

HERTFORDSHIRE COUNTY COUNCIL

**DEVELOPMENT CONTROL COMMITTEE
THURSDAY, 26 OCTOBER 2017 AT 10.00AM**

HERTSMERE BOROUGH COUNCIL

**APPLICATION FOR PROPOSED VARIATION OF CONDITION 6 & 7 ON
PERMISSION 0/1097-09 TO ONLY INCLUDE HGV VEHICLES WITHIN THESE
CONDITIONS AT BLACKBIRDS FARM, BLACKBIRDS LANE, ALDENHAM,
HERTFORDSHIRE, WD25 8BS**

Agenda Item
No.

3

Report of the Chief Executive and Director of Environment

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Local Member: Caroline Clapper

1. Purpose of Report

- 1.1 To consider application 0/1563/-17 (CM0867) to vary the wording of the conditions 6 and 7 of planning permission 0/1097-09 to specifically relate to HGV's only. Members should note that this application is to be considered in conjunction with application 0/1538/-17 which seeks the variation of condition 2 of the permission.

2. Summary

- 2.1 The proposal seeks to vary the wording of conditions 6 and 7 of 0/1097-09, to specifically relate to HGV traffic to the site only and not all traffic.
- 2.2 The site is within the Metropolitan Greenbelt between the settlements of Aldenham and Radlett.
- 2.3 It should be noted that the site is part of a working farm, and the County Planning Authority are only responsible for consideration of issues relating to the waste operations (green waste to compost) and not general agricultural activity.

Conclusion

- 2.4 Taking all material considerations and relevant planning policy into account, it is recommended that The Chief Executive and Director of Environment should be authorised to grant planning permission subject to the following conditions (the full wording of which can be found at the end of this report):

1. Delivery and operating hours
2. Green waste throughput
3. Height of waste materials stored on site and limit on quantity
4. Resale of green waste compost
5. Vehicle movements
6. Vehicle register
7. Noise
8. Odour
9. Dust suppression
10. Maintenance of the blackbirds lane
11. Maintenance of visibility splays
12. Lighting
13. Annual risk assessment

3. The Proposal

- 3.1 Condition 6 of the existing planning permission 0/1097-09 for the composting of green waste at Blackbirds Farm states:-

Throughout the lifetime of this planning permission, the combined total number of vehicle movements associated with the green waste composting activity shall be no more than 10 vehicle movements (5 in and 5 out) including HGV vehicles over 7.5 tonnes movements per day at the site from Mondays to Fridays, and no more than 6 vehicle movements (3 in and 3 out) at the site on Saturdays.

Reason: In the interests of highway safety and so that there shall be no adverse effects upon the free and safe flow of traffic along the public highway in the vicinity of the site.

- 3.2 The precise wording of this condition is unworkable for the applicants needs as it relates to total vehicle movements. The applicant therefore seeks the following variation to the wording of condition 6 as follows:-

Throughout the lifetime of this planning permission, the total number of HGV movements associated with the green waste composting activity shall be no more than 10 on Mondays to Fridays and no more than 6 HGV movements on Saturdays, an HGV being defined as a vehicle over 7.5 tonnes.

- 3.3 Similarly condition 7 which relates to a register of vehicle movements does not specifically refer to HGV's only, as follows:-

A register shall be kept of all vehicles visiting the Site. The register shall be maintained, continually updated and made available for inspection upon the request of officers of the Waste Planning Authority during normal working hours. The register shall include the vehicle registration number, the nature and quantity of the load(tonnage of waste imported) and the date and time of arrival or departure from the site.

- 3.4 The applicant therefore seeks to vary condition 7, to refer to HGV's only, as follows:-

A register shall be kept of all HGV's delivering green waste to the site. The register shall be maintained, continually updated and made available for inspection upon the request of officers of the Waste Planning Authority during normal working hours. The register shall include the vehicle registration number, the nature and quantity of the load(tonnage of waste imported) and the date and time of arrival or departure from the site.

- 3.5 A Breach of Condition Notice (BCN) was served on 28 June with regards to conditions 2 and 6 of 0/1097-09. The notice was served alleging vehicle movements and operations had been carried out outside of the permitted hours and that there had been in excess of 10 vehicle movements per day. The notice required compliance with the conditions. The BCN was withdrawn by the Council 23 August 2017. This application seeks to regularize the position over vehicle movements so that the restriction relates to HGV's only.

4. Site and Access

- 4.1 Blackbirds Farm is located within the Metropolitan Green Belt. The settlement of Radlett is located approximately 700m the east of the application site, and Aldenham is approximately 800 metres to the south. The farm is accessed from the B642 by Kemprow and Blackbirds Lane which are minor roads with some residential properties adjacent. HGV access is taken from the Blackbirds Lane road only. The nearest residential properties are located on Pelham Lane approximately 400 metres to the south west and Kemp Row, including Kemp Row Farm approximately 500 metres to the south east of the site.
- 4.2 A sewage works is located to the immediate north east of the main farm complex. The farm holding is approximately 440 hectares in total.

5. Policy Considerations

- 5.1 Hertfordshire Waste Core Strategy 2011-2026
Policy 11: General Criteria for Assessing Waste Planning Applications
- 5.2 Aldenham Parish Council are the first parish council in Hertsmeare to begin preparing a neighbourhood plan. This plan will cover the urban area of Radlett within Aldenham Parish however which excludes the application site within the rural area.

6. Relevant Planning History

- 6.1 0/1097-09, Application for Proposed Change of use of the existing silage pits to use as open windrow composting of green waste. Approved 25 September 2009, subject to conditions.

- 6.2 00/0966-17, Application for a Certificate of Existing Lawful Use (CLUED) for use of former silage pits and land for the storage, shredding, maturation and composting of green waste. Refused 14 June 2017.
- 6.3 Enforcement Notice served 28 June 2017 with regard to Broadfields Maturation Pad, requiring cessation of all importation of waste materials at the land within 5 days of the notice taking effect and the removal of all waste from the land within 3 months of the Notice taking effect. The enforcement notice would have taken effect on 5 August 2017. An appeal has been lodged with regard to the enforcement notice.
- 6.4 Enforcement Notice served 28 June 2017 with regard to School Fields Maturation Pad, requiring cessation of all importation of waste materials at the land within 5 days of effect of Notice (Effect of notice date 5 August 2017), and the removal of all waste from the land within 3 months of the Notice taking effect. An appeal has been lodged with regard to the enforcement notice
- 6.5 Breach of Condition Notice (BCN) served 28 June with regards to conditions 2 and 6 of 0/1097-09. The notice was served alleging vehicle movements and operations have been carried out outside of the permitted hours and that there has been in excess of 10 vehicle movements per day. The Notice required compliance with the conditions. The BCN was withdrawn by the Council 23 August 2017.
- 6.6 Other Applications Pending with the Local Planning Authority:-
- 0/1567-17 Application for the continued use of an existing maturation pad for the processing of green waste and its conversion into compost for use of fertilizer (Pending decision at time of writing).
- 0/1563-17 Variation of conditions 6 and 7 on permission 0/1097-09 to only include HGV vehicles within these conditions (Pending decision at time of writing)
- PL\0800\16- Proposed application for the variation of condition 3 on permission 01/1097-09 to increase the maximum throughput of green waste from 8,000 tonnes per annum to 31,000 tonnes per annum (Pending decision)

7. Consultations & Representations (In Summary)

- 7.1 Hertsmere Borough Council (Planning): No objections. The conditions were originally imposed by Hertfordshire Highways and the Borough Council raise no objection to the variation.
- 7.2 Hertsmere Borough Council (Environmental Health): No comments. Conditions 6 and 7 were imposed by Hertfordshire Highways in the interests of highway safety.
- 7.3 Environment Agency: No response received

7.4 Aldenham Parish Council : Object to the proposal to vary conditions 6 and 7. The Parish Council support a letter of objection sent to them written by a neighbour of the site (Appendix 1).

7.5 Hertfordshire County Council as Highways Authority have no objection to the variation of condition 2 , subject to the following conditions:-

There shall be no more than 10 HGV lorry movements (5 in , 5 out vehicles over 7.5 tonnes) per day from Mondays to Fridays and no more than 6 HGV vehicle movements (3 in, 3 out) at the site on Saturdays.

Reason for the condition :

In the interest of highway safety and so that there shall be no adverse effect upon the free and safe flow of traffic along highway in the vicinity of the site.

7.6 Waste Management (HCC)

HCC as Waste Disposal Authority (WDA) does not currently hold a contract with Blackbirds Farm. In line with the Authority's Local Authority Collected Waste (LACW) Spatial Strategy 2016, the WDA would support the proposed continued use of an existing maturation pad for the processing of green waste. The changing nature of LACW organic waste collections means it is important to have facilities in the County that can provide a range of organic waste treatment methods. Having facilities within the County enables waste to be treated locally. This reduces transport costs and provides environmental benefits by reducing the distance waste is transported for treatment.

7.7 Historic England

Have no comments to make on the application.

7.8 Neighbours / Publicity; Publicity for this application was as follows:
2 site notices were erected on 17th August 2017. One was positioned close to the access to the farm at the intersection between Kemprow and Blackbirds Lane, and the second was placed on the sign for FP 10 Right of Way to the east of the Broadfield Maturation Pad. An advert was also placed in the Watford Observer on 11 August 2017.

7.9 A total of 445 properties were consulted and **10** responses have been received. Of these 2 responses objected to the application and 8 responses support the application.

7.10 The concerns raised in the 2 objections are in summary as follows:-

- The application should be refused and no application relating to the compost business should be considered until the current enforcement notices and breach of condition notices have been complied with, any

appeals have been determined , and a complete new business application has been submitted

- No consideration of conditions can be determined without the applicant setting out the parameters of the business being operated
- Smell from uncovered compost
- Noise from traffic
- The application is premature and incomplete, needs a comprehensive application for the whole operation
- The variation would authorise unlimited numbers of vehicles (tractors, staff cars etc.) and trucks which are not defined as HGV's
- The operation includes transport of compost to School Field site which requires use of public highway to transport compost off and back to the main farm. Also have started to transport compost to Garston, up the A41 and A412.
- One objector alleges that there have been over 60 vehicle movements of JCB's and trailers a day with uncovered compost passing properties at Kemp Row
- The operator should be required to log all vehicles not just HGV's
- The application does not cover the maturation areas

Comments made from 8 responses in support of the application stated the following in summary:-

- One respondent stated that they were grateful for the manner in which the farm/operation is managed
- Proposed works would not affect a local livery business
- Recycling of green waste is environmentally better solution than sending to Landfill
- The recycling creates a valuable resource(compost) which supports food production and benefits from the labours of others
- A nearby resident (who resides at Kemp Row) confirmed that they have never been disturbed by the farm activities
- Is a benefit to the environment
- One respondent welcomed restrictions on Saturday HGV movements
- Will not affect a nearby livery business, this is a model farm, the operator has respected adjacent neighbours
- Is common sense that vehicle limits should be set to HGV movements only

8. Planning Issues

8.1 The principal planning issues to be taken into account in determining this application are:

The Principle of the Development

- 8.2 The principle of development is considered acceptable given the approval of 0/1097-09, for the proposed change of use of the existing silage pits to use as open windrow composting of green waste. (Approved 25th September 2009).
- 8.3 The remainder of this report will consider whether the proposed changes to conditions 6 and 7 are considered acceptable.

Traffic and highways impacts/Highway Safety

- 8.4 Policy 11 of the Hertfordshire Waste Core Strategy states that *inter alia* iii) the proposed operation of the site would not adversely impact upon amenity and human health. In this context the operation of the site is considered to include deliveries.
- 8.5 With regard to highway safety and traffic generation issues, the Applicant is not seeking additional HGV movements to the site, but is seeking confirmation the rewording of conditions 6 and 7 to apply to HGV traffic only.
- 8.6 The Highways Authority make no objection to this proposal, with some minor re-wording to that proposed, although the intent of the condition and HGV movement vehicle numbers would remain as proposed. As no objection has been received from the Highways Authority, it is not considered that the rewording of the condition in line with Highways advice would be prejudicial to highway safety or impact upon human health.
- 8.7 The variation of condition 7 is also considered reasonable given that Highways HCC see no justification to limit general traffic movement to the site, other than HGV's and that therefore this is the only type of traffic to the site that requires logging in a register.
- 8.8 The variation of condition 6 and 7 is therefore considered acceptable in this context, albeit with some minor rewording to the proposed condition 6 as advised by Highways HCC..

9. Conclusion

- 9.1 The principle of development is considered acceptable given the approval of 0/1097-09, for the Proposed Change of use of the existing silage pits to use as open windrow composting of green waste. (Approved 25th September 2009).
- 9.2 The variation of conditions 6 and 7 have raised no objections from the Highways Authority HCC, and seek to restrict HGV traffic only to the site, as well as logging of HGV movements only. The variation would not intensify the operation or increase likely traffic impacts from the operation. The proposal is therefore considered acceptable and in accordance with policy 11 of the Core Strategy

- 9.3 Taking all material considerations and relevant planning policy into account, it is recommended that the variation of conditions 6 and 7 is acceptable subject to slight re-wording to that proposed for condition 6 as advised by Highways (HCC). The variation of condition 2 is to be considered by Members in conjunction with this application, and it should be noted that the conditions below reflect the Case Officers recommendation on that application also. Should Members take a different view to the Case Officer with regard to the recommendations, then any decision(s) should reflect this, including any conditions imposed. Taking all material considerations and relevant planning policy into account, it is recommended that The Chief Executive and Director Environment should be authorised to grant planning permission subject to the following conditions:

DELIVERY AND OPERATING HOURS

1. Unless prior approval in writing by the Waste Planning Authority has been given, no deliveries shall take place at the site except during the following hours:

7:30am - 5.00pm Monday to Friday; and
8am -12:30 on Saturdays (no deliveries on Sundays or Public and Bank Holidays)

Unless prior approval in writing by the Waste Planning Authority has been given, no processing of green waste including tipping, screening, shredding, turning and onward transmission to maturation pads shall be undertaken at the site except during the following hours:

7:30am-5.00pm Monday to Friday
8am – 12.30pm on Saturdays (no processing on Sundays or Public and Bank Holidays)

Reason: To minimise the adverse impact of deliveries and operations on the surrounding area in terms of noise, traffic generated and general disturbance.

GREEN WASTE THROUGHPUT

2. The maximum throughput of green waste shall not exceed 8,000 tonnes per annum.

Reason: In the interest of the amenity of nearby residential properties

HEIGHT OF WASTE MATERIALS STORED ON SITE AND LIMIT ON QUANTITY

3. Throughout the lifetime of this planning permission, no materials shall be stored, stacked or deposited on the site over a height of 4 metres above ground

level. No waste or containers connected with the development hereby authorised shall be stored, stacked or deposited on the site other than the reception area.

Reason: To limit adverse visual effects on local amenity

RESALE OF GREEN WASTE COMPOST

4. The compost generated from the green waste composting hereby permitted shall be used wholly on the land at Blackbirds Farm and there shall be no re-sale of the compost under any circumstances.

Reason: The justification for this development in the Green Belt is that it is intrinsically linked to an agricultural operation at Blackbirds Farm. The sale of the compost from the site is not considered to be an appropriate use within the Green Belt.

VEHICLE MOVEMENTS

5. There shall be no more than 10 HGV lorry movements (5 in, 5 out) per day from Mondays to Fridays and no more than 6 HGV lorry movements (3 in, 3out) at the site on Saturdays, an HGV being defined as a vehicle over 7.5 tonnes.

Reason: In the interest of highway safety and so that there shall be no adverse effect upon the free and safe flow of traffic along highway in the vicinity of the site.

VEHICLE REGISTER

6. A register shall be kept of all HGV's delivering green waste to the site. The register shall be maintained, continually updated and made available for inspection upon the request of officers of the Waste Planning Authority during normal working hours. The register shall include the vehicle registration number, the nature and quantity of the load (tonnage of green waste imported) and the date and time of arrival and departure from the site.

Reason: In the interests of highway safety and to minimise adverse effects upon the free flow of traffic along the highways in the vicinity of the site and to assist the Waste Planning Authority in monitoring the site.

NOISE

7. Noise levels arising from the operations hereby permitted shall not exceed 55dB(A) LAeq, 1h (free field) or the existing background noise levels (measurements in accordance with BS4142) by more than +10dB(LA90, 1h) at any noise sensitive property, whichever is the lower

In the event of 55 dB(A) LAeq,1h (free field) or the existing background noise levels by more than +10dB (LA90, 1h) being exceeded, a full noise

assessment shall be undertaken by the operator. Any noise control measures identified in the assessment shall be rectified.

Reason: To minimise any adverse impact of noise generated by the operations on the local community

ODOUR

8. All operations at the site shall be carried out in accordance with the Odour Management Scheme as agreed under application 0/1097-09.

Reason: In the interests of odour suppression and local amenity

DUST SUPPRESSION

9. All operations at the site shall be carried out in accordance with the Dust Suppression Scheme as agreed under application 0/1097-09.

Reason: To minimise the potential for dust emissions and in the interests of local amenity.

MAINTENANCE OF THE BLACKBIRDS LANE

10. Throughout the lifetime of this planning permission, no remedial works shall be carried until Rights of Way have been given their approval to such works. The approved details shall be implemented in full.

Reason: In the interests of safety of the users of Blackbirds Lane.

MAINTENANCE OF VISIBILITY SPLAYS

11. Throughout the lifetime of this planning permission, the visibility spays must be maintained between the footpath 74 and Blackbirds Lane.

Reason: In the interests of safety of users of Blackbirds Lane.

LIGHTING

12. No external floodlighting shall be erected at the site without prior written approval of the Local Planning Authority.

Reason: In the interests of local amenity

ANNUAL RISK ASSESSMENT

13. Throughout the lifetime of the operation hereby approved, an annual risk assessment shall be submitted to and approved in writing by the Local

Planning Authority in accordance with details agreed under condition 17 of application 0/1097-09.

Reason: In the interest of the amenity of nearby residential properties

Background information used by the author in compiling this report

Application documents:

NPPF 2012

Hertsmere Borough Council Local Plan Core Strategy DPD Adopted 2013

Hertfordshire Waste Core Strategy 2011-2026

Neighbour representations

Consultee responses