

HERTSMERE BOROUGH

**APPLICATION FOR THE ERECTION OF BUILDING AND CHANGE OF USE
TO SKIP HIRE BUSINESS AND WASTE RECLAMATION AND RECYCLING
FACILITY AT LAND OFF GREAT NORTH ROAD (A1000), BENTLEY
HEATH, NR POTTERS BAR, HERTS**

Report of the Director of Environment

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Local Member:- K Gray

1. Purpose of Report

1.1 To consider planning application ref. 0/0123-04 for a waste reclamation and recycling facility and skip hire business at the land off the Great North Road (A1000), Bentley Heath, Nr Potters Bar, Hertfordshire.

2. Summary

2.1 The application seeks planning permission for the change of use of land from agricultural land to a waste reclamation and recycling facility and skip hire business, including the construction of a new building to house the mechanical and manual sorting of waste.

2.2 The applicant is seeking to relocate his existing business from a site at Home Farm on the Wrotham Park Estate, which is to the south of Potters Bar. Reflecting the nature of the existing business, the development proposes empty skips being delivered to clients with full skips being brought back to the site. Thereafter the waste material would be processed via manual and mechanical sorting within a purpose built building. The residue waste would be taken by bulker vehicle to landfill. The proposed building would be 27m long and 23m wide, built in pre-coloured cladding on a steel frame. The building would stand between 8 and 10 metres to the eaves as measured above ground level. The height of the proposed building to the apex would be 12.4m with a floor area of approximately 616m².

2.3 A total of 68 HGV movements daily (34 in, 34 out) are expected to be generated by the operation during peak season with a maximum throughput of 10,000 tonnes of waste per year. Access to the site would be gained via a newly constructed access onto the A1000.

2.4 Hours of operation are proposed as 7.00am to 6.00pm on Mondays to Fridays and 7.00am to 12.00pm on Saturdays.

2.5 The main issues relate to the location of the proposal within the Green Belt and the need for the facility in strategic waste planning terms and the impact on the countryside and residential amenity. Other considerations include the visual and ecological and environmental impacts of the proposal as well as traffic considerations.

3. Conclusion

3.1 The report concludes that there is a balance between the benefits of providing facilities to achieve sustainable waste management objectives and the disbenefits in terms of the impact the development would have upon on a Green Belt site. In this instance, it is considered that the benefits of allowing the development are outweighed by the disbenefits.

3.2 The application proposes inappropriate development in the Green Belt and as such will cause harm by reason of its inappropriateness and other harm in respect of the impact the development would have upon the landscape and visual amenity of the area. Whilst the site is relatively well screened, the proposed development would have a detrimental impact on the openness of the site. Although it is considered that the environmental impact and vehicle movements associated with the operation of the proposed development would not cause any significant adverse effects on residential amenity, the development is contrary to established Green Belt Policy.

3.3 The application site has not been previously developed for any other use than agriculture and does not result in the re-use of existing buildings. Although there is a need for waste recycling facilities of this type within Hertfordshire, the proposals are not considered to strictly meet the objectives of achieving regional, county or local self-sufficiency for the waste streams proposed. The proposed facility causes demonstrable harm to the Green Belt, which is not reconciled by other factors such as the land being damaged or degraded. The need for the facility, as a more sustainable method of waste management, is not considered in this instance to outweigh the harm that will be caused to its Green Belt location. It is not considered that this demonstrated need, taking into account the lack of alternative sites and the restoration of part of the Wrotham Park estate, is sufficient to warrant the very special circumstances required to justify a departure from Green Belt Policy. On this basis the proposal is considered to conflict with Policy 5 (Green Belt) of the Structure Plan, Policies 13 (criteria for waste management facilities outside areas of search) and 16 (Green Belt) of the Waste Local Plan and Policy C1 (Green Belt). On balance therefore, it is concluded application should be refused.

1. Description of the site and proposed development

- 1.1 The application site of approximately 1.2 hectares is located within the Green Belt off the A1000 (Great North Road), Bentley Heath to the south of Potters Bar. The site is an agricultural grass field and is bounded by the M25 to the north, Barnet Road to the east, a garden centre to the south and a field to the west. Over-head electricity lines follow the line of the M25 at the northern boundary. There is also a high pressure local gas main, which runs parallel to the M25 along part of the site's boundary, before turning north approximately 25 metres from the A1000. There are two properties fronting Barnet Road in this location, Preston Grange (currently vacant and in a poor state of repair) and the Gables which is inhabited and overlooks the proposed site from the far side of the A1000. The site is currently accessed via a field access gate from the Barnet Road.
- 1.2 The Barnet Road frontage of the site is screened by a well-established hedgerow, which is interspersed with mature trees. The site has a gentle gradient sloping to the north-east with the northern boundary overshadowed by the M25 motorway embankment. The site links into another area of open field at its western boundary and adjoins the boundary of a garden centre on the southern side separated by a steel palisade fence and hedgerow interspersed with trees.
- 1.3 The proposal would involve the change of use of the land to a waste reclamation and recycling facility (often referred to as a waste transfer station), erection of a building and a skip hire business comprising two main interconnected operations. The first is the operation of a skip business which would involve waste lorries taking empty skips from the site to deliver to clients and full skips being brought to site. The second part of the operation would be the provision of a building for the delivery and sorting of waste and the external storage of skips and materials.
- 1.4 Skip waste would be delivered to an internal tipping area within the building. Large pieces of waste, such as timber and metals, would be removed from the tipped pile for recycling. The waste would be moved within the building via a 360° loader to a 'trommel' screener. The screener would revolve and separate the waste into heavy and fine particles. The 'fines' would fall through perforations in the screening drum and consist mainly of soil, brick, concrete and plaster board. The heavy element would continue through the screener with a 'blower' removing pieces of plastic and cardboard, which would be compacted and removed for recycling along with the fines. Handpickers would then remove any waste wood and other recyclable waste for recycling. A magnet conveyor would then separate any metals for recycling. The resulting waste would be fed into a hopper to recover any additional construction waste to be reused as hardcore. Any residue that can not be reclaimed would be taken to landfill by a large bulker lorry.

- 1.5 It is proposed to import between 5,000 and 10,000 tonnes of skip waste (inert and commercial/industrial waste) per year. To process the waste undercover, the application proposes the erection of a new building. The building would be 27m long and 23m wide, built in pre-coloured cladding on a steel frame. This would give a floor area of approximately 616m². Given the gradient of the site, the building would vary in height from 8m to 10m to the eaves as measured above existing ground level, with grassed mounding placed against the east elevation to 2m to assist in reducing the impact of the building. The height of the building to the apex would be 12.4m. The building would be 3-sided with the open end being the western elevation, away from the A1000 Great North Road. Vehicular entrances would be on the south and north side of the building to allow lorries to have a circular route when entering and exiting the building. An office and toilet block is proposed near to the site entrance, as is a weighbridge. Reclaimed material, consisting of soils and hardcore, would be stored outside the building to the west of the site with skips being stored outside to the north of the building.
- 1.6 A new access is proposed to be constructed to the site from the A1000. The traffic impact assessment accompanying the application states that at the existing Wrotham Park site, average weekday traffic for Heavy Goods Vehicles is 68 movements (34 in, 34 out). As such this figure has been taken as the number of HGV movements applied for. The application proposes that hours of operation would be 7.00am to 6.00pm Mondays to Fridays and 7.00am to 12.00pm Saturdays. No public rights of way would be affected by this application.

2. Consultations

- 2.1 Hertsmere Borough Council will be considering the application at a meeting on 7 April 2004 and their formal recommendation will be presented orally to the Committee. At the time of writing, officer comments have been received recommending that Hertsmere object to the proposal on the following grounds:
- the proposed development is inappropriate development in the Green Belt for which no very special circumstances have been demonstrated to justify granting planning approval. The proposal is thereby contrary to Policy 5 of the Structure Plan, Policy 16 of the Waste Local Plan and Policy C1 of the Hertsmere Local Plan;
 - the proposed development would result in an incongruous and unsightly industrial building being constructed and large unsightly unconfined open waste storage and skip storage areas with a potential for littering being positioned in an attractive rural location in the Green Belt. The proposal is thereby contrary to Policies 1 and 55 of the Structure Plan, Policies 13 and 43 of the Waste Local Plan and Policies C4 and B9 of the Hertsmere Local Plan;
 - the proposed development is contrary to Policies 12 and 13 of the Waste Local Plan in that insufficient justification has been given to

the rejection of the preferred search areas for such sites and because the proposal would not principally cater for waste arising from Hertfordshire;

- the proposed development would result in an unacceptable level of noise and other nuisance from lorry movements onto and off the Barnet Road (Great North Road) with an adverse impact on Green Belt and residential amenity. The proposal is thereby contrary to Policies 1 and 55 of the Structure Plan, Policies 13 and 43 of the Waste Local Plan and Policies C4 and B9 of the Hertsmere Local Plan;
- the proposed development by reason of the proximity of the proposed vehicular access onto Barnet Road and the extent of the hard surfaced areas within the site would have an adverse impact on the health of mature trees which are currently protected by a Tree Preservation Order. The proposal would therefore be contrary to Policies T7 and T8 of the Hertsmere Local Plan.

2.2 Hertsmere Borough Council Environmental Health state that Bank/Public holidays should also be stipulated as non-working days including the vehicle movements to and from the site. The proposals should not lead to a noise nuisance.

2.3 The County Council as Highway Authority has no objection to the proposals subject to conditions being imposed requiring details of the proposed site access to be submitted for approval prior to the commencement of the development and that sight lines of 4.5m x 120m are to be provided in each direction and are to be maintained free from obstruction in perpetuity.

2.4 The Environment Agency has no objection in principle to the application provided conditions are imposed requiring surface water control measures to be submitted and approved in advance of the development's commencement and that the approved surface water drainage works are carried out before the development commences.

2.5 Thames Water has commented that a Trade Effluent Consent will be required for any trade effluent discharge, however raise no objection with regard to sewerage infrastructure.

2.6 Highways Agency have raised concerns regarding potential wind blown litter which may cause a safety problem for drivers on the M25. Should planning permission be granted it is recommended that conditions are imposed preventing litter being blown outside the site boundary. Should litter be handled or stored in the open air it is recommended that suitable catch fencing is provided near the boundary of the M25.

2.7 The Potters Bar Society object to the application as it is a Green Belt site; it will impact upon the property opposite, Preston Grange, which has lodged plans to re-build two houses; the 68 lorry movements could

cause dangerous traffic problems and Potters Bar Hospital, which is 400 yards away my suffer from dust problems.

- 2.8 The Barnet Society objects to the application as it is Green Belt land. The proposals would generate many more HGV movements through the centre of Chipping Barnet and the Society believes that the development should be more strategically sited. These proposals fall outside the recommendations for suitable activities on Green Belt land contained in PPG 2.
- 2.9 Campaign to Protect Rural England (CPRE) object to a proposed industrial facility in the Green Belt as it is inappropriate development for which there are no very special circumstances for making an exception in this case. Although the site is well screened by existing shrubs and trees, the proposed development would have a significant impact on the openness of the Green Belt in this area. It would cause encroachment in the countryside, contrary to paragraph 1.5 of PPG2 and would be a further erosion of the Green Belt which separates the large built up areas of Potters Bar and Barnet. Lorries would also have to pass through a residential part of Potters Bar and the proposed access is on a bend where visibility is restricted.
- 2.10 Herts and Middlesex Wildlife Trust and Hertfordshire Biological Records Centre state that Great Crested Newts have been identified in the vicinity of the area as a breeding pond is within 500 metres of the site. As Great Crested Newts are a protected species they request that a Great Crested Newt survey is carried out and, should the application be approved, mitigation measures would need to be approved in advance with English Nature.
- 2.11 Transco state that they do have pipelines in the vicinity of proposed development and that any works carried out must observe the codes of practice for working in the vicinity of the pipeline.
- 2.12 National Grid Company has no objection.
- 2.13 James Clappison MP has concerns as the application relates to an open field adjoining the M25 and, if granted, would clearly be a major intrusion on the Green Belt in his constituency. Further concerns have been raised regarding the need for the facility in light of Waste Local Plan Policy 2 and traffic/road safety grounds.
- 2.14 Residents Against Inappropriate Development (RAID) strongly objects to the proposal on a number of grounds including:
- *Green Belt:* being inappropriate development for which there are no very special circumstances to justify the development; it will be an eyesore destroying the openness of the countryside; building, lorry park and open storage are not in keeping with the area; the site is a wildlife corridor with protected species; the new access would

destroy hedgerow and expose the eyesore to wider view; loss of hamlet with rural feel, rare as suburbs spread outwards; cause of and precedent for urban sprawl connecting Bentley Heath, Ganwick Corner and Potters Bar; precedent for future industrial and waste transfer development within the Green Belt;

- *Waste Policy:* the proposal contravenes Waste Policies, notably 1, 2, 3, 12, 13, 16, 33, 34 and 38;
- *Environmental Issues:* dust and pollution; concern regarding toxic materials; noise from 7am six days a week; area has a number of residential dwellings many with horses; area has a hospital, old people's home, home for autistic adults and a girl guides hut; vermin and odours; fly tipping problems;
- *Traffic and Safety:* approach road country lanes are enjoyed by horse riders, cyclists and joggers; alternative routes are through residential areas; objections from local stables and riding schools; will spoil the countryside and increase risk of accidents; nursery school on Dancers Hill Road is congested at peak times; proposed 6.5 metre wide entrance crosses cycle lane and only footpath; a significant expansion is planned; A1000 has a high number of accidents between Barnet and Potters Bar;
- *Alternative Sites:* alternatives have not been investigated and considered in the area related to catchment.

2.15 Local Residents – The occupiers of properties in the immediate vicinity of the application site were consulted, including those properties opposite the proposed site on the A1000. A consultation was carried out in accordance with the County Council's Code of Practice for Publicity which included press advertisements and notices being erected on site adjacent to the A1000 as well as neighbour notification letters. At the time of writing this report 77 individual letters of objection have been received together with 425 'standard' letters on behalf of RAID. The main issues of objection can be summarised as:

- the proposal represents inappropriate development in the Green Belt and no special circumstances have been justified;
- the proposal would represent an eyesore as the building proposed would be unattractive and visually intrusive as would open waste storage;
- The Great North Road (A1000) is a fast and dangerous highway where fatal accidents have occurred. HGVs accessing onto this road would add to the danger and risk to other road users;
- there would be initially 68 daily lorry movements causing additional traffic pollution and congestion from HGVs;
- HGVs would damage the road and would also deposit waste, mud and dust on the road;
- HGVs would produce noise, pollution and vibration to the properties on the Great North Road;
- the proposed access is 22 feet in width and would cross a cycle path and the only footpath as well as lead to the loss of a long established hedgerow.

- concerns that the proposal will impact on local wildlife (flora and fauna including protected species);
- the site suffers from extensive waterlogging;
- the proposal would have an impact on Bentleyheath Farmhouse which is a Grade II listed building;
- the detrimental impact on patients at the Potters Bar Hospital;
- general unsuitability of the local road network for HGVs;
- possibility of vermin, flies and odours;
- noise and disturbance from machinery from 7am for 11 hours per day;
- dust pollution would result from the development;
- the type of development would encourage fly tipping to take place;
- there is a risk of toxic material (asbestos);
- it is not considered that there is a need for this type of facility in this location given the number of other skip hire businesses in the locality;
- the proposal is contravenes Waste Local Plan Policy 13 and 16;
- if granted planning permission there would be the possibility that the site would be expanded and operations intensified in the future.
- The development would set a precedent for developing Green Belt land within the area.

2.16 56 letters of support have been received that state that the applicant's company has always offered them the highest standards of efficiency, courtesy, reliability and professional competence and as such they would like to see the application succeed in order that this service can be continued.

3. Planning Considerations

3.1 In considering this application the main issues relate to the proposed development being situated within the Metropolitan Green Belt, the need for the facility in strategic waste planning terms and the impact on the countryside and residential amenity. Additionally, the report will assess the proposal's potential impact on the landscape, ecology and environmental impacts as well as consider the traffic and highway implications of the development. The primary development plan policies in this instance are:

- Structure Plan Policy 5 (Green Belt) and Hertsmere Local Plan 2003 Policy C1 & C4 (Green Belt);
- Structure Plan Policy 55 (waste management);
- Waste Local Plan Policy 2 (need);
- Waste Local Plan Policies 12 & 13 (areas of search and criteria for waste management facilities);
- Waste Local Plan Policy 16 (use of Green Belt land for waste management facilities);
- Waste Local Plan Policies 35 (nature conservation) and 36 (impact on listed buildings);

- Waste Local Plan Policy 43 (traffic);
 - Hertsmere Local Plan Policies M12 (highway standards) and D14 (noisy development).
- 3.2 The report will assess if the special circumstances put forward by the applicant are sufficient to outweigh the general presumption against inappropriate development in this instance.

Green Belt

- 3.3 The application site lies within the Metropolitan Green Belt as defined within the adopted Hertsmere Local Plan (adopted 19 May 2003).
- 3.4 Policy 5 of the Hertfordshire Structure Plan Review 1991-2011 states that there is a presumption against inappropriate development in the Green Belt, except in very special circumstances, for purposes other than those detailed in PPG2 "Green Belts". The adopted Local Plan (2003) contains a similar policy, Policy C1.
- 3.5 Paragraph 3.12 of PPG2 states that:-
- 'The statutory definition of development includes engineering and other operations, and the making of any material change in the use of land. The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.'*
- 3.6 Paragraph 1.5 of PPG2 lists the purposes of including land within the Green Belt, which are:
- to prevent the unrestricted sprawl of built-up areas;
 - to prevent neighbouring towns from merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns, and;
 - to assist in urban regeneration, by encouraging the recycling of derelict or other urban land.
- 3.7 The application proposes the erection of a specifically designed waste reclamation building together with the erection of a 'portakabin' style office building. Furthermore, reclaimed soils, hardcore and skips are proposed to be stored outside the building. The application site is an undeveloped area of open agricultural land that has been used as grazing land for horses. Given the location of the site, it has to be assessed if the proposal would have a materially greater impact on the openness than that which exists under the current use of the site.
- 3.8 The description of the site has been set out in section 1 of this report. The site is enclosed at its northern boundary by the embankment of the M25 motorway. Additionally, the site is relatively well screened by

mature hedgerows on the southern and western boundary, which runs parallel with the road. The proposed new building has been sited in a relatively central position within the site. The building would stand prominent within the site with elevations 8 to 10m in height to the eaves and over 12 metres in height to the apex of the building. As the site only has a very slight gradient, the building would be visible from the surrounding land, particularly in the winter months when foliage on the surrounding hedgerows is sparse. Whilst the site is relatively well screened, it is considered that the erection of a new building, plant and the use of the site, including the impact of lorries importing and exporting material, would have a impact on the openness of the Green Belt in this location.

- 3.9 The Green Belt designation in this area serves to provide a distinct rural divide between the urban areas of Potters Bar and Barnet. More generally, the establishment and maintenance of the Green Belt has prevented the outward spread of Greater London as well as prevented coalescence of settlements. The proposed development would conflict with four of the five purposes (excluding the setting and character of historic towns) of including land within the Green Belt. The industrial nature of the proposed activity would encroach on the countryside and not assist in preventing Potters Bar and Barnet from merging into one another. Furthermore, the large building proposed would be contrary to the purpose of preventing the unrestricted sprawl of large built up areas and the use of such a site would not seek to assist in regenerating urban areas. As such the proposed development cannot be said to maintain openness or contribute to the purposes of including land in the Green Belt. Therefore the application proposes inappropriate development.
- 3.10 Paragraph 3.2 of PPG2 states that inappropriate development is by definition harmful to the Green Belt and very special circumstances to justify inappropriate development will not exist unless the harm caused by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations. In addition Waste Local Plan Policy 16 states that the use of land in the Green Belt for the re-use, recovery, recycling and storage of waste will not be permitted unless it maintains openness and does not conflict with the purposes of including land in the Green Belt. It continues to state that the construction of new buildings in the Green Belt for such purposes will not be permitted except in very special circumstances. As such very special circumstances need to be demonstrated to warrant the setting aside of Green Belt policy. This is discussed in the following paragraphs.

Special Circumstances

- 3.11 The applicant has sought to demonstrate that very special circumstances exist to justify a departure against Green Belt Policy. This includes information supporting an established need for the facility,

the lack of areas of search and other waste management facilities, the contribution the proposed facility would make to the Regional Waste Management Strategy and the restoration of the applicant's existing facility in an historic park and garden. These issues will be explored in more detail in the following paragraphs.

- 3.12 Policy 55 of the Hertfordshire Structure Plan Review states that applications for waste management facilities further up the hierarchy of waste management will receive more favourable consideration. Advice contained in the Government's Waste Strategy 2000 reiterates this policy and the Government and National Assembly have set a target that by 2005 the amount of industrial and commercial waste sent to landfill should be reduced to 85% of the figure landfilled in 1998. (Waste Strategy 2000).
- 3.13 More recently the publication of the East of England Waste Management Strategy (RWMS), in July 2003, has set out guidance on the land use planning aspects of waste management by considering what quantities of waste needs to be treated by different methods up to 2021. The vision of the Strategy is in accordance with the aims and objectives of the Hertfordshire Waste Local Plan and the Government's Waste Strategy by seeking, inter-alia, to minimise the environmental impact of waste management; seeking to reduce the generation of waste; implement the Best Practicable Environmental Option (BPEO) for each type of waste; maximise reuse and recycling and seek to secure Regional and county/unitary self sufficiency in provision for waste management. It is accepted that current levels of landfill are unacceptable and therefore the RWMS sets out appropriate recovery targets for the Region, within which the aim should be to maximise the level of recycling. For the commercial/industrial waste stream the target of recovery is 66% by 2005 and 75% by 2015.
- 3.14 For Hertfordshire, the need to recover 66% of commercial and industrial waste will involve the requirement to recover or remove a further 166,000¹ tonnes of this waste stream by 2005. This is likely to be secured by greater separation of waste at source and by the collection companies carrying out increased sorting of collected material. The RWMS goes on to state that the material has considerable under-utilised potential for recycling and steps need to be taken to encourage this and minimisation of production. Hertfordshire has a very limited amount of landfill capacity and currently exports over half its commercial and industrial waste outside the Region. However, the large export of commercial and industrial waste from the Region is contrary to the principle of regional self sufficiency.
- 3.15 The applicant is seeking to relocate his existing business that is situated at Home Farm on the Wrotham Park Estate. This existing site is small and constrained in nature and as such there is insufficient

¹ The RWMS states that 66% would equate to a further 66,000 tonnes by 2005. However, the table in the RWMS indicates that the increase would be from 563,000 tonnes to 729,000, an increase of 166,000 tonnes (or 66% of 1,104,000, which also calculates to 166,000)

space for the erection of a building. Furthermore, it is understood that the applicant is being forced to vacate the Wrotham Park site for commercial reasons. It is appreciated that the relocation of the existing operation from Wrotham Park would benefit the setting of Wrotham Park, which is a Grade II registered Historic Park and Garden. Nevertheless, it must be considered whether the applicant's proposed relocation to the Bentley Heath site outweighs the planning and primarily commercial reasons which require the existing facility to cease operating at the Wrotham Park site.

- 3.16 It is understood that the applicant currently manages to recycle just over half of all the waste material that is brought into the site at Wrotham Park. The amount of material that can be recycled is severely affected by the weather conditions. When the imported waste material gets wet, this thereby reduces the amount that can be recycled. The applicant has indicated that the proposed operation is potentially capable of recycling over 80% of the waste throughput.
- 3.17 The proposal involves the construction of a purpose built processing building, where all imported waste material would be able to be stored and all processing activity can be conducted undercover. This would allow a higher proportion of waste material to be recycled in accordance with the Policy objectives and strategy targets mentioned above. It should also be noted that the move towards purpose built and covered waste transfer and recycling centres is supported through the Waste Local Plan and is encouraged by the Environment Agency.
- 3.18 Waste Local Plan Policy 2 (Need) gives qualified support for waste management facilities provided that they accommodate the equivalent of Hertfordshire's own waste arisings, there is a clearly established need and that the need outweighs any material agricultural, landscape, conservation or environmental interest affected. It is recognised in Hertfordshire that there is a need to establish the modern type of facility as proposed, which provides the necessary integrated approach to recycling of this type of waste and incorporates the most modern and efficient plant and machinery to ensure that the percentage of waste recycled is as high as possible. The proposal offers a significantly more efficient and sustainable alternative to the applicant's current facility.
- 3.19 Nevertheless, supporting information provided by the applicant indicates that the vast majority of a sample survey of the applicant's customers emanate from the North London area including Barnet, Finchley, Hendon and Edgware. This indicates that the majority of the waste proposed to be delivered to the site would continue to be derived from the North London area within the Greater London Region.

Site Search Exercise

- 3.20 Waste Local Plan Policy 12 'Areas of search for permanent waste management facilities' highlights a number of preferred areas for the establishment of waste management uses. In support of the application the applicant has sought to look at opportunities elsewhere and considered all the sites mentioned under Policy 12 in turn. The applicant discounted all the sites mentioned under Policy 12 for various reasons and the complete list and reasons for unsuitability is reproduced in Appendix A.
- 3.21 It is recognised that the applicant currently operates a small, family run business and with only four skip lorries at their disposal, the company generally operates in a localised market. As such, the applicant considers a number of the sites mentioned in Policy 12 are immediately unsuitable as they would involve too great distances of travel to be viable or unable to compete as a viable land use for designated industrial sites. One potentially suitable site mentioned in Policy 12 is Cranborne Industrial Estate, Potters Bar, which is the most proximate to the application site. The Cranborne Industrial Estate has been mentioned as an existing site in representation letters received. The applicant has approached the owners of the Cranborne Industrial Estate, however it would appear that there are no suitable units available to meet the applicant's needs.
- 3.22 The application has highlighted that the proposed facility would be more efficient, sustainable and allow a greater percentage to be recycled than at the existing waste transfer station. Achieving a higher percentage of recycling would accord with the aims of national, regional and Waste Local Plan policy. However, it is also clear that the proposed development would have a detrimental impact on the Green Belt for reasons of inappropriateness causing harm. Furthermore, although the site is reasonably well screened, the proposed development would not maintain the openness of the Green Belt. Finally, whilst the application has sought to demonstrate that there is a lack of alternative identified sites as well as other sites, it is unclear whether this search has been exhaustive, particularly when looking at sites outside the preferred areas of search in Hertfordshire as well as in the Northern London Boroughs. Nevertheless, the applicant has sought to explore alternative sites within Hertfordshire as well as make enquiries with the London Boroughs of Barnet and Enfield as well as the North London Waste Authority. Information received from the applicant does indicate that there are no available sites for the relocation of the development within North London.
- 3.23 The potential benefits arising from the development need to be balanced against the conflict with Green Belt objectives and other policy considerations in terms of whether there are very special circumstances sufficient to warrant the setting aside of Green Belt policy in this instance.

Visual Impact of the proposed built development

- 3.24 PPG2 states that the visual amenities of the Green Belt should not be injured by proposals for development within the Green Belt. It is considered that, notwithstanding the surrounding vegetation and motorway embankment assisting in screening the site, the built development, plant and machinery and external storage of materials would have a detrimental impact upon the visual amenity of the existing site. Additionally, the new access proposed would involve removing at least a 7.3 metre width of existing hedgerow, further opening up the site to external views from the A1000 and adjoining footpath.
- 3.25 The roof and southern and eastern elevations of the proposed building would be visible from outside of the site and that the most significant visual impacts would be in winter. The most significant visual impacts would be the views of the building and site from anticlockwise moving on the M25. Views of the eastern and southern elevations of the building would stem predominately from the A1000 and the adjacent garden centre. In considering the visual impact of the building both properties, The Gables and Preston Grange on the opposite side of the A1000 to the east of the site, would have clear sight lines across to the proposed development. The proposal incorporates a 2m high grass mound being graded down against the eastern elevation of the building to assist in absorbing the impact of the building at ground level. The visual impact of the proposed development could also be mitigated against by avoiding strikingly coloured cladding and by additional planting on the periphery of the site, although such measures are not considered sufficient to mitigate fully against the injury to visual amenity the development would have, particularly as the building would be of an industrial type.
- 3.26 The site lies within the Watling Chase Community Forest. In this instance, although the proposal would require the removal of a section of hedgerow adjacent to the A1000, no existing trees are proposed to be removed. Comments received from Hertsmere Borough Council do however suggest that an oak tree, which is protected by a Tree Preservation Order (TPO), would be adversely affected by the close proximity of the proposed new access onto the A1000. In addition three other mature oak trees protected by a TPO may be affected by their close proximity to the proposed hardsurfaced area. The TPO is included at Appendix B of this report. Hertsmere's Tree Officer has advised that any hardsurfacing should not come within the radius of the root system of these trees. Should planning permission be granted it is recommended that conditions be imposed stipulating buffer zones to protect trees on the boundary of the site. This would include the protection of the oak tree proximate to the proposed access. Furthermore, additional planting could be required by condition to assist in screening the development as well as contribute towards the realisation of Community Forest objectives.

- 3.27 Representation has been received regarding the impact the development would have on Bentleyheath Farmhouse, which is a Grade II listed building. Additionally, the Duke of York Public House is also a Grade II listed building which is approximately 160m south of the proposed site on the A1000. The farmhouse is situated approximately 350m to the west of the proposed application site. Hertsmere Borough Council's Conservation and Design Officer considers that the development could have a marginal impact upon the setting of the Duke of York PH when viewed from the North along the A1000. The impact of the new access position would disrupt the mature hedgerow and therefore undermine the verdant character of this part of the road and the listed building in the distance.
- 3.28 Bentleyheath Farmhouse is not directly visible from the application site as the site is screened with vegetation. The surrounding undulating topography of the land, between the farmhouse and the application site, also restricts views. Nevertheless, it is not clear from the information submitted with the application whether the proposed building's apex would be visible from the farmhouse. In this respect it is not clear whether the proposal would impact upon the setting of a listed building and according meet the requirements of Policy 36 (impact upon the setting of listed buildings) of the Waste Local Plan.

Ecology

- 3.29 Within the vicinity of the application site is a protected species site that contains Great Crested Newts. The Herts and Middlesex Wildlife Trust and Hertfordshire Biological Records Centre advise that Newts are known to use up to 500m of the surrounding area and the application site is judged to be within this 500m zone.
- 3.30 The Wildlife Trust and Hertfordshire Environmental Records Centre advise that a newt survey should be undertaken prior to the development of the site with mitigation measures imposed in consultation with English Nature. It is therefore considered that the potential ecological impact of the proposal could be controlled through the use of suitable planning conditions should the application be approved.

Waste Local Plan Policy 13

- 3.31 The application site is not included in the areas of search for permanent waste management facilities (policy 12) identified in the Waste Local Plan. As such Waste Local Plan Policy 13 applies. Policy 13 sets out a number of criteria that applications outside areas of search should be assessed against.
- 3.32 Policy 13 states that proposals for waste management facilities should minimise the impact on local and natural environments as well as, inter-alia, secure ready access to the main road network; in the case of large

plants, are where visual and landscape impact is not a critical issue; serve Hertfordshire's main population and employment areas; and preferably be located:

- on land allocated or development, or subject to potential re-development, or on despoiled land;
- within or adjacent to existing waste management facilities;
- within or adjacent to an established or proposed general industrial area
- within or adjacent to compatible land uses.

3.33 A number of representations received have objected to the application on the grounds of the impact on residential amenity from operations at the site. Specifically noise, dust and potential odour issues have been cited as reasons of objection. Consideration of the proposal's impact upon the local and natural environment will be considered in the 'Environmental Impact' section of this report. Issues relating to the impact from the movement of Heavy Goods Vehicles (HGVs) will be considered in the 'Highways' section of the report.

3.34 Although the proposed operation would not be of a large scale, in terms of the annual throughput of waste, the proposed building, in the context of Policy 13, is considered to be large enough to warrant assessing the visual and landscape impact of the building. This impact has been considered in paragraph 3.25 of this report and the conclusions reached were that the proposed building would have a detrimental impact upon visual amenity and the landscape of the area.

3.35 In respect of whether the proposed facility would serve Hertfordshire's main population and employment areas, the proposed location of the site could potentially serve Hertfordshire's needs. Information supporting the application does show that the applicant's existing facility at Home Farm in the Wrotham Park Estate does serve areas in Potters Bar, Borehamwood and further afield in Hertfordshire. However, the vast majority of the applicant's existing client base stems from the North London Boroughs, including Hendon, Barnet, Finchley and Edgware. It would be therefore reasonable to assume that, should planning permission be granted, waste imports to the site will predominately arise from the North London area and accordingly the proposal would therefore not strictly serve Hertfordshire's main population and employment areas.

3.36 In respect of the site preferably falling into one of the categories set out in Waste Policy 13, listed in paragraph 3.32 above, the application site is not situated within an area listed under this Policy. The applicant has undertaken a search to find an appropriate site which falls within a preferred area, as listed under Waste Policy 12, and has looked at other sites outside these areas. The applicant has stated that no allocated site, previously developed site, site within or adjacent to a town or in an existing employment area within this area of Hertfordshire

has been identified as being suitable for this type of development. Areas in North London have also been discounted. The preferred area site search has been undertaken by the applicant and all preferred sites have been identified as being unsuitable or having significant planning constraints that prevent them from being developed as a waste transfer facility. Nonetheless, the application site does not meet the objectives of preferably siting the development within specific areas listed under Waste Policy 13.

Environmental Impacts

- 3.37 Firstly, it is considered that significant odour is unlikely to result from this type of operation as only inert and industrial/commercial waste (types A and B) is proposed to be imported to the site. Such 'skip waste' in the main consists of wood, cardboard, metals, hardcore and soils. Odour problems general only arise from other waste types such as domestic/municipal (Category C) or organic waste. No objections in respect of odour emissions have been raised from either the Environment Agency or Hertsmere Borough Council as Environmental Health Authority. Additionally, it is considered that the application site is located sufficient distance from any residential properties for dust and noise not to be an issue. Waste handling and processing would be undertaken within the confines of the building and as such there should be minimal environmental impact. The building has been designed with the open end being the western elevation, which is at the farthest side of the application site away from the nearest residential properties. The applicant has also indicated that investment would be made in the latest dust suppression equipment to ensure that dust does not escape the confines of the site. It is noted that the applicant currently operates a waste transfer and recycling operation in the open and no known complaints have been received from those adjoining this site, which includes the Wrotham Park Country House.
- 3.38 Specialist noise consultants appointed by the County Council have examined the proposals in detail and confirmed that the proposed site's activities should not give rise to noise problems. This has also been qualified by Hertsmere Borough Council as Environmental Health Authority. It is therefore considered that the proposal accords with Hertsmere Local Plan Policy D14 (noisy development) which states that new development involving noisy activities should be sited away from noise-sensitive land uses. Nevertheless, the potential environmental impacts of noise, dust, litter and odour could be controlled through the use of appropriate planning conditions should planning permission be granted.
- 3.39 Additional concerns have been raised regarding the risk of toxic or hazardous materials entering the site and the associated impacts this may have upon the local population. Should planning permission be granted, the operation would require a Waste Management Licence (WML), issued by the Environment Agency, to prevent and control any

potential pollution and minimise any risk of the operation upon the environment. Such a licence would prescribe the waste types authorised to be imported to the site. Information has been received stating that the applicant already holds a WML, which does not allow any hazardous or clinical waste to be dealt with. The waste collected in the skips generally consists of waste from residential properties or from building sites. The applicant has confirmed that on very rare occasions such skips may contain asbestos. In such incidences, the waste is dealt with under the supervision of the Environment Agency and isolation procedures are required which stipulate that all items are removed to specialist facilities. It is therefore considered that, although there is a risk of materials such as asbestos entering the site, enforceable controls would be in place through a WML to protect the wider environment and population.

- 3.40 Representations have been received regarding the potential waterlogging of the site. Waste Local Plan Policy 41 states that planning will not be granted for waste management facilities under conditions likely to cause an adverse impact too the quantity and quality of or disturbance to or obstruction of surface or groundwater resources. The Environment Agency has no objection in principle to the application provided conditions are imposed requiring surface water control measures to be submitted and approved in advance of the development's commencement. Provided such details are acceptable to the Agency and are implemented accordingly the development would be unlikely to adversely impact upon surface water run-off from the site. The proposal is not therefore considered to conflict with Waste Policy 41 (surface water and groundwater resources).

Highways Issues

- 3.41 The second criteria of Waste Policy 13 states that proposals should have, or could secure, ready access to the main road network, or a rail or water link, avoiding, as far as possible, major residential areas. Policy M12 of the adopted Local Plan requires, in particular, that regard should be given to the adequacy of any proposed vehicle access road and the likely impact of any associated traffic generation on the local road network and the environment of the locality. Additionally, Waste Local Plan Policy 43 (traffic) states that in determining proposals, the County Council will take into account the effect of lorry traffic on local communities and residential areas and, inter-alia, the effect the extra activity will have upon other users of the road system in the area.
- 3.42 The application site is approximately one mile north east of the applicant's existing facility and would be accessed directly from the A1000. HGV traffic from the applicant's existing site at Wrotham Park already uses the A1000 and therefore it has to be recognised that there would be little change to the traffic conditions on the A1000 in the vicinity of the proposed site as the traffic is already using the local road network, should vehicle numbers remain consistent with the Wrotham

Park operation. The A1000 fronting the site is subject to a 40mph speed limit together with a weight restriction of 7.5 tonnes, which commences immediately south of where the M25 cross the A1000. The proposed site access would be located approximately 50 metres within this weight restriction. This restriction does not however apply to vehicles loading and unloading at premises that are adjacent to the road.

- 3.43 The Highway Authority have confirmed that the applicant has shown the required sight lines of 4.5m x 120m can be achieved in each direction and that an access to the required standard can be provided. Accident records show that there have been two slight injury accidents within 200 metres of the proposed site access within the last 3 years. As the number of accidents in the vicinity of the site are considered to be low, together with the factors that the required access standards can be achieved and the amount of traffic proposed to be generated by the proposal is only slightly greater than that already being generated by the existing facility, representing a 0.8% increase in existing traffic flows on the A1000, the Highway Authority have no objection to the proposal. The A1000 is classified as a main distributor road serving the surrounding areas. The site is also in close proximity to junction 24 of the M25 motorway. The proposal therefore is considered to secure ready access to the main road network and that vehicle movements would as far as possible avoid major residential areas as direct access to the A1000 is achievable. In this respect, the proposal is considered to meet this objective of Waste Policy 13.
- 3.44 The relevant highway and traffic related policies require that both access points and surrounding roads are technically suitable for the traffic that will be generated and that the effect on local communities and other users of the road system are also taken into account. As the A1000 is designated as a main distributor road, the potential impact of HGVs using the site is not considered to conflict with highway policy and accordingly the proposal is considered to comply with the aims of Waste Policy 43 and the criteria of Hertsmere Local Plan Policy M12 (highway standards).

4. Conclusion

- 4.1 In accordance with the principles of sustainability and the waste management hierarchy, the County Council is generally supportive of waste reclamation and recycling operations of this nature provided that they are sited in suitable locations.
- 4.2 Both the Hertfordshire Structure Plan, Waste Local Plan, National and Regional Waste Strategies recognise the need for the establishment of facilities for the handling, transfer, treatment and disposal of waste to accommodate the equivalent of Hertfordshire's own arisings. However these objectives need to be balanced against the physical and operational constraints of individual sites.

- 4.3 In considering the application it is clear there is a balance between the benefits of providing facilities, to achieve sustainable waste management objectives, and the disbenefits in terms of the impact the development would have upon on a Green Belt site. In this instance, it is considered that the benefits of allowing the development are outweighed by the disbenefits.
- 4.4 The application proposes inappropriate development in the Green Belt and as such will cause harm by reason of its inappropriateness and other harm in respect of the impact the development would have upon the landscape and visual amenity of the area. Whilst the site is relatively well screened, the proposed development would have a detrimental impact on the openness of the site. Although it is considered that the environmental impact and vehicle movements associated with the operation of the proposed development would not cause any significant adverse effects on residential amenity, the development is contrary to established Green Belt Policy.
- 4.5 The application site has not been previously developed for any other use than agriculture and does not result in the re-use of existing buildings. Although there is a need for waste recycling facilities of this type within Hertfordshire, the proposals are not considered to strictly meet the objectives of achieving regional, county or local self sufficiency for the waste streams proposed. The proposed facility causes demonstrable harm to the Green Belt, which is not reconciled by other factors such as the land being damaged or degraded. The need for the facility, as a more sustainable method of waste management, is not considered in this instance to outweigh the harm that will be caused to its Green Belt location. It is not considered that this demonstrated need, taking into account the lack of alternative sites and the restoration of part of the Wrotham Park estate, is sufficient to warrant the very special circumstances required to justify a departure from Green Belt Policy. On this basis the proposal is considered to conflict with Policy 5 (Green Belt) of the Structure Plan, Policies 13 (criteria for waste management facilities outside areas of search) and 16 (Green Belt) of the Waste Local Plan and Policy C1 (Green Belt). On balance therefore, it is concluded application should be refused.

5. Financial implications

- 5.1 Planning applications should be determined on the basis of material planning considerations, and not on the basis of their financial implications for the County Council. However, it is a requirement of the County Council to advise all Committees of the financial implications that may arise from their decisions.
- 5.2 If a planning application is refused or is not determined within a specific period, the applicant has a right of appeal. Any appeal would result in additional costs, which in part can be met from existing budget

provisions. However, a major public inquiry may give rise to significant costs for which there is no specific budget provision. If the County Council refuses an application without reasonable planning grounds on which to base its decision, it may be liable to pay the costs of the applicant in contesting the appeal.

Background information used by the author in compiling this report

Planning application, supporting statement and traffic impact assessment for application reference 0/0123-04.

Consultation responses and representations received in response to planning application ref. 0/1234-04.

Hertfordshire County Structure Plan Review 1991-2011.

Hertsmere Local Plan, adopted 19 May 2003.

Hertfordshire Waste Local Plan 1995-2005, adopted January 1999

Planning Policy Guidance Note 2 – Green Belts

Waste Strategy 2000: England and Wales

East of England Regional Waste Management Strategy July 2003