

**TO:** PLANNING & REGULATORY COMMITTEE **DATE:** 20 June 2018

**BY:** PLANNING DEVELOPMENT MANAGER

**DISTRICT(S)** SPELTHORNE BOROUGH COUNCIL **ELECTORAL DIVISION(S):**  
**Stanwell & Stanwell Moor**  
**Mr Robert Evans**

**PURPOSE:** FOR DECISION

**GRID REF:** 504453 174372

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**TITLE:** MINERALS/WASTE SP18/00282/SCC

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### 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 without compliance with Condition 3 of planning permission ref: SP17/00438/SCC dated 7 September 2017 to allow 55 heavy goods vehicles to be based at the site and to be located within the designated lorry parking area, and for 55 heavy goods vehicles (110 movements) to access and egress the site between the hours 18:00 to 07:00 Monday to Saturday, and 13:00 on a Saturday to 07:00 on a Monday .**

Oakleaf Farm is located in north-eastern Surrey, some 500 metres south-west of London Heathrow Airport's western perimeter, approximately 75 metres north of King George VI Reservoir and 1 kilometre south east of junction 14 of the M25 motorway. The site lies in the southern end of the Colne Valley Regional Park and is within the Metropolitan Green Belt and Site of Scientific Interest (SSSI) Impact Zone. The site is identified in the adopted Surrey Waste Local Plan 2008 as a site suitable for development as a waste management facility.

Oakleaf Farm site is a former mineral working and has a complicated planning history. In November 2009, planning permission ref: SP08/0992 was granted for a permanent recycling, recovery and processing facility for construction & demolition wastes (including commercial & industrial wastes), with an attached Section 106 legal agreement to secure a landscape and ecology management plan and footpath upgrade. Several Section 73 planning applications have been received since 2014, which have been permitted to allow variation of conditions. The latest planning permission for the recycling, recovery and processing facility was granted in September 2017 (ref: SP17/00438/SCC) to allow minor amendments to the design and layout of the development, and an amended dust action plan.

The applicant is one of the tenants of Oakleaf Farm and was granted planning permission (ref: SP17/00304/SCC) on 7 September 2017, for the redesign of part of the layout of the Recycling Facility at Oakleaf Farm; to provide for increased recycling facilities comprising a baling operation for cardboard and coffee cups, including two storage bays and a glass collection bay; increased HGV parking; a site office, training room, welfare facilities and associated parking; diesel tanks; various plant and structures and perimeter fencing in the north-eastern part of the site.

There are no limitations on the daytime number of HGV movements to and from the site between 07:00 and 18:00 on Monday to Friday. The existing planning permission allows up to 24 HGVs to enter and leave the site during night-time hours, generating a total number of 48 HGV movements, between 18:00 and 07:00 on Mondays to Saturdays; and between 13:00 on

Saturday and 07:00 on Monday. This Section 73 planning application seeks to redistribute the existing HGV vehicle flows by increasing the total number of HGVs able to access and egress the site between 18:00 and 07:00 on Mondays to Saturdays and between 13:00 on Saturday and 07:00 on Monday from 24 to 55 (48 to 110 movements). The applicant states that this is to help redistribute some of the HGV movements to night-time to facilitate a more flexible waste collection practice.

The applicant has an existing Goods Vehicle Operators Licence (VOL) to operate 55 HGVs from the application site. This proposal will not result in an increase in the number of HGVs based at the site or an increase in the number of vehicular movements overall but it will give the applicant the flexibility to undertake waste collection when traffic flows on the highway network are low and disruption to businesses is minimal.

The County Planning Authority has received comments from the Stanwell Moor Residents' Association and 11 letters of representation from local residents, all objecting and raising various concerns with the application in respect of traffic and highways, noise and air quality. The implications of the proposal have been assessed against Green Belt policy and in terms of impacts to the local environment and amenity, including traffic and highways, noise and air quality. Officers consider that, following advice from technical consultees, and subject to the imposition of planning conditions, the proposal would not cause further harm to the Green Belt and that the proposal would not give rise to any adverse impact on amenity and environmental impacts. Therefore, Officers consider that planning permission should be granted subject to conditions.

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

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## APPLICATION DETAILS

### ***Applicant***

CAMO LTD T/A Simply Waste Solutions

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

19 February 2018

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

29 June 2018

### ***Amending Documents***

- Email dated 11 April 2018 regarding the noise conditions
- Email dated 15 April 2018 with the letter dated 14 April 2018 regarding the additional information on the application
- Email dated 20 April 2018 regarding the air quality assessment
- "Out of Hours" Vehicle Movements Technical Note dated 30 April 2018
- Email dated 11 May 2018 with the drawing No 1163/6Nb 'Site Layout Plan' dated January 2008 (Revision Nb dated 11 May 2018)

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## SUMMARY OF PLANNING ISSUES

This section identifies and summarises the main planning issues in the report. The full text should be considered before the meeting.

	<b>Is this aspect of the proposal in accordance with the development plan?</b>	<b>Paragraphs in the report where this has been discussed</b>
Environment and Amenity	Yes	37 - 64
Metropolitan Green Belt	No	65 - 76

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## ILLUSTRATIVE MATERIAL

### Site Plan

Drawing Ref. 2056/9 Site Location Plan dated 1 February 2017

### Aerial Photographs

Aerial 1      Oakleaf Farm, Stanwell Moor  
 Aerial 2      Oakleaf Farm, Stanwell Moor

### Site Photographs

Figure 1      Main entrance of the Oakleaf Farm (Horton Road)  
 Figure 2      Parking area  
 Figure 3      Site-office area and a road sweeper owned by the applicant

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## BACKGROUND

### *Site Description*

1. Oakleaf Farm is located in north-eastern Surrey, some 500 metres south-west of London Heathrow Airport's western perimeter and approximately 75 metres north of King George VI Reservoir and 1 kilometre south east of junction 14 of the M25 motorway. The site lies in the southern end of the Colne Valley Regional Park and is within the Metropolitan Green Belt and the Site of Scientific Interests (SSSI) Impact Zone. Oakleaf Farm was identified in the adopted Surrey Waste Local Plan 2008 as a site suitable for development as a waste management facility.

### *Planning History*

2. The Oakleaf Farm site, of some 9.4 hectares, is a former mineral working and has a complicated planning history. In November 2009, planning permission ref: SP08/0992 was granted for a permanent recycling, recovery and processing facility for construction & demolition wastes (including commercial & industrial wastes), with an associated Section 106 (S106) legal agreement to secure a landscape and ecology management plan (to provide long-term management of the ecological and biodiversity area to the northwest of the application site) and to facilitate the upgrading the footpath to the south of the application site to a bridleway. The following details pursuant to planning permission ref: SP08/0992 were approved:
  - Method of Construction Statement (Condition 13)
  - Details of Bird Hazard Management Plan (Condition 20)
  - Scheme of landscaping, planting and maintenance (Condition 24)
  - Method statement for controlling Japanese knotweed (Condition 25)
  - Scheme for the provision and management of a buffer zone alongside ditch (Condition 26)
  - Scheme of surface water drainage (Condition 27)
  - Details of external materials for buildings (Condition 28)
  - Details of Dust Action Plan (Condition 29)
3. In April 2012, a non-material amendment to planning permission ref: SP08/0992 (ref: SP11/00418) was granted for the increase of base level within the compound to 21m AOD from 20m AOD.

### Section 73 planning applications to vary Planning Permission SP/08/0992

4. The following Section 73 planning applications to vary SP/08/0992 have been received and determined since 2014:

Date	Ref.	Description of Development (Variation of Conditions)	Decision
March 2015	SP/14/01125/SCC	To allow operations to be carried out within the MRF Building 24 hours per day, 7 days per week (Condition 3 and 21)	Granted, following completion of a variation to the Section 106 legal agreement
December 2016	SP1401125/SCD1	To allow operational flexibility for the access and egress of vehicles based at the site (Condition 2 and 4)	Granted, following completion of a variation to the Section 106 legal agreement
September 2017	SP17/00438/SCC	To allow minor amendments to the design and layout of the development, and an amended dust action plan (Condition 1 and 35)	Granted <sup>1</sup>

5. The two Section 73 applications under ref. SP/14/01125/SCC for changes to the type and times of equipment operated inside the MRF building permitted in 2009 and ref: SP14/01125/SCD1 to allow operational flexibility for the access and egress of vehicles based at the site were both permitted by Surrey County Council subject to a deed of variation to the S106 agreement to bring the requirements of the S106 forward under the new consents. Following completion of a variation to the Section 106 legal agreement planning permission SP/14/01125/SCC was issued on 13 March 2015 and ref. SP/14/01125/SCD1 was issued on 30 November 2016.
6. In January 2018, the following detail pursuant to planning permission ref: SP14/01125/SCD1 was approved:
- Night-time Noise Management Plan (Condition 20)
7. The latest planning permission for the recycling, recovery and processing facility was granted in September 2017 (ref: SP17/00438/SCC) to allow minor amendments to the design and layout of the development, and an amended dust action plan.

Other planning applications at the Oakleaf Farm site

8. The following additional planning applications have been made on this site:

Date	Ref.	Description of Development	Decision
March 2016	SP15/01184/SCC	The installation and use of a concrete crushing plant for the processing of construction and demolition wastes to produce recycled aggregate	Granted
April 2016	SP/15/00929/SCC	The construction and use of 2.47 hectares of new concrete hardstanding to resurface the	Granted

<sup>1</sup> Planning permission ref: SP17/00438/SCC was granted without any variation to the Section 106 legal agreement.

		existing unmade compound area at Oak Leaf Farm waste recycling, recovery and processing facility	
June 2017	SP17/00360/SCC	The erection of Sprinkler Tank and Associated Pump Kiosk	Granted
September 2017	SP17/00304/SCC	The redesign of part of the Oakleaf Farm Recycling Facility layout to provide for increased recycling facilities comprising a baling operation for cardboard and coffee cups, including two storage bays and a glass collection bay; increased HGV parking; a site office, training room, welfare facilities and associated parking; diesel tanks; various plant and structures and perimeter fencing	Granted

9. In June 2017, the following detail pursuant to planning permission ref: SP/15/00929/SCC was approved:
  - Details of the Sustainable Drainage System (Conditions 3, 4 and 5)
10. In January 2018, planning application ref: SP18/00089/SCC was received for the development of part of the Oakleaf Farm Waste Recycling Facility without compliance with Condition 3 of planning permission ref: SP17/00304/SCC dated 7 September 2017 in order to allow an increase in the number of heavy goods vehicles (HGV) from 24 to 55 with an increase in the total number of HGV vehicle movements from 48 to 110. This application has been withdrawn.

**THE PROPOSAL**

11. This planning application, made under Section 73 of the Town and Country Planning Act 1990 (as amended), seeks to amend Condition 3 of planning permission ref: SP17/00438/SCC dated 7 September 2017.
12. Condition 3 states: *The development hereby permitted shall allow the limited site access and egress of 24 heavy goods vehicles (HGV) (defined as any vehicle in excess of 3.5 tonnes gross vehicle weight) based at the site and to be located within the lorry parking area shown on drawing number 1163/60 dated 8 June 2017 outside of the hours specified in Condition 2 of this permission with no more than a total number of 48 HGV 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 movements accessing and egressing the site daily between these times (including vehicle prefix) and these records shall be provided to the County Planning Authority within 5 working days upon written request.*
13. The applicant is one of the tenants of Oakleaf Farm and was granted planning permission ref: SP17/00304/SCC on 7 September 2017, to allow a baling operation for cardboard and coffee cups, including two storage bays and a glass collection bay;

increased HGV parking; a site office, training room, welfare facilities and associated parking; diesel tanks; various plant and structures and perimeter fencing in the north-eastern part of the site.

14. The site operator has a Goods Vehicle Operators Licence (VOL) to operate 55 HGVs from the application site. There are no planning conditions limiting on the daytime number of HGV movements to and from the site between 07:00 and 18:00 on Monday to Friday. Currently only 24 of the authorised HGVs are permitted to enter and leave the site during night-time hours, generating up to 48 HGV movements, between 18:00 and 07:00 on Mondays to Saturdays and between 13:00 on Saturday and 07:00 on Monday.
15. The applicant seeks to increase the number of HGVs from 24 to 55 with a commensurate increase in the total number of HGV movements from 48 to 110, between 18:00 and 07:00 on Mondays to Saturdays and between 13:00 on Saturday and 07:00 on Monday. However, these increases are not additional to the existing total number of HGVs based at the site which remains as previously authorised.
16. The applicant claims that the redistribution of HGV movements can help facilitate the collection of waste during the night time as there is less disruption and the roads carry less traffic. The increase in the number of HGV movements between 18:00 and 07:00 on Mondays to Saturdays and between 13:00 on Saturday and 07:00 on Monday would also enable the applicant to operate a more flexible waste collection practice.
17. The applicant does not intend to change the hours for unloading and loading of HGVs, site 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. The unloading and loading of HGVs would take place during the permitted daytime working hours for the site, which are between 07:00 to 18:00 Mondays to Fridays and between 07:00 to 13:00 Saturdays.

## **CONSULTATIONS AND PUBLICITY**

### ***District Council***

18. Spelthorne Borough Council  
No objection.
19. Environmental Health Officer  
No objection and make the comments regarding the air quality issues.

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

20. County Environmental Assessment Officer  
A screening opinion under the Environmental Impact Assessment (EIA) Regulations 2017 was adopted on 16 May 2017, which evaluated the proposed development in line with the EIA Regulations and the advice set out in the National Planning Practice Guidance on EIA. It was concluded that there are not likely to be any significant environmental effects in terms of the meaning of significant given in the above Regulations and therefore the proposed development would not be EIA development.
21. County Noise Consultant  
No objection subject to conditions.
22. County Air Quality Consultant  
No objection.

23. County Highways Authority  
No objection.
24. Traffic Commissioners for Great Britain  
The applicant has a valid licence subject to conditions.
25. Cadent Gas Ltd  
Concerns about the proposal may affect the Cadent and/or National Grid apparatus in proximity to the specified area.

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

26. Stanwell Moor Residents' Association  
Object to the proposal and make the following comments:
- The entrance to the site at Horton Road is frequently blocked with HGVs queuing and the increase in HGV traffic will exacerbate the problem.
  - Concern regarding the waste material carried by HGVs is not securely stored and would lead to public health issues.
  - A restriction in the hours of operation is welcomed as the 24/7 site operation and the environmental issues of the site affects Stanwell Moor.

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

27. The application was publicised by the posting of 2 site notices and an advert was placed in the local newspaper. A total of 91 of owner/occupiers of neighbouring properties were directly notified by letter. 11 letters of representation have been received, all letters object to the development. These letters raise the following comments:
- The increase in HGV traffic will lead to negative impacts on air quality.
  - The increase in HGV traffic will lead to noise pollution.
  - Concerns about the increase in HGV traffic in the congested road.
  - Potential threat to other road users (i.e. pedestrian crossing, private cars and cyclists).
  - The increase in HGV traffic will lead to the damage on the road surface.
  - Concerns regarding the insecurely stored waste material carried by HGVs.
  - Concerns about the enforcement issue on the turning agreement of the existing HGVs.

#### **Officers' comments**

28. Officers point out that planning conditions are already imposed to restrict the hours of operation of the overall site (Condition 2) and to require all HGV loads shall be sheeted when entering and leaving the site (Condition 11). Given that this planning application is seeking to increase the number of HGV movements between 18:00 and 07:00 on Mondays to Saturdays and between 13:00 on Saturday and 07:00 on Monday, Officers acknowledge the concerns made by the public and consider that these can be addressed by attaching suitable conditions to any planning permission granted.

## **PLANNING CONSIDERATIONS**

### **Introduction**

29. The guidance on the determination of planning applications contained in the Preamble/Agenda frontsheet is expressly incorporated into this report and must be read in conjunction with the following paragraphs.

30. In considering this application the acceptability of the proposed development will be assessed against relevant development plan policies and other material considerations. In this case the statutory development plan for consideration of the application consists of the Surrey Waste Plan 2008, the Spelthorne Borough Local Plan 2001 Saved Policies and Proposals and the Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009.
31. 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 Environment and Amenity and Metropolitan Green Belt.
- Spelthorne Borough Local Plan 2001 saved policies
32. Spelthorne Borough Council adopted the Spelthorne Borough Local Plan in April 2001. In December 2004 it adopted alterations to Policies H5 and H6. The Planning and Compulsory Purchase Act 2004 introduced a new system of plan making called Local Development Frameworks. As part of the new system all existing Local Plans expired on 27 September 2007 unless the Secretary of State directed that specific policies or proposals should be saved beyond that date.
33. In March 2007 the Council made an application to the Secretary of State to save eight policies and five proposals in the Local Plan. This was confirmed by a direction issued by the Secretary of State on 21 September 2007.
34. Following the adoption of the Council's Core Strategy and Policies Development Plan Document (DPD) on 26 February 2009, saved policies RU8 (Plotlands) and BE14 (Protected Urban Open Space) ceased to have effect from that date and have been replaced by policies EN2 and EN4 respectively. The Allocations Development Plan Document was adopted by the Council on 17 December 2009 and the saved proposals, P7, P8, P11, P12 and P17, ceased to have effect from that date.

### **National Grid**

35. Cadent Gas Limited has raised concerns about the proposal may affect the Cadent and/or National Grid apparatus in proximity to the specified area. Officers do not consider that there will be any potential impacts on the Cadent and/or National Grid apparatus as this planning application is for the increase the number of HGV traffic with an increase in the total number of HGV vehicle movements and there are no ground works involved. However, Officers agree that an informative should be imposed to remind the applicant that they may wish to contact with Cadent if they have any enquires regarding the National Grid apparatus.

### **Environmental Impact Assessment**

36. The proposed development was evaluated by the County Planning Authority in line with the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 and the advice set out in the National Planning Practice Guidance on Environmental Impact Assessment (EIA). On 16 May 2017 the County Planning Authority adopted a screening opinion under Regulation 7 of the above EIA Regulations, where it considered the proposed development in the context of Schedule 2, and based on the information submitted, is of the opinion that there are not likely to be any significant environmental effects (in terms of the meaning of significant in the EIA Regulations) and therefore it was recommended that the proposed development would not be EIA development.

## ENVIRONMENT AND AMENITY

### **Surrey Waste Plan 2008 (SWP 2008)**

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

Policy DC3 – General Considerations

### **Spelthorne Borough Core Strategy and Policies**

### **Development Plan Document February 2009 (SBCSP 2009)**

Policy EN3 – Air quality

Policy EN11 – Development and Noise

37. The National Planning Policy Framework 2012 (NPPF) does not contain policies relating to waste management. Instead national waste management policies are contained within the National Planning Policy for Waste 2014 (NPPW) and Waste Management Plan for England 2013 (WMP).
38. NPPW requires waste planning authorities, in determining planning applications, should work on the assumption that the relevant pollution control regime will be properly applied and enforced, ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located, and consider the likely impacts on the local environment and amenities against the criteria set out in Appendix B (Locational Criteria), which include the following factors:
  - protection of water quality and resources and flood risk management
  - land instability
  - landscape and visual impacts
  - nature conservation
  - conserving the historic environment
  - traffic and access
  - air emissions, including dust
  - odours
  - vermin and birds
  - noise, light and vibration
  - litter
  - potential land use conflict
39. SWP 2008 Policy WD2 states that planning permissions for development involving the recycling, storage, transfer, materials recovery and processing (including in-vessel composting but excluding thermal treatment) of waste will be granted at the site as shown on the Site Boundary Maps (i.e. Oakleaf Farm in Stanwell Moor is one of the sites as shown on the Site Boundary Maps), provided that the proposed development does not have any significant impacts and where very special circumstances can be demonstrated in accordance with the provisions of Policy CW6 for Development in the Green Belt.
40. SWP 2008 Policy DC3 states that planning permissions for waste related development will be granted provided it can be demonstrated by the provision of appropriate information to support a planning application that any impacts of the development can be controlled to achieve levels that will not significantly adversely affect people, land infrastructure and resources. Relevant assessments and appropriate mitigation should be identified so as to minimize or avoid any material adverse impact and compensate for any loss.
41. SBCSP 2009 Policy EN3 states that the County Planning Authority will seek to improve the air quality of Spelthorne and minimise harm from poor air quality by:

- supporting measures to encourage non-car based means of travel,
- supporting appropriate measures to reduce traffic congestion where it is a contributor to existing areas of poor air quality,
- requiring an air quality assessment where development:
  - a) is in an Air Quality Management Area, and
  - b) generates significant levels of pollution, or
  - c) increases traffic volumes or congestion, or
  - d) is for non-residential uses of 1000 m<sup>2</sup> or greater, or
  - e) is for 10 or more dwellings, or
  - f) involves development sensitive to poor air quality
- 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,
- 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

42. SBCSP 2009 Policy EN11 states that the County Planning Authority will seek to minimise the adverse impact of noise by:

- requiring developments that generate unacceptable noise levels to include measures to reduce noise to an acceptable level,
- requiring appropriate noise attenuation measures where this can overcome unacceptable impacts on residential and other noise sensitive development proposed in areas with high noise levels. Development will otherwise be refused.

### Traffic and Highways

43. Paragraph 29 of the NPPF states that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Paragraph 30 continues to state that encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce emissions.
44. 9 letters of representation and Stanwell Moor Residents' Association have raised objections to the proposal as they concerned about the increase in HGV traffic on a congested road. 5 letters of representation also consider that the proposal is a potential threat to other road users, such as pedestrian, private cars, emergency services and cyclists. 2 letters of representation raise concerns that the increase in HGV traffic will damage the road surface. 1 letter of representation also points out that there is an enforcement issue in relation to vehicles turning.
45. The applicant stated that they have been operating their HGVs from the application site since January 2017 in accordance with their Goods Vehicle Operators Licence (VOL) granted by the Traffic Commissioner for London and the South East<sup>2</sup>. The applicant also points out that the proposed HGV movements in this planning application are **NOT** additional to the existing total movements already generated by the site but a redistribution in terms of times. There is no limitation on the overall numbers of HGV movements generated by the site, the only exception being a limitation on the number of

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<sup>2</sup> OK1141423 Camo Ltd, 55 vehicles and 6 trailers, following conditions attached: When exiting the operating centre vehicles shall turn right towards the A3044. When entering the operating centre vehicles shall approach from the A3044 and turn left into the centre.

movements between 18:00 and 07:00 on Mondays to Saturdays and between 13:00 on Saturday and 07:00 on Monday.

46. Further to the correspondence from the comments from the public and Stanwell Moor Residents' Association, the applicant has also submitted a letter to state that all their vehicles do not block the road and leave the site by turning right out of the site and left on the Stanwell Moor Road.
47. The County Highway Authority has raised no objection to the proposal as the additional movements between 18:00 and 07:00 on Mondays to Saturdays and between 13:00 on Saturday and 07:00 on Monday would be outside of the peak periods. It is not considered that highway safety or capacity would be compromised. Officers acknowledge that there are concerns about the perceived increase in the number of HGVs and their turning arrangements at the access. However, Officers point out that the VOL restricts the number of HGVs based at the site and requires that all vehicles on the operators licence must turn right towards the A3044 when exiting the site and approach from the A3044 and turn left into the centre when entering the site.
48. Officers agree that there are adequate planning controls on the access to and from the site under the existing planning permission ref: SP17/00438/SCC dated 7 September 2017 and these relevant conditions are retained, which include restrictions on accessing the site to the west (left) on Horton Road, the erection of signage advising drivers to turn right out of the site and to use the route via the A3044, and the restriction on the HGV movements during the permitted hours other between 18:00 and 07:00 on Mondays to Saturdays and between 13:00 on Saturday and 07:00 on Monday.
49. It is important to note that during consideration of planning permission ref: SP17/00304/SCC dated 7 September 2017, the impacts from the potential additional traffic generation from an increase to 55 HGVs were assessed<sup>3</sup>. Given that the current planning application is to extend the existing HGV movements between 18:00 and 07:00 on Mondays to Saturdays and between 13:00 on Saturday and 07:00 on Monday and there is no overall increase in the number of HGVs and vehicle movements, Officers consider the details submitted are acceptable and the proposal would not give rise to any adverse impacts on the surrounding environment, subject to conditions.

## Noise Control

50. Paragraph 123 of the NPPF states that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;<sup>4</sup> and identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
51. 6 letters of representation have raised objections to the proposal as the increase in HGV traffic will lead to negative noise impact. The applicant has submitted a Technical Note dated 12 February 2018. According to the Note, a noise survey was undertaken on 23

<sup>3</sup> According to paragraph 57 and 58 of the Officers' Report for the planning application (ref: SP17/00304/SCC), it states that "the Transport Development Planning team commented that the proximity of the site to the A3044 Stanwell Moor Road and then onto the Motorway and Primary Route Network ensures that the site is easily accessible without needing to traverse less suitable residential roads. The team concluded that the potential additional traffic generation of the proposal would be insignificant in comparison to the annual average daily traffic on the A3044.

<sup>4</sup> Subject to the provisions of the Environmental Protection Act 1990 and other relevant law.

August 2017 between 0400 and 0600 of 15 minute duration at 121 Horton Road and Kestrels. The microphone was at a height of approximately 1.4 metres above local ground level, with a windshield used throughout. The result of the noise survey is summarised in the following table:

<b>Location</b>	<b>Range of Measured Ambient Noise Level dB L<sub>Aeq</sub>, 15 min free field</b>	<b>Range of Measured Background Noise Level dB L<sub>A90</sub>, 15 min free field</b>	<b>Range of Measured Maximum Noise Levels due to Site HGV Movement (within the site or on the access road) dB L<sub>Amax, f</sub></b>	<b>Range of Measured Maximum Noise Levels (all sources) dB L<sub>Amax, f</sub></b>
Kestrels (on pavement outside property)	57 and 59	41 and 45	54 to 56	40 to 80
121 Horton Road (on pavement opposite property)	60 and 65	44 and 50	45 to 50	42 to 86

52. The measured maximum noise levels of noise arising from HGV movements within the site and on the access road were below the levels stipulated in Condition 23<sup>5</sup> of the existing planning permission ref: SP17/00438/SCC dated 7 September 2017. The Note also summarised that the maximum levels due to HGV movements within the site and on the access road area were at the lower end of the measured range at night, in the context of the maximum measured noise levels at the two selected receiver locations in the vicinity of the site, as the noise criteria used for the HGV movements is related to the maximum rather than the cumulative noise level. As such, similar maximum noise levels at the dwellings would be generated from the additional HGV movements.
53. The County Noise Consultant has acknowledged that the measured maximum noise level complies with the noise limits in Condition 23 at a height of 1.5 metres. However, the County Noise Consultant has raised concerns that the noise survey does not demonstrate compliance with Condition 23 at the height of 4.0 metres. The survey also fails to demonstrate compliance with Condition 21<sup>6</sup> and 22<sup>7</sup> of the existing planning

<sup>5</sup> Condition 23 requires the external maximum level of noise arising from HGV movements within the site or on the access road shall not exceed 60dB L<sub>Amax, f</sub> as a facade level or 57dB L<sub>Amax, f</sub> as a free-field level at any residential or other noise sensitive building, assessed at a height of 1.5m for bedrooms on the ground floor or 4.0m for bedrooms on the first floor, during the times stated in Condition 3.

<sup>6</sup> Condition 21 requires the noise levels arising from the development shall not exceed the level of 55 L<sub>Aeq</sub> (1/2 hour) measured at, or recalculated as at, a height of 1.2m and at least 3.5m from the facade of the properties 121 to 149 Horton Road or 47 L<sub>Aeq</sub> (1/2 hour) measured at, or recalculated as at, a height of 1.2m and at least 3.5m from the facade of the noise sensitive locations at Pegasus Stables or the properties in Hithermoor Road, with the exception of the operation of shredding and sorting machinery within the MRF building between the hours of 1700 to 0730 hours.

<sup>7</sup> Condition 22 requires 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 4m above ground level and 3.5m from the facade of a residential property or other noise sensitive building that faces the site shall not exceed 33 L<sub>Aeq</sub>.

permission ref: SP17/00438/SCC dated 7 September 2017 to consider the cumulative effects of the entire site operating and it does not consider noise change associated with the additional HGV movements, which is important in the context of creeping noise impacts. The County Noise Consultant has recommended that Conditions 21, 22 and 23 should be retained and the applicant is advised to resubmit and update the noise assessment in order to demonstrate compliance with the conditions. The updated assessment should also consider noise change associated with the additional HGV movements. The County Noise Consultant also advised that Condition 20<sup>8</sup> should be retained and amended to secure that the applicant has to update and resubmit the night-time noise management plan.

54. Further to correspondence from the comments from the County Noise Consultant, the applicant submitted additional information regarding the noise survey. The applicant states that the noise levels at the height of 4.0 metres do not differ appreciably from the levels at the height of 1.5 metres unless there is a change in barrier attenuation between the two levels. As the highest measured levels presented in the noise survey were those when the HGVs were at the nearest point to the measurement locations, compliance with the Condition 23 is therefore demonstrated by the survey. The applicant also sets out that the noise change due to the additional HGV movements is not relevant in the context of Condition 23 as the Condition is related to the maximum noise levels due to HGV movements. The change in noise levels from HGV movements due to the increase in vehicle movements will be around +2.5 dB and this increased noise level is below the existing ambient noise levels in the area. As such, the overall calculated noise level is unlikely to be affected by the increase in HGV movements at night.
55. The applicant states that there is at least 20 dB difference between the site noise limit (55 dB  $L_{Aeq, \frac{1}{2} \text{ hour free field}}$  at 121 to 149 Horton Road and 47 dB  $L_{Aeq, \frac{1}{2} \text{ hour free field}}$  at Pegasus Stables and Hithermoor Road) and the calculated noise levels at the nearest properties to the access road at a height of 4 metres above local ground level due to the proposed HGV movements on site (in the range 31 to 35 dB  $L_{Aeq, \frac{1}{2} \text{ hour free field}}$ ). Therefore, the applicant summarises that the overall calculated noise level is compliance with the overall site noise limit in the Condition 21. The applicant also points out that Condition 22 is not relevant in this case as it relates to the night-time noise from the MRF building. However, the applicant agrees that amendment of the night-time noise management plan is required to reflect the current situation.
56. However, the County Noise Consultant (CNC) commented that the submitted technical report does not indicate that the properties assessed are single storey, nor does the technical report justify why noise levels at the first floor have not been provided or considered. Given the bund around the working area, associated barrier attenuation effects will be less at first floor levels (4.0m) and hence the assessment should include this information as specifically required by Condition 23. The report also only considers the maximum noise levels in relation to Condition 23 but does not consider the overall noise level in relation to Condition 21. Therefore, the CNC recommends that the noise assessment should be updated and resubmitted to demonstrate compliance with Conditions 21 and 23.
57. Subject to the requirement of the County Noise Consultant (CNC), the applicant submitted a revised technical note regarding noise. The CNC is satisfied with the revised noise assessment and has raised no objection to the proposed development

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during any 5 minute period for the properties 121 to 149 Horton Road or 28  $L_{Aeq}$ , during any 5 minute period at Pegasus Stables, during the hours of 1700 to 0730 hours.

<sup>8</sup> Condition 20 requires 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 be 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.

subject to a condition requiring the submission of an amended night-time noise management plan.

## Air Quality

58. Paragraph 30 of the NPPF states that encouragement should be given to solutions which support reduction in greenhouse gas emissions and reduce congestion. Paragraph 2.7 of the SBCSP 2009 states that Spelthorne is designated as an Air Quality Management Area (AQMA) because of poor air quality. SBCSP 2009 Policy EN3 advocates that the County Planning Authority should minimise harm from poor air quality by requiring an air quality assessment where development is in an AQMA, and generates significant levels of pollution, increases traffic volumes or congestion, is for non-residential uses of 1000 m<sup>2</sup> or greater, is for 10 or more dwellings, or involves development sensitive to poor air quality.
59. Six letters of representation have raised objections to the proposal as the increase in HGV traffic will lead to negative impact on air quality. 9 letters of representation and Stanwell Moor Residents' Association have raised objections to the proposal as they concerned about the increase in HGV traffic in a congested road.
60. Further to the correspondence from the comments from the public and Stanwell Moor Residents' Association, the applicant points out that this planning application is only seeking to redistribute and extend the existing HGV movements to the permitted hours stated in Condition 3 due to the purposes of operational need. As such these movements are not additional to the existing total number of HGV and vehicle movements already handled at the site which remains as the existing.
61. The County Air Quality Consultant has raised no objection to the proposal as it will not significantly affect air quality. The Environmental Health Officer of Spelthorne Borough Council has also raised no objection to the proposal and has commented that the additional HGV movements proposed exceed the suggested threshold in the EPUK/IAQM Planning for Air Quality Guidance January 2017. Therefore, an air quality assessment should be undertaken as the application site is within an AQMA. Given that the air quality impacts of the proposal are considered to be negligible, the Environmental Health Officer has agreed that an air quality assessment is not required but has raised concerns about the cumulative impacts on local air quality if there is a gradual increase in the total HGV movements from site and the level of impacts may depend on whether the proposed night-time movements actually reduce the day-time movements or are considered as additional movements.
62. Officers agree with the Environmental Health Officer that an air quality assessment is not required even though this development is within an AQMA and the proposed additional movements exceed the suggested threshold in the EPUK/IAQM Planning for Air Quality Guidance January 2017. This is on the basis that that this planning application is to redistribute and extend the existing HGV movements between 18:00 and 07:00 on Mondays to Saturdays and between 13:00 on Saturday and 07:00 on Monday and there is no overall increase in the number of HGVs and vehicle movements.
63. Officers acknowledge that the Environmental Health Officer has raised concerns about the proposed night-time additional movements and the cumulative air quality impacts on the local amenity. However, Officers consider that Condition 18<sup>9</sup> of the existing planning

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<sup>9</sup> Condition 18 requires 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. 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 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

permission ref: SP17/00438/SCC dated 7 September 2017 has already restricted the number of HGV movements affecting residents to the west of the site during the hours of working. The VOL granted by the Traffic Commissioner restricts the total number of vehicles parked at the site. Officers therefore consider that it is unlikely to have any cumulative impact on local air quality as there are already adequate planning control on the vehicle movements during both the day-time and night-time subject to conditions.

64. Officers therefore consider that the proposal will redistribute the existing HGV movements and reduce traffic congestion where it is a contributor to existing areas of poor air quality. Given the proposed increase in HGV movements between 18:00 and 07:00 on Mondays to Saturdays and between 13:00 on Saturday and 07:00 on Monday, and the potential to reduce HGV movements at times when the highway network is more congested, Officers therefore consider that the proposal would not give rise to any adverse impacts on the surrounding environment and the amenity.

## **METROPOLITAN GREEN BELT**

### **Surrey Waste Plan 2008 (SWP 2008)**

Policy CW6 – Development in the Green Belt

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

### **Spelthorne Borough Core Strategy and Policies**

#### **Development Plan Document February 2009 (SBCSP 2009)**

Strategic Policy SP6 – Maintaining and Improving the Environment

### **Spelthorne Borough Local Plan 2001 (SBLP 2001)**

Policy GB1 – Development proposals within the Green Belt (saved)

65. The protection of Green Belts around urban areas is one of the key planning principles of the National Planning Policy Framework (NPPF). Paragraph 79 states that 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.
66. Paragraph 87 states that “inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances” and paragraph 88 goes on to state that when considering “any planning application” authorities should ensure that “substantial weight is given to any harm to the Green Belt” and 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.”
67. Paragraph 89 and 90 continues to state that what types of developments are “appropriate” in the Green Belt. Waste-related development is not included in paragraphs 89 and 90 and therefore, waste-related development is considered to be an “inappropriate” development in the Green Belt.
68. SWP 2008 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 will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”* It goes on to state that the following considerations may contribute to very special circumstances:
- the lack of suitable non-Green Belt sites;
  - the need to find locations well related to the source of waste arisings;

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submission of the second survey. The survey shall be submitted to the County Planning Authority on completion.

- the characteristics of the site; and
  - the wider environmental and economic benefits of sustainable waste management, including the need for a range of sites.
69. SWP 2008 Policy WD2 states that planning permissions for development involving the recycling, storage, transfer, materials recovery and processing (including in-vessel composting but excluding thermal treatment) of waste will be granted at the site as shown on the Site Boundary Maps (i.e. Oakleaf Farm in Stanwell Moor is one of the sites as shown on the Site Boundary Maps), provided that the proposed development does not have any significant impacts and where very special circumstances can be demonstrated in accordance with the provisions of Policy CW6 for Development in the Green Belt.
70. SBCSP 2009 Strategic Policy SP6 states that the development should promote the improvement of poor quality environments both within the urban area and in the Green Belt.
71. SBLP 2001 Policy GB1 (saved) 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, comprising:
- agriculture and forestry
  - essential facilities for outdoor sport and recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it
  - limited extension, alteration or replacement of existing dwellings
  - appropriate re-use of buildings
  - appropriate engineering and other operations
72. The application site is located in the Green Belt where there is a general presumption against inappropriate development. Waste-related development is not deemed compatible with the objectives of the Green Belt and maintaining openness of the Green Belt.
73. However, this is a Section 73 planning application seeking non-compliance with Condition 3 of the planning permission ref: SP17/00438/SCC dated 7 September 2017 to allow 55 HGVs based at the site the flexibility to access and egress the site between 18:00 and 07:00 on Mondays to Saturdays and between 13:00 on Saturday and 07:00 on Monday. Currently, the applicant has an operator's licence to operate 55 HGV vehicles from the application site and the proposal would generate up to 110 vehicle movements (62 of which would be additional) between 18:00 and 07:00 on Mondays to Saturdays and between 13:00 on Saturday and 07:00 on Monday. However, these 110 vehicle movements do not represent an increase in movements to and from the site but are a redistribution of the times when HGV movements will take place. Other than these changes, there are no other changes proposed to existing waste activities permitted at the site.
74. In so far as the consideration of Green Belt policy for the Oakleaf Farm Waste Recycling Facility is concerned, it is important to note that planning permission (ref: SP08/0992) has already been granted for the redevelopment of the permanent waste facility<sup>10</sup>. It is also noted that Oakleaf Farm is one of the allocated sites in the SWP2008. Given that

<sup>10</sup> In November 2009, planning permission ref: SP08/0992 was granted for a permanent recycling, recovery and processing facility for construction & demolition wastes (including commercial & industrial wastes), attached to a Section 106 legal agreement to secure a landscape and ecology management plan and footpath upgrade.

this planning application is seeking permission for an increase in the number of HGVs and corresponding increase in the number of HGV movements between 18:00 and 07:00 on Mondays to Saturdays and between 13:00 on Saturday and 07:00 on Monday, for what is fundamentally (from a planning perspective) an already permitted development, it is difficult to see how, prima facie, granting this planning permission could or would result in any new or additional harm to the Green Belt.

75. In this case, the County Planning Authority needs to consider the question of the proposal and the implications on the Green Belt. The principle of the need for the Waste Recycling Facility and the potential impacts on openness in this Green Belt location were assessed as part of the original planning permission<sup>11</sup>, and it was accepted that there was a number of factors which together constituted very special circumstances that clearly outweighed the harm to the openness of the Green Belt and any other harm, such that an exception to Green Belt policy could be made. The factors included a need for recycling construction and demolition waste and other waste streams handled at the site, thereby moving this waste further up the hierarchy, contributing to the County Council's targets for recycling 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.
76. Therefore, the proposal is not considered to have a materially greater impact on the purposes of the Green Belt or its openness or to give rise to any potential harm from the proposed activity on the local environment and amenity with regard to noise impact, air quality and traffic and highways matters have been assessed above within this report. Officers consider that the very special circumstance under the planning permission ref: SP08/0992 for the permanent siting and operation of the Waste 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.

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## HUMAN RIGHTS IMPLICATIONS

77. 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.
78. It is the Officers view that the scale and duration of any potential impacts are not considered sufficient to engage Article 8 or Article 1 and that potential impact can be mitigated by the imposition of planning conditions. As such, this proposal is not considered to interfere with any Convention right.

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## CONCLUSION

79. This Section 73 planning application seeks to redistribute the existing HGV vehicle flows, by increasing the night-time number of HGVs accessing and egressing the site from 24 to 55 with a commensurate increase in the total number of HGV movements from 48 to 110, between 18:00 and 07:00 on Mondays to Saturdays and between 13:00 on Saturday and 07:00 on Monday. This proposal will not result in an increase in the number of HGVs based at the site or an increase in the number of vehicular movements overall but it will give the applicant the flexibility to undertake waste collection when traffic flows on the highway network are low and disruption to businesses is minimal

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<sup>11</sup> On 19 November 2009, planning permission ref: SP08/0992 was granted for the construction and use of a recycling, recovery and processing facility for construction and demolition waste on a site of approximately 9.4 hectares comprising: MRF building, site office and workshop; wheel wash and two weighbridges; lorry and car parking areas; storage areas; site entrance and access road; and landscaped bunds.

80. Oakleaf Farm is identified in the adopted Surrey Waste Local Plan 2008 as a site suitable for development as a waste management facility. It is within the Metropolitan Green Belt and a Site of Scientific Interests (SSSI) Impact Zone and it lies in the southern end of the Colne Valley Regional Park.
81. Officers consider following advice from technical consultees and subject to the imposition of planning conditions, the proposal would not result in an unacceptable impact on the amenity including traffic and highways, noise and air quality. The principle of the development at this Green Belt site has been previously established when planning permission for the Waste Recycling Facility was granted and Officers consider that the proposal will not have a significantly greater material impact on the purposes of the Green Belt or its openness or to give rise to any other harm compared with the extant planning permission. The proposal seeks to provide the applicant with operational flexibility on their waste collection practice. Taking account of all these matters, Officers consider that planning permission should be granted subject to conditions.

## RECOMMENDATION

**The recommendation is to PERMIT subject to the following 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. 1163/6N Site Layout Plan dated January 2008 (Revision N dated March 2009)
  - Drawing No. 2056/9 Site Location Plan dated 1 February 2017
  - Drawing No. 2037/1A Cross Sections dated August 2016
  - Drawing No. 1163/60 Plot Layout Plan dated 8 June 2017
  - Drawing No. 16060-300 Site Layout dated 10.10.2016 (Revision A dated 04.01.2017)
  - Drawing No. 16060-301 Site Surfacing Drawing dated 10.10.2016 (Revision 0)
  - Drawing No. 16060-302 Proposed Roof Plan dated 10.10.2016 (Revision 0)
  - Drawing No. 16060-303 MRF Building Proposed Elevations sheet 1 of 2 dated 10.10.2016 (Revision 0)
  - Drawing No. 16060-304 MRF Building Proposed Elevations sheet 2 of 2 dated 10.10.2016 (Revision 0)
  - Drawing No 16060-305 Office Layout & Elevations dated 10.10.2016 (Revision A dated 04.01.2017)
  - Drawing No 16060-306 Weighbridge & Weighbridge Cabins dated 10.10.2016 (Revision 0)
  - Drawing No 16060-307 Site Fencing Drawing dated 13.10.2016 (Revision 0)
  - Drawing No 1163/9E Bunds Sections dated September 2008 (Revision E dated 9 May 2011)
  - 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 1163/37B MRF Lighting Layout dated May 2014
  - Drawing No 2056/13 Location of Dedicated Lorry Parking Area dated 7 June 2018
  - Drawing No 16-2261 Airflow Direction: Oakleaf London dated 09.06.2017

## 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 Materials Recycling Facility (MRF) building and associated activities permitted under planning permission ref: SP/14/1125/SCC dated 13 March 2015;

No other authorised operations or activities hereby permitted or under 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 or bank holiday. This shall not prevent the carrying out of emergency operations, but these should be notified in writing to the County Planning Authority within 24 hours.

3. The development hereby permitted shall allow the limited site access and egress of 55 heavy goods vehicles (HGV) (defined as any vehicle in excess of 3.5 tonnes gross vehicle weight) based at the site and to be located within the lorry parking area shown on Drawing No.2056/13 (Location of Dedicated Lorry Parking Area) outside of the hours of working specified in Condition 2 of this permission. There shall be no more than a total number of 110 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 movements accessing and egressing the site daily between these times (including vehicle prefix) and these records shall be made available to the County Planning Authority within 5 working days upon written request.

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

0700-1800 Mondays to Fridays  
0700-1300 Saturdays

There shall be no loading & unloading on a Sunday or any public holiday.

## Removal of Permitted Development Rights

5. Notwithstanding any provision to the contrary under Schedule 2 Part 2, Part 4 and Part 7 (Class L) of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent Order,
  - a) No plant, building or machinery whether fixed or moveable shall be erected on the application site without the prior written approval of the County Planning Authority in respect the location, design, specification and appearance of the installation,

such details to include the predicted levels of noise emission and their tonal characteristics;

- b) No external lighting or fencing other than those permitted by this application shall be installed or erected at the application site.

### **Operation**

6. Only commercial and industrial and commercial 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 Drawing No.1163/60 Plot Layout Plan dated 8 June 2017.
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 Site Layout Plan dated January 2008 (Revision N dated March 2009). 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 and maintained for the duration of the use hereby authorised.

### **Traffic and Highways**

11. All loads entering and leaving the application site shall be sheeted.
12. 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 Drawing No. 2056/9 Site Location Plan dated 1 February 2017 shall be maintained permanently closed.
13. The parking/turning area as shown on Drawing No.2056/13 (Location of Dedicated Lorry Parking Area) shall be used and retained exclusively for its designated purpose.
14. The wheel wash facilities as approved under planning permission ref: SP08/0992 dated 19 November 2009, and as shown on Drawing No.1163/6N Site Layout Plan dated January 2008 (Revision N dated March 2009), shall be retained and used whenever the operations which involve the movement of materials in bulk to or from the site are carried out.
15. 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.
16. 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**

17. The ditch as shown on Drawing No. 1163/6N Site Layout Plan dated January 2008 (Revision N 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 Rights of Way 3 (Staines).
18. The Public Rights of Way 3 (bridleway and footpath) along the southern boundary of the site shall be maintained free of vegetation to provide a minimum width of 4m.

### **Noise and Vibration**

19. Within three months of the date of this permission, an amended Noise Management Plan (NMP) shall be submitted for approval in writing by the County Planning Authority. The NMP shall include details of best practice and mitigation measures for the noise management of night time HGV site traffic and associated activities as specified in the planning application to cover the hours 1800 to 0700 on any night. The NMP shall be implemented and maintained as approved.
20. 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 (1/2 hour) measured at, or recalculated as at, a height of 1.2 metres and at least 3.5 metres from the facade of the properties 121 to 149 Horton Road or 47 LAeq (1/2 hour) measured at, or recalculated as at, a height of 1.2 metres and at least 3.5 metres from the facade of the noise sensitive locations at Pegasus Stables or the properties in Hithermoor Road.
21. 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 metres above ground level and 3.5 metres 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.
22. During the times stated in Condition 3 of this planning permission, the external maximum level of noise arising from HGV movements within the site or on the access road shall not exceed 60dB LAmax, f as a facade level or 57dB LAmax, f as a free-field level at any residential or other noise sensitive building, assessed at a height of 1.5 metres for bedrooms on the ground floor or 4.0 metres for bedrooms on the first floor.
23. 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 1.2 metres above ground level and 3.6 metres from the facade of any residential property or other occupied building shall not exceed Leq = 70dB (A) when measured over any 60 minute period.

### **Bird Management Plan**

24. 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.

## Landscaping

25. 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 scheme 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

26. 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.

## Flood Risk and Surface Water Drainage

27. 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 in accordance with the approved details contained therein.
28. The scheme to dispose of foul and surface water approved by planning permission ref: SP10/0734 dated 20 December 2010 shall be implemented in accordance with the approved details contained therein.

## Details of Buildings

29. 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 in accordance with the Details of Building Materials dated 28 June 2010.

## Dust

30. Operations and activities at the site shall be carried out in accordance with the submitted Dust Action Plan Version 05 dated 3 July 2017 (including the measures, controls and actions contained therein, 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).
31. 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.
32. Notwithstanding the requirements of Conditions 30 and 31 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 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.
5. 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.
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 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies CC2 and CC3 of the Spelthorne Borough Core Strategy and Policies DPD 2009.
13. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies CC2 and CC3 of the Spelthorne Borough Core Strategy and Policies DPD 2009.
14. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies CC2 and CC3 of the Spelthorne Borough Core Strategy and Policies DPD 2009.
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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. To protect the route of the public footpaths and bridleways and the amenities of the users and comply with the National Planning Policy Framework 2012.

18. To protect the route of the public footpaths and bridleways and the amenities of the users and comply with the National Planning Policy Framework 2012.
19. To ensure the minimum disturbance and avoid nuisance to the locality to comply with Surrey Waste Plan 2008 Policy DC3.
20. To ensure the minimum disturbance and avoid nuisance to the locality to comply with Surrey Waste Plan 2008 Policy DC3.
21. To ensure the minimum disturbance and avoid nuisance to the locality to comply with Surrey Waste Plan 2008 Policy DC3.
22. To ensure the minimum disturbance and avoid nuisance to the locality to comply with Surrey Waste Plan 2008 Policy DC3.
23. To ensure the minimum disturbance and avoid nuisance to the locality to comply with Surrey Waste Plan 2008 Policy DC3.
24. To minimise the attractiveness of flat roofs and soil stockpiles to birds this could endanger the safe movement of aircraft.
25. 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.
26. 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 is occurring.
27. To prevent the encroachment of the development on watercourses this has a potentially severe impact on their ecological value.
28. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
29. 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.
30. 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.
31. In the interests of local amenity and to comply with Surrey Waste Plan 2008 Policy DC3.
32. In the interests of local amenity and to comply with Surrey Waste Plan 2008 Policy DC3.

**Informatives:**

1. The developer should note that the granting of planning permission does not obstruct the developer to manage, manage and implement the approved Landscape and Ecology Management Plan (7<sup>th</sup> Revision) dated 8 October 2010 and the approved scheme for the facilitation of an upgrade of footpath number 3 to bridleway status as shown and detailed on plan drawing No. Section 106 Bridleway 1163/14 dated May 2010, in accordance with the Section 106 legal agreement dated 30 November 2016 attached to planning permission ref.SP14/01125/SCD1 dated 13 December 2016.

2. 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.
3. The Applicant's attention is drawn to the Rights of Way memo of 10 December 2008 and the accompanying plan.
4. The applicant is reminded that all authorised vehicles must turn right towards the A3044 when exiting the site and approach from the A3044 and turn left into the site when entering the site and in accordance with the requirements under the valid Vehicle Operator Licence granted by the Traffic Commissioners for Great Britain.
5. 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.
6. 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.
7. 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.
8. The Applicant is reminded that the granting of planning permission does not authorise the obstruction of interference with a public right of way.
9. The Applicant's attention is drawn to the possible need for the concrete crusher to have a permit under the relevant Environmental Permitting Regulations.
10. Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Management Division of Surrey County Council.
11. 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.
12. The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence 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.
13. 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 to 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).

14. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damages 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).
15. 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.
16. 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.
17. 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.
18. The applicant is reminded that they may wish to contact with Cadent if they have any enquires regarding the National Grid apparatus.
19. 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 accompanying technical guidance and European Regulations providing feedback to the applicant where appropriate. Further, the County Planning Authority has identified all material considerations, forwarded consultation responses to the applicant, considered representations from interested parties, liaised with consultees and the applicant to resolve identified issues, and determined the application within the timeframe agreed with the applicant. Issues of concern have been raised with the applicant including impacts of and on dust, landscape, visual impact and Green Belt and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirements of paragraphs 186-187 of the National Planning Policy Framework 2012.

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#### **CONTACT**

Jeffrey Ng, Planning Officer

#### **TEL. NO.**

020 8541 8095

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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**

Planning Practice Guidance  
National Planning Policy Framework 2012

##### **The Development Plan**

Surrey Waste Plan 2008 (SWP 2008)  
Spelthorne Borough Core Strategy and Policies  
Development Plan Document February 2009 (SBCSP 2009)  
Spelthorne Borough Local Plan 2001 (SBLP 2001)

**Other Documents**

Surrey Hills AONB Management Plan 2014-2019  
EPUK/IAQM Planning For Air Quality Guidance January 2017

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