30 September 2019.

THE PROPOSAL

26. KWML are seeking retrospective planning permission for the use and siting of two container units for employee welfare facilities, ancillary to the aggregates recycling facility (ARF) at the site. This application has been submitted in conjunction with retrospective planning application (ref: SP18/00308/SCC) for the ARF which was refused planning permission in November 2018. This was for a recycling facility for construction and

demolition (C&D) waste using crushing and screening plant to produce recycled aggregates and soils, the stockpiling of waste and recycled products, the importation of waste material for recycling and the retention of screen bunding, two-storey site office and two-storey weighbridge office for a temporary period until 30 September 2019. The application for the ARF proposed to continue recycling operations for a two year period up until 21 May 2019 with restoration to be completed by 30 September 2019.

27. This application seeks to retain the two container units on site for a temporary period until 30 September 2019. This time period was commensurate with the restoration completion date proposed in the application for the ARF. This proposed that the application site would be restored to meadow grassland divided by new and existing hedgerows by 30 September 2019, in accordance with the approved restoration plan (Drawing No. NL08074/PA6 dated May 2009).
28. The two proposed container units measure approximately 2.75 metres in width, 4.1 metres in length and 2 metres in height. They have a steel frame, are steel clad and are coloured blue. The units are used for welfare purposes to cater for employees working at the site and are located just south of the existing two-storey weighbridge office and mess hut. The northernmost of the two container units currently houses a WC for the use of female employees on site. There are facilities on site for male use, but it is not acceptable for these to be shared by female employees. The southernmost container unit is used as a drying room for items of clothing belonging to employees at the ARF which have become wet during the working day.
29. The application does not involve any intensification of use, changes in working practices or changes to operational hours. HGV movements associated with the use of the container units are only those required for the collection of foul water from the ladies' WC that is collected in the same sealed ground container as for the mens' WC and which is emptied at the same time by HGV tanker 3 to 4 times per year. The proposal will result in no additional HGV movements beyond those previously permitted at the site. The removal of these two container units would coincide with the restoration of the site. Therefore, they are not proposed as a permanent feature.

CONSULTATIONS AND PUBLICITY

Borough Council

30. **Spelthorne Borough Council**
No objection.

31. **Environmental Health**
No objection.

Consultees (Statutory and Non-Statutory)

32. **Environment Agency (EA)**
Object to the application as the submitted Flood Risk Assessment (FRA) does not provide a suitable basis for an assessment to be made of the flood risk arising from the proposed development.
33. **Lead Local Flood Authority (LLFA) / SuDS & Consenting Team**
Recommend that planning permission be refused because insufficient information has been provided regarding the proposed surface water strategy to comply with the required technical standards. In the event that planning permission is granted, then this should be subject to two pre-commencement conditions which are referred to under paragraph 66 of this report.

34. Environmental Assessment Team

Recommends that the proposal does not constitute 'EIA development'.

35. Thames Water

No views received.

Parish/Town Council and Amenity Groups

36. Shepperton Residents Association

Has stated that the comments made to joint planning application ref: SP18/00308/SCC for the use of land as an aggregates recycling facility also apply to this associated application. The comments / concerns expressed on application ref: SP18/00308/SCC were as follows:

- The application site was only originally permitted on appeal;
- The planning application should be considered on the basis of a 'stand-alone' activity no longer associated with gravel raising following the restoration of Home Farm and should therefore be refused;
- There is no longer a need to import waste material for recycling as this would be contrary to the position of Brett Aggregates Ltd who confirmed in writing to the CPA that they had put a ban on new C&D waste imports to the site in around 2015;
- The operator has continued to import material after May 2017 without planning permission and has taken a considerable amount of time to submit the new application;
- Local residents have suffered many years of heavy goods vehicle (HGV) traffic from the wider Shepperton Quarry site including the continued importation of 100,000 cubic metres of C&D waste per annum which is unacceptable;
- The applicant's reference to Government policy which includes a strong presumption in favour of sustainable development was never intended to apply to Green Belt locations;
- Very special circumstances advanced by the applicant are not accepted because: there is a lack of evidence of what alternative sites have been investigated; this was never intended to become a Surrey-wide recycling site; the movement of waste up the waste hierarchy has never been applied to C&D waste recycling; the site's Green Belt location means that it is unsuitable for recycling unrelated to gravel raising; and the acceptance of the very special circumstances advanced by the applicant would set a significant precedent for future applications; and
- Refusal of the application would be a step towards reducing the estimated 400 plus vehicle movements per day from the combined activities undertaken on the wider site.

37.aleham Residents Association

No views received.

38. Charlton Village Residents Association

Express its opposition to the application for the following reasons:

- The operator flagrantly ignores the law regarding planning applications and only seeks to conform when their abuse of the site has been proven beyond doubt;
- The site was supposed to have been returned to residents' use (i.e. incorporating public access) years ago; and
- The site should be restored back to residents' land and not for water use (i.e. nature conservation use incorporating three additional bodies with no public access) as is currently suggested.

Officer Comment

39. As the comments / concerns provided by Shepperton Residents Association all relate to joint planning application ref: SP18/00308/SCC for the use of land as an ARF, they are not considered strictly relevant in relation to this application.

Summary of publicity undertaken and key issues raised by public

40. The application was publicised by the posting of 1 combined site notice with planning application ref: SP18/00308/SCC and a combined advert was placed in the local newspaper. A total of 65 owner/occupiers of neighbouring properties were directly notified by letter.
 41. A total of 5 written representations have been received, all of which object to the application. The main reasons provided relate to planning application ref: SP18/00308/SCC for the use of land as an ARF. The reasons provided that could relate to this application are as follows:
 - The applicant's failure to restore the site by 21 May 2017;
 - The applicant's continued operation of the site following the expiry of planning permission;
 - The applicant's failure to comply with planning conditions;
 - The applicant should not be awarded for its misdeeds with a new planning permission.
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PLANNING CONSIDERATIONS

Introduction

42. The guidance on the determination of planning applications contained in the Preamble / Agenda front sheet is expressly incorporated into this report and must be read in conjunction with the following paragraphs.
43. In considering this application, the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations. In this case, the statutory development plan for consideration of the application consists of the Surrey Waste Plan 2008 (SWP), the Surrey Minerals Plan Core Strategy Development Plan Document 2011 (SMP CS DPD), the Aggregates Recycling Joint Development Plan Document for the Minerals and Waste Plans 2013 (ARJDPD), the Spelthorne Borough Core Strategy and Policies DPD 2009 (Spelthorne CS&P DPD) and the Spelthorne Borough Local Plan 2001 (SBLP) 'saved' policies.
44. The County Council is in the process of reviewing the SWP and published the Draft Surrey Waste Local Plan (SWLP) for consultation in December 2017. As the plan remains at an early stage of preparation and has not been subject to examination, little weight can be given to the policies contained within it. The Borough Council adopted a Flooding Supplementary Planning Document (SPD) in 2012 and is in the early stages of preparing a new local plan having published an Issues and Options consultation in May 2018.
45. In assessing the application against development plan policy, it will be necessary to determine whether the proposed measures for mitigating any environmental impact of the development are satisfactory. In this case, the main planning considerations are: the need for the two container units; surface water drainage and risk of flooding; landscape and visual impact; ecology; lighting; restoration and green belt.

Environmental Impact Assessment

46. The proposed development, together with planning application ref: SP18/00308/SCC, were evaluated by the CPA in line with the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) and the advice set out in the national Planning Practice Guidance (nPPG) on EIA. On 15 March 2018, the CPA adopted a screening opinion under Regulation 8 of the above EIA Regulations. Having considered the proposed developments in the context of Schedule 2, it was recommended that the developments to which the applications relate were not likely to give rise to any significant

environmental effects and do not constitute EIA development, either alone or in combination.

Principles of the Development

Aggregates Recycling Joint Development Plan Document 2013 (ARJDPD)

Policy AR1: Presumption in Favour of Sustainable Development

Policy Context

47. Policy AR1 of the ARJDPD explains that when considering development proposals, the CPA will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). The CPA will always work proactively with applicants jointly to find solutions which mean that proposals can be permitted wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. This policy also reflects paragraph 11 of the NPPF in advocating that planning applications that accord with the development plan policies will be approved without delay.

Assessment

48. The principles of the development for the use and siting of the two container units for employee welfare facilities at the site have already been established when the development was originally permitted temporarily under retrospective planning permission ref. SP/12/00386 in May 2012. The two container units have subsequently received planning permission for an extension of time on two subsequent occasions.
49. The two proposed container units are ancillary to the use of the site as an aggregates recycling facility (ARF). The need for the application has been overtaken by events following the refusal of planning application ref: SP18/00308/SCC in November 2018 for the use of land as an ARF. As a consequence, the need for the two container units can no longer be justified.

Conclusion

50. As the ARF has recently been refused planning permission, Officers consider that there is no longer a need for the two container units for employee welfare facilities.

Environment and Amenity Issues

Surrey Waste Plan 2008 (SWP)

Policy DC2: Planning Designations

Policy DC3: General Considerations

Surrey Minerals Plan Core Strategy DPD 2011 (SMP CS DPD)

Policy MC17: Restoring Mineral Workings

Policy MC18: Restoration and Enhancement

Spelthorne Borough Core Strategy and Policies DPD 2009 (Spelthorne CS&P DPD)

Policy LO1: Flooding

Policy SP6: Maintaining and Improving the Environment (sites of nature conservation value)

Policy EN8: Protecting and Improving the Landscape and Biodiversity

Policy EN13: Light Pollution

Spelthorne Borough Local Plan 2001 (SBLP)

'Saved' Policy RU11: Sites of Nature Conservation Importance

'Saved' Policy RU14: Sites of Nature Conservation Importance

51. Government planning policy set out in paragraph 17 of the NPPF requires planning decisions to promote an effective use of land in meeting the need for development, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 155 expects inappropriate development in areas at risk from flooding to be avoided or, where development is necessary in such areas, to be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 163 (and footnote 50) requires all applications within Flood Zones 2 and 3 to be supported by a flood risk assessment (FRA). Paragraph 170 expects planning decisions to contribute to and enhance the natural environment.
52. SWP Policy DC2 states that planning permission will not be granted for waste-related development where this would endanger, or have a significant adverse impact on, relevant to this application, the character, quality, interest or setting of sites of nature conservation importance (SNCI) or land, as defined by the Environment Agency (EA), as liable to flood. SWP Policy DC3 seeks to permit waste-related development where it can be demonstrated that any impacts can be controlled to achieve levels that will not significantly adversely affect people, land, infrastructure and resources. Where necessary appropriate mitigation should be identified so as to minimise or avoid any material adverse impact and compensate for any loss. The impacts to be considered include those relating to: surface water; visual and landscape impact; biodiversity; and glare.
53. SMP CS DPD Policy MC17 states that restoration of mineral workings should be completed at the earliest opportunity and that restored sites should be sympathetic to the character and setting of the wider area and be capable of sustaining an appropriate after-use. Policy MC18 of the SMP CS DPD seeks to deliver benefits from restoration in the form of enhancement of biodiversity interests, improved public access and provision of climate change mitigation. Where appropriate, the policy advocates the provision of a wider area enhancement approach, linking restoration proposals or other green infrastructure initiatives.
54. Spelthorne CS&P DPD Policy LO1 sets out a series of measures designed to reduce flood risk and its adverse effects on people. These include requiring any development in Zones 2, 3a and 3b to be designed to be flood resilient/resistant and for all development on sites of 0.5 hectares or more within these flood zones to be supported by an appropriate FRA. Strategic Policy SP6 of the Spelthorne CS&P DPD seeks to maintain and improve the quality of the environment of the Borough by: ensuring that new development respects the environment of the area; protects and enhances areas of existing environmental character including sites of nature conservation value and areas of landscape value; and improving poor quality environments. The Borough Council adopted a Supplementary Planning Document (SPD) on Flooding in 2012 to explain in more detail the Council's policy on development in areas of flood risk.
55. Spelthorne CS&P DPD Policy EN8 seeks to protect and improve the landscape and biodiversity by: working with partners to develop and implement projects to enhance the landscape and create or improve habitats of nature conservation value and refusing permission where development would have a significant harmful impact on the landscape or features of nature conservation value. Policy EN13 of the Spelthorne CS&P DPD aims to reduce light pollution by only permitting lighting proposals which would not adversely affect amenity or public safety. Spelthorne CS&P DPD Strategic Policy SP7 sets out a number of measures by which the Borough Council will seek to reduce the impact of development in contributing to climate change including by promoting measures to reduce flooding and the risks from flooding.
56. SBLP Policy RU11 only permits development within safeguarded Sites of Nature Conservation Importance (SNCI) where there will be no adverse effect on their ecological interest or where the requirements of Policy RU14 are met. Where development would

destroy or damage the SNCI, SBLP Policy RU14 requires applicants to demonstrate that the benefits outweigh the harm, any harm is minimised, mitigation / compensation has been made within the area, and that measures are established to monitor the effectiveness of the mitigation.

Drainage and Risk of Flooding

Assessment

57. The River Thames runs to the west and the south of the Shepperton Quarry site. The submitted Planning Statement sets out that although the wider site falls within Flood Zone 2, the two container units for employee welfare facilities fall within Flood Zone 3. It explains that a Flood Risk Assessment (FRA) has been prepared in connection with both this development, and the ARF which was the subject of a separate and planning application, and that this confirms that operations at the site will not, overall, give rise to flood risk.
58. The submitted Planning Statement states that no changes are proposed to the positioning of the container units, which continue to be located on a gravel surfaced area, surrounded by stockpiles and machinery. The container units are temporary, moveable and take up 23 square metres of land. The Planning Statement argues that this poses no additional risk to flooding, in the context of the overall much larger recycling area, and that the units are linked to the ARF and will be removed when the site is restored. For these reasons, the applicant considers that the development is 'de minimis' in the context of flood risk.
59. The Planning Statement adds that flood risk, in the context of the welfare units, has not previously been considered to be an issue and that there was no mention of flood risk in the Officer Reports addressing previous planning applications. It also sets out that as nothing has changed, there is no reason why flood risk cannot be dealt with in the context of the entire site, as has been done since 2012. However, previous applications have been submitted under Section 73 of the Town and Country Planning Act 1990 to amend a condition whereas this is a full application seeking express planning permission and therefore requires a much more rigorous assessment of the proposal including the submission of a Flood Risk Assessment. Further, Officers are aware that planning application ref: SP2018/00308/SCC for the use of land as an ARF was recently refused planning permission in November 2018 on grounds which included surface water drainage and the risk of flooding. This followed an objection from the EA and a recommendation from the Lead Local Flood Authority (LLFA) that planning permission be refused due to deficiencies with the submitted FRA.
60. The FRA explains that the site is located in the River Thames catchment area. The EA has produced 'The Thames Catchment Flood Management Plan' which is a voluntary, high level strategic plan that aims to develop policies to manage flood risk over the next 50-100 years. Spelthorne Borough Council has published a 'Strategic Flood Risk Assessment' (SFRA) that indicates that the aggregates recycling area is located in Flood Zone 2 and 3.
61. Flood Zone 2 indicates that there is a medium risk of flooding from fluvial or tidal sources and includes land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding. Flood Zone 3 is an area of high flood risk and includes land having a 1 in 100 or greater annual probability of river flooding. The FRA acknowledges that the two proposed container units comprising a WC and a clothes drying room are situated within Flood Zone 3. The SFRA indicates that there is no sewer flooding at the site.
62. CIRIA publication 'C624 Development and Flood Risk - Guidance for the Construction Industry' defines three levels of flood risk that can be undertaken. The submitted FRA considers that a Level 2 Scoping Study is appropriate at this stage. However, to negate any pre-commencement conditions, it explains that the FRA has been based on the requirements of a Level 3 Detailed Study. The FRA concludes that:

- There is no history of flooding from the surrounding rivers according to the SFRA;
 - The site is at low risk of surface water flooding according to the EA surface water maps;
 - It is proposed to discharge the surface water to a swale that discharges to a watercourse to the north of the site;
 - The attenuation required in a 1 in 100 year event plus climate change is 23.5 cubic metres;
 - The finished floor level will be set 600 mm above the ground levels to mitigate flooding to the two containers;
 - The application is de minimis as the buildings take up less than 23 square metres;
 - The water level is approximately 0.1 metres and therefore 2.3 square metres of storage will be required;
 - The compensation storage area will be found outside the 1 in 100 year event plus climate change;
 - No mitigation measures are considered necessary to mitigate the risk from infrastructure failure; and
 - Redevelopment of the site would be considered sustainable in terms of flood risk as per the existing site.
63. The EA have objected to the application because the submitted FRA does not provide a suitable basis for an assessment to be made of the flood risk arising from the proposed development. In particular, they have commented that the submitted FRA fails to: (1) assess the impact of climate change using the latest guidance and appropriate climate change allowances; and, (2) demonstrate if there is any loss of flood plain storage within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change caused by the proposed development and if so that this can be mitigated.
64. The EA have advised that the applicant can overcome this objection by undertaking a FRA which demonstrates that the development is safe without increasing risk elsewhere and where possible reduce flood risk overall. They have recommended that a topographical survey is undertaken by the applicant, utilising the modelled floodplain levels for the site provided by the EA, in order to demonstrate whether the temporary container units will be outside the 1 in 100 plus 15% allowance for climate change.
65. The Lead Local Flood Authority (LLFA) has assessed the application including the submitted FRA and surface water drainage strategy for the proposal against the requirements under the NPPF, the nPPG and national Non-Statutory Technical Standards for Sustainable Drainage Systems (SuDS). They have recommended that planning permission be refused because insufficient information has been provided regarding the proposed surface water strategy to comply with the requirements laid out under the technical standards for SuDS. To overcome this, they have said that the following information is required:
- Ground Investigations confirming suitability (or lack of) soakaway drainage;
 - A drainage design that takes into account the SuDS Hierarchy;
 - Drainage calculations illustrating existing and proposed surface water discharge rates and volumes;
 - Drawings and plans including: a topographical survey; the proposed drainage layout; and the existing drainage layout.
66. In the event that planning permission is granted, the LLFA have suggested the imposition of two planning conditions. The first is a pre-commencement condition requiring details of the design of a surface water drainage scheme to be submitted to and approved in writing by the CPA. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The proposed planning condition also lists the specific drainage details that should be provided. The second condition requires a verification report to be carried out by a qualified drainage engineer and submitted to and approved by the CPA prior to the first

occupation of the development. However, both conditions would be unenforceable as the application is retrospective and the two proposed container units for employee welfare purposes are already on site and actively in use.

67. Spelthorne Borough Council have raised no objection to the application. No views have been received from Thames Water and no other comments on this subject have been received from other consultees or residents who have submitted representations on the proposal.
68. The applicant has considered the points raised by the EA and the LLFA and disagrees with their findings. They believe that the requested information is not justified and is disproportionate. This is given the context of the site which has been operating as an ARF for nearly 20 years and the nature of the retrospective application which seeks to extend the period for the use and siting of the two container units, which have been on site for around 7 years, from 21 May 2017 until 30 September 2019. Consequently, the applicant has informed the CPA that they are not prepared to undertake the additional work requested on revising the FRA.

Conclusion

69. Officers consider that although the development has been operational for almost 20 years, and the two container units have been present on site for around 7 years, policy requirements and technical standards have changed over this period. As this is a full retrospective planning application seeking express temporary planning permission for the two container units, the impacts of the proposal need to be fully assessed. In view of the deficiencies with the submitted FRA, as highlighted in the objection letter received from the EA and the LLFA's response recommending that planning permission be refused, together with the applicant's decision not to address the concerns raised, Officers conclude that the proposal is contrary to development plan policy in respect of surface water drainage and the risk of flooding.

Landscape and Visual Impact

Assessment

70. The submitted Planning Statement sets out that the effects of the proposed development on landscape and visual amenity were assessed as being acceptable as part of the previous planning permission ref: SP/16/00663/SCC dated 8th August 2016. This application proposes no changes to the physical appearance or positioning of the container units.
71. The Planning Statement points out that the development remains mostly screened from public viewpoints by vegetation along the B376 Shepperton/Laleham Road to the north, along Littleton Lane to the east, Littleton Lane industrial estate and the development at Shepperton Quarry to the south east and south, and by development and vegetation on the western banks of the Shepperton Quarry lake to the west. It explains that although the nearest housing does not overlook the site, it remains visible from the adjacent Laleham Farm and in glimpsed distant views from the north and east through the roadside boundary vegetation of the perimeter screen bunding, with occasional views of plant and machinery protruding above the bunding. It also notes that there are no public rights of way across the site or the land at Laleham Farm to the north.
72. In the context of the site as a whole, the Planning Statement considers that given the temporary nature of the units which will remain ancillary to the ARF, the proposal continues to have a very limited visual impact on the local landscape. Therefore, the applicant argues that the proposed development is acceptable in terms of its impacts on landscape and visual amenity and complies with the relevant development plan policies.

- 73. No objections have been received on the grounds of the impact on landscape and visual amenity. Officers note that in considering the previous planning permission (ref: SP/16/00663) to retain the two container units on site for a further 12 months until 21 May 2017, the County Landscape Architect made no landscape objection to the proposal given the modest scale of the development and its ancillary nature.
- 74. However, the proposed container units would no longer be ancillary to the ARF following the recent refusal of planning application ref: SP18/00308/SCC in November 2018. They would therefore be more conspicuous in the landscape as they would no longer be screened by the existing two storey weighbridge office or the plant and machinery and stockpiles of processed and unprocessed materials associated with the ARF once the site has been cleared. However, in view of their scale, temporary nature and the existing screening around the wider site, the visual and landscape impact of the development is considered to be acceptable.

Conclusion

- 75. In view of the existing screening around the periphery of the wider Shepperton Quarry site and the scale and temporary nature of the proposed development, Officers are satisfied that in terms of the landscape and visual impact of the development, the application is not likely to have any significant adverse effects and is therefore acceptable and complies with the development plan in this respect.

Ecology

Assessment

- 76. The submitted Planning Statement explains that the effects of the proposed development on ecology and biodiversity were assessed as being acceptable as part of planning permission ref: SP/16/00663/SCC dated 8th August 2016. It points out that the application proposes no changes to the positioning of the container units, which continue to be located on a gravel surfaced area, surrounded by stockpiles and machinery, which is well used by people and cars. It notes that this particular location, in the south-western corner of the ARF, has no significant features of nature conservation and is not likely to attract wildlife. Due to their temporary nature, the Planning Statement sets out that the two container units do not require foundations, and so no below-surface works have taken place which might affect wildlife and their habitats.
- 77. The Planning Statement adds that on cessation of the development, restoration of the recycling facility in conjunction with the restoration and landscaping of the wider Shepperton Quarry site should ensure that biodiversity and ecological interests are maintained and enhanced in the longer term. For these reasons, the Planning Statement concludes that the proposed development will not result in an adverse impact on ecological interests.
- 78. Officers note that although the County Ecologist made no comments on the previous planning application (ref: SP/16/00663/SCC), permitted on 8th August 2016 to retain the two container units for a further 12 months, the County Ecologist considered an earlier planning application (ref: SP/14/00633/SCC) permitted on 24 September 2014 to retain the container units for 2 years. In response, the County Ecologist raised no objection and had no further comments to make. It is also noted that the County Ecologist raised no objection to refused planning application ref: SP18/00308/SCC to retain the ARF until 21 May 2019.
- 79. However, following the refusal of planning application ref: SP18/00308/SCC in November 2018, the proposed development will no longer be surrounded by stockpiles and machinery, as indicated in the Planning Statement, after the site has been cleared. The two container units are situated within the Shepperton Quarry Site of Nature Conservation

Importance (SNCI) which is important for wintering wildfowl. They have already been present on site for around 7 years. As any features of ecological value within the aggregates recycling area are already likely to have been disturbed, the application is not likely to have any significant adverse impacts on ecology and biodiversity interests.

80. No objections have been received to the application on the grounds of the impact on ecology and biodiversity. The aggregates recycling area, which comprises the application site, is subject to an approved restoration scheme to restore the land to nature conservation use comprising meadow grassland divided by new and retained hedgerows. Officers note that the approved restoration scheme, which covers the wider Shepperton Quarry site as a whole, is no longer deliverable. Accordingly, a revised restoration scheme will need to be submitted for approval. However, it is understood that there is no need to amend the restoration of the aggregates recycling area itself. Officers are therefore confident that restoration will be achieved resulting in ecological benefits and an increase in the biodiversity value of the site in a manner that complements the Shepperton Quarry SNCI and the nearby Littleton Lake SNCI.

Conclusion

81. No objections have been received on biodiversity or ecological grounds. Given the length of time the two container units have been on site, any features of ecological or biodiversity interest are likely to have already been disturbed. The application site is subject to an approved nature conservation based restoration scheme. The proposal is for a temporary period and Officers are satisfied that restoration can be achieved in a manner which will increase the biodiversity and ecological value of the site and complement the existing SNCI designations. For these reasons, the application is in accordance with development plan policy relating to biodiversity and ecological interests and the protection of SNCIs.

Lighting

Assessment

82. The Planning Statement explains that it will be necessary to provide lighting at the facilities for health and safety reasons. However, this will only be used during operational hours and will not be illuminated over the night time period. No objections have been received in relation to lighting and no issues have been raised. Officers note that no changes are proposed to the previous lighting regime at the site which has been in existence for approximately 7 years.
83. No changes are proposed to the operational hours of the welfare facilities. These would need to be secured by the imposition of a planning condition. This follows the refusal of planning application ref: SP18/00308/SCC for the ARF. This is because the condition controlling hours of operation was previously only imposed on the planning permission for the ARF.

Conclusion

84. In view of the considerations discussed above, Officers are satisfied that the application would not give rise to a significant adverse impact in relation to glare and meets the requirements of development plan policy on this subject.

Restoration

Assessment

85. This retrospective application is proposing to retain the two container units on site for a temporary period until 30 September 2019. The Planning Statement explains that the container units would be removed from the site upon cessation of the recycling activities

and the site shall be restored in accordance with the scheme of restoration and landscaping for Shepperton Quarry approved under planning permission reference SP98/0643 dated 28th February 2012.

86. Refused planning application ref: SP18/00308/SCC for the ARF had proposed to allow recycling operations to continue for a temporary period of two years until 21 May 2019 with restoration to be completed by 30 September 2019. Subject to planning permission being granted, the restoration of the land occupied by the two container units would be capable of being secured through the imposition of a planning condition.
87. The application would delay the restoration of the small area of land occupied by the two container units, as well as the aggregates recycling area in its entirety, by up to 28 months until September 2019. The impact of this delay is considered relatively minor in restoration terms given the very small area occupied by the two container units in the context of the wider Shepperton Quarry site. Further, almost all of the aggregates recycling area could be restored in advance and the proposal would not delay the restoration of the wider Shepperton Quarry site where restoration is required to be completed by 21 February 2020.
88. Charlton Village RA has commented that the site should have been restored years ago and should be restored back to 'residents land' and not for 'water use' as is currently proposed. This is because the approved restoration scheme is for nature conservation use and does not make provision for public access. It also includes the formation of three additional water bodies within the wider Shepperton Quarry site where the remaining mineral reserves were to be extracted. However, the land owner has now confirmed that they no longer intend extracting the remaining mineral reserves.
89. As a consequence, the approved restoration scheme is no longer deliverable and a revised restoration scheme will need to be submitted for approval. Officers are aware that there is a desire within the local community for some form of public access to be incorporated into the revised restoration scheme and this will be explored in discussions between Officers and the landowner.
90. The approved restoration scheme requires the aggregates recycling area, including the land occupied by the two container units, to be restored to meadow grassland divided by new and retained hedgerows. Officers do not envisage there being a need to change the restoration for the aggregates recycling area as part of the revised restoration scheme. This is because the aggregates recycling area is not affected by the land owner's decision not to work the remaining mineral reserves.
91. A representation has been received objecting to the application for, amongst other reasons, the applicant failing to restore the site by 21 May 2017. However, the operator's intention to retain the two container units for a further temporary period until 30 September 2019 was made apparent to the CPA in advance of the expiry of planning permission. This followed the submission of a planning application by the landowner in March 2017 which was subsequently withdrawn. Accordingly, restoration has been delayed pending the submission and determination of the planning applications for the ARF and the two container units.

Conclusion

92. The proposal would delay the completion of the approved restoration scheme for the aggregates recycling area by up to 28 months. However, with the exception of the small area occupied by the two container units, the restoration of the remainder of the aggregates recycling area could be completed in advance. The impact of the delay to restoration is not considered significant. This is because of the small area occupied by the two container units, the development would not prevent the vast majority of the aggregates recycling area from being restored in advance, and the application would not delay the

restoration of the wider Shepperton Quarry site by 21 February 2020. Officers are satisfied that with the imposition of a planning condition to secure the removal of the two container units and the restoration of the land they occupy, restoration can be achieved in a manner that is sympathetic to the character and setting of the wider area, is capable of sustaining an appropriate after-use and is beneficial in terms of delivering biodiversity enhancements. For these reasons, the proposal meets the requirements of development plan restoration policy requirements.

Green Belt

Surrey Waste Plan 2008 (SWP)

Policy CW6: Development in the Green Belt

Spelthorne Borough Local Plan 2001 (SBLP)

‘Saved’ Policy GB1: Green Belt

Policy Context

93. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It 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 resulting from the proposal, is clearly outweighed by other considerations.
94. SWP Policy CW6 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 of waste management facilities in the Green Belt 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, including the need for a range of sites, may contribute to very special circumstances.
95. ‘Saved’ Policy GB1 of the SBLP states that the Green Belt shown on the Proposals Map will be permanent and within it development will not be permitted which would conflict with the purposes of the Green Belt and maintaining its openness. Subject to the above, development will not be permitted except for uses appropriate to the Green Belt.

Assessment

96. The application site is located in the Green Belt and forms part of the wider Shepperton Quarry site where temporary planning permission exists until 21 February 2020 for operations associated with mineral working and restoration. The aggregates recycling area including the area occupied by the two container units were required to have been restored by 21 May 2017. The proposed development is ancillary to the use of the ARF. Consequently, it constitutes waste-related development which is not compatible with the objectives of Green Belt and maintaining openness and therefore represents inappropriate development.
97. No objections have been received on Green Belt grounds. Whilst the proposal is temporary, Officers consider that it would have a limited impact on the openness of the Green Belt. This is in terms of its continuing presence on the land after the remainder of the area occupied by the ARF has been restored following the recent refusal of the planning application. This includes the clearance and restoration of areas of the ARF

occupied by the two-storey weighbridge office, stockpiles of processed and unprocessed waste materials and associated plant and equipment. It would also delay completion of the restoration of the aggregates recycling area by up to 28 months until 30 September 2019.

98. Inappropriate development may only be permitted where very special circumstances are demonstrated which clearly outweigh the harm caused to the Green Belt by reason of inappropriateness, and any other harm. It is a matter for the applicant to demonstrate very special circumstances that overcome the harm to the Green Belt. The applicant has provided a list of factors, which they consider amount to very special circumstances that clearly outweigh the harm to the Green Belt such that an exception to policy can be made. These include:
 - The impact of the container units on the surrounding environment and Green Belt is considered negligible as the footprint of the application site totals less than 0.02% of the total Shepperton Quarry site area and 0.15% of the area of the ARF;
 - The length of time the units have already been in place without complaints being received from third parties;
 - Their enclosure within the recycling facility negates any nuisance to local landscape or air quality;
 - It is not proposed to alter the hours of working or any other aspects relating to the use of the two container units;
 - It is not acceptable for WC facilities to be shared by male and female employees;
 - The second unit, used as a drying room for items of clothing, which become wet during the working day, is also essential to the operation of the recycling facility;
 - The removal of the container units will coincide with the restoration of the rest of the recycling facility, and this development would not be a long term or permanent feature within the Green Belt; and
 - The two container units remain essential to the welfare of staff at the site, and are ancillary to the recycling facility proposed as part of a separate planning application.
99. Officers would not dispute the merits of the very special circumstances advanced by the applicant when considered in combination if planning permission had been granted for the ARF. However, following the refusal of planning application ref: SP18/00308/SCC for the ARF, the need for the development no longer exists. As the container units are intended to be ancillary to the use of the land as an ARF, the proposed development together with the very special circumstances put forward by the applicant have now been overtaken by events.
100. Accordingly, the very special circumstances suggested by the applicant are not sufficient to demonstrate that the identified harm to the Green Belt, by reason of inappropriateness and impact on openness, and other harm is clearly outweighed by other considerations. In this particular case, other harm comprises the inadequacy of the submitted technical information to assess the impacts on surface water drainage and the risk of flooding.

Conclusion

101. The development is inappropriate in the Green Belt and by definition harmful to the Green Belt and does not preserve openness and conflicts with the purposes of protecting the Green Belt. It can therefore only be permitted as an exception to policy. The two proposed container units are ancillary to the operation of the ARF. However, the need for the development no longer exists following the refusal of planning application ref: SP18/00308/SCC for the ARF. Officers consider that the factors advanced by the applicant are insufficient to demonstrate the existence of very special circumstances which clearly outweigh the harm identified, by reason of inappropriateness and lack of openness, and any other harm to the Green Belt. In terms of other harm, Officers have identified that this includes the applicant's failure to provide appropriate technical information to assess the impacts on surface water drainage and the risk of flooding. Officers therefore conclude

that the application is contrary to SWP Policy CW6 and ‘saved’ SBLP Policy GB1 and that an exception to Green Belt policy cannot be made.

HUMAN RIGHTS IMPLICATIONS

102. The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda is expressly incorporated into this report and must be read in conjunction with the following paragraph.
103. The scale of any impact is not considered sufficient to engage Article 8 or Article 1 of Protocol 1 and, if planning permission were to be granted any impact is capable of being controlled or mitigated by the measures incorporated in the planning application proposal, planning conditions and controls available through other regulatory regimes. As such this proposal is not considered to interfere with any Convention right.

CONCLUSION

104. The application site is located in the Green Belt and therefore planning permission may only be granted where factors that amount to very special circumstances are demonstrated that clearly outweigh the harm, by reason of inappropriateness, and any other harm to the Green Belt. The retrospective application for two container units ancillary to the use of land as an ARF is for a 28 month period until 30 September 2019 by which date the land is proposed to be restored in accordance with the previously approved restoration scheme (planning application ref: SP98/0643 dated 28 February 2012). The container units have been present on site and operational for around 7 years. They are located in the south-west corner of the ARF, which in turn is situated within the north east of the wider Shepperton Quarry site where mineral extraction and processing has ceased and the site is in the process of being cleared in preparation for restoration by 21 February 2020.
105. No objections have been received to the application in relation to the impact of the development on the Green Belt. However, the proposed development has been overtaken by events following the recent refusal of planning application ref: SP18/00308/SCC for the use of land as an ARF. Whilst the proposal is temporary, Officers consider that it would have a limited impact on the openness of the Green Belt. This is in terms of its continuing presence on the land after the remainder of the area occupied by the ARF has been cleared and restored following the refusal of planning permission.
106. The applicant has provided a list of factors which Officers consider to be insufficient to demonstrate the existence of very special circumstances which clearly outweigh the harm to the Green Belt. This is because the two proposed container units are ancillary to the ARF which has recently been refused planning permission. The applicant has therefore failed to demonstrate that very special circumstances exist to outweigh the harm by reason of inappropriateness, and any other harm which comprises the inadequacy of the submitted FRA to assess the impacts on surface water drainage and the risk of flooding. The application therefore does not comply with the requirements of Green Belt Policy.
107. The EA have objected to the application and the LLFA have recommended that the application be refused because the applicant has not provided appropriate technical information, by way of the submitted FRA, to assess the impacts of the proposed development on surface water drainage and flood risk. The applicant has confirmed that they do not intend amending the submitted FRA to address these concerns. They consider that they are not justified or proportionate given the context of the two container units which have been in existence for approximately 7 years. Therefore, the applicant has not demonstrated that the proposal would not have a significant adverse effect in terms of surface water drainage and risk of flooding contrary to the requirements of development plan policy.

108. The application has also been assessed in relation to its impacts on landscape and visual impact, ecology and biodiversity, lighting and restoration. Objections have been received from Charlton Village RA and local residents primarily due to the failure of the applicant to restore the site by 21 May 2017, the continued delay to restoration, the continued operation of the site following the expiry of planning permission and the failure to comply with planning conditions. Shepperton RA have also expressed their concern. No objections have been received from technical consultees in relation to these issues. Officers are satisfied that the impact of the proposal in relation to these matters is satisfactory and capable of being mitigated through the imposition of planning conditions.
109. In conclusion, the application does not comply with policy requirements in relation to Green Belt, surface water drainage and the risk of flooding. For these reasons, Officers consider that temporary planning permission for the two proposed container units for employee welfare facilities should be refused.

RECOMMENDATION

The recommendation is that planning permission be refused for the following reasons:

Reasons:

1. The proposed development is inappropriate and by definition harmful to the Green Belt and does not preserve openness and conflicts with the purposes of protecting Green Belt land including protecting the countryside from encroachment. The applicant has failed to demonstrate the very special circumstances to outweigh the harm by reason of inappropriateness, and any other harm. The proposal is therefore contrary to Policy CW6 of the Surrey Waste Plan 2008, 'saved' Policy GB1 of the Spelthorne Borough Local Plan 2001 and the National Planning Policy Framework 2018.
2. The applicant has failed to provide the appropriate information to support the application to enable a full assessment of the effects of the proposal and, if necessary, identify appropriate mitigation measures so as to minimise or avoid any material adverse impact with regard to flood risk and enable the County Planning Authority to be satisfied that adequate safeguards can be secured for the protection of the environment as required by development plan policy and therefore the proposal is contrary to the requirements of Policy DC2 (xvi) and DC3 of the Surrey Waste Plan 2008 and Policy LO1 of the Spelthorne Core Strategy and Policies DPD 2009.

Informatives:

1. In determining this application the County Planning Authority has worked positively and proactively with the applicant by: entering into pre-application discussions; scoping of the application; assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework including its associated planning practice guidance providing feedback to the applicant where appropriate, and issues of concern have been brought to the applicant's attention in a timely manner affording the opportunity to consider whether such matters can be suitably resolved. This approach has been in accordance with the requirements of paragraph 38 of the National Planning Policy Framework 2018. However, in this instance, it has not been possible to resolve the issues of concern so as to overcome the harm as identified in the reasons for refusal.

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 \(Revised July 2018\)](#)

[Planning Practice Guidance](#)

The Development Plan

[Surrey Waste Plan 2008](#)

[Surrey Minerals Plan Core Strategy Development Plan Document \(DPD\) 2011](#)

[Aggregates Recycling Joint DPD 2013](#)

[Spelthorne Core Strategy and Policies DPD \(February 2009\)](#)

[Spelthorne Borough Local Plan 2001 \(Saved Policies and Proposals\)](#)

Other Documents

[Spelthorne Flooding Supplementary Planning Document \(July 2012\)](#)

[Spelthorne Borough Council Strategic Flood Risk Assessment \(December 2006\)](#)

[Development and Flood Risk - Guidance for the Construction Industry, CIRIA, 2004](#)

[Non-Statutory Technical Standards for Sustainable Drainage Systems, DEFRA \(March 2015\)](#)
