

HERTFORDSHIRE COUNTY COUNCIL

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

HERTSMERE BOROUGH COUNCIL

Agenda Item
No.

2

**APPLICATION FOR PROPOSED VARIATION OF CONDITION 2 ON
PERMISSION 0/1097-09 TO CHANGE HOURS FOR DELIVERY AND TO DEFINE
OPERATIONS, AT BLACKBIRDS FARM, BLACKBIRDS LANE, ALDENHAM,
HERTFORDSHIRE, WD25 8BS**

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 0/1538/-17 (CM0867) to change hours for delivery and to define operations as set out in condition 2 of 0/1097-09, for a green waste to compost facility at Blackbirds Farm, Aldenham, WD25 8BS. Members should note that this application is to be considered in conjunction with application 0/1563/-17 which seeks the variation of conditions 6 and 7 of the permission.

2. Summary

- 2.1 The proposal seeks to vary the wording of condition 2 of 0/1097-09, relating to times of HGV movements of green waste and seeks to specifically define operations as identified in the condition.
- 2.2 The existing wording of condition 2 restricts movements on a Saturday, and is not compatible with condition 6 (number of vehicle movements) which permits movements on Saturday mornings. The proposed variation also sets out precisely what operations are restricted by set out working hours.
- 2.3 The site is within the Metropolitan Greenbelt between the settlements of Aldenham and Radlett.
- 2.4 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.
- 2.5 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 that 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 The BCN was withdrawn by the Council on 23 August 2017 following receipt of this application. This application seeks to regularise the position with regard to hours of delivery and also seeks to clearly define operations.

Conclusion

- 2.6 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 2 of the existing planning permission 0/1097-09 for the composting of green waste at Blackbirds Farm states:-

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:

7:30-5:00 pm Monday to Friday (no deliveries on Saturdays, Sundays or Public and Bank Holidays)

Unless prior approval in writing by the Waste Planning Authority has been given, no operations shall be undertaken at the site except during the following hours:

7.30am-5.00 pm Monday to Friday

8am-12.30pm on Saturdays (no operations 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.

- 3.2 However, up to 3 deliveries of green waste (comprising a total of 6 movements) are allowed on Saturday mornings under condition 6 of 0/1097/-09. The first variation therefore sought is to the first part of condition 2, to bring it in line with condition no.6, which allows deliveries on Saturday mornings.
- 3.3 With regard to the second part of the condition which relates to operations, the applicant proposes the word “operations” be replaced with a detailed description of the activities undertaken at the site.
- 3.4 The Applicant is seeking the variation therefore in order that a more precise and specific condition is imposed, which would state:-

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
8.00am -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)*

4. Site and Access

- 4.1 Blackbirds Farm is located within the Metropolitan Green Belt. The settlement of Radlett is located approximately 700m to 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 found at Pelham Lane approximately 400 metres to the south west, and along Kemprow, including Kemprow Farm, approximately 500 metres south east of the maturation area at Broadfields. HGV access is taken from the Blackbirds Lane road only.
- 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.

5.0 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 Herts mere 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.

6.0 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 that 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.
- 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.

7.2 Hertsmere Borough Council (Environmental Health):No objections.

7.3 Environment Agency: No response received

7.4 Aldenham Parish Council : Object to the proposal to vary condition 2. 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 a 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.

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 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.

7.8 A total of 445 properties were consulted and 9 responses have been received. Of these 4 responses objected to the application and 5 responses support the application.

7.9 The concerns raised in the 4 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
- Deliveries on a Saturday are unreasonable
- It is alleged by one neighbour that on many days HGV;s depart before 5 in the morning
- Under the proposed definition, these departures would fall outside of the operations thereby exempting them from the hours restrictions
- Restriction to operations excludes those at the maturation pad, only includes delivery to it, however much of the disruption is caused from the Maturation pad specifically
- The application excludes Maturation areas and should be rejected
- Alleged non-compliance with initial conditions- presumably there will be enforcement if new conditions are granted
- One objector alleges that compost has been prepared for sale, contrary to the existing permission
- Saturday deliveries will impact on residential nature of area , increase traffic and pollution

Comments made from 5 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

8. Planning Issues

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

Traffic and highways impact
Residential Amenity

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 25 September 2009).
- 8.3 The remainder of this report will consider whether the proposed changes to condition 2 are considered acceptable.
- 8.4 One of the objections says that the no application should be considered until the enforcement notices have been complied with and any appeals determined. The application is validly made and should be determined upon its own merits. The applicant has not submitted a comprehensive application but this does not invalidate the current application. The committee report considers the development and any material considerations in reaching a recommendation upon the application.

Traffic and highways impacts

- 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, other than to clarify that deliveries are acceptable on a Saturday mornings as permitted under condition 6 of the initial permission.
- 8.6 The Highways Authority therefore have no objections to the proposal to vary condition 2. The existing permission up to 3 deliveries of green waste (comprising a total of 6 movements) are allowed on Saturday mornings under condition 6 of 0/1097/-09. The first variation therefore sought is to the first part of condition 2, to bring it in line with condition no.6, which already allows deliveries on Saturday mornings.
- 8.7 The variation of condition 2 in this context seeks to address the inconsistency of existing conditions on the original permission, and as such is considered acceptable and in accordance with policy 11 of the Core Strategy.

Residential Amenity

- 8.8 Policy 11 of the Hertfordshire Waste Core Strategy sets the general criteria for assessing waste applications and states that planning applications for proposals for waste management facilities will be granted provided that *inter-*

alia iii) the proposed operation of the site would not adversely impact upon amenity and human health.

- 8.9 With regard to the second part of Condition 2, the applicant proposes the word “operations” be replaced with a detailed description which better describes the activities undertaken at the site.
- 8.10 The Environmental Health Officer (EHO) of Hertsmere Borough Council, who has previously monitored the site, has not objected to the proposal to vary condition 2. Full consideration of residential amenity issues were given at the time of the grant of the initial application, and it is not considered that any impact upon residential amenity would intensify as a result of the re-wording of the condition, which the applicant seeks to more precisely define and clarify their operations at the site. The proposal is that operations may take place on a Saturday morning, this follows practice elsewhere for minerals and waste sites. A further objection is that vehicles leave before 5:00 in the morning. The planning condition relates to vehicles leaving the application site and this is an issue for enforcement of the condition.
- 8.11 The site is monitored by the District Environmental Health Officer as well as the Environment Agency. Odour and Dust Suppression management schemes are in place to mitigate the potential for impact upon the wider environment.
- 8.12 It is considered that as the changes to the wording of condition 2 will not intensify the existing operation or lead to any additional impact upon residential amenity such as odour or noise, then the proposal to vary the condition is acceptable and in general accordance with planning policy.

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 condition 2 seeks to address the inconsistency of existing conditions on the original permission, and to more clearly define operations undertaken at the site. The variation would not intensify the operation or increase likely 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 condition 2 is acceptable. The variation of conditions 6 and 7 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. The recommendation is that planning permission should be granted subject to conditions as follows:

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