

HERTFORDSHIRE COUNTY COUNCIL

DEVELOPMENT CONTROL COMMITTEE

WEDNESDAY 22 JUNE 2016 AT 10.00 AM

EAST HERTS DISTRICT

Agenda No.

2

APPLICATION FOR PROVISION OF A BUILDING WITH PERIMETER SCREENING AND A CAR PARK AT FILLETS FARM, STANSTEAD ROAD, HUNSDON, HERTFORDSHIRE

Report of the Chief Executive and Director of Environment

Contact: Rob Egan Tel: 01992 556224

Local Member: Roger Beeching

1. Purpose of Report

- 1.1 To consider planning application reference 3/1526-15 for the provision of a building with perimeter screening and a car park at Fillets Farm, Stanstead Road, Hunsdon.

2 Summary

- 2.1 This planning application seeks to provide a building to enclose an existing waste transfer facility at Fillets Farm. All waste activities would take place within the confines of the building, including waste reception, sorting and storage. The storage of skips – both empty and full – together with the mess facilities, site office and weighbridge will take place in the open yard area of the site.
- 2.2 The waste operations will continue in their current format. Full skips are returned to the site where the waste is sorted to remove main recyclables such as metal and wood. The residual waste element is then shredded, before it is taken off site for further treatment elsewhere. Skips predominantly containing soils and hardcore are stored separately and their contents are screened to separate the hardcore from the soil. These materials are then transferred off site for direct re-use or further treatment.
- 2.3 It is considered that the proposed development would result in significant environmental benefits to the surrounding area through reductions in noise and dust emissions from the site. Furthermore, the site is presently unregulated from a planning perspective and the grant of planning permission would enable the county council to impose controls by virtue of conditions, especially in relation to operating hours and vehicle movements.

- 2.4 The application site is located within the Rural Area Beyond the Green Belt, where such development is considered inappropriate. However, the proposed building is considered to be relatively modest in scale, and it is considered that the environmental benefits of granting planning permission outweigh any visual harm of the new building.

3. Description of the site and proposed development

- 3.1 Fillets Farm consists of an open yard located to the south of the village of Hunsdon. The site benefits from two separate certificates of lawfulness, with two activities lawfully taking place on separate parts of the yard. The western section of the yard benefits from a certificate granted by the county council for waste transfer, with the eastern section having a certificate – granted by East Herts District Council – for the import, storage, cutting and distribution of wood and the storage of machinery. Both activities appear complementary, with the operators of the site carrying both of these out on the relevant sections of the yard. An office, consisting of a portacabin, is located along the northern boundary, and there is a portable weighbridge within the yard. Loading and processing plant and machinery are also routinely present within the site, as are a number of empty skips.
- 3.2 The site is located just off the B1037 Stanstead Road, which is the primary route between the villages of Hunsdon and Stanstead Abbots. The village of Hunsdon starts approximately 250 metres to the north of the application site, with Stanstead Abbots being some 4 km to the south west. Access into the site is gained via a short track that comes off the western side of the B180, with the access on the southern side of this track. This track is also a byway. A car parking area for 13 cars has been created on the northern side of the track opposite the entrance to the site, although this does not benefit from planning permission. This application seeks to regularise that situation.
- 3.3 The site is situated in a predominantly rural setting and is within the designated Rural Area Beyond the Green Belt. Surrounding land is typically open and in agricultural use. However, a cluster of six houses – known as Whitehall Cottages – is located on the opposite side of the B180 directly to the east of the application site. The built area of the village of Hunsdon commences beyond the field to the north, some 250 metres away from the site, although the district council has recently granted planning permission for 13 additional houses to be built within this field, extending the village in a southerly direction and closer to the application site. The present applicants are the same as for that residential development, being land within their ownership.
- 3.4 The proposed building has been modified from the one that was originally proposed when this planning application was first submitted. At that time, it was intended to enclose all operations within a building that covered all of the site, thus covering all waste transfer activities,

with no activity taking place in the open air. The originally proposed building had a footprint of 1,995 square metres. It was to have had a pitched roof with an overall height of 10 metres, and with a height to eaves of 7.932 metres. However, it was considered that the size, scale, bulk and design of the proposed building were excessive and out of keeping with its surroundings, resulting in a building that would be detrimental to the character and nature of its rural location. On this basis, the application was initially recommended for refusal of planning permission. Prior to it being reported to the Development Control Committee, the applicants requested to redesign the building in an attempt to overcome officer objections. The present proposal has resulted from this redesign. As a result of this, the county council has carried out a re-consultation exercise, seeking the further views of statutory consultees and local residents.

- 3.5 The proposed building now has a significantly reduced footprint, having an area of 1,025 square metres. This represents a 48.6% reduction in the floor area of the building that was originally proposed. Its height would be similar to the original proposal, being 10 metres at its ridge line with a height of 8 metres to its eaves. The building will be a steel framed structure with a clear span. It would be located on the eastern extent of the site, with an open yard to the west of the building. Vehicular access will be via the external site entrance to the north of the yard, with an opening to the building allowing two vehicles to pass.
- 3.6 The purpose of the building is to ensure that the separated waste materials are kept dry, thus improving their quality and market value. This will also enable the operators to separate other materials easier, such as cardboard, paper and plastics. Furthermore, it is considered that the ability to keep soil dry will assist in preventing soils from being tracked onto the highway. By enclosing waste processing activities, it is also envisaged that this will provide significant benefits to the local environment in terms of reducing emissions from the site – such as noise and dust – that are more prone to occur when operations take place in the open. Perimeter screening through additional planting is proposed on all four boundaries of the site, augmented by a large earth bund that has already been constructed – albeit without planning permission – on the eastern boundary of the site adjacent to the B1037.
- 3.7 At present there are no restrictions on operating hours or vehicle movements in respect of either the waste transfer facility or the wood processing use. However, this application proposes operating hours of between 7am and 6pm on Mondays to Fridays, and 7am to 2pm on Saturdays. It further proposes a maximum of 100 HGV movements per day (50 in, 50 out). It is anticipated that the site will have an annual throughput of 35,000 tonnes of waste.

Planning history

- 3.8 A certificate of lawfulness, reference 3/0339-96, was granted by Hertfordshire County Council on 21 November 1996 for the use of part of the site for waste transfer.
- 3.9 A planning application was made to East Herts District Council for the temporary change of use of yard from waste transfer to bus storage and servicing depot to run until December 2006, reference 3/05/0176/FP. Permission was refused on 21 March 2005 and a subsequent appeal was dismissed.
- 3.10 A certificate of lawfulness, reference 3/08/1701/CL, was subsequently granted by East Herts District Council on 21 November 2008 for the import, storage, cutting, sale and distribution of wood and the storage of machinery.

4. Consultations

4.1 East Herts District Council – Planning

Original consultation response

In the District Council's view the main considerations relate to the principle of the proposed development and the impact on the rural countryside setting and neighbour amenity impact.

Development Plan

The site is located within the rural area beyond the green belt wherein there is a presumption against inappropriate development. The proposed development, comprising of a form of operational development for a waste transfer site represents an inappropriate form of development in the rural area. There is therefore direct conflict with policy GBC3 of the East Herts Local Plan Second Review April 2007. The intention of policy GBC3 is to protect the countryside and remains a valid planning consideration which is consistent with the aims of the NPPF. Full weight should therefore be attached to policy GBC3.

The Hertfordshire Waste Development Framework 2012 forms part of the Development Plan and policies 11 and 12 appear to be relevant. Policy 11 provides general criteria for assessing waste management facilities and criteria i) specifically sets out that development will be permitted provided that the siting, scale and design of the development is appropriate to the location and the character of the surrounding natural and built environment. Policy 12 sets out that waste management facilities should be enclosed within a building wherever possible which, along with plant and machinery, *should be in keeping with the surrounding setting and landscape/townscape* (my emphasis).

Neither a detailed levels drawing nor landscape character assessment have been submitted with the application. It is nevertheless evident that the proposed development, by virtue of its very significant overall scale and height will result in demonstrable and harmful impact on the rural character and appearance of the site. The site is currently predominantly open and is reasonably well screened from public views by existing landscape features and changes in levels. The provision of a large industrial shed building at a height of 10 metres will be a clearly visible feature within the landscape, rising above existing landscape features. The building presents as a bulky industrial style shed which is not, in the District Council's view, in keeping with the rural countryside setting. There is therefore direct conflict with policy 11 and 12 of the Waste Development Framework.

Material considerations

The NPPF is a material consideration in the determination of planning applications, although there are not specific policies or criteria in relation to waste management. The Council acknowledge the submissions in paras 5.6-5.13 of the Planning Statement and consider that some weight could be attached to the way in which the development will help to secure an economic form of development in the Rural Area in accordance with section 3 of the NPPF. However, any such favourable weight should be tempered against the fact that there remains a viable business use on the site. The proposed development does not appear to be necessary for that use to continue.

However, as set out in para 8 of the NPPF, the different roles of sustainability as defined in para 7 of the NPPF are not mutually exclusive. In reaching a balanced decision on the development proposal then, regard should also be had to the environmental and social dimension of sustainable development also.

In accordance with the above mentioned comments in regards to the visual impact of the proposed development the District Council consider that the proposal does not represent a sustainable form of development having regard to the environmental dimension of sustainable development.

The comments in paragraph 5.24 of the applicant's Planning Statement are noted and it is recognised that, as the applications have been granted certificates of lawful development there are no planning controls regarding the operations of the site. This said, Hunsdon Skips which currently operates from the site, is controlled by the Environmental Permitting (England and Wales) Regulations 2010, which are regulated by the Environment Agency. The Environmental Permit controls a number of matters including dust, odour and noise. A condition of the permit is the requirement to have an Environmental Management System which includes Operational Procedures, including those focussed on managing noise.

The District Council considers that the County Council, as the Local Authority with statutory responsibility for dealing with waste planning applications would be in the best position to have regard to and balance the applicant's fall back position of continued use of the site against the provision of a new operational development – the use of which could be controlled through planning conditions.

In regards to the impact on neighbour amenity the District Council acknowledge that the proposed development has the potential to result in an improved impact in respect of noise and general disturbance to neighbouring properties, particularly those residential dwellings to the east of the site within Whitehall Cottages. The Council are nevertheless of the opinion that the controls through the Environmental Permit provide an appropriate level of amenity for nearby residents in the event that the site remains to operate as it currently exists – i.e. without the building proposed in this application.

Summary

In accordance with the above the District Council considers that the proposed development represents an inappropriate form of development in the Rural Area and will result in a significant and demonstrable impact to the rural character and appearance of the site and surroundings. There is clear conflict with Local Plan policies and policies in the Waste Framework. There is acknowledged to be some benefit in regard to the provision of an economic form of development. The proposed development will result in an improved relationship with neighbouring properties but any such positive weight attached to that consideration is not outweighed by the inappropriateness of the development and impact on the rural character of the site and surroundings. Furthermore, there are appropriate levels of control in regards to impact on neighbour amenity through the Environmental Permit, referred to above.

Should the County Council be minded to grant planning permission for this development, the District Council would suggest that appropriate planning conditions are attached to the development in regards to controls over the use and operation of the building and the provision of appropriate landscape proposals and bunding which are indicated on the submitted drawings.

Consultation response further to the submission of amended drawings

The District Council has reviewed the amended plans and it is considered that the reduced proportions of the building will result in a reduced impact on the countryside location compared to that originally submitted. Nonetheless, the development represents an inappropriate form of development in the rural area and the various concerns as set out in the Council's previous letter to you remain relevant.

Should the County Council be minded to grant planning permission for this development, the District Council would suggest that appropriate planning conditions are attached to the development in regards to controls over the use and operation of the building and the provision of appropriate landscape proposals and bunding which are indicated on the submitted drawings.

4.2 East Herts District Council – Environmental Health

Recommend support of the present application but has suggested the imposition of the following conditions:

1. Application of an appropriate limit to manage noise from the site

The rating level of sound emitted from the development hereby proposed or associated with the development hereby approved shall not exceed the existing background level at the boundary of the nearest noise sensitive premises. All measurements and calculations shall be made in accordance with the methodology of BS4142:2014 (Methods for rating and assessing industrial and commercial sound).

Reason: To protect the amenity of Local Residents.

2. Restriction on hours of operation

The activities associated with the use hereby permitted shall not take place outside of the hours of 07.00 to 18.00hrs Monday to Friday, 07.00 to 14.00 Saturdays and not at all on Sundays and Public Holidays.

Reason: To protect the amenities of the surrounding residents.

3. Control of noise emanating from site

Before the development commences, a scheme shall be submitted to and agreed in writing by the local planning authority that specifies the provisions that will be implemented for the control of noise emanating from the site. The noise mitigation scheme shall be maintained for the life of the approved development and shall not be altered without the prior written approval of the local planning authority.

Reason: To protect the amenity of the surrounding residents

4. Noise Control and Monitoring

Prior to the commencement of the operations hereby permitted, a detailed noise monitoring scheme shall be submitted to, and approved

in writing by, the local planning authority. The scheme shall include the locations and times for noise monitoring to be carried out.

Noise monitoring shall thereafter be carried out in accordance with the approved scheme and the results of the each noise monitoring exercise shall be submitted in writing to the local planning authority within seven days of the monitoring being carried out.

In the event that noise monitoring indicates that levels have exceeded the permitted level, operations shall be restricted until such time that further noise mitigation measures which shall be firstly approved in writing by the local planning authority have been installed and employed within the site.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby

4.3 The Environment Agency

Thank you for consulting us with the additional information submitted for this application following our previous concerns, particularly in relation to noise impacts resulting from the proposed development.

We are pleased that the applicant's updated noise report (prepared by: Sharps Redmore; reference: 1515180; dated: 15 February 2016) has addressed many of the concerns that we raised at our meeting on 25 November 2015. However, we still have some concerns about the adequacy of the report's findings, particularly in relation to:

- the sampling location chosen to obtain noise readings – we do not consider the location as being representative of all of the cottages opposite the site
- the very short measurement duration used to obtain noise readings, in particular the background LA90 levels and residual LAEQ levels
- activities still being undertaken on the site when LA90 measurements were being taken
- the lack of application of any acoustic feature corrections in the impact assessment
- the lack of assessment of vehicle movements off-site on the approach road to the site and their impacts on the nearby sensitive receptors (see 'Advice to LPA' overleaf)
- concerns that all sound sources may not have been included in the impact assessment, such as loading and unloading of materials coming onto and leaving the site, vehicle warming, outside movements, cleaning of the site both inside and outside etc.

We acknowledge that some of these are new concerns, but the scope of the revised report is now wider and includes noise modelling. We have not been able to provide any detailed comments on the noise model because we have not been provided with the model input files.

We understand that the Central Bedfordshire Environmental Health Officer (on behalf of East Herts LPA) will be providing additional comments on the report, although I have not been able to speak to him to discuss this further.

The applicant needs to be aware that as part of their application to vary the Permit for the site – which will be necessary to carry out Permitted activities in the building - the noise impact assessment, including noise impact modelling files, will need to be reviewed by our National Permitting Team. We can offer to audit the assumptions made in the design of the noise impact model as part of this planning application to identify whether there are any significant ‘showstopper’ issues with these assumptions. This does not comprise a full, detailed review of the models outputs, which will be carried out as part of the Permit variation application. Until this initial review has taken place, we cannot confirm whether the correct assumptions have been made in the noise impact model (including the site operational activities, ventilation, surrounding topography, location and orientation of receptor locations etc.).

It would take up to 15 working days for our team to review the model files and for us to provide our comments back to you. If we do not review these files now, the applicant needs to be aware that if there are fundamental issues with the assumptions made in the report, this could mean that changes will be required for the building construction, design and/or site layout. We therefore strongly advise the applicant and you as the decision maker to allow the noise model and input files to be audited at this stage.

We note that some detail has been provided about the ventilation of the building and we are pleased that the intention is to place any ventilation fan units on the western elevation below the ridgeline. It is important that any ventilation fans are facing as far away from sensitive receptors as possible

We accept that further information about ventilation and building construction will be provided at the detailed design stage, but we would like to make clear now that these details will be crucial, as they will have a significant impact on the overall noise impacts of the proposed development.

Advice

Please be aware that we only regulate operations within the site boundary. We do not deal with off-site traffic movements. You need to take traffic and its impact (increased emissions, dust and traffic noise) into account in your decision making process, and should also assess the impact of increased vehicle movements on the approach road to the site, on the nearby cottages and on the proposed new residential development to the north of the site.

Addendum (24/03/16)

It is disappointing that following our response (dated 11 March to which this is attached), you have chosen to question whether we would object or not – the files could have been checked in this time and a definitive answer would be available for you to base your decision on.

In answer to your question, we would not object, but the central issue will still remain that if you grant planning permission for a building with the model files unchecked, and the building gets built before we issue an updated permit, you could be allowing an impact on noise that we may be unable to address through the permit (it would be unreasonable for us to request significant changes to the building to address flanking and bridging that has been introduced into the building structure once it has been built). There is also the risk for the applicant that the development may not be acceptable at the Permit stage.

If this is something you think could be satisfactorily addressed by your building regulations department we would advise that the following condition requesting a report which details the measures to be taken to minimise noise breakout from the building be attached to the grant of any planning permission. Please be aware that we would not wish to be consulted on the details of this condition.

Condition

No development approved by this planning permission shall take place until a report is submitted to and approved, in writing, by the local planning authority which details what measures are to be taken to minimise the transfer of noise and vibrations via routes such as flanking, bridging between the fabric of the building structure and other site structures. The report shall also detail what supervision will be in place to ensure that sound control measures are installed so that flanking and bridging is not introduced into the building structure, and the acoustic building competencies of the supervision.

Reason

To ensure the building is designed in such a way to minimise noise to surrounding properties.

4.4 Hertfordshire County Council as Highways Authority

Original consultation response

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

Condition 1 Road deposit: Best practice measures shall be taken at all times to ensure that all vehicles leaving the development site are in a condition such as not emit dust or deposit of mud, slurry or other debris on the Highway

Reason: In the interest of amenity, highway safety and particularly for motorcycle users.

Condition 2 Unless otherwise agreed in advance in writing by the Waste Authority, there shall be no more than 150 HGVs movements (75 in/75 out). Written records of HGV movements associated with the proposal shall be kept by the operator and made available for inspection by the Waste Authority.

Reason: To ensure that the development takes place in a comprehensive manner having regards to highway safety, amenity and free and safe flow of traffic

AN1: There is overgrown vegetation on either side of the access junction with B180, this has the potential to reduce the required visibility splays. The developer should take reasonable steps to maintain the visibility splays at all times by removing overgrown vegetation.

Application Site The site lies on the west side of the B180 approximately 500 metres south of Hunsdon. The site can be accessed from a road which joins B180. The restricted byway 3 runs along the farm access road. There is parking for 13 cars available opposite the site access. HGV moments are not expected to rise above the current level.

The Local Road Network I have visited the site and driven along B180 which has national speed restriction in place however there is a 30mph speed limit for Hunsdon which starts about 100m north of the Fillets Farm access.

The B180 has narrow verges and this is reflected with the variation in speed restrictions. It was noted driving through Hunsdon that the road width was reduced due to cars being parked on both sides of the road.

The B180 has a 7.5 tonnes weight limit at the Halfway House which is South to the site at Stanstead Abbots.

There is a footway along the B180 from the Fillets Farm access but the verge narrows to about 1.0m heading towards Hunsdon.

The visibility splays from the Fillets Farm access road which joins B180 has about 70m turning towards St Margarets and there is restricted splays to the left heading towards Hunsdon due to overgrown vegetation.

Existing Site The operator has an Operators Licence for 5HGV's, 4 of which are based at the application site. There are currently 12 staff operating at the site.

The site currently occupies an area of 2,200 square metres.

The operating hours are at present and will remain as part of the new development are Monday – Friday 07:00 – 18:00 Saturday 07:00 –

14:00 There will be no operations on Sunday or recognised Public Holidays

Proposed Development The proposed development comprises a new building occupying an area of about 1,800 square metres.

There are no plans to increase the number of vehicles operating from the site. The level of

Existing Trip Generation The site handles 35,000 tonnes of waste per year. The site operates for 279 days per year and therefore imports approximately 125 tonnes per day.

Skip lorries carry an average of 3 tonnes per load. This generates 42 inbound load trips per day resulting in a total of 84 trips per day. Soils, hardcore and segregated metal and wood is exported in average of 20 tonne loads and are exported in average 5 tonne loads.

The site therefore generates 104 HGV trips per day but due to seasonality the maximum trip generation is about 150 movements per day.

There are currently 12 staff employed at the site.

Accident Data Accident data was looked at for five years from 1st January 2010 to 31st December 2014. The data covers the B180 between the junction with the B181 at Stanstead Abbots and the B1004 junction at Widford. The data show that there were 13 accidents, one being serious and 13 slight injuries.

Three accidents causing three slight injuries occurred at the B181/B180 junction in Stanstead Abbots. These accidents involved cars leaving the minor road into the path of an on-coming car.

There were 2 accidents that occurred to pedestrians, on both occasions the driver did not stop at the scene.

There are no accidents involving goods vehicles on the roads approaching the site. There are no accidents at the site access.

There are no key contributory factors for these accidents except the accident reasons were failure to give way at junctions and skidding is also a contributory factor. It is my view that speed of vehicles could be a main contributor.

POLICY The Highway Authority is a statutory consultee and the role of the Highway Authority is to assess the transport implication of a development proposal in terms of policy, capacity, safety, sustainability and demonstrable SEVERE harm

In term of transport policies, NPPF, does not directly refer to development of waste. Paragraph 32 emphasis the need to locate development to reduce the need for major transport infrastructure and the development should be only prevented or refused on transport

grounds where the residual cumulative impact of the development are severe. LTP3 Volume 2 par 38 set out policies regarding developments. Key policies to consider are • Ensure transport and safety implications of the development proposal are considered. • Where possible mitigate the effects of movement demand • The proposal would cause or add congestion during peak hours • Proposal would either significantly affect rural or residential character

Conclusion The Highway Authority has considered the application carefully and concluded that the development is unlikely to cause severe harm and does not wish to restrict the grant of consent on highway reasons subject to the conditions stated above.

Consultation response further to the submission of amended drawings

Amendment

Further to the original consultation sent out in July 2015, we have now received a revised scheme for the above proposed development. Further documents have been submitted to include the following: • Addendum to Planning Statement • CBL - revised drainage scheme (with Appendices) • Proposed Elevations PDF-FF-ELE-01Rev A • Proposed Layout PDF-FF-LAY-02A • Revised Noise Statement

Decision

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

Amendment to the application has no highway implications. Please refer to the earlier response. As you are aware after negotiations the applicant has agreed to reduce the daily HGV movements to and from the site. The Condition 2 must read

Condition 2 Unless otherwise agreed in advance in writing by the Waste Authority, there shall be no more than 100 HGVs movements (50 in/50 out). Written records of HGV movements associated with the proposal shall be kept by the operator and made available for inspection by the Waste Authority. Reason: To ensure that the development takes place in a comprehensive manner having regards to highway safety, amenity and free and safe flow of traffic

Further addendum

I refer to our recent conversation and our site visit last week to Hunsden regarding the above application site. We also took measurements along the potential lorry routes. There are few pinch points along Church Lane where the road width is down to 4.3m. The minimum road width required for a car and a lorry to pass one another is 4.8m. The forward visibility for the pinch points are good and it is a

matter of taking careful and bit more tolerant driving is required. Overall the visibility is good and there are no vehicle weight restrictions.

However, I would suggest that the maximum size of bulk lorry to be limited to 3 axles rigid to a UK maximum gross weight in tonnes at 25/26 tonnes. Considering the size and nature of the operation on site I consider that the recommended size is adequate.

I do appreciate that there is local concern over the lorry movements in the area. It is a matter for network management to consider the lorry routing strategy based on other operations in the area, alternative routes and cost to operators etc.. It is inappropriate to develop a lorry routing strategy on the back of an existing individual application. I suppose if we do manage to convince the applicant on the size and limit the number of skip lorries, this will provide a significant benefit to the local area when compared to the existing situation.

4.5 Hunsdon Parish Council

Original consultation response

Hunsdon Parish Council held a public meeting on 16th September, to allow villagers to express their views on the above application. The meeting was well attended and there was an overwhelming response to oppose this application. There were 2 main areas of concern expressed by the villagers

- a. The vast expansion of the original site.
- b. The increasing numbers of HGV lorries on the country lanes surrounding the village.

Hunsdon Parish Council unanimously objects to this application on the following grounds:

The Application

At the outset from the introduction of their Planning Statement the applicants assume that the existing operations are lawful (1.1). The application seeks to enclose the current operations within a building and regularise the earth bunds and car parking currently beyond the waste transfer boundaries.

The operations have expanded over the whole site including the area designated as a wood yard and other areas not defined in the Certificate of Lawfulness for waste transfer. The proposed building will enclose these areas. Through the submission of evidence to support their application the applicants have admitted that the throughput and vehicle movements currently far exceed those stipulated in the Certificate and Environment Agency Permit.

They also claim that the site of the current operations is 'safeguarded' (1.2). According to the County Council's Monitoring Report for 2014

only the waste transfer site is safeguarded (smaller than area A on your plan). There is no planning application currently that threatens the use of this site, therefore to cite Policy 5 in the Waste Core Strategy and Development Policies is irrelevant.

The Parish Council maintains that the application is seriously flawed in that it omits to seek planning permission to carry out waste management operations on land hitherto not designated for such. The expansion of operations into these areas is unlawful. Moreover, the intensification of operations beyond the limits specified represents a material change and this requires planning approval. The Parish Council has instructed Hewitsons solicitors to investigate this point specifically and they will be writing to HCC in due course.

Fillets Farm (called the Wood Yard in the Application) is not a suitable for the development of waste management facilities. It is adjacent to dwellings which suffer noise and unpleasant odours from the operations and noise disturbance from vehicles using the site. Access is off a weight restricted B road and the bulk of vehicles use unclassified country lanes of poor width and alignment. These routes are hazardous and their use by HGV's presents a tangible road safety issue. The supporting Transport Statement merely refers to vehicles over 7.5tonnes accessing the site from the A414 via Church Lane and Hunsdonbury. There is no analysis of this route or appreciation of the potential danger caused by HGV's using these unsuitable lanes.

The application is in effect a new waste facility and we urge you to examine it on this basis so that it can be judged on compliance with Core Strategy Policies, Waste Site Allocations Development Plan and other County Council Transport Policies as set out below: -

The proposals are in conflict with the following:

Waste Core Strategy Policies: -

Policy 9 - the facility is not well served by the local road network. Refer to Transport Issues and also photos appended.

Policy 11 - i) Refer to the Objection from East Herts DC

Policy 11 - ii) It is difficult to mitigate the impact of such a large building 10m high. It cannot be screened totally. This structure would be the equivalent height of the second storey of Whitehall Cottages and even though the building is set in a hollow, it would be visible from the village outskirts, Tanners Way and Acorn Street.

Policy 11 - iii). The proposals adversely affect the locality as described above.

Policy 12 - the application argues that increasing quantity and types of waste for processing is sustainable on economic terms **but** completely ignores the negative environmental impacts of doing so. **If throughput is to increase and vehicle movements are limited then it implies that loads will be greater and the number of large 12 wheeler lorries in the operators fleet will be increased.**

Policy 13 - the impact on the local highway network in terms of safety and effective operation are severe.

Policy 15 - the Right of Way adjoining the site is endangered by the movements of HGV's

Waste Site Allocations Development Plan -

Proximity to road/rail infrastructure critical. Preference should be given to co-location with other waste facilities to minimise net transport distances. Sites closer than 250m from residential, commercial or recreational areas should be avoided. Transfer routes away from residential areas are also preferable (page 9)

The Parish Council understands that a precedent might be argued to reduce the proximity from 250m to 100m but Whitehall Cottages are within this distance in any event.

LTP3 Development Control 3.8

The proposals directly conflict with Policy 3.8 G (iii): The County Council will resist development where the proposals would generate a significant change in the amount or type of traffic using local roads or rights of way.

A significant impact on the network is defined as: -

There is an increased risk of accidents, especially to pedestrians, cyclists and other road users such as horse riders.

The road is poor in terms of width, alignment or structural condition.

Increased traffic would have an adverse effect on the rural character of the road or the residential properties along it.

Development generates particular types of heavy traffic, including distribution centres and waste and minerals operations. These will be located such as to discourage that traffic from using roads other than the primary network wherever possible.

We maintain that these movements are a material change from that currently permitted in the Certificate of Lawfulness. HGV movements generated by the waste site and their use of Church Lane and Hunsdonbury Lane meet **all four** criteria for judging their impact and consequently justify our contention that the site is unsuitable for waste management operations.

Without prejudice to the above we acknowledge that, if the County Council is minded to accept the applicants' assertion that the current operations do not need planning consent and are thus acceptable on environmental and public safety grounds, enclosure within a building could have advantages in terms of controlling noise and other emissions. There remains however the impact of such a large building on the local amenity and all the issues of road safety, damage to highways, verges and trees, litter and debris and traffic noise at the site and along the access routes at inconvenient hours. Moreover the Parish Council feels that if the County Council accepts the applicants' arguments on the lawfulness of the current operations, then this

position will tend to skew the approach to the question of the building, car parking and earth bunds. In this regard we again direct you to the response from East Herts DC who clearly see the proposed development as out of keeping with the nature of the locality.

Should it be considered to pass this application then we duly request that binding conditions and restraints are made to include the following:

- nature of waste to be handled and processed
- monthly total tonnage limit on imported waste
- types and volumes of vehicles movements
- routes to site and control of parking within the village
- hours of working
- agreement of a comprehensive site management plan - including competency of management and workforce (drivers) and control of all emissions
- control of light pollution
- attenuation of noise with limits set for boundaries of nearby properties

The Parish Council has concerns regarding the adequacy of the Noise Impact Report. In particular we notice that the survey was very limited in duration and the stated distances to dwellings seem erroneous. The predicted noise level calculations also assume internal cladding to the waste building to attenuate noise whereas the Planning Statement includes no such proposal. It is felt that acceptable noise levels should be defined at property boundaries in accordance with standard practice as set out in BS4142.

Evidence to suggest the site is trading unlawfully

The current operations in terms of scale and location are unlawful in that they are in breach of the C of L's and EA permit.

- Vehicle movements are far in excess of stipulated limits and consequently causing danger and damage to local unclassified lanes
- No effective site management plan monitoring noise and other emissions - noise nuisance is severe at Whitehall Cottages
- Car parking on public right of way beyond boundaries of defined site
- New farm track constructed without planning permission
- Earth bunds constructed without planning permission
- Throughput (35000 tonnes per annum) is far in excess of stipulated limits (Cof L 40t/day by 3 lorries - EA Permit 50t/day)

On 21 November 1996 a Certificate of Lawful Use of Development was approved for land at Fillets Farm. Application No 3/0339-96(576) which states 'First Schedule - The use is for the deposit and transfer of builders' waste at the site. Waste is brought to the site in skips tipped onto the concrete area and then loaded onto lorries and taken away.

The waste transferred is builders' waste only. The waste is brought to the site in vehicles owned by the operator in connection with his skip hire and site clearance works (please note in document 'Waste Rejection Procedure' within the site Management Plan states 'If the delivery driver is not employed by HSL then the written description shall be changed by the driver to reflect the true description'. The amount of waste that is deposited is limited to 40 tonnes in weight and that which can be removed by 3 lorries in any one day. The area that waste is deposited in is shown edged green on Drawing 10-96'

On 23 September 2010 an Environmental Permit for company ID no. 06589166 - with Introductory Note (EPR/D3291EL) was issued for registered company 'Hunsdon Skips Limited' to 'The main feature of this permit is as follows: - Material reclamation - the facility will receive, store and process dry inert and non-hazardous wastes. - The status log of the permit sets out the permitting history, including any changes to the permit reference number. This permit is for the use of Hunsdon Skips Limited only. Whereas at this site the following companies have this address as their registered address:

Company No 1: Hunsdon Skips (Company number 06589166)

Company age 7 years

For collection and treatment of waste

Current Directors:- Stephen Gyoury (Director ID 915929645) from 19/02/2014 to date

Previous Directors:- Tyrone Wall from 09/08/2008 to 01/07/2015

Ownership - 100% Stephen Gyoury

Company No 2 - NOT COVERED BY THE PERMIT:

Hunsdon Skips (Company number 07842460)

For collection and treatment of waste

Current Directors:- Stephen Gyoury (Director ID 918537758) from 19/02/2014 to date

Previous Directors:- Tyrone Wall from 10/11/2011 to 01/07/2013

Ownership - 100% Tyrone Wall

Company No 3 - NOT COVERED BY THE PERMIT

HsH Environmental Ltd (Company number 09331444)

Company age less than one year

Current Directors:- Stephen Gyoury (Director ID 918537758) from 27/11/2014 to date

Previous Directors: - N/A

The permit's limits of activities are: Treatment consisting only of manual sorting, separation, screening, bailing, shredding, crushing or compaction of waste into different components for disposal (no more than 50 tonnes per day) or recovery. The current application from P & D Findlay Limited states they currently average 104 HGV movements per day at the site and that it can reach 150 movements per day.

Transport

The **HCC Road Hierarchy and Network development strategy**, which states, “The County Council will maintain and develop a road hierarchy so that traffic is concentrated on to roads appropriate to its journey purpose”. This includes: -

- Encouraging HGVs to use primary routes
- Discourage through traffic from using rural distributor roads;
- Not allow new access except where special circumstances can be demonstrated;
- Resist developments, which would generate an unacceptable change in the amount and type of traffic.

Strategy Objective SO2 of the Hertfordshire Waste Development Framework – Waste Site Allocations 2011-2026 states, “consideration be given to the movement of waste when allocating sites and that account should be taken of the proximity of the waste arising to reduce journeys”. As noted above it is our understanding that a large proportion of the waste being brought to this site is primarily originating from Skip Hire businesses based outside of the County. In addition, once sorted and shredded the waste has to be moved on to the next stage, which is clearly not local to the site involving further HGV movements and the only lawful access to the site is wholly inappropriate for the level of vehicle movements and the size of the HGV’s being used by the Operator many of which are not licenced to the Operator for use at the site.

A further point of note is that Hunsdon Skip Yard (ref1083861/ENV) applied for an increase in lorries in April, advertised by OTC. This application is still pending.

Local Traffic Issues

The vehicles serving the site are not just the licenced skip lorries. There is no control over the number of large container vehicles delivering and removing waste. These vehicles travel to and from the A414. They use Church Lane and Hunsdonbury Lane, both unclassified rural access roads within the County Road Hierarchy. To be safe they need a carriageway of 7.3m with suitable forward visibility. Church Lane is less than this and moreover has right angle sharp bends with very restricted visibility. There is only a footway on one side of Church Lane extending approx. 150m from Hunsdonbury Lane to The Laundry House. The damage to the verges can be seen where vehicles have passed. Hunsdonbury Lane is simply that - a country lane only wide enough for one car in places. The length is approximately 350 metres and in places it is less than 4 metres wide. There are blind spots on this lane and it has a 60mph speed limit. There are no footpaths so the residents who live in Hunsdonbury walk on the road. There is no lighting, drainage is poor so there is frequent ponding of surface water and it is not gritted in the winter months. Collisions with Waste operators’ vehicles are frequent - mainly minor damage such as loss of car door mirrors.

Most villagers have been impacted by the lorries coming up from the A414 with a couple of near misses on the bends near the church and Farm cottages where the skip lorry has either been over the centre line of the road or right on the crown. The bus service, which uses this route to Harlow, has also met lorries travelling to and from the A414 and one or other has had to reverse or go up onto the embankment or pathway. This is more particularly noticeable with the recent large high sided articulated waste lorries, and the roll on roll off skip lorries which presumably take away sorted waste to landfill. These lorries are much longer than the normal yards skip lorries and when negotiating bends are right across the crown of the road and into the opposite carriageway. It is also noticeable that when turning right across the A414 carriage way to enter or exit Church Lane the rear of the lorry **often protrudes into the overtaking lane**, causing a danger to traffic on the dual carriageway. This route currently being used for these lorries is totally unsuitable for their size and weight.

In addition it has been noticed that the road surface is already showing signs of the extra weight loads and verges and footpaths are being damaged where they take avoiding action.

Finally there is also an increase in litter deposited by the side of the road leading up from the A414, on Hunsdonbury Lane and B180. Although, some of this comes from other vehicles and irresponsible drivers it is believed that a good deal of it originates from the skip lorries. Pieces of polystyrene and large sheet of polythene have been seen blowing off the backs of the skip lorries, as well as gravel, dust and other debris. These drivers are supposed to secure their loads and to use nets but often the contents of the skips escapes from them. Some don't even secure their loads.

Conclusion

This planning application is totally unacceptable for the community and will have an adverse impact on the safety and wellbeing of the residents and other local road users. It is the Hunsdon Parish Council's belief that this application should be refused in its entirety and enforcement action taken on all aspects within the current licence and that any future breaches of the licences will be dealt with by enforcement action from the local authorities. The current situation is totally improper and a real threat to the safety and loss of amenity to local residents. The County Council should not lose sight of their overriding responsibility and one of its principle objectives, stated as part of its own mission statement:

Be healthy and safe "We want Hertfordshire residents to have the opportunity to live as healthy as lives as possible and to live safely in their communities."

The Way Forward

It is clear to the residents of Hunsdon that this application will not solve the problems caused by the waste operations at Fillets Farm whichever way it is determined. The Parish Council therefore urges the Spatial Planning team to call all interested parties together and explore the relocation of the business to an appropriate location and alternative uses for the site. We see relocation as the only way the issues can be resolved. We would be happy to participate in such discussions.

Consultation response further to submission of amended drawings

Please see the response attached at Appendix 1 to this report.

4.6 Herts Constabulary – Traffic Management

There is a relevant weight restriction order in place. Article 3 states the restriction does not apply to heavy commercial vehicles proceeding on the lengths of roads in the Order for the purposes of access to premises in or directly adjacent to those lengths of road restricted by the Order. If they are not accessing premises within the restriction then the Order restricts them from using the roads.

Since the eastern extent of the weight restriction is some way west of Hunsdon and the operating site of Hunsdon Skips Limited, it appears many Hunsdon skip vehicles travelling through the restricted area via the B180 via Stanstead Abbots may well be in breach of the weight restriction. I'll update local officers for attention and appropriate action when possible.

As part of your considerations please may I ask you to be aware that whilst Police are responsible for enforcement of weight restrictions, in comparison to other Policing demands, enforcement of weight restrictions is unlikely to be a high Policing priority. To establish if a vehicle is in contravention of a restriction requires Police to either follow a vehicle into, through, then out of a restricted area without it having stopped or to stop every HGV and interview each driver to establish if they may claim a legitimate exemption.

4.7 Hertfordshire County Council – Landscape

Landscape Policy & Guidelines

National Planning Policy Framework

The NPPF promotes the conservation and enhancement of the natural environment and good design, ensuring that developments respond to **local character** and are **visually attractive** as a result of good landscape design.

East Herts Local Plan Second Review April 2007

- **ENV1** Design and Environmental Quality
- **ENV2** Landscaping

- **ENV11** Protection of Existing Hedgerows and Trees
- **ENV23** Light Pollution and Floodlighting

Landscape Character assessment, Evaluation and Guidelines for Southern Hertfordshire, 2001

The site lies within the ‘Hunsdon Plateau’ landscape character area as defined within the current local Landscape Character Assessment. The area is described as *“Large scale open arable farmland on flat upland plateau, with smaller field and woodland to north west of Hunsdon.”*

The strategy for managing change in this area is to **improve** and **conserve**. In order to achieve this, the following guidelines should help shape the proposed development:

- Safeguard existing hedges, increase hedged field boundaries...
- Encourage the planting of new woodland around existing, to protect them, increase scale of woodland in this area...
- New woodland planting should use only locally indigenous species, of local provenance if possible
- Woodlands should be managed...to encourage good age diversity...

Conclusion

Overall the site has the capacity to accommodate a new building without causing unacceptable landscape and visual harm. However it is suggested that the proposed building footprint, and the treatment of the car parking, should be reconsidered in line with a comprehensive landscape strategy as discussed below.

The following information is required:

- Tree Survey, Arboricultural Impact assessment and method statement, and tree protection plan in line with BS5837:2012 “Trees in relation to design, demolition and construction – recommendations.
- Landscape Strategy to show proposed landscape mitigation and enhancements, in line with the landscape guidelines for the area.
- Planting plan, specification and maintenance schedule.
- Proposed access and carpark detailed design

General Comments

With regards the Proposed Layout, it would be beneficial to see the blue line boundary showing the area of land under the applicant’s control. This should help inform a cohesive landscape strategy to address the building site and the car park.

Landscape and Visual Effects

The application does not include a Landscape and Visual Impact Assessment (LVIA). Whilst it may not be necessary to produce a comprehensive LVIA; due to the nature of the scheme (rural location/large scale/effect on landscape features etc.) the proposal needs to show an understanding of the effects upon local landscape character and quality and visual amenity, and demonstrate how the landscape strategy will serve to mitigate those effects and provide enhancements.

Siting and design

The proposed building is located on the site of an existing waste management operation, in a rural location.

The submitted information states that the building design has been based on similar structure in the locality. Whilst it is agreed that the materials and height of the building may be typical of an agricultural building, there is concern that the large scale and irregular shape of the building footprint is more unusual.

Visual effects

In terms of views, the area from which the development is actually visible is relatively small. However there are views from Hunsdon Road (B1004) and the access road to Fillets Farm that is also a restricted byway.

The most significant views are from the access road along the north east site boundary. From here the car parking is highly visible and detracts for the rural character of the lane. There are also partially screened views of the building through the boundary vegetation. From further along the access road towards Fillets Farm and from along Hunsdon Road views of the development are generally screened by the boundary vegetation.

It should be noted that during periods of leaf fall the boundary vegetation is likely to be less effective as a visual screen. It is therefore important that the boundary vegetation is no less than 5m wide as discussed below.

Landscape effects

The existing vegetation on site includes established mature trees, more recent planting, and areas left to scrub, that are predominantly of poor quality due to a lack of positive management. A landscape strategy should show where existing important feature are to be retained, and where new features will be introduced to create, restore and enhance local landscape character and improve visual amenity.

This should be informed by a Tree Survey, Arboricultural Impact assessment and method statement, and tree protection plan in line with

BS5837:2012 “Trees in relation to design, demolition and construction – recommendations.

Site boundaries

The submitted information acknowledges the need to provide a buffer zone and landscaping (para 7.11). This approach is fully supported. On visiting site it is evident that excavation works, and materials storage, has taken place in the root protection area of trees and hedgerows that is likely to negatively impact upon their long term health and integrity. It is therefore vital that any development establishes appropriate buffers to protect landscape features from such activity.

The submitted information refers to an opportunity to increase biodiversity through a new hedgerow and creating a wildlife margin around the perimeter of the site. This approach is supported however the long term management of the wildlife margin beyond the 5 years aftercare period should be considered. Any such proposals need to be shown on the submitted plans, as part of a comprehensive landscape strategy, so that the LPA can be satisfied that they are achievable.

North east site boundary

The submitted information acknowledges that the northeast site boundary is currently untidy. It is therefore proposed to introduce a strip of planting along this edge, however there is concern that it appears too narrow, squeezed between the proposed building and the access road. In line with good practice, it is advised that the perimeter planting should be no less than 5m wide to provide adequate mitigation and enhancement. The treatment of this boundary will also need to take account of the detailed access design, and the requirement for open visibility splays etc. as discussed below.

Eastern site boundary

There is an opportunity to introduce a new distinct hedgerow along the eastern boundary fronting Hunsdon Road.

Site access

It is proposed to have a single access with space for two vehicles to pass. It is anticipated that any access will need to comply with highways requirements and include the provision of an adequate bell mouth and visibility splays. This is likely to have an impact on the existing and proposed boundary treatments, and mitigation planting, and therefore needs to be detailed further.

Car parking

The existing car parking has a negative landscape and visual impact due to the excavation of the roadside bank that has created a severe cut face, and negatively impacted upon the existing vegetation, remnants of hedgerow remain evident across the top of the bank.

Ideally any development would seek to relocate the car parking within the main site boundary and restore the rural character of the lane, enhancing visual amenity, especially for users of the public rights of way.

In the event the road side car park is approved, the landscape strategy should seek to enhance the roadside bank through appropriate shaping and planting. It is also suggested that a retaining structure may be required to prevent further deterioration of the bank, and this would need to be designed sensitively for this rural location. New planting to the northern side of the access road should enhance the character and quality of the lane.

Hardstanding – concrete

It is proposed to concrete the entire site. The introduction of any hardstanding in close proximity to trees should be carried out in line with the recommendations of BS5837:2012, including avoiding root protection areas and utilising no-dig solutions where necessary.

4.8 Herts County Council – Local Lead Flood Authority

The letter from CBL Consulting to Alison Crooks, dated 20th of December 2015; submitted to the LPA present an acceptable drainage strategy.

At this planning application stage the applicant has provided sufficient detail to demonstrate that there is a feasible drainage scheme for the site.

We therefore recommend the following conditions for the different sites included in the application to the local planning authority should planning permission be granted:

Condition

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the drainage strategy submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition 1

The development permitted by this planning permission at Fillets Farm, Hunsdon site shall be carried out in accordance with the drainage strategy explained in the letter by CBL consulting dated 20th of December, 2015; and the following mitigation measures as detailed within the surface water drainage strategy:

1. The surface water run-off generated must not exceed of 7.9 l/s during the 1 in 100 year event plus climate change event.
2. An attenuation volume of 35 m³ in above ground storage and of 22 m³ in underground storage must be provided to ensure that there is no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
3. A fully alarmed class 1 petrol interceptor must be provided as shown in the drawing attached to the letter from CBL consulting dated 20th of December, 2015.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To prevent flooding by ensuring the satisfactory attenuation and disposal of surface water from the site.

Informative to the LPA

The use of underground attenuation tanks will increase the maintenance needs of the drainage scheme. Without appropriate maintenance, the risk of failure of the drainage schemes will increase and therefore the risk of flooding. The LPA will need to satisfy itself that the proposed underground surface water attenuation features can be maintained for its lifetime and we recommend the LPA obtains a maintenance and adoption plan from the applicant.

Please note if the LPA decide to grant planning we wished to be notified for our records.

4.9 Herts County Council – Rights of Way

Public restricted byway Hunsdon 3 is the access to this site, and runs immediately adjacent to it.

I would be concerned if any intensification of use, particularly involving additional movements, was involved here. However you suggest that this is not the case.

If any alterations to the surface of the route are proposed they will need permission from this unit in advance. Likewise if any diversion or narrowing of the route is proposed they will need to apply for a diversion/extinguishment order. However, as far as I can see none of these are proposed.

During the works no plant or materials are to be left on the route and all appropriate measures are to be taken to safeguard users.

When I have inspected this route over the years there have often been vehicles parked beside it, although whether they are technically within the highway boundaries or outside it would be difficult to be sure. In any case access along the route has never been compromised to my knowledge by this: it is akin to parking on the roadside elsewhere. Provided that the proposed parking area is simply a matter of formalising this I would not be too concerned. However, if it encroaches further onto the public right of way or narrows it significantly then I would have to object.

4.10 Herts County Council – Ecology

We have the following comments:

1. We have no ecological data for this site, much of which is an active recycling works with negligible ecological interest.
2. From aerial photos the eastern edge of the site appears to be wooded or at least supporting mature scrub, although how much of this currently survives is unknown given the proposals to plant trees on this and other edges of the site. It is not proposed to remove any of the adjacent trees or shrubs. The species chosen to supplement what is currently present are all appropriate for the area.
3. On the basis of the above, **I do not consider there to be any ecological constraints on the proposals.** Additional planting into existing gaps would serve to enhance the immediate surroundings of the building at the site level.

I am not aware of any other ecological issues associated with these proposals for which I have any significant concerns.

4.11 Third Party Comments

The application was advertised in the Hertfordshire Mercury on 16 July 2015 and a total of 38 letters were sent to residents and other premises

in the surrounding area. A site notice was erected at the site on 28 July 2015.

56 responses were initially received, all objecting to the application.

Further to the submission of revised drawings, the county council carried out a reconsultation exercise. As a result of this, 16 further responses were received, all objecting to the application. Some of these were from people that had previously objected to the initial application.

The objections, in no particular order, can be summarised as follows:

Amenity

- The development represents a blot on the landscape.
- Noise from the site is excessive and intrusive.
- There are odours emitting from the site.
- There is disturbance from operations taking place on site.
- There is disturbance from HGVs accessing the site.
- The noise assessment makes broad assumptions regarding the way in which the site operates and the background noise levels.
- The scale of the building is inappropriate for the location.
- The building will have an adverse impact on amenity and human health.
- The building will be visible from some distance away, and will be incongruous in the rural environment and historic setting of Hunsdon.
- The development will have an adverse impact on amenity and human health.
- Health and safety and quality of life of residents has not been taken into consideration.
- Doors to the building will never be shut, resulting in increased noise emissions.
- Opening of doors will result in a sudden increase of noise.
- The doors of the building will need to be opened regularly.
- The building is industrial in nature.
- Vibrations affect residents, which could result in subsidence.
- The site is located within a Landscape Conservation Area, which the development would not be in line with.
- The building will be visually intrusive.
- Tress screening around the site has been removed, making the site more visible.
- The noise report does not consider the gardens of properties.
- The movement of skips will be carried out in the open, which is a noisy activity.
- There are rats present associated with the presence of the waste site.
- Residents are unable to put washing out due to dust coming from the site.

- Noise starts as early as 6am on the site.
- There is a smell from HGVs that access the site.
- Noise from the site can be heard in the centre of the village.
- There is increased pollution from HGVs accessing the site.
- Earth bunds do little to lessen noise emissions.
- Noise from the site has started as early as 5.30am.
- Gardens are unusable due to noise and disturbance.
- There is a cumulative impact with other industries in the village.
- There is disturbance 6 days a week and 11 hours a day.

Traffic

- HGVs travelling to the site result in damage to grass verges, railings and hedges.
- Articulated lorries and 16-wheel vehicles represent a danger on the highway.
- Highway safety is being compromised.
- HGVs use Hunsdonbury Lane and Church Lane to access the A414, and these are narrow and not suitable.
- Accident reports on the highway are misleading – railings have been damaged to the front of property but little point reporting this, so it is not logged as an accident/incident.
- HGVs cause accidents with vehicles veering off the highway to avoid them, with the HGVs just carrying on.
- The location of the site contravenes the Local Transport Plan as the site is only accessible via local rural roads.
- Drivers of HGVs have no regard for other road users.
- Pedestrian and cycle safety will be affected, especially as there are no footpaths in the vicinity of the site.
- Large chunks of rubble fall from unsecured loads on the back of HGVs.
- Litter from HGVs surrounds the village.
- Traffic will conflict with users of the byway.
- HGVs already flout traffic regulations in the area.
- There is a danger of articulated lorries crossing the A414 as the junction has not been designed for them.
- Changes to the design of the building are welcome but do not overcome objections.
- The B180 has a 7.5 tonne weight restriction.
- The quantity of HGVs proposed is too excessive.
- The site has a dangerous access on to a Right of Way.
- HGVs travel too fast in the vicinity of the site.
- There has been damage to vehicles as a result of accidents with HGVs.
- Buses are often delayed due to congestion when they meet a HGV from the site.
- HGVs have to travel through residential roads.
- The tree canopy is being eroded by HGVs.

- The presence of HGVs means that it is dangerous leaving one's driveway.
- Drivers of HGVs are intimidating.
- The exit from the site is on a blind bend.
- There is a change in the volume and nature of traffic on local country lanes.
- There is a primary school in the village with no traffic calming present.
- 5 HGVs are licensed to operate from the site but many more do so.

General

- The business should be relocated elsewhere.
- The business is in the wrong place.
- The operations are not in line with the certificates of lawfulness.
- The development will increase throughput when considered in line with the environmental permit.
- There has already been an expansion of the business without consent.
- The business should be located in an industrial estate.
- A new operator would never have got planning permission in the Rural Area and the business has grown by stealth.
- The application states that the business will not expand, but the number of staff will increase from 17 to 20.
- The installation of a weighbridge attracts even more HGVs to the site.
- There is not enough space for the overnight parking of HGVs within the site.
- There is not enough space within the site for articulated lorries – these will continue to queue on the byway outside.
- The proposed building is on the wood processing area and not the area of the waste transfer station – therefore the application needs to be considered as if no operations are permitted on the site.
- The proposal results in a change from a B1 to a B2 use.
- The site is operating in breach of Environment Agency permits.
- The site has expanded without planning permission in respect of the car parking area, earth bund and new road to the north of the car park.
- The building will not solve current problems but will legitimise the use.
- The site is too remote from the source of waste.
- The uses of the site have completely changed from when the certificates of lawfulness were issued.
- The business is of no benefit to the local community.
- The suggested siting for waste transfer stations is a minimum of 250 metres from houses.
- There will be an increase in tonnages from 8,000 tonnes to 35,000 tonnes per annum, which is 438%.

- The initially proposed building (1,995 square metres) plus parking represents an increase of 223% over the lawful waste transfer use.
- The noise report is silent on HGV traffic accessing the site.
- The purported tonnages do not add up when compared to the proposed HGV numbers.

5. The Development Plan

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 The development plan comprises the Hertfordshire Waste Development Framework Waste Core Strategy and Development Management Policies Development Plan Document 2011-2026 (the Waste Core Strategy), and the East Herts Local Plan Second Review April 2007.
- 5.3 The most relevant planning policies to consider for this application are:

Hertfordshire Waste Development Framework Waste Core Strategy and Development Management Policies Development Plan Document 2011-2026

Policy 1 – Strategy for the Provision for Waste Management Facilities
 Policy 1A – Presumption in Favour of Sustainable Development
 Policy 2 – Waste Prevention and Reduction
 Policy 5 – Safeguarding of Sites
 Policy 9 – Sustainable Transport
 Policy 10 – Climate Change
 Policy 11 – General Criteria for Assessing Waste Planning Applications
 Policy 12 – Sustainable Design, Construction and Demolition
 Policy 13 – Road Transport & Traffic
 Policy 14 – Buffer Zones
 Policy 15 – Rights of Way
 Policy 16 – Soil, Air and Water

East Herts Local Plan Second Review April 2007

Policy ENV1 – Design and Environmental Quality
 Policy GBC2 – The Rural Area Beyond the Green Belt
 Policy GBC3 – Area Beyond the Green Belt

6. Planning Issues

The existing lawful use of the site

- 6.1 The site benefits from two certificates of lawfulness. The first of these relates to a triangular area that occupies the western extent of the existing yard and is for a waste transfer station. The certificate limits the lawful activity to 40 tonnes of waste, which can be removed by

three lorries, in any one day. These limitations reflect the activities that were taking place on the site when the certificate was issued in 1996.

- 6.2 It is apparent that existing waste transfer activities far exceed these limitations. What is currently applied for would also result in activities that are in excess of these limitations. However, these limitations are not prohibitive and they do not act in the same way that conditions attached to a planning permission would. In effect, therefore, there is presently little control that the county council has from a planning perspective over the running of the site. Although the site is operating far more intensively than when the certificate was granted, this has not resulted in a material change in the use of the land. In other words, the lawful use of the western area of the yard is for a waste transfer station, and waste transfer is still taking place within this area, albeit without restriction from a planning perspective.
- 6.3 Part of the eastern area of the yard also benefits from a certificate of lawfulness. This was granted by East Herts District Council in respect of the import, storage, cutting, sale and distribution of wood and the storage of machinery. This area, in part, adjoins the waste transfer area. However, due to it being a random shape, there is an area between the two uses that falls outside of either use. As with the waste transfer use, there are no real restrictions in terms of how this particular use can operate.
- 6.4 As matters stand, the relatively unregulated manner in which the site can operate – from a planning perspective – has given rise to complaints from local residents. These primarily relate to noise emissions, with some properties at Whitehall Cottages complaining of this. In addition, complaints have been made about the operating hours and the numbers of HGVs accessing the site. From this perspective, should planning permission be granted, this would give the county council the ability to control such matters as noise, operating hours and HGV numbers through the imposition of conditions. This would enable the county council to have some control over day to day activities that do not exist at present.
- 6.5 The parish council has sought to challenge the validity of the lawfulness of the waste transfer activity of the site, both in respect of what it considers to be a material change of use, but also in respect of abandonment. As stated within paragraph 6.2 of this report, the county council does not consider that the intensification of the use of the waste transfer activities has resulted in a material change in the use of the site. Furthermore, despite there being a period of time when the waste transfer use ceased – with an intervening use occupying the site for a considerable time – the county council is content that this did not amount to abandonment of the lawful waste transfer use.

The principle of development

- 6.6 Policy 5 of the Waste Core Strategy states that land and sites where there are existing waste management facilities will be safeguarded to contribute to a strategic network of waste management provision within the county. The application site is thus afforded safeguarded status.
- 6.7 In addition, Policy 12 of the Waste Core Strategy states that waste management facilities should be enclosed within a building wherever possible which, along with plant and machinery, should be in keeping with the surrounding setting and landscape/townscape.
- 6.8 The Waste Core Strategy also sets out seven strategic objectives, which have been developed to ensure a sustainable future for waste management within Hertfordshire. The first of these – SO1 – aims to promote the provision of well-designed and efficient facilities that drive waste management practices up the waste hierarchy, which are located to ensure no harm to human health and the environment, and which reduce waste volumes to be disposed in landfill.
- 6.9 The NPPF sets out a presumption in favour of sustainable development. This is mirrored within Policy 1A of the Waste Core Strategy. With reference to both Policy 1A and the NPPF, there are three dimensions to sustainable development; these being economic, social and environmental considerations.
- 6.10 In terms of economic sustainable development, the enclosure of the waste facility will allow the operators to segregate more waste for recycling, primarily due to the ability to keep waste materials dry. Thus, this diverts a higher percentage of waste away from landfill than presently occurs at the site, driving waste up the waste hierarchy. This not only accords with the NPPF, but also meets one of the primary aims of SO1.
- 6.11 In addition, the operators envisage that the development will safeguard the existing 17 jobs, and will ultimately result in the creation of a further two jobs. The applicant also considers that the existence of the waste management facility in this location provides support to other businesses within Hunsdon itself. This, on the face of it, accords with paragraph 28 of the NPPF, which states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to new development. One of the ways in which this can be achieved according to the NPPF is through well designed new buildings. However, the site has operated without the provision of a building, so there must only be limited weight attached to this strand of sustainable development as it has not been demonstrated that the provision of the building is necessary to safeguard the site.
- 6.12 In respect of social sustainable development, the applicant considers that the improved appearance of the site and the working environment meet this objective.

- 6.13 In terms of environmental sustainable development, the applicant considers that this is again achieved through diverting more waste away from landfill, thus reducing carbon emissions and increasing the amount of waste that is recycled, pushing waste higher up the waste hierarchy. The applicant also considers that this is achieved through improving the quality of recyclables, enhancing the working area in terms of amenity – especially in terms of reducing emissions from the site – and by enhancing the site and surroundings through tree planting.
- 6.14 Consequently, it is considered that the proposed development would meet certain sustainable development objectives as set out in both the NPPF and the Waste Core Strategy.
- 6.15 The county council's Waste Site Allocations Document sets out site planning requirements for a number of waste facilities. In respect of waste transfer stations, this advises that sites closer than 250 metres from residential areas should be avoided, with transfer routes away from residential areas also being preferable. However, the site is an established one. Although the waste transfer use is within 250 metres of properties within the vicinity of the site – most notably Whitehall Cottages – the long-established status of the use means that this is not something that is within the county council's control. Similarly, SO2 of the Waste Core Strategy aims to locate waste recycling, handling and reduction facilities as close as practicable to the source of waste, but the county council is unable to influence this in respect of this present application due to the established nature of the Fillets Farm site.

The benefits of providing a building

- 6.16 As previously stated, Policy 12 of the Waste Core Strategy is highly supportive of the enclosure of waste facilities within a building. Therefore, at first glance, the proposal to enclose operations within a building accords with the main thrust of the Waste Core Strategy. Policy 12 states that waste management facilities must contribute to resource efficiency and the reduction of carbon emissions. By enabling more waste to be recyclable through a better equipped waste transfer facility moves more waste up the waste hierarchy and diverts it away from disposal at landfill. This therefore complies with this aspect of Policy 12. This is further examined within criterion iii) of the policy, which states that proposals will be required to address the principles of sustainability through having a good and innovative design with layout principles that allow for the effective sorting, recycling and composting of waste. Although the design of the proposed building is not innovative in itself, it would allow for the efficient and effective sorting and recycling of waste in a dry, purpose-built environment.
- 6.17 Criterion iv) of Policy 12 states that the proposal should demonstrate that no significant noise or light intrusion will arise from the

development, including measures to minimise adverse impacts on human health, amenity and wildlife habitats, together with the natural and built environment. This is reinforced within paragraph 123 of the NPPF, which states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life, and 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.

- 6.18 A large strand of the justification for providing a building is to assist in the reduction of environmental factors that may, at present, have an impact on residential amenity and the quality of life of local residents. Some residents have, for a number of years, complained about noise emissions from the site. The applicants see the provision of a building as a means of addressing these concerns, especially with a design that incorporates sound insulation within the fabric of the building. A noise assessment accompanies the planning application, which details noise measurements already carried out at the site together with an objective assessment of how the situation is likely to change through enclosing all activities within a building.
- 6.19 The nearest residential properties at Whitehall Cottages are approximately 110 metres from the existing yard entrance. The eastern elevation of the proposed building – being the one that is nearest to the cottages – would be about 80 metres from the houses. There is a distance of approximately ## metres from this eastern elevation to the rear gardens of the houses.
- 6.20 Noise measurements have been undertaken by the applicants. These have identified that, at present, the specific average ambient noise level from operations carried out within the open yard is 48 decibels when measured at a position just north of Whitehall Cottages. It has been calculated that the average ambient noise level emitted from the site after the building has been built would be equal to, or less than, 40 decibels when measured from the same location close to Whitehall Cottages. This is an improvement of 8 decibels. The noise consultants that have produced this report state that this would be perceived as being almost a halving of the loudness that presently exists. If this is borne out then this is considered to offer a substantial reduction in noise and a significant improvement to the amenity of Whitehall Cottages.
- 6.21 Outline planning permission was granted by East Herts District Council on 8 March 2016 for the erection of 13 houses on land to the south of Tanners Way, Hunsdon. This site lies approximately 120 metres to the north of the Fillets Farm site, although the permission has yet to be implemented. When the planning application was being considered, the Environmental Health Department at the district council considered the impact of the existing waste transfer station at Fillets Farm on the proposed houses, especially in respect of Policy ENV25 of the East

Herts Local Plan, which sets out that noise sensitive development – including dwellings – should not be exposed to noise nuisance from existing noise generating sources. Environmental Health did not object to the application, nor did they consider that a noise assessment was necessary based on the distance between the houses and waste transfer activity.

- 6.22 Irrespective of this, the noise assessment that was carried out as part of this current planning application indicates that the average ambient noise level from the existing waste transfer station is in the region of 50 decibels when measured at the new development site. With the construction of the proposed building within the Fillets Farm site, it has been calculated that noise levels at the new residential development will be equal to or less than 45 decibels. This is an improvement of some 5 decibels over the existing situation, which the noise consultants liken to moving the source of the noise twice the original separation distance away. Therefore, even though the noise emissions from the waste transfer site were considered to be within acceptable thresholds in relation to the new development site south of Tanners Way, the proposed building will offer even greater improvements on residential amenity.
- 6.23 The Environmental Health department at the district council has, alongside the Environment Agency, investigated reports of excessive noise emissions from the site over a number of months. Environmental Health was therefore consulted on the present application and has not objected, subject to the imposition of a number of conditions that seek to ensure that the site operates without causing a noise disturbance to nearby properties. In fact, should planning permission be granted, this would give the county council the opportunity to control noise emissions through the imposition of conditions; a situation that it is unable to control at present.
- 6.24 The Environment Agency has also been consulted and responded primarily in terms of noise. In this regard, the Agency has voiced concerns about the methodology of the noise assessment and has requested that it has access to the noise impact modelling files carried out with the noise assessment to see whether there are any particular 'showstopper' issues with the assumptions made within the assessment. The applicants have not seen the need to share this data with the applicants as (a) they consider that this would result in a further unnecessary delay in determining the application and (b) the noise assessment can be evaluated without the need for these model files. In any event, the Environment Agency is able to carry out this detailed evaluation itself when the applicants apply for the Environmental Permit, which will be necessary to allow operations to take place within the new building.
- 6.25 In the absence of these model files, the Environment Agency has confirmed that it does not object to the present application. It has

reiterated its concerns with the noise assessment and assumptions made within it, but has advised that should the county council be minded to grant planning permission then it would wish to see the imposition of a condition requiring a report to be submitted for the local planning authority's approval detailing what measures are to be taken to minimise the transfer of noise and vibrations via routes such as flanking and bridging between the fabric of the building structure and other site structures. This is considered reasonable and, alongside the conditions recommended by Environmental Health, should provide the necessary protection for residential amenity in the vicinity of the site.

- 6.26 Enclosing all waste operations within a building will also undoubtedly provide a significant reduction in terms of dust leaving the site. At the present time, wet dust suppression measures are undertaken in the open, which are often considered inadequate and which also results in mud being tracked onto the byway outside the site and, in turn, the B180. Not only will dust be contained within the building, but there is the opportunity for the county council to control dust emissions through the imposition of an appropriately worded condition. This would also ensure compliance with Policy 16 of the Waste Core Strategy, which states that waste management proposals will be permitted where it can be demonstrated that they will not significantly degrade the quality of the air, particularly from dust and emissions.
- 6.27 Criterion v) of Policy 12 states that development should incorporate sustainable drainage systems. Policy 16 states that waste management proposals should not have a negative impact on the water environment. The applicant has demonstrated that the suggested means of dealing with this issue – through the use of attenuation tanks and the use of an existing dry pond – are to the satisfaction of the local lead flood authority, and therefore compliant with the relevant policy considerations.
- 6.28 In addition, Policy 14 of the Waste Core Strategy states that waste management facilities should incorporate buffer zones in order to safeguard sensitive land uses, with these including natural and man-made features that may reduce the impact of the development. A large earth bund has already been constructed on the eastern boundary of the yard, which this application seeks to regularise. It is proposed to plant this, together with providing additional planting along the southern boundary of the site, in order to allow the development to not only assimilate better with the landscape, but to provide significant screening of the proposed building when viewed from neighbouring properties. It is considered that this aspect of the application complies with Policy 14.

Location within the Rural Area Beyond the Green Belt

- 6.29 The application site is located within the Rural Area beyond the Green Belt, as designated within Policy GBC2 of the East Herts Local Plan

Second Review April 2007. Policy GBC2 states that inappropriate development will not be permitted within the Rural Area. This is further set out within Policy GBC3 of the East Herts Local Plan, which provides a list of development that would be considered appropriate within the Rural Area.

- 6.30 The main thrust of Policy GBC3 is that permission will not be given for the construction of new buildings or for changes of use unless they are for the purposes identified within the policy. As the use of the western area of the land for waste transfer will remain unchanged, the proposal only looks at a partial change of use of the overall site, being a change of the eastern area from the permitted wood processing business to waste transfer. However, the existing wood processing use is an industrial activity and, although the proposed change to waste transfer is not a change of use considered acceptable by Policy GBC3, it is considered that this is not radically different from the proposed waste transfer use, being a use that has the potential to have a similar scale of activity and potential for disturbance. Consequently, whilst Policy GBC3 does not support such a change in the use of the land, it is considered that such a use may not be inappropriate when the fall-back position is considered.
- 6.31 There are also areas of the yard that fall outside of the two certificated areas, where it is again proposed to enclose these within the waste transfer use. This is principally in the centre of the site where the two certificates of lawfulness do not contiguously meet. Whilst any expansion of the waste transfer activity would fall foul of Policy GBC3 in this regard, the applicant is relinquishing some of the area that presently benefits from the waste transfer use along the south western boundary of the site, taking this out of active use and devoting it to the soft screening of the site. Therefore, the consolidation of waste transfer activities within one contiguous area within the site appears to be acceptable as there would not be an overall expansion of the area covered by the existing two certificates. In fact, the applicant has calculated that the area of the two lawful uses amounts to 2,200 square metres, with the proposed development (building and open yard) having an area of approximately 1995 cubic metres. This reduces the operational land use by 205 square metres, or 9.3%.
- 6.32 However, the proposal also involves the construction of a significant building within the yard. The proposed building measures approximately 35 metres by 30 metres, having an overall footprint of 1,025 square metres. In addition, it has a maximum height of 10 metres with a height to eaves of 8 metres. Although the existing waste transfer and wood processing uses are lawful, the construction of a new building for such purposes is not considered appropriate within the Rural Area. Therefore, the construction of the proposed building is considered contrary to the aims of Policy GBC3 of the East Herts Local Plan although, as already set out within this report, such a building

would provide significant benefits in terms of reducing harmful emissions that currently exist.

The design of the building and layout of the site

- 6.33 Whilst Policy 12 of the Waste Core Strategy places emphasis on the enclosure of waste facilities within a building, the policy continues by saying that the building, along with plant and machinery, should be in keeping with the surrounding setting and landscape.
- 6.34 Policy 11 of the Waste Core Strategy also looks at the criteria for assessing waste planning applications. Criterion i) states that the siting, scale and design of the development should be appropriate to the location and the character of the surrounding natural and built environment. Criterion ii) states that the landscaping and screening of the site should be designed to effectively mitigate the impact of the development. Criterion iii) states that the proposed operation of the site should not adversely impact upon amenity and human health.
- 6.35 One of the elements of paragraph 7 of the National Planning Policy for Waste is that local planning authorities should 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.
- 6.36 Finally, Policy ENV1 of the East Herts Local Plan states, amongst other things, that all development proposals will be expected to be of a high standard of design and layout and to reflect local distinctiveness. To those ends, development proposals will be expected to demonstrate compatibility with the structure and layout of the surrounding area.
- 6.37 The originally proposed building was considered extremely large in terms of its size; not only in terms of its footprint but in respect of its overall volume. It was to have had a footprint of close to 1,995 square metres with a maximum height of 10 metres. Although the provision of the building would have resulted in significant environmental benefits to the surroundings of the site, it was considered that its design, size and scale were so incongruous with the character and nature of the surrounding area that they outweighed these benefits. It was therefore considered that the originally proposed building would have been contrary to Policies 11 and 12 of the Waste Core Strategy, Policy ENV1 of the East Herts Local Plan, and guidance contained within the National Planning Policy for Waste. It was for these reasons that the design of the originally proposed building has been amended in an attempt to overcome these objections.
- 6.38 The application site is set on a lower level than the surrounding land to the north, east and south with the application site sitting in a relatively well-defined hollow. This is evident when the yard is viewed from the B180 and from Whitehall Cottages to the east, and the same will be

true when viewed from the new residential development south of Tanners Way to the north of the application site. In addition, a large detached property at Ladygrove is located approximately ## metres to the south of Fillets Farm but, again, the application site is at a lower level than the land adjoining it to the south, offering visual protection. The yard area itself will therefore be totally screened from these vantage points, as is the case with the existing yard. It is proposed to locate the weighbridge, site office and mess within the yard, together with the storage of both full and empty skips, but these will all be relatively low level, not being particularly visible when viewed from outside the site. In any event, a condition can be imposed to restrict the height of skip storage, and the full details of the site office and mess can also be required to be submitted for the local planning authority's approval, thus ensuring that these remain single-storey and visually unobtrusive.

- 6.39 As previously stated, the building will measure 30 metres by 35 metres. It will have a pitched roof with a ridge height of 10 metres. The ridge will run in an east to west direction. The eaves of the building will be 8.189 metres high. The principle elevation of the proposed building will be its western elevation, which faces the yard area. Two large doors with roller shutter doors will be located on this elevation.
- 6.40 In terms of the design of the building, this will be relatively utilitarian in nature and fairly unremarkable in its architectural style. In fact, it will have the outward appearance of an agricultural building. However, this would not look out of place in such a rural location. In fact, the applicant has cited an agricultural barn at Little Samuels Farm on the northern edge of Hunsdon – which was granted permission in 2013 – as offering a precedent in justifying this building. That building is of a similar height, but is actually slightly larger in terms of its floor area, measuring approximately 1,225 square metres. This is roughly 19% larger than the proposed building at Fillets Farm. Whilst this perhaps demonstrates that such buildings are to be found within the Rural Area within the vicinity of the application site, this can only be afforded limited weight as new agricultural buildings do not necessarily contravene the aims of Policy GBC3 of the East Herts Local Plan. Little Samuels Farm is located on the edge of the built environment of Hunsdon and does not occupy a stand-alone site. Therefore, there are marked differences in the two developments.
- 6.41 The proposed building will be positioned on the eastern-most part of the site. A large earth bund has been positioned alongside the eastern boundary of the site, predominantly as a means of reducing noise levels at Whitehall Cottages. It is proposed to retain this bund and to shape and plant it, to allow visual screening of the proposed building and site in general. Although the bund is an unnatural feature within the local landscape, there are no long views of it and existing planting – together with its shaping and sensitive future planting of the bund – would assist in assimilating it into the landscape. New planting is also

proposed along the northern, western and south eastern boundaries of the site, which would assist in softening the visual impact of the new building alongside the existing mature planting along the southern boundary. The fine details of the planting can be controlled by way of a condition.

- 6.42 Even though the proposed building will ultimately be higher than the bund, the planting of the bund will assist in screening it. Therefore, although there will be a visual impact when viewed from Whitehall Cottages, it is considered that this will not be significant. Similarly, the existing screening from the south together with new planting in the south eastern corner, and the proposed new planting on the northern boundary, will assist in screening the new building so that there will be no significant visual intrusion when viewed from either Ladygrove to the south or the new residential development to the north. The distance of both of these away from the application site also assists in this respect.
- 6.43 Where the building will be most visually obvious is from the byway that runs alongside the northern boundary of the site. Planting along the northern boundary will assist in softening this impact, but the building will still be very high when viewed from the highway. However, it is considered that this is relatively momentary as the building will disappear from site as one moves beyond the site to the west. Furthermore, there will only be a 30 metre length of the building that abuts the byway. Therefore, whilst the building will be visually intrusive as one travels along the byway, and whilst the size and scale of the building will be dominant, this will not be the enduring impression for anybody using the right of way, especially as the building has the appearance of a modern agricultural barn.
- 6.44 The county council's landscape officer commented on the originally proposed building and concluded that the site has the capacity to accommodate a new building without causing unacceptable landscape and visual harm, agreeing that the area from which the originally proposed development would be visible from would be relatively small. The reduction in size of the building by some 48% would result in even less intrusion than when the landscape officer made her comments. She also concluded that whilst the materials and height of the building may be typical of an agricultural building, there was concern that the large scale and irregular shape of the footprint of the building would be unusual. Again, the footprint of the newly proposed building is roughly rectangular in shape, thus removing the irregular shape of the original proposal. Also, to reiterate, the much reduced size of the building is more in line with other agricultural buildings in the locality.
- 6.45 It must also be acknowledged that the redevelopment of the site would potentially offer some improvements in terms of its current appearance. As matters stand, the site is relatively scruffy in appearance, especially when one looks at the poor condition of the boundary treatment alongside the northern boundary of the site. The provision of new

boundary treatment, together with planting alongside the northern boundary, would undoubtedly provide an improvement to the existing position. If the site were to continue in its present guise, the yard will continue to look out of character with its rural surroundings, yet with all activities being carried out in the open air. There are no restrictions on waste stockpile heights or the height by which skips can be stored, and plant and machinery can be seen from the byway running alongside the site. The proposed building would result in waste processing being carried out within the building, taking waste stockpiles and the majority of the plant and machinery out of public view. As previously stated, within the yard itself the grant of planning permission would be able to control the height of skip storage and the like.

- 6.46 In respect of the creation of the parking area outside the site, this has been carried out through an excavation of an existing earth bank alongside the restricted byway. This has been done to alleviate the previous situation of informal parking alongside the side of the byway. Although this is clearly new development within the rural area, for which there may not be policy support, it is considered that this is relatively minor in its overall scale and assists in providing a formal car parking area that may not have been possible to provide within the site itself. The Rights of Way section has been consulted and does not raise any objection to this car parking area. Therefore, it is considered acceptable. However, at present it has been crudely engineered. Should planning permission be granted it is recommended that a condition be imposed seeking its proper surfacing and enclosure, as well as ensuring that it is properly engineered so that there is no subsidence of the surrounding land.
- 6.47 Returning to the building, it is considered that the proposal would not be contrary to Policies 11 and 12 of the Waste Core Strategy, Policy ENV1 of the East Herts Local Plan, and guidance contained within the National Planning Policy for Waste. The design, size and scale of the building do not result in any significant visual intrusion outside the confines of the site, and the building is considered to be of a type that is often found within the rural area, albeit for different uses. In any event, the environmental benefits of providing the building in terms of noise reduction and the control of emissions clearly outweighs the relatively small adverse impacts of the building in terms of its overall design.

Highways considerations

- 6.48 Policy 9 of the Waste Core Strategy relates to Sustainable Transport. The policy states that waste management facilities should be well located in relation to the strategic road network as defined in the Local Transport Plan unless it can be demonstrated that it can meet an identified local need. Whilst a brand new facility in this location may fall foul of the broad intentions of this policy, the Fillets Farm site is an existing site. Therefore considerations relating to whether the proposed development complies with Policy 9 are somewhat irrelevant

as the site is able to continue operating whether or not this current application gets granted.

- 6.49 Policy 13 of the Waste Core Strategy considers road transport and traffic, ensuring that development proposals will not have a significant adverse impact on matters such as highway safety and the effective operation of the highway network. Policy 13 also considers the impact of traffic impacts on amenity, human health, and the historic and natural environment.
- 6.50 As previously stated, there are presently no controls in respect of vehicle numbers into and out of the site. Nor, for that matter, are there any controls in respect of the size of vehicles that access the site. There is a traffic regulation order on the B180 that starts to the south of the waste transfer site, which restricts vehicles travelling between the site and Stanstead Abbots to a maximum weight of 7.5 tonnes. However, the enforcement of this is a police issue. The police have confirmed that the enforcement of weight restrictions is unlikely to be a high policing priority. As there is a weight restriction in place, the Highways Authority has not advised on the need for any specific routeing agreement to and from the site.
- 6.51 The applicants originally sought a maximum of 150 daily HGV movements (75 in, 75 out) at the site in any one working day. The Highways Authority assessed this and considered it reasonable, offering no objection. Subsequently, however, the applicants became aware of the number of objections to the HGV movements, and have voluntarily reduced this to 100 movements (50 in, 50 out) per day. Again, the Highways Authority does not object to this as it considered there to be no significant impact on highway safety or on the local highway network. The Highways Authority does, however, require the imposition of conditions restricting the HGVs to this number, as well as ensuring that mud is not taken out of the site.
- 6.52 From an amenity point of view, it is clear that up to 100 HGV movements per day will result in a potentially significant level of disturbance to local residents, primarily through noise. In particular, these vehicles will travel closely to the properties at Whitehall Cottages, having an impact on their gardens and the houses themselves. This, on the face of it, is in conflict with the aims of Policy 13. This level of HGV movements equates to one lorry movement every 6.6 minutes throughout the 11 hour working day. However, the accepted fall-back position is the situation that presently prevails. In other words, at present the site is able to operate, from a planning perspective, beyond the confines of an 11 hour day, with no restriction on lorry numbers. In consultation responses, local residents have highlighted the fact that the site has been known to commence operations as early as 5.30am. Although the proposed level of HGVs accessing the site will undoubtedly have an adverse impact on residential amenity, the grant of planning permission would provide certainty and a level of control

that ensures that local residents are not affected by HGV movements outside normal operating hours, nor by unrestricted numbers of HGVs accessing the site. It is therefore considered that the grant of planning permission would offer benefits over the existing situation. Residents have raised concerns about the prevalence of litter within the village and surrounding areas as a result of unsecured loads on the back of skip lorries, so it considered that a condition can be imposed ensuring that all loads accepted at the site are sheeted.

- 6.53 Concern has also been raised by the parish council and local residents in respect of the increasing regularity that articulated lorries access the site. Within the Transport Statement that accompanies the planning application, it was stated that waste is taken to the site in skip lorries, with bulked up waste being removed in either 5 tonne loads (segregated metal and wood) or 20 tonne loads (soils and concrete). There should not, therefore, be any requirement for large articulated lorries to access the site. As a consequence of these reports, the Highways Authority has conducted a further inspection of the local highway network; in particular, the route to and from the A414 along Hunsdonbury and Church Lane. The Highways Authority has concluded that these roads are narrow in places and, on this basis, consider that the size of lorries accessing the site should be limited to HGVs with a maximum of three rigid axles, with a maximum weight of 26 tonnes, thus ensuring that there is no congestion on the highway through conflict with other road users, and minimising the impact on highway safety. Representations from local residents also highlight the adverse impact that such large lorries have on their amenity, with these travelling very close to the frontages of houses along Hunsdonbury and Church Lane. Such an impact on amenity would be in conflict with Policy 13. Although the site is presently able to accept articulated lorries – and as articulated lorries are able to access other premises within the village and beyond – the granting of permission for the new building must also be able to offer environmental protection to local residents in terms of their amenity, as well as ensuring that the local highway network is able to operate as safely, and with minimum congestion, as possible. The imposition of such a condition is also considered reasonable when one considers that the applicants have not identified the need for articulated lorries to access the site within the Planning Statement.
- 6.54 The planning application also states that the site will treat 35,000 tonnes of waste per year, which is a figure based on 42 skip loads of waste being deposited each day, with an average skip load of 3 tonnes. In order to ensure that there is no temptation to accept even greater sized vehicles into the site, it is considered that a condition limiting the throughput of the site to this annual figure is reasonable.
- 6.55 Concern has also been raised locally that there will be a conflict with users of the byway that the HGVs must travel a short distance along to access the site. Policy 15 of the Waste Core Strategy states that waste

management proposals should ensure that public Rights of Way are not adversely affected. In addition, the policy states that the use of Rights of Way to gain vehicular access to a site will not be permitted unless it can be clearly demonstrated that the safety of users of the Right of Way are adequately protected.

- 6.56 The Rights of Way department has responded to the planning application, but offers no objection in terms of any conflict with site traffic and persons using the restricted byway. It has to be reiterated that the prevailing situation is that HGVs are able to access the site without restriction in any event. However, as the grant of planning permission would effectively allow the extended staff car parking area on the opposite side of the byway, it is considered, from a planning perspective, that an additional control can be brought into play to ensure that the byway does not become a waiting/queuing area for HGVs waiting to gain entry to the site. Such queuing would have the potential to clash with users of the byway and would, in itself, be visually intrusive. This control can be achieved through the imposition of a suitably worded condition.
- 6.57 Therefore, in the absence of any objection from the Highways Authority or from Rights of Way – and considering the present situation whereby there are no controls over HGV numbers – the proposed daily maximum of HGV movements is considered reasonable, offering an improvement over the present situation.

Further Considerations

- 6.58 The parish council has also sought to make comparisons with the application at Fillets Farm with a recent planning application at Chas Storer in Northaw, which was refused permission at the Development Control Committee meeting of 25 February 2016. That application was in respect of the proposed change of use of part of an existing timber yard on land adjacent to Chas Storer Ltd, to allow for the expansion of the existing recycling yard together with the erection of a new shredder building, office portacabin and weighbridge.
- 6.59 Although there are similarities between the two applications, there are fundamental differences. In the first instance, the timber yard in question consists of a storage and distribution use. On the other hand, the whole of the Fillets Farm site benefits from lawful industrial uses.
- 6.60 Crucially, the Chas Storer site is located within the Green Belt. Fillets Farm is located in the Rural Area. Whilst local and national planning policies afford protection in terms of what can take place within such locations, the Green Belt is afforded significantly more protection especially in terms of the impact of development on openness. As part of the analysis at Chas Storer, it was considered whether very special circumstances existed that overcame the harm to the openness of the Green Belt. Primarily, the very special circumstances put forward by

the applicant consisted of the ability for the proposed development to remedy issues of HGVs accessing the site parking along the public highway, causing congestion to the local highway network. Although very special circumstances are not needed to be demonstrated at Fillets Farm, a similar test needs to be applied (as set out earlier in this report), with the proposed development in this instance offering significant improvements in terms of noise and other emissions from the site together with the county council's ability to control these by way of conditions. The county council is also able – for the first time – to impose conditions relating to HGV numbers and the type of vehicles that can access the site, together with the control of operating hours. It is considered that these benefits go much further in providing significant enhancements to the local area than was the case with the Chas Storer application. In fact, the committee report relating to the Chas Storer application concluded that noise emissions from within the site would remain unchanged as part of the proposed development.

- 6.61 Finally, the Chas Storer proposal would have resulted in the loss of trees, thus rendering the new development within the site as being particularly visible from outside. The development at Fillets Farm will also be visible, but this will be softened by proposed further planting and landscaping, as set out earlier within this report.

7. Conclusion

- 7.1 Although the provision of a new building for the purposes of waste management is considered inappropriate within the Rural Area Beyond the Green Belt, the proposal would not result in development that would be significantly visually intrusive. The provision of the proposed building would not look out of place within the rural area and its erection would result in significant environmental improvements in terms of noise and dust emissions from the existing waste transfer site. Conditions would also enable the local planning authority to augment this control by setting noise levels, and by controlling operating hours and the size and number of HGVs accessing the site.

- 7.2 It is recommended that planning permission be granted subject to the following conditions:

1. Time limit
2. Approved plans
3. Materials to be used on external surfaces of the building
4. Boundary treatment
5. HGV numbers and vehicle log
6. Size of vehicles accessing the site
7. Measures to prevent mud and debris from being deposited on the highway
8. Landscape Strategy
9. Hard and Soft Landscaping
10. Appropriate limit to manage noise from the site

11. Hours of operation
12. Control of noise emanating from the site
13. Noise control and monitoring
14. Minimisation of the transfer of noise and vibration
15. Control of dust
16. Control of litter
17. Heights of skips
18. No waste to be stored in the open
19. Drainage
20. Lighting
21. Provision of car parking
22. Control over parking on the byway