

# Agenda



**AGENDA for a meeting of the DEVELOPMENT CONTROL COMMITTEE in the Council Chamber, County Hall, Hertford on FRIDAY, 8 DECEMBER 2017 at 10.00AM.**

**MEMBERS OF THE COMMITTEE (10)** (Quorum = 3)

D Andrews, D J Barnard, D S Drury, E M Gordon, J S Hale, M D M Muir (Vice-Chairman), S Quilty, I M Reay (Chairman), R H Smith (*substitution for S J Boulton*)  
A D Williams

## **AGENDA**

### **AUDIO SYSTEM**

The Council Chamber is fitted with an audio system to assist those with hearing impairment. Anyone who wishes to use this should contact the main (front) reception.

### **PART I (PUBLIC) AGENDA**

Meetings of the Committee are open to the public (this includes the press) and attendance is welcomed. However, there may be occasions when the public are excluded from the meeting - for particular items of business. Any such items are taken at the end of the public part of the meeting and are listed below under "Part II ('closed') agenda".

### **MINUTES**

To confirm the minutes of the meeting of the Development Control Committee held on 26 October 2017 (attached).

### **PUBLIC PETITIONS**

The opportunity for any member of the public, being resident in or a registered local government elector of Hertfordshire to present a petition relating to a matter with which the Council is concerned, and is relevant to the remit of this Committee, containing 100 or more signatures of residents or business ratepayers of Hertfordshire.

Notification of intent to present a petition must have been given to the Chief Legal Officer at least 20 clear days before the meeting where an item relating to the subject matter of the petition does not appear in the agenda, or at least 5 clear days where the item is the subject of a report already on the agenda.

[Members of the public who are considering raising an issue of concern via a petition are advised to contact their local member of the Council. The Council's arrangements for the receipt of petitions are set out in Annex 22 - Petitions Scheme of the Constitution.]

If you have any queries about the procedure please contact Deborah Jeffery on telephone no. (01992) 555563.

## **MOTIONS (Standing Order C9)**

Motions may be made on a matter relevant to the Committee's terms of reference (other than motions relating to a matter on the agenda, which shall be moved when that matter is discussed).

Motions must have been notified in writing to the Chief Legal Officer by 9 am on the day before the meeting and will be dealt with in order of receipt.

No motions had been submitted at the time of agenda dispatch.

- 1. APPLICATION FOR THE VARIATION OF CONDITION 1 AND CONDITION 25 OF PLANNING PERMISSION 3/1228-13 TO EXTEND THE LIFE OF THE SAND AND GRAVEL EXTRACTION AND RESTORATION VIA LANDFILL AND TO AMEND THE RESTORATION VIA LANDFILL AND TO AMEND THE RESTORATION DETAILS AT WESTMILL LANDFILL SITE, WESTMILL ROAD, WARE, HERTFORDSHIRE, SG12 0ES**

*Report of the Chief Executive and Director of Environment*

Local Member: David Andrews

- 2. APPLICATION FOR VARIATION (S.73) OF CONDITION 4 (APPROVED PLANS) AND CONDITION 8 (NO PROCESSING OF MATERIALS ON-SITE) ON PERMISSION 3/1304-13 TO ALLOW FOR THE SITING OF A MODULAR TREATMENT PLANT AND PROCESSING OF MATERIAL ON SITE AT THORLEY HALL FARM, THORLEY WASH, THORLEY, BISHOPS STORTFORD, HERTFORDSHIRE**

*Report of the Chief Executive and Director of Environment*

Local Member: Graham McAndrew

- 3. APPLICATION FOR THE DEMOLITION OF EXISTING SCIENCE BLOCK, CARETAKER'S HOUSE, GYM AND GIRLS CHANGING ROOMS. ERECTION OF A TWO STOREY MUSIC AND SCIENCE BLOCK, A NEW COMMUNITY SIZED SPORTS HALL AND INFILL DINING COURTYARD TO INCREASE THE SCHOOL BY 1FE AT HEMEL HEMPSTEAD SCHOOL, HEATH LANE, HEMEL HEMPSTEAD, HERTFORDSHIRE, HP1 1TX.**

*Report of the Chief Executive and Director of Environment*

Local Member: William Wyatt-Lowe

4. **PROPOSED APPLICATION FOR A SINGLE STOREY EXTENSION TO FORM 1 NEW CLASSROOM AND CIRCULATION SPACE, INFILLING OF AN INTERNAL COURTYARD TO CREATE NEW OFFICE SPACE AND ENLARGEMENT OF PLAYGROUND HARDSTANDING AT WALKERN PRIMARY SCHOOL, HIGH STREET, WALKERN, HERTFORDSHIRE, SG2 7NS**

Report of the Chief Executive and Director of Environment

Local Member: Ken Crofton

5. **APPLICATION FOR PROPOSED CONTINUED USE OF AN EXISTING MATURATION PAD FOR THE PROCESSING OF GREEN WASTE AND ITS CONVERSION INTO COMPOST FOR USE AS A FERTILIZER ON LAND FORMING PART OF THE FARMING OPERATION UNDERTAKEN AT BLACKBIRDS FARM, BLACKBIRDS LANE, ALDENHAM, HERTFORDSHIRE, WD25 8BS.**

Report of the Chief Executive and Director of Environment

Local Member: Caroline Clapper

## **OTHER PART I BUSINESS**

Such other Part I (public) business which, the Chairman agrees, is of sufficient urgency to warrant consideration.

## **PART II ('CLOSED') AGENDA**

### **EXCLUSION OF PRESS AND PUBLIC**

There are no items of Part II business on this agenda but if an item is notified the Chairman will move:-

*"That under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph \*\* of Part 1 of Schedule 12A to the said Act and the public interest in maintaining the exemption outweighs the public interest in disclosing the information."*

If you require a copy of any of the reports mentioned above or require further information about this agenda please contact Deborah Jeffery, Assistant Democratic Services Manager on telephone no. 01992 555563 or email: [deborah.jeffery@hertfordshire.gov.uk](mailto:deborah.jeffery@hertfordshire.gov.uk)

Agenda documents are also available on the internet  
<https://cmis.hertfordshire.gov.uk/hertfordshire/Calendarofcouncilmeetings.aspx>

**KATHRYN PETTITT  
CHIEF LEGAL OFFICER**

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# Minutes



To: All Members of the  
Development Control  
Committee, Chief Officers, All  
officers named for 'actions'

From: Legal, Democratic & Statutory Services  
Ask for: Deborah Jeffery  
Ext: 25563

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## DEVELOPMENT CONTROL COMMITTEE 26 OCTOBER 2017

### ATTENDANCE

### MEMBERS OF THE COMMITTEE

D Andrews, S J Boulton, D S Drury, M A Eames-Peterson (*substitution for E M Gordon*), J S Hale, J Jones (*substitution D J Barnard*), M D M Muir (Vice-Chairman), S Quilty, I M Reay (Chairman)

Upon consideration of the agenda for the Development Control Committee meeting on 26 October 2017 as circulated, copy annexed, conclusions were reached and are recorded below:

*Note: There were no declarations of interest.*

### CHAIRMAN'S ANNOUNCEMENTS

- (i) If a Member wished their particular view on an item of business to be recorded in the Minutes, it would be recorded on request by that Member.
- (ii) Members were reminded of their obligation to declare interests at the start of the meeting.

### PART I ('OPEN') BUSINESS

#### MINUTES

The minutes of the Committee meeting held on 28 September 2017 were confirmed as a correct record.

#### PUBLIC PETITIONS

There were no public petitions.

#### ACTION

Democratic  
Services

1. **APPLICATION FOR PROPOSED CONTINUED USE OF AN EXISTING MATURATION PAD FOR THE PROCESSING OF GREEN WASTE AND ITS CONVERSION INTO COMPOST FOR USE AS A FERTILIZER ON LAND FORMING PART OF THE FARMING OPERATION UNDERTAKEN AT BLACKBIRDS FARM, BLACKBIRDS LANE, ALDENHAM, HERTFORDSHIRE, WD25 8BS**
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**
3. **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**

[Officer Contact: Christopher Martin, Planning Assistant ,  
Tel: 01992 556308]

- 1.1 The Committee considered application 0/1567-17 (CM0867) for the continued use of an existing maturation pad for the processing of green waste and its conversion into compost for use of fertilizer at Blackbirds Farm, Aldenham, WD25 8BS.
- 1.2 The Committee also considered 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, in conjunction with 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.
- 1.3 Prior to questions and debate the Committee were addressed by local resident, Mr Chris Lack, speaking in opposition to the applications; and Ms Jane Orsborn, agent for the applicant speaking in support of the applications.
- 1.4 The Committee discussed the possible removal of Condition 7 of the Maturation pad application (Application 1) as Members were concerned that operations at the maturation pad, particularly turning, would be constrained by hours of operation, which could have a more significant affect upon the impact from odour.

Following a vote by show of hands, the motion was CARRIED  
(For: 5; Against: 4).

1.5 Members also discussed the wording of condition that required the compost to be used on land forming part of the Blackbirds Farm and were advised the wording should refer to Blackbirds Farm enterprise and that the precise wording be left to officers.

1.6 In relation to Application 1, following a vote by show of hands, 8 Members voted for; and 1 Member voted against.

**RESOLVED**

1.7 The Chief Executive and Director of Environment be authorised to grant planning permission subject to the following conditions:

1. Approved Plans and Documents
2. Height of Waste Throughput
3. Landscaping
4. Odour
5. Dust Suppression
6. Resale of Green Waste Throughput

2. During discussion of Application 2 regarding the proposed more precise condition at 3.4, the following motion was proposed and duly seconded:

*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, and onward transmission to approve maturation pads within the Blackbirds Farm operation 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)*

Following a vote by show of hands, the motion was CARRIED  
(For: 8; Against: 1).

**RESOLVED**

2.1 The Chief Executive and Director of Environment be authorised to grant planning permission subject to the following conditions:

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. In relation to Application 3, following a vote by show of hands, 7 Members voted for; 1 Member voted against; and 1 Member abstained.

**RESOLVED**

3.1 The Chief Executive and Director of Environment be authorised to grant planning permission subject to the following conditions:

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

**KATHRYN PETTITT**  
**CHIEF LEGAL OFFICER**

**CHAIRMAN** \_\_\_\_\_

**CHAIRMAN'S**  
**INITIALS**

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**HERTFORDSHIRE COUNTY COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE  
FRIDAY, 8 DECEMBER 2017 AT 10.00AM**

Agenda Item  
No.

**1**

**EAST HERTS DISTRICT**

**APPLICATION FOR THE VARIATION OF CONDITION 1 AND CONDITION 25 OF PLANNING PERMISSION 3/1228-13 TO EXTEND THE LIFE OF THE SAND AND GRAVEL EXTRACTION AND RESTORATION VIA LANDFILL AND TO AMEND THE RESTORATION VIA LANDFILL AND TO AMEND THE RESTORATION DETAILS AT WESTMILL LANDFILL SITE, WESTMILL ROAD, WARE, HERTFORDSHIRE, SG12 0ES**

*Report of the Chief Executive and Director of Environment*

Author: Shaun Wells Tel: 01992 555049

Local Member: David Andrews

**1. Purpose of Report**

1.1 To consider application 3/0075-16 for the variation of condition 1 and condition 25 of planning permission 3/1228-13 to extend the life of the sand and gravel extraction and restoration via landfill and to amend the restoration via landfill and to amend the restoration details at Westmill Landfill Site, Westmill Road, Ware.

**2. Summary**

2.1 The principle of the development has been established therefore through the planning history of the site, and the principle of extensions to time limits on restoration as previously set are considered also to be acceptable and necessary given the justification of the applicant in delays in waste reaching the site (largely due to regulation change and improved recycling rates overtime).

2.2 This has consequently delayed completion of the landfilling process at Westmill. The principle of alternative contours in order to retain a silt lagoon on the site are also considered to be acceptable.

2.3 The visual harm after restoration of the landfill would be minor to moderate after settlement. This also needs to be balanced against the economic benefits of the former mineral extraction which para 144 of the NPPF gives great weight to. The impact on the landscape will clearly remain significant during operational stage, however, the extension of time limit on the land fill is required to allow the restoration to proceed, and on balance the longer term minor-moderate impacts of the landfill area after restoration are considerate acceptable when weighed against the strategic need to retain and complete the landfill.



- 2.4 Subject to the conditions placing restrictions on vehicle movements and washing of wheels before vehicles leave the site and a financial contribution of £30 000 to the Highway Authority for road cleaning and any repair to the network as a result of the development (through section 106 legal agreement), then the Highways Authority have no objection to the proposals which are considered to accord with local and national planning policy in this regard
- 2.5 The Rights of Way Officer (HCC) has no objections to the proposals subject to £10 000 financial contribution toward upgrading of the internal public right of way from footpath to bridleway.
- 2.6 There are clear impacts upon residential amenity in terms of noise, air quality and odours. The Environmental Statement has demonstrated that effective mitigation through the use of planning conditions can be achieved to reduce these effects as much as is possible through planning condition where possible, but also in the separate Environmental Permit regime for the site. The impacts are temporary however, will reduce over time and will cease upon completion of the landfill operation and restoration. The effects have to be weighed against the benefits of the scheme- which has an economic and strategic role (Westmill is the last the Landfill within Hertfordshire). On balance, the case officer is of the opinion that the temporary effects upon residential amenity do not outweigh the benefits of the scheme, including the required time for final restoration, and as such the proposal is considered to be in general accordance with local and national planning policy with regard to potential impact upon residential amenity.
- 2.7 Given that the Environment Agency and Flood Risk Management Team have no objections, the proposal is considered to be in accordance with planning policies relating to flood risk and ground water protection.
- 2.8 The Ecology Officer is satisfied that there would be no significant impact upon biodiversity and ecology in accordance with the relevant planning policies.
- 2.9 Given that the quarry and landfill operation already exist and this application seeks an extension of time to operations and restoration, it is not considered that there would be any significant impact upon heritage assets and the application is in accordance with the policies identified.

### **Conclusion**

- 2.10 Overall having taken the balance of all the issues and policy into account, including all of the information as submitted in the environmental statement, and that subject to the application being referred to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009 and the Secretary of

State deciding not to call in the application for his determination, it is recommended that the Chief Executive and Director of Environment should be authorised to grant planning permission subject to the completion of a section 106 Legal Agreement with the developer for a financial contribution of £30,000 to the Highway Authority for road cleaning and any repair to the network as a result of the development; a £10 000 financial contribution toward upgrading of the internal public right of way from footpath to bridleway and the following conditions and informative:

1. Time Limits For Cessation
2. Vehicle Movements(Whole Site)
3. Vehicle Movements(Quarry)
4. Wheel Cleaning
5. Covered Loads
6. HGV hours
7. Permitted Hours of operations
8. Further Development
9. Quarry Processing Plant
10. Vehicle Noise
11. Noise from operations restriction
12. Noise from sales and deliveries restriction
13. Noise from temporary operations restriction
14. Groundwater protection 1
15. Groundwater protection 2
16. Dust Suppression
17. Restoration Plans
18. Planting
19. Removal of plant/structures
20. Aftercare
21. Ecology
22. Display of Permission

Informative-Ecology

### **3. The Proposal**

- 3.1 The site has operated as a sand and gravel quarry with material being extracted since the 1950's. As part of the restoration of the areas of quarrying landfill has operated at the site for over 30 years. Cemex operate the sand and gravel extraction including a ready mix concrete plant, processing and sales of aggregates, and Biffa operate the landfill operation and restoration. The landfill site takes in residual household waste which has no recyclable value, such as that from HWR's (Household Waste Recycling facilities) including from East Hertfordshire, Stevenage and Broxbourne. Biffa also landfill inert commercial waste at the site. The application is made by Cemex UK Operations Ltd, however also covers Biffa's landfill operations as the landfill is essentially part of the remodelling of the site contours, and

overall infill, and final restoration of the sand and gravel extraction site. An Environmental Statement has been submitted with the application.

- 3.2 Whilst there is an extensive planning history to the site, the latest permission was granted 23 August 2013 and is the current planning permission for sand and gravel extraction and landfilling at the site.
- 3.3 That permission had a number of conditions attached, two of which the applicant seeks to vary to enable continued operations at the site. The conditions which are sought to be varied are:-

Condition 1

*Extraction of sand and gravel shall cease on or before 31 December 2015 unless otherwise approved by the Mineral Planning Authority. All plant, machinery, equipment and buildings associated with the winning and working and processing of minerals or the restoration of the site shall be removed from the site on or before 31 December 2017.*

Reason: To comply with Section 51 of the Planning & Compulsory Purchase Act 2004

Condition 25

*The restoration of the site shall be carried out in accordance with the revised Scheme of Restoration and Landscaping for Westmill Quarry, dated November 1990 and illustrated by plans number P11285/10/2, P11285/11/3, P11285 P11285/11/4, as approved by the Mineral Planning Authority on 20 December 1990, or any in accordance with subsequent variation thereof which shall receive the approval in writing by the Mineral Planning Authority.*

- 3.4 Since the application was initially submitted, the sand and gravel extraction being carried out to the north of the site has ceased, however condition 1 requires to be varied as restoration of this area needs to be undertaken following removal of all plant and machinery. Some sale of remaining sand and gravel stocks will continue for a short period until existing stocks are exhausted. The application sought to extend sand and gravel extraction (now ceased) until 31/12/2016 and seeks sand and gravel processing until 31/12/17.
- 3.5 Revised mineral reserve calculations at the site historically over time have indicated a larger reserve and this has impacted on the length of time required to extract the sand and gravel (now ceased), which has led to the requirement to revise the initial time constraints for reserve extraction and restoration. The remaining extractable reserve calculation in 2015 was 241,483 tonnes, which has now been exhausted (although was still being worked at the time of submission of this application).

- 3.6 With regard to the established landfill area to the centre and south of the site, landfilling operations are continuing into final cells 9 and 10. The operator has intended to complete landfilling as soon as is possible as it is in their interests as this this is how they effectively receive an income stream.
- 3.7 The waste industry has technically evolved over the last 15 years to incorporate regulation change such as the Landfill Directive 1999 and the Environmental Permitting Regulations 2007, which have positively protected the environment through better land fill engineered design in order to protect the environment from pollutants, perhaps most significantly from ground water contamination.
- 3.8 As a general principle all landfill operations include a geotechnical barrier, ground water protection, surface water management, engineered capping and the monitoring of gas and leachate.
- 3.9 The Applicant states that these regulation requirements, which are positive moves to further protect the environment may have however to some extent slowed the landfill process.
- 3.10 Waste streams have also evolved over the last 15 to 20 years as part of the waste hierarchy and government targets for recycling. Landfill would fall at the bottom of the hierarchy as disposal of waste and the preference would first to follow the principle of the three 'R's, to 'Reduce, Re-use or Recycle".
- 3.11 The amount of waste reaching landfill generally has progressively fallen as a result of efforts to follow the 3 'R's. The applicant has indicated that the combination of changes in the waste stream and regulation has impacted upon the time necessary to complete restoration and as such the following sequence of cessation is now proposed:-
- Infilling with waste- to cease 31 December 2021  
Capping of waste-to be complete by 31 December 2022  
Restoration- to be complete by 31 December 2027
  - The initial application indicated a longer time frame for cessation for landfill, which was shortened following discussions between the Applicants and Planning Officers. The initial time frames were:-
  - Infilling of waste- to cease 31 December 2023  
Capping of waste to be complete by 31 December 2025  
Restoration-to be complete by 31 December 2030
- 3.12 Should the application be supported, then the conditions of a new permission would reflect the first set of cessation/completion dates above.

## Restoration

- 3.13 Upon final cessation of waste disposal at Westmill the whole site requires capping to pre settlement contour levels in accordance with the landfill permit. Once capped the site will be restored with soils to a profile depth of 1 metre and seeded with amenity grass mix.
- 3.14 Infrastructure related to the landfill operation shall be required until final soils have been placed. Once final restoration has been completed the office, weighbridge, and carpark shall be removed. The leachate plant and gas extraction shall be retained as part of the permit regulation.
- 3.15 The areas to the north of most recent sand and gravel extraction will not be landfilled, and this application does not propose any new areas of landfilling to that previously approved.
- 3.16 The northern area where Cemex sand and gravel operation is located, includes aggregate stock piles, a fresh water lagoon, the aggregate processing plant, offices, a workshop and weighbridge. This area will be restored following the removal of all plant and buildings, and the restoration scheme here includes the retention of the lagoon, creation of grassland, and woodland and heath scrub. This area is surrounded by existing woodland and scrub which will be retained. Wooden fencing shall be erected to delineate the Rights of Way along this section. The soil bank shall be seeded to protect soils and prevent erosion.
- 3.17 Soil storage mounds near/on the historic silt lagoons will be removed and spread over previous hard standing areas once all concrete has been removed and spread over the previous hard standing areas once all concrete has been removed. Upon replacement of soils the restoration scheme introduces an area of natural colonisation, and acid grassland.
- 3.18 With regard to the area of the land fill site, there will be some changes to contours as previously approved once the site is restored. The existing approved restored contours post settlement plan reference P1/285/11/3 illustrates contours over the whole quarry void and restored (via landfill). The restoration contours were produced in 1988.
- 3.19 Since this scheme was produced quarrying operations created a new silt lagoon adjacent to the historic lagoons on the site around 1990. This lagoon was created to manage on site silt produced through aggregate processing. Although the lagoon was critical to the operations of the quarry its location has impacted the current restoration. It is estimated that there is approximately 225,000m<sup>3</sup> of silt in the lagoon.

- 3.20 Due to the quantity of silt and practicalities of removing such a fluid material it has been considered most appropriate to retain the silt lagoon in its current form. The implication of retaining this lagoon requires an amendment to the restoration contours, pre and post settlement.
- 3.21 Landfill cells 8 -10 have been created within a 25m stand off from the silt lagoon. A stability report has been undertaken to quantify the standoff distance is geo-technically acceptable as is a 1:3 batter.
- 3.22 In practice, for the cells that yet have to be completed, meeting the revised pre-settlement profile simply means placing waste at revised pre-settlement levels (taking into account the depth of cap and restoration soils above). However for cells that have already been filled and capped, it is not practical to strip off the cap and recommence waste placement up to the revised pre-settlement level. Therefore on these cells, the existing cap will remain in place and inert waste, nominally soils, will be used to meet the calculated revised pre-settlement profile levels in order to ensure the approved final post-settlement landform is reached.
- 3.23 The post settlement contours will remain as permitted except along the northern boundary of cells 8-10 which abut the silt lagoon. The revised contours will provide a steeper gradient for a width of approximately 50 metres. Once all of the cells have been filled and capped they will eventually be seeded over with grass mix as part of the final restoration.

### Rights of Way

- 3.24 Three footpaths surround the Westmill site. Footpath no.23 to the north runs along the northern aggregate plant site boundary along the gardens of Downfield Court and links with footpath no.22. The definitive line of no.22 ran north to south from Downfield Court to the junction with the A602 near Gentlemen's Field. This route has been partially diverted on a temporary basis from the east of Gentlemen's Field along the A10 to Poles Lane until 10/11/2018. The remaining route over the quarry void (being restored via landfill operations) is closed until 10/11/2018. Footpath 52 is also temporarily closed until 10/11/2018.
- 3.25 A consequence of this application is the delay in reinstating the definitive rights of way. The Applicant seeks to extend the temporary closure and diversion of Rights of Way of footpaths no.22 and no.52 until restoration is complete (December 2027). The appropriate applications will be made to the County Highway Authority subject to the determination of this application. The applicant has introduced a permissive path through the plant site linking Rights of Way No 23 and 22 as an alternative route whilst restoration works are completed on site.

- 3.26 Aftercare details for maintenance of land following restoration have previously been approved by the Local Planning Authority in December 1990 and identified areas of the site for grazing and agriculture. A condition requiring that these details be revised, again for a period of five years following completion of restoration, is considered reasonable should the application be approved.

#### Site and Access

- 3.27 Westmill Quarry and landfill site is located approximately 2km north of Hertford, approximately 500 metres west of Ware. The site covers an area of approximately 72ha, which has been used for the extraction of sand and gravel (which is now ceased although was ongoing at the time of the submission of this application) and is being restored via landfill. The site falls within Thundridge Parish.
- 3.28 The site is bound by Westmill Road (A602) to the west, Westmill plantation and open countryside to the north, the A10 to the south the Hanbury Manor and Golf Country Club to the east. Downfield Court, a group of 10 residential properties is located immediately adjacent to the north east boundary of the site. Further residential properties are located to the south of the A10 road and include Wheatsheaf Close, Greyfriars, The Larches and Dovedale. Adjoining the site to the south eastern corner and junction with the A10 and Westmill Road (A602) is a small industrial estate, Gentleman's Field. Further west along Westmill Road is the Hertfordshire County Council Household Waste Site. To the north is the River Rib.
- 3.29 The site is accessed at two points off Westmill Road. The northern access is used solely for the aggregate plant site (now for sales of aggregate only as extraction has ceased) and the southern access serves the landfill and is for the importation of waste material only.
- 3.30 The site is located within the Suffolk and North Essex Clayland National Character Area which is characterised by an agricultural landscape predominantly arable with some woodland. The site is within the Green Belt.
- 3.31 Poles Park which is a Grade II Registered Park and Garden which surrounds Poles Convent which is a Grade II\* Listed Building is located to the east of the site (now known as Hanbury Manor/Golf Hotel). Westmill Farm House (Grade II), Garden Walk on the south of Westmill House (Grade II), Westmill House (Grade II\*) are all located approximately within 150m to the north and west of Westmill Quarry.
- 3.32 Downfield Pit Westmill SSSI is located within 50 metres of the site. There are no other designations within 500 metres from Westmill Quarry.

- 3.33 The aggregate processing plant is located to the north of the quarry and includes a ready mixed concrete plant (approved 1970's). The operation of the aggregate plant is limited to the reserve of sand and gravel at the quarry. To the south and east of the plant site are historic silt lagoons part of which have naturally regenerated with willow, and there are some storage mounds in the area.
- 3.34 Most recent mineral extraction took place in the final phase (8) to the north- however has recently ceased.
- 3.35 The landfill has been subdivided into cells to assist landfill engineering requirements. The landfill includes two distinct areas known as Westmill I and Westmill II. Westmill I is located in the west of the site and landfilling ceased here in 2003, and this area is now being restored.
- 3.36 Westmill II comprises 10 fully engineered landfill cells. Cells 1-5 have been filled and capped, and are at varying stages of restoration. Cells 6, 7 and 8 have been filled although pre-settlement contours are still to be achieved. At present waste is being tipped into cells 9 and 10.
- 3.37 In association with the landfill operations, the site also accommodates site offices, a weighbridge and an environmental compound comprising of landfill gas engines, a flare, leachate treatment plant and soil repair centre located in the south west corner of the site.

#### **4.0 Policy Considerations**

- 4.1 National Planning Policy Framework 2012  
 Ch.3-Supporting a prosperous rural economy  
 Ch.4-Promoting sustainable transport  
 Ch.7-Requiring good design  
 Ch.8-Promoting healthy communities  
 Ch.9-Protecting greenbelt land  
 Ch.10-Meeting the challenge of climate change, flooding and coastal change  
 Ch.11-Conserving and enhancing the natural environment  
 Ch.12-Conserving and enhancing the historic environment  
 Ch.13- Facilitating the sustainable use of materials

National Planning Policy for Waste 2014

- 4.2 There is also a series of technical guidance in the NPPF. The following are of relevance:- Dust, noise, noise standards, stability in surface mine workings and tips, restoration and aftercare of mineral sites, landscape strategy and aftercare schemes.
- 4.3 Hertfordshire Waste Development Framework, Waste Site Allocations Development Plan Document 2011-2026



Policy WSA2: Applications for Waste Management Development on Allocated Sites and Employment Land Areas of Search

- Westfield is a safeguarded strategic site allocated under this policy.  
4.4 Hertfordshire Minerals Local Plan Review 2002-2016 (Saved Policies)

Minerals Policy 1- Aggregates Supply  
Minerals Policy 2-Need for Mineral Working  
Mineral Policy 3-Sites for Sand and Gravel Extraction and the Working of Preferred Areas  
Minerals Policy 9- Contribution to Bio-diversity  
Minerals Policy 12- Landscape  
Minerals Policy 13- Reclamation Scheme  
Minerals Policy 14- Afteruse  
Minerals Policy 15- Landfill  
Minerals Policy 16-Transport  
Minerals Policy 18- Operational Criteria for the Control of Mineral Development

- 4.5 Hertfordshire Waste Core Strategy

Policy 1A: Presumption in Favour of Sustainable Development  
Policy 3:Energy and Heat Recovery  
Policy 4: Landfill and Landraise  
Policy 6:Greenbelt  
Policy 11: General Criteria for Assessing Waste Planning Applications  
Policy 15: Rights of Way  
Policy 16: Soil, Air and Water  
Policy 19:Protection and Mitigation

- 4.6 East Herts Local Plan Adopted 18th April 2007 (Saved Policies)

GBC1- Appropriate Development in the Greenbelt  
GBC14- Landscape Character  
GBC15- Mineral Resources  
TR3-Transport Assessments  
ENV1-Design and Environmental Quality  
ENV2-Landscaping  
ENV17-Wildlife Habitats  
ENV18-Water Environment  
ENV20-Groundwater Protection  
BH2-Archaeological Evaluation and Assessments  
BH16-Historic Parks and Gardens

- 4.7 A Neighbourhood Plan for Thundridge has not yet been produced.

## **5.0 Relevant Planning History**

- 5.1 The site is a sand and gravel quarry with material having been extracted since the 1950's. It has been used for landfill for commercial

and household waste for over 35 years having been granted consent in April 1980 (Application 3/1325-79).

- 5.2 The quarry has a long planning history dating back to the 1950's. Two planning permissions were issued at Westmill Quarry in 1956 for sand and gravel extraction and restoration using inert waste. These permissions were reviewed in 1998 in accordance with Schedule 13 of the Environment Act 1995 (Review of Old Minerals Permissions(ROMP). A schedule of conditions was approved November 1998 by Hertfordshire County Council. 32 conditions were identified within the schedule covering cessation, method of working, mitigation measures and archaeology.
- 5.3 On 29 September 2011, Hertfordshire County Council granted planning permission for the variation of conditions 8 Method of Working) and 16 (Scheme for Acoustic Bund) of planning permission 3/1181-97 at Westmill Quarry.
- 5.4 On the 23 August 2013 the Mineral Planning Authority granted approval for extended operating hours 0600-1800 Monday to Friday and 0600-1300 on a Saturday no operation on a Sunday or Bank Holiday (application 3/1228-13). A full permission was re-issued and therefore this approval supersedes the original ROMP approval and is now the principle permission related to Westmill Quarry and Landfill site.
- 5.5 The Council has also determined various planning applications for ancillary development related to the quarry and landfill (such as for fencing and operational buildings/equipment).

## **6.0 Consultations & Representations**

- 6.1 There have been several rounds of consultation where consultees have been written to directly, on the initial application, and on two receipts of additional information under regulation 22 of the Environmental Assessment Regulations.
- 6.2 East Herts District Council Development Management does not object to the proposal.
- 6.3 Environmental Health (East Herts District Council) does not object to the proposal and stated:-

*“The operations going forward are likely to have greater prominence than those already undertaken in terms of noise and odour therefore it is recommended that appropriate strategies and monitoring arrangements are put in place or secured to ensure that any impacts do not exceed the relevant extant guidelines”*

6.4 Thundridge Parish Council have made the following comments in summary:-

The Parish Council have grave concerns about the extended time scale that this application seeks. Initial concerns of the Parish Council are:-

At the Liaison Meeting 16/12/15, Biffa stated that Cell 10 should take three years to fill. Cell 10 should be full by 31/12/19. The applicant has requested 31/12/23 as the date they expect to fill cell 10. This is 4 years longer than previously advised.

Final capping of Cell 10 should take place following the cell being filled and from previous information takes 10 to 12 weeks. The applicant requests that the completion of capping should be 31/12/25. This is more than 4 years longer than previously advised.

The expired permit allowed 2 years for final restoration. The request is for 5 years for final restoration, 2 years from capping the last cell (10) is 31/03/22. This would be more than 8 years less than the requested date of 2030.

6.5 Ware Town Council strongly object on the grounds that the conditions should stand.

6.6 Hertford Town Council does not object to the proposal

6.7 Highways Authority (HCC) does not object to the proposal subject to the following conditions;

*No more than 482 HGV movements (241 in, 241 out) per day shall take place Monday to Friday into/out of the Westmill Landfill and Quarry/Ready Mix Plant and no more than 200 HGV movements (100 in, 100 out) shall take place on Saturdays into/out of the Westmill Landfill and Quarry/Ready Mix Plant unless otherwise agreed in writing in advance by the Waste Planning Authority in exceptional circumstances.*

Reason: In the interests of Highway Safety

*No more than 80 HGV movements (40 in, 40 out) per day shall take place Monday to Friday into /out of the Westmill Quarry and Ready Mix Concrete Plant and no more than 40 HGV movements (20 in, 20 out) shall take place on Saturdays into/out of the Westmill Quarry and Ready Mix Concrete Plant unless otherwise agreed in writing in advance by the Waste Planning Authority in exceptional circumstances.*

Reason: In the interests of Highway Safety

*No commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the highway. Details of the on-site vehicle cleansing equipment are to be submitted to the for approval by the Waste Planning Authority.*

Reason: To prevent the deposit of mud onto the road in the interest of highway safety.

Advice Note: Waste vehicle movements are not currently restricted under the planning consent. Overall site traffic for minerals extraction and processing will be maintained at current levels to the end of 2017 when operations will be completed.

The existing daily site traffic levels amount to 80 two way HGV movements and 10 two-way staff vehicle movements per day associated with minerals extraction plus 422 two way HGV movements (211x2) and 24 two way staff vehicle movements (12x2) per day generated by the waste operations. In addition to the main site activities approximately 60 two way HGV movements per day are generated by the ready mix concrete plant.

No additional traffic will result from the existing processes already approved.

Improvements to the A602, which involves widening of the carriageway past the site, are proposed by the Highway Authority and it has been agreed with the schemes engineers that that as part of the road widening scheme, the geometry of the access will be amended to ensure that no vehicles can turn right of the site.

As part of the improvements in the vicinity of the site it is proposed to remove the sharp bend in the carriageway alignment. A new alignment will be provided in the existing wide verge to flatten the curve of the road at this point.

A deceleration lane will also be added at the entrance of the Household Waste Recycling Centre (HWRC). All the works are proposed in the Highway boundary.

There is evidence that mud is being deposited on the A602 in the vicinity of the site entrance. There is clear evidence that the level of traffic generated by the existing operation at the site has caused an unacceptable amount of mud on the road and damage to the verges of Westmill Road in the vicinity of the site access. Bearing this in mind it is recommended that a bond [or contribution] of £30 000 be secured via a Section 106 Agreement in respect of the prevailing circumstances on Westmill Road. The Highway Authority has no objection to the proposal subject to the conditions set out above.

## 6.8 Landscape Officer HCC (In summary)

Landscape and Visual Effects At **Operational Stage** -Landscape Effects:-

Overall the proposed operational stage results in prolonged moderate to major adverse effects on landscape character and quality.

Visual Effects:-

Overall the proposed operational period results in prolonged moderate to major adverse effects on views and visual amenity.

Effects at **Restoration Stage** - Landfill Area:-

Landform

Overall, the proposed pre-settlement contours give rise to temporary major adverse effects on landscape character. However, as settlement occurs and the planting becomes established, the significance of effects diminishes relatively rapidly in the short term, and more slowly in the medium to long term, to provide more effective mitigation and benefit landscape character.

Post Settlement Contours:-

Overall the proposed post-settlement contours and established planting scheme result in negligible effects on landscape character, however some permanent minor – moderate adverse effects on landscape character remain as a result of the relatively steep slopes between the ridgeline and the silt lagoon.

Visual Effects:-

Pre-settlement contours:-

Overall the proposed pre-settlement contours result in temporary major adverse effects on views from the wider landscape to the north, due to the creation of a prominent and contrived, stepped landform profile within a panoramic view of the wider valley landscape. However, as settlement occurs and the planting scheme becomes established, the significance of effects diminishes relatively rapidly in the short term, and more slowly in the medium to long term.

Post settlement contours:-

Overall the proposed post-settlement contours and established planting scheme result in negligible effects on visual amenity, there are some permanent minor – moderate adverse effects on views from the permissive footpath to the southern side of the silt lagoon as a result of the relatively steep slopes between the ridgeline and the silt lagoon.

## **Restoration Stage - Plant Site**

Overall the proposed restoration scheme introduces a new diverse landscape and visual character within the lower valley slopes.

### **Significance of Effects**

In order to mitigate the significance of effects, it is advised to reduce the duration of the operational stage as far as possible.

### ***Restoration stage – landfill area***

The opportunity to reduce the slope gradient between the silt lagoon and the ridgeline, where it does not affect slope stability, would be welcomed.

### ***Restoration stage – plant site***

At the restoration stage, the proposal introduces a new diverse landscape and visual character within the lower valley slopes. This approach is established under the extant permission and is deemed acceptable.

### **Conclusion of Landscape Advice**

Overall the proposed development does not deliver landscape and visual enhancements, over and above the extant scheme, to mitigate the effects of extending the operational stage and amendment of the restoration scheme.

However, it is appreciated that a balanced judgement will take into account the need to ensure that the development is completed and can be successfully restored within a realistic timescale, and whether the proposed restoration scheme delivers significant biodiversity enhancement.

## **6.9 Hertfordshire Ecology (HCC) (In summary)**

An Environmental Statement (Ecology) has been submitted in support of the application. It is not considered that the Application to vary Condition 1 of 3/1228-13 to have any ecological impact other than extend the time during which existing extraction and machinery will be on site. Consequently ecology will not represent a constraint for this proposal as it is already affected or not by the operations.

With respect to Condition 25 this stated:

*The restoration of the site shall be carried out in accordance with the revised Scheme of Restoration and Landscaping for Westmill Quarry, dated November 1990 and illustrated by plans number P11285/10/2, P11285/11/3, P11285/13/1 and P11285/14, as approved by the Mineral Planning Authority on 20 December 1990, or any in accordance with subsequent variation thereof which shall receive the approval in writing by the Mineral Planning Authority.*

This proposal is therefore related to a variation of the original scheme of restoration.

The Phase 1 Habitat Survey (2014) to be very thorough and it provides a sound baseline of habitat resources currently present.

The 'extended' nature of the Phase 1 survey identifies the potential for protected and other species to be present. Whilst I am less convinced that the presence of species like otter should be regarded as probable, it is also sufficient in that it identifies the key protected (and other) species potential on the site.

An Ecological Management Plan (2017) has been prepared and submitted to further inform the proposals in respect of protected species. Table 1 considers habitats where species *may* be present and the relative impacts on them. For bats and dormice (European Protected Species), woodland areas will remain unaffected whilst scrub, of possible relevance to dormice, will remain partially affected. However, given the presence of dormice in Hertfordshire I do not believe there is a reasonable likelihood of their presence sufficient for the LPA to require a survey. This would mean that no further information on dormice is required prior to determination.

Reptiles were considered potentially present across much of the site although much of the site is currently an active quarry and landfill. A mitigation strategy has been outlined and I consider this to be acceptable. It consists of a destructive search or translocation, depending on circumstances.

Nesting birds are addressed by the usual recommendations – removal of vegetation outside the nesting season or if unavoidable, not without a prior assessment of nesting activity. Particular attention will be paid to the potential for Red kites, Little ringed plover and barn owls.

Badgers will be considered following best practice and pre-commencement walkover surveys.

Dormice are not considered to have a reasonable likelihood of being present. In any event only very small amounts of scrub are regarded as being present on site. This is a view with which I agree, as outlined above.

I consider that bats will be present on the site but it is stated that no woodland, scattered trees or hedgerow trees will be lost to development. Therefore it is reasonable to expect no bat roosts are likely to be otherwise affected. However an appropriate mitigation strategy has been outlined in respect of surveys where considered necessary.

I consider that the Ecological Management Plan 2017 outlined above represents an acceptable approach to addressing the species issues outlined within the 2014 report, in respect of addressing restoration amendments. Although no invertebrate surveys are proposed as previously, invertebrate habitat is provided within the final restoration. On the basis of the above, I do not consider that further surveys of the species themselves are necessary in order to reasonably inform any decision.

Consequently, I advise that if appropriate, to secure the recommendations, a Condition should be attached to any permission which requires the recommended 'management strategies' for the species to be followed according to the Ecological Management Plan 2017.

However, this management plan does *not* address long term site restoration proposals themselves, creation of habitats or their management. A plan of the plant site restoration has been provided and this appears to provide a good variety of habitats appropriate for the area – although they must be managed to maintain their quality and condition.

In this respect I note the application summary states the restoration of the main landfill will be to grassland and hedgerows and the plant site restoration will be to acid grassland wetland and scrub. I support this. In this context it must be recognised that all open grassland areas will require appropriate grazing or cutting if they are to be maintained and ecologically valuable habitats.

I also note in the planning statement 1.8.2 -  
*The main objective of aftercare is to restore land covered by the proposed development to a beneficial standard that will ensure successful planting and contribute and enhance local biodiversity.*

This is to be welcomed. I consider that if followed, this process should ensure that biodiversity will be taken properly into account in terms of creating good quality habitat and securing its appropriate management.

I am satisfied there are no outstanding ecological constraints associated with the proposals.

#### 6.10 Historic Environment Advisor (Archaeology HCC)

The development is unlikely to have a significant impact on heritage assets of archaeological interest.

#### 6.11 Rights of Way Officer (HCC)

No objections subject to £10 000 financial contribution toward upgrading of the internal public right of way from footpath to bridleway.



The sum is required to cover the cost of signs, vegetation clearance, surfacing and legal administration (for a s25 Dedication Agreement, to upgrade the routes to bridleway status).

#### 6.12 Flood Risk Management (HCC)

FRM have no objections. They note that the site currently exists and discharges into a lagoon which then discharges into a small ditch that becomes culverted downstream and conveys flows beneath the A10.

#### 6.13 Waste Management Unit (HCC)

The Waste Management Unit (WMU) is tasked with fulfilling the County Council's statutory duties as the Waste Disposal Authority for Hertfordshire and is required to identify points of disposal for Local Authority Collected Waste.

In order to move residual wastes (that which is left over after prevention, re-use, recycling and composting) further up the waste hierarchy, the WMU has procured contracts for the disposal of LACW through regional Energy from Waste (EfW) facilities. However, there remains a need for landfill capacity for some difficult/bulky waste types and where access to the EfW facilities is not possible given existing supporting infrastructure such as waste transfer stations.

The Westmill landfill facility is the last remaining major point of disposal within the County and enables nearby Waste Collection Authorities (WCA's) such as East Hertfordshire and Broxbourne Borough Council, along with proximate household waste recycling centres, to travel a reasonable distance to dispose of wastes collected, reducing the environmental impact of transporting LACW and enabling effective service provision at the kerbside.

Without a local disposal point, some Hertfordshire WCA's may be required to purchase additional Refuse Collection Vehicles (RCV's) to prevent disruptions in the collection of waste whilst other RCV's are travelling to and from disposal sites located further away.

As disposal facilities for LACW close to Hertfordshire are becoming increasingly limited, the extension of time for the Westmill landfill site would enable the continued provision of a local point for the disposal of LACW whilst the County Council works to provide long term arrangements for the treatment of residual wastes under its control. As such the WDA is fully supportive of the proposed application.

#### 6.14 Environmental Health (East Herts District)

No objections. The operations going forward are likely to have greater prominence than those already undertaken in terms of noise and odour

therefore it is recommended that appropriate strategies and monitoring arrangements are put in place or secured to ensure that any impacts do not exceed the relevant extant guidelines.

6.15 Environment Agency-

No objections. Initially did object on the grounds that insufficient information had been submitted with regards to protection of groundwater. The site lies on a principle aquifer. Following much discussion and revisions of the hydrology report submitted the Environment Agency now accept that groundwater protection would be adequate and the objection has been removed.

The Environmental Permit application for this proposal has been submitted and is waiting a decision.

6.16 Natural England-

Do not wish to make any comments on the application

6.17 Historic England-

Do not wish to offer any comments on the application

6.18 Ramblers Association

Public Footpaths 22 and 52, Wareside, cross the site. They have been temporarily closed, and are due for reinstatement by 18/11/2018. Please take the existence of these footpaths into account, when deciding on this matter. We've been waiting nearly 30 years to get our footpaths back.

6.19 Hertfordshire and Middlesex Wildlife Trust-Initial Response (have not responded to additional information received under regulation 22 request)

The EIA Scoping Opinion (05 December 2015) states: 'The Environmental Statement shall detail the impacts upon the ecology of the site for the period of the extended works. This report (phase 1 habitat study) shall also contain mitigation proposals for wildlife, protected species and flora for the proposed extension of time.'

The submitted ecological appraisal does not detail the impacts of the proposals on the ecology of the site, which it acknowledges with the following statement taken from the report (AEcol 2014): 'BS 42020 recommends that ecological reports in support of planning include a detailed description of any potential effects upon biodiversity to ensure significant negatives are addressed. Consideration of a development scheme proposal is beyond the remit of this assessment.'

Therefore no assessment of potential impacts upon biodiversity that might enable the application of the 'mitigation hierarchy' (in order to define and describe measures to resolve potential negative effects i.e. avoidance, mitigation or compensation) has been performed. As a result, it is concluded that this assessment  
CEMEX (UK) Materials LTD PHASE 1 SURVEY  
Westmill Quarry may be as yet insufficient to support a Planning Application in itself.'

Therefore by the admission of the submitted ecological report, insufficient information has been submitted to enable appraisal of the impacts of the extension of the works on the ecology of the site.

6.20 Sir Oliver Heald QC MP for North East Hertfordshire-  
(2<sup>nd</sup> February 2016)\_Objects to the proposal

"I understand that the owners of Westmill Quarry have made an application to extend it with minerals extraction continuing until 31 December 2016 and with landfill continuing until 2023 and restoration only to be complete by 2030. This does seem to be to be contrary to the spirit of the decision that Biffa should not be allowed to extend at Westmill. I also think that local people are entitled to certainty and that these endless further applications for extra mineral extraction have become unreasonable.

It should be remembered that this is land in the Green Belt and has been compromised for far too long. The proposal has also got implications for the River Rib and the local flora and fauna. This is an area with a high proportion of heritage and listed buildings and the traffic volumes associated with this development are disadvantageous to the area. It is also damaging to local business with the smells and dust.

I believe it is time the company were required to stick to the permission they have and finish the job. Westmill has had this for long enough. I do hope it will be possible for you to consider this objection."

6.21 Neighbours / Publicity; Publicity for this application was as follows:  
Initial Consultation:-

5 site notices were placed around the site, 1 at each vehicle entrance point, 1 at Gentlemen's Field Industrial Estate, 1 opposite the subway adjacent to the A10 road, 1 on Poles Lane, and 1 north of Downfield Court, 14 January 2016.

A press notice was placed in the Hertfordshire Mercury 14 January 2016.

A total of 850 neighbours were directly consulted via letter 13 January 2016.

A total of 36 objections were received with regard to the initial consultation.

Second consultation (on receipt of additional information under regulation 22 request of the Environmental assessment regulations)

A press notice was placed in the Hertfordshire Mercury 25 August 2016.

The 850 neighbours were re-consulted 17 August 2016.

The additional information consisted of:-

- Further information covering letter from agent
- Restored Rights of Way Routes
- Surface Water Drainage Assessment
- Transport Assessment
- Response to EA objection
- Landscape and Visual Impact Assessment
- LVIA appendices
- Concept restoration

A total of 14 objections were received with regard to the second consultation.

Third consultation (on receipt of further additional information under regulation 22 request of Environmental Assessment regulations)

On 28 June 2017, 5 new site notices were erected a further press notice was placed in the Hertfordshire Mercury and neighbours were re-consulted again on the following additional information:-

Further information in a covering letter from the agent  
Hydrological updated report  
Pre and post settlement contour plans  
Ecological management plan

A total of 5 objections were received with regard to the third consultation.

Representations in summary:

45 objections have been received in total from all neighbour consultations. A letter received from Hanbury Mews Residents Ltd. contained the signatures of 11 residents. A letter from Redbrick

Management was signed by 9 residents of Poles Park. Hanbury Manor Hotel have also objected to the application.

Neighbour concerns in summary are:-

- Odour. Adverse respiratory effects on neighbours. The perfume used to mask the smell does not reduce the hazard of respiratory effects.
- Litter. There has been litter blowing over from site. Poles Lane is often strewn with litter that has blown over from the landfill site, some ends up in trees
- Traffic. Dangerous high volumes of HGV vehicles on the A602
- Air pollution from traffic.
- Dust from operations and traffic
- There is a sweeper used by the operator but mud/debris still dispersed on the road
- Not a sustainable long term solution to waste disposal
- General disappointment at time extension for landfilling. Concern with initial length of cessation dates proposed. Previous time limits should be imposed. Lives of residents have been disrupted enough. Residents have tolerated the situation as the end of operations was expected as early as the end of 2017.
- Loss of footpath during operations
- Excessive number of flies
- Excessive number of seagulls and problems of birds droppings
- Impact on landscape, from attractive countryside to industrial mountain
- Is unacceptable development in the greenbelt
- There is a reduced need for landfill as the County plans in future to incinerate waste. Recycling is also increasing therefore there is no need to landfill. Cemex has finished quarrying on the site therefore there is a reduced requirement for extension of activities on the site.
- EA objections to potential impacts upon groundwater
- Is a breach of section 73 of the Town and Country Planning Act- this should not be dealt with as a variation but a full application
- Contrary to Human Rights Act
- Contrary to European Law and Policy
- Would be inappropriate to use public finances to monitor compliance of conditions
- The only motive is profit
- The on site "Bio-Genie" takes waste from outside the County (such as from London and Bedfordshire) why should Hertfordshire be used as the South East's dust bin?

6.22 Redbrick Management on behalf of Poles Park Residents Ltd (8 Feb 2016)-

Letter of objection outlining similar concerns to those of other neighbours with 9 signatures of residents attached to this report Appendix 1.

6.23 Hanbury Mews Residents Ltd (1 February 2016)-

Letter of objection with 11 signatures outlining similar concerns to those of other neighbours attached to this report Appendix 2.

6.24 Downfield Court Residents Ltd- have withdrawn all objections. Letters received 29 January 2016, 26 August 2016 and 24 August 2017. The initial objection letter contained signatures from 10 addresses. They note that the applicant has now reduced the overall cessation dates for landfilling and restoration however still have concerns how they have been able to operate outside of their permitted term whilst the application has been considered. The letter withdrawing the objections is attached to this report Appendix 3.

6.25 The Hanbury Manor Marriot Hotel- (15 December 2016)-

Object to proposals as:-

- Environmental Statement understates impacts and the effect on the hotels business
- Smells and dust
- Hotel often receives complaints from guests. 92 complaints were received in a 5 month period March to September 2015
- Hotel employs 232 staff and is therefore an important employer and leisure provider
- Visual impact and unjustified time extension sought.

Letter attached to this report (Appendix 4.)

## **7.0 Planning Issues**

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

The Principle and Need of Development  
Landscape and Visual Impacts  
Development in the Greenbelt  
Traffic and Highways  
Rights of Way  
Residential Amenity  
Ecology  
Ground water/Drainage  
The Historic Environment

## The Principle and Need of Development

- 7.2 The principle of extraction of sand and gravel from the site and restoration via landfill has long been established through various planning permissions as outlined earlier in this report. The latest permission for the site was granted 23 August 2013 and is now the principle permission related to Westmill Quarry and Landfill site.
- 7.3 Sand and gravel extraction has recently ceased (summer 2017) since the submission of the application was received (21/12/15). The application seeks to partially regularize the position therefore on the extraction which continued beyond initial restriction on condition 1 of the previous planning approval, which required that extraction cease on or before 31 December 2015. The condition also required the restoration of the site by the end of this year 2017.
- 7.4 The variation of condition 25 seeks to essentially vary final landscape contouring as outlined previously in this report. With regard to the sand and gravel extraction, the applicant has indicated that revised mineral reserve calculations at the site historically over time have indicated a larger reserve and this has impacted on the length of time required to extract the sand and gravel (now ceased), which has led to the requirement to revise the initial time constraints for reserve extraction and restoration. The remaining extractable reserve calculation in 2015 was 241,483 tonnes, which has now been exhausted (although was still being worked at the time of submission of this application).
- 7.5 Westmill mineral extraction area is identified as an existing site within the Minerals Local Plan and saved policy MP1 states:

*“Planning permission for the extraction of proven economic mineral reserves will only be granted where it is necessary to ensure that adequate supplies are available to meet the county’s agreed apportionment of regional supply.*

*The County Council will seek to maintain an appropriate landbank of sand and gravel reserves in accordance with government guidance, throughout the Plan period, consistent with the above apportionment, to enable an appropriate contribution to be made to meet the regions varying needs”*

Hertfordshire County Council’s apportionment figure is 1.39 million tonnes, the Minerals Local Plan apportionment was set at 1.99 million tonnes for the period 2002-2016. The additional 241,483 tonnes of sand and gravel extracted from Westmill Quarry did contribute towards maintaining a strategic land bank of minerals reserves required at the time in accordance with Minerals Local Plan policy MP1. This was also in accordance with paragraph 144.of the NPPF, which states that when determining planning applications, local planning authorities should *inter alia*:

-give great weight to the benefits of the mineral extraction, including to the economy;

-as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, Scheduled Monuments and Conservation Areas;

- 7.6 There was a need therefore to maintain the required landbank at the time for sand and gravel extraction to meet local and national requirement of supply. There is no conflict with policy MP2 of the Local plan which requires that the Council consider the existing quantity of permitted reserves and the rate at which and proposed timescale over which the permitted reserves will be worked. These are mute points however to some degree as since the application has been submitted the reserves have now been worked.
- 7.7 Westmill is identified as a specific site for sand and gravel extraction in the Proposals Map of the Local Plan under Policy MP3. The principle of sand and gravel extraction at the site has been clearly demonstrated and the need for the additional period of working the sand and gravel has been justified.
- 7.8 With regard to the landfill operation the following justification has been made by the applicant. Landfilling operations are continuing into final cells 9 and 10. The operator has intended to complete landfilling as soon as is possible as it is in their interests as this is how they effectively receive an income stream.
- 7.9 The waste industry has technically evolved over the last 15 years to incorporate regulation change such as the Landfill Directive 1999 and the Environmental Permitting Regulations 2007, which have positively protected the environment through better land fill engineered design in order to protect the environment from pollutants, perhaps most significantly from ground water contamination.
- 7.10 These regulation requirements, which are positive moves to further protect the environment may have however to some extent slowed the landfill process.
- 7.11 Waste streams have also evolved over the last 15 to 20 years as part of the waste hierarchy and government targets for recycling. Landfill would fall at the bottom of the hierarchy as disposal of waste and the preference would first to follow the principle of the three 'R's, to 'Reduce, Re-use or Recycle'.
- 7.12 The amount of waste reaching landfill generally has progressively fallen as a result of efforts to follow the 3 'R's. The applicant has indicated that the combination of changes in the waste stream and regulation has impacted upon the time necessary to complete restoration.



7.13 The case officer has no information before them which would conflict with the justification given for the extended period required for landfilling as part of the restoration process.

7.14 As the reclamation of Westmill is via landfill which is designed in accordance with permitting regulations the implications of premature cessation could have significant environmental consequences in the long term and lead to a detrimental restoration scheme and the land being classified as derelict which is contrary to planning policy, most specifically MP13.

7.15 Minerals Policy 13 of the Local Plan states,

*“The County Council will not allow land worked for minerals to become derelict or remain out of beneficial after-use. All applications for mineral working must be accompanied by a detailed, comprehensive proposal for progressive reclamation wherever practical. The proposed restoration and after use must be integral with the design of the proposed workings as a whole, irrespective of the proposed after-use.....”*

7.16 Waste disposal at Westmill is of a type that cannot be recycled or undergo extensive treatment, and as such the proposal does not conflict with Policy 4 of the Hertfordshire Waste Core Strategy, *Landfill and Landraise* which states that,

*“Proposals for additional capacity within existing landfill sites will only be granted planning permission as a last resort where it can be demonstrated that residual waste has already undergone extensive treatment and there are no other suitable means of disposal...”*

7.17 Minerals Policy 15 of the Local Plan states that,

*“The reclamation of mineral workings with waste will only be permitted where it can be demonstrated that the disposal of waste is necessary to achieve restoration proposals”*

It is clear that the site requires restoration, and the proposal accords with MP15 of the Local Plan in this context.

7.18 The principle of the development has been established therefore through the planning history of the site, and the principle of extensions to time limits on restoration as previously set are considered also to be acceptable and necessary given the justification of the applicant in delays in waste reaching the site (largely due to regulation change and improved recycling rates overtime).

7.19 This has consequently delayed completion of the landfilling process at Westmill. Subject to the assessment of landscape impact, the principle

of alternative contours in order to retain a silt lagoon on the site are also considered to be acceptable.

### Landscape and Visual Impacts

- 7.20 The application site does not have any formal landscape designation (such as AONB) but lies within the Suffolk and North Essex Clayland National Character Area.
- 7.21 Policy GBC14 Landscape Character of the East Hertfordshire Local Plan 2007 requires that a landscape character assessment be prepared to assess development proposals which will be required to improve and conserve local landscape character. A Landscape Visual Impact Assessment (LVIA) which describes landscape character and how this is likely to be affected has been submitted as part of the Environmental Statement accompanying the application.
- 7.22 Saved Minerals Policy 12 of the Minerals Local Plan (2002-2016) states that development proposals will be expected to respect landscape character both during operations and in proposals for reclamation and ensure that any distinctive landscape features are protected from the impact of development.
- 7.23 Saved Minerals Policy 18 of the Minerals Local Plan (2002-2016) states *inter alia* that:

All proposals for mineral extraction and related development shall, where appropriate:

*ii) demonstrate a satisfactory restoration landform, including full details of landscaping and long term management, which can be secured within a reasonable timescale and are appropriate to the area. The final landform should be one that has the appearance of one created naturally and set harmoniously within the surrounding landscape, consistent with the landscape character of the area, be sustainable and pose no long term risk to the environment by way of reduced stability”*

and :

*iv) include measures to minimise visual intrusion and any adverse impact on the local landscape.*

- 7.24 Policy 4 of the Hertfordshire Waste Development Framework (2011-2026) states that proposals for additional capacity within existing landfill sites shall demonstrate the visual impact on the character of the landscape and any mitigation.
- 7.25 The Landscape and Visual Assessment (LVIA) has been assessed by the Landscape Officer of the Council.

7.26 In summary, the Landscape Officer considers the following:-

The Landscape Officer has considered pre and post settlement contours at operational stage, and restoration stages for both the landfill area and area of most recent mineral extraction (described as the plant area). The landscape effects and significance of the effects as set out in the submitted LVIA were considered at length by the Landscape Officer who does not object to the proposals.

7.27 With regard to the Landfill area, whilst some effects are understated at operational stage in the LVIA as submitted, the Landscape Officer advises that the visual impact during operational stage will lead to moderate to major impacts on landform and visual amenity.

7.28 At the restoration stage of the Landfill area, the Landscape Officer is of the opinion that proposed pre-settlement contours would give rise to temporary major adverse effects on landscape character. However, as settlement occurs and planting becomes established the significance of effects diminishes relatively rapidly in the short term, and more slowly in the medium to long term to provide more effective mitigation and benefit landscape character.

7.29 With regard to post settlement contours of the Landfill area at restoration stage, the Landscape Officer considers that overall with established planting the scheme would result in negligible effects on the landscape character and visual amenity. Whilst there are some permanent residual minor-moderate landscape visual effects around the steep slope between the ridgeline and retained lagoon, the effects will diminish rapidly as planting becomes established.

7.30 With regard to the most recently worked area, 'the Plant site' to the north, the Landscape Officer considers that overall the proposed restoration scheme introduces a new diverse landscape and visual character within the lower valley slopes.

7.31 With regard to *significance of effects* of the Landfill Area the Landscape Officer has stated that the proposed operational stage and restoration does give rise to significant adverse landscape and visual effects and it is advised to reduce the duration of the operational stage as far as is possible.

7.32 The Landscape Officer does however recognise that several aspects of the development have been established under the previous permission, for example the highest part of the landform would not change at 86m AOD through the revised scheme.

7.33 However as noted above, as settlement occurs and the planting scheme becomes established, the effects diminish rapidly. The full term settlement (10 years+) will give rise to some permanent residual minor-

moderate landscape visual effects, as a result of the relatively steep slope between the ridgeline and the silt lagoon.

- 7.34 The visual harm after restoration of the landfill would therefore be minor to moderate after settlement. This also needs to be balanced against the economic benefits of the former mineral extraction which para 144 of the NPPF gives great weight to. The impact on the landscape will clearly remain significant during operational stage, however, the extension of time limit on the land fill is required to allow the restoration to proceed, and on balance the longer term minor-moderate impacts of the landfill area after restoration are considerate acceptable when weighed against the strategic need to retain and complete the landfill. In Landscape terms therefore the proposal is considered to be in accordance with local and national planning policy in this regard.

### Development In the Greenbelt

- 7.35 At District Level policy GBC1 of the East Herts Local Plan seeks to protect the openness and function of the Greenbelt and states,
- “Within the Metropolitan Greenbelt, as defined on the proposals Map, permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm.”*
- 7.36 At County level policy 6 of the Waste Development Framework relates to new or expansion to existing waste management facilities in the Greenbelt. Whilst this application does not relate to either a new or expansion of the landfill but a time extension to the existing operation, it still has some relevance such as that the proposal must demonstrate the need for the development, and how this cannot be met on alternative non-Greenbelt sites.
- 7.37 Chapter 9 of the NPPF identifies mineral extraction as an appropriate use within the Greenbelt provided that the openness of the Greenbelt is maintained.
- 7.38 The proposal does have a detrimental effect on the openness of the Greenbelt. Given however that this time extension will allow the time needed to fill landfill cells which then in turn will allow the proposed contours to be achieved through restoration and ultimately the return to grassland, then the proposal is not considered to be at odds with the intent of the policies identified. The benefits accrued from the development in terms of dealing with some of the County’s unrecyclable waste outweigh the potential impacts upon the Greenbelt which are temporary.

### Traffic and highways impacts

- 7.39 In accordance with saved policy TR3 of the East Herts Local Plan and Ch.4 of the NPPF, as a development that is likely to generate significant traffic movement the application has been supported by a Transport Assessment as part of the Environmental Statement, which has been reviewed by the County Highway Authority.
- 7.40 Whilst sand and gravel extraction has ceased since the submission of the application, the extended time limit proposed seeks to regularize the fact that the previous time limit has been exceeded (now therefore in retrospect)and also some sale of aggregate stocks is still continuing on site.
- 7.41 Minerals Policy 16 states that,
- “ Minerals development will only be permitted when the provision for vehicle movement within the site, the access to the site, and the conditions of the local highways network are such that the traffic movements likely to be generated by the development including proposed after use would not have an unacceptable impact on highway safety, the effective operation of the road network, residential amenity or the local environment”.*
- 7.42 At the time of submission of the application, The daily site traffic levels amounted to 80 two way HGV movements and 10 two-way staff vehicle movements per day associated with minerals extraction plus 422 two way HGV movements (211x2) and 24 two way staff vehicle movements (12x2) per day generated by the waste operations. In addition to the main site activities approximately 60 two way HGV movements per day are generated by the ready mix concrete plant.
- 7.43 As sand and gravel extraction has now ceased the overall figures have lowered, and on completion of the final landfill cells 9 and 10, HGV movements will again fall significantly.
- 7.44 The Highways Officer is satisfied with the findings of the Transport Assessment, that the proposal will not increase traffic on the surrounding highways network or impact significantly upon highway safety.
- 7.45 Subject to conditions placing restrictions on vehicle movements and washing of wheels before vehicles leave the site and a contribution of £30 000 to the Highway Authority for road cleaning and any repair to the network as a result of the development(through section 106 legal agreement), then the Highways Authority have no objection to the proposals which are considered to accord with local and national planning policy in this regard.

#### Rights of Way

- 7.46 Policy 15 of the Hertfordshire Waste Core Strategy states that:

Westmill Landfill Site, Ware

*“Waste management proposals should ensure that public Rights of Way are not adversely affected or, where this is not possible, that good quality, safe and convenient alternative provision is made or suitable replacement Right(s) of Way is secured.....Proposals should enhance the public Rights of Way network through the creation of new Rights of Way and/or open space, or the improvement of existing access.”*

- 7.47 Three footpaths surround the Westmill site. Footpath no. 23 to the north runs along the northern aggregate plant boundary along the gardens of Downfield Court and links with footpath no. 22.
- 7.48 The definitive line of footpath no.22 ran north to south from Downfield Court to the junction of the A602 near Gentlemen’s Field. This route has been partially diverted on a temporary basis from the east of Gentlemen’s Field along the A10 to Poles Lane until 10/11/2018. Footpath 53 is also temporarily closed until 10/11/2018.
- 7.49 A consequence of this planning application is to delay reinstating the rights of ways. The Applicant seeks to extend the temporary closure and diversion of Rights of Way no 22 and 52 until the end of restoration in 2027. A separate application to temporarily stop and divert the footpaths shall be submitted should the planning application be successful.
- 7.50 The Rights of Way Officer (HCC) has no objections to these proposals subject to £10 000 financial contribution toward upgrading of the internal public right of way from footpath to bridleway.
- 7.51 The sum is required to cover the cost of signs, vegetation clearance, surfacing and legal administration (for a s25 Dedication Agreement, to upgrade the routes to bridleway status). The contribution would be secured through section 106 legal agreement. No objections subject to £10 000 financial contribution toward upgrading of the internal public right of way from footpath to bridleway.
- 7.52 The Ramblers Association have stated that they have not been able to use these parts of footpaths 23 and 52 for 30 years, however, appropriate diversions have been put in place and will be accommodated for again should the application be successful.
- 7.53 The internal paths would also be upgraded to bridleways as a consequence of the development which is seen as a community benefit and in accordance therefore with Policy 15 of the Hertfordshire Waste Core Strategy.

#### Residential amenity

- 7.54 Saved Policy MP18 of the Minerals Local Plan requires that development demonstrate that no significant noise intrusion and no

significant degradation of the air will arise from the development. Policy 11 of the Waste Core Strategy requires that the proposed operation of the site will not adversely impact upon the amenity of human health.

7.55 The NPPF at para.144 similarly requires that there be no impact upon human health. The closest residential properties to the site are on Downfield Court, a collection of 10 dwellings which are positioned to the north east corner of the site within 20 metres of the boundary to the aggregate plant site. There are also several properties north of Downfield Court, including Downfield Cottages. The grounds of Hanbury Manor Hotel about the site to the north east with residents of Poles Park and Hanbury Muse further east, and a large concentration of properties are found within 100 metres of the site to the south across the A10 road, including Greyfriars, Wheatsheaf Drive and Dovedale.

7.56 The environmental assessment as submitted included noise, air quality and odour surveys. These have been considered by the Environmental Health Officer at the District Council who has made no objection to the proposal but has stated that:

*“The operations going forward are likely to have greater prominence than those already undertaken in terms of noise and odour therefore it is recommended that appropriate strategies and monitoring arrangements are put in place or secured to ensure that any impacts do not exceed the relevant extant guidelines”.*

7.57 With regard to air quality the ES (Environmental Statement) found that the continuation of mineral extraction (now ceased) and restoration via landfill would not introduce any additional dust sources but would see a continuation of existing operations. Whilst the extraction has ceased there are limited stockpiles still at the site for sale. The following dust suppression methods would continue to be implemented for the duration of both gravel sales and landfilling operations:-

Water bowser  
Dampening of haul roads  
Spraying of stock piles  
Seeding of soil mounds  
Cease tipping in high winds

7.58 The site has not recorded any nuisance from dust and effects from extraction have now ceased. Conditions requiring water bowsters on site and wheel washing of HGV's would be attached to any approval. The site is not within an Air Quality Management Area (AQMA) and whilst some objections have been received from residents with regard to air pollution, no objections have been received from Environmental Health. It is considered that the appropriate dust suppression methods outlined above would maintain air quality at acceptable levels.

- 7.59 With regard to noise, a full noise assessment has been submitted with the application. The assessment showed that noise limits for daily landfilling operations can be maintained below in accordance with National Planning Policy Guidance at 55db( Laeq ) for the duration of operations sought. Noise limits have been restricted through conditions attached to the previous planning permission, which would again be attached should this application be successful. Operations are further limited by time restriction conditions on HGV movements as follows:
- HGV for sales and delivery purposes: 0600-1800 Monday to Friday and 0600 to 1300 hours Saturday, no HGV movements Sunday or bank holiday
- 7.60 There is an acoustic bund adjacent to Downfield Court which will be retained with associated planting, which has assisted in limiting noise impact significantly.
- 7.61 As operations diminish on site associated noise levels shall also be reduced, further limiting impact. Towards the end of the restoration, there will be a short period when the screening effect is reduced however as earth moving for restoration increases. This would not exceed 70db (Laeq ) for a period of approximately 8 weeks, which is considered acceptable for temporary operations and in accordance with previous conditions attached which allowed for a higher noise levels for temporary operations.
- 7.62 With regard to odour, the site is already and separately regulated by the Environment Agency under an Environmental Permit, which deals with relevant pollution control including a detailed odour management plan, which will continue to be applied. National Planning advice is that the Planning system does not need to and should not duplicate such controls.
- 7.63 The Odour Management Plan for the site includes a dry odour system which is located along the eastern boundary of the site adjacent to Poles Lane and Hanbury Manor, which sprays fragrance to mask smells at fence height.
- 7.64 The Environmental Statement recognizes that the continuation of landfill restoration and implementation of the proposed restoration scheme would result in odour from the site until cessation of operations. Once the site has been capped odours from the placement of material shall cease and odour from specific waste types would also cease. Landfill gas management shall continue beyond restoration and shall be monitored as part of the landfill permit.
- 7.65 The impact of odour has to be balanced however against the extension of time for landfilling which will allow the final restoration of the site to the required contours.



7.66 There are clear impacts upon residential amenity in terms of noise, air quality and odours. The Environmental Statement has demonstrated that effective mitigation through the use of planning conditions can be achieved to reduce these effects as much as is possible through planning condition where possible, but also in the separate Environmental Permit regime for the site. The impacts are temporary however, will reduce over time and will cease upon completion of the landfill operation and restoration. The effects have to be weighed against the benefits of the scheme- which has an economic and strategic role (Westmill is the last the Landfill within Hertfordshire). On balance the case officer is of the opinion that the temporary effects upon residential amenity do not outweigh the benefits of the scheme, including the required time for final restoration, and as such the proposal is considered to be in general accordance with local and national planning policy with regard to potential impact upon residential amenity.

### Ecology

7.67 Saved Minerals Policy 9 states that of the Minerals Local Plan states that,

*“Proposals for mineral development should, where appropriate, provide opportunities to contribute to the delivery of national, regional, and local biodiversity action plan targets. Additionally, proposals that prejudice the delivery of these targets or would result in the loss of, or damage habitats and/or species will not be supported. Where appropriate, the minerals planning authority will seek long-term overall enhancement to local biodiversity through restoration or by other means such as by the attachment of conditions or planning obligations”*

7.68 Policy 4 of the of the Hertfordshire Waste Development Framework states that disposal of waste and restoration with inert material by raising the level of the land will only be granted permission where it would result in in significant or other environmental benefit.

7.69 Policies 11 and 19 similarly seek to safeguard Hertfordshire’s natural environment, requiring that proposed developments will not adversely impact upon wildlife habitats and the natural environment and where appropriate should provide opportunities to contribute to biodiversity targets(such as that set in the Biodiversity Action Plan).

Chapter 11 of the NPPF seeks to conserve and enhance the natural environment.

7.70 No objections have been received from the Ecology Officer (HCC) who is satisfied with an ecological management plan (EMP) which was submitted by the applicant. Following much discussion between the case officer and the Ecology Officer, it is noted that any impacts upon bio-diversity as a result of the development are existing (given that the

use is existing) and that final restoration will have positive benefits for wildlife.

- 7.71 Whilst the wildlife trust objected initially with regard to lack of information with regard to the initial submission, they were re-consulted on the later submission of the Ecological Management Plan, and have not responded.
- 7.72 The Ecology Officer has confirmed that they are happy that no further survey work is required prior to determination of the application, as the use is existing, but also as restoration will occur over a number of years, and as any additional survey work now would not necessarily identify species which may be present in future.
- 7.73 It is recommended that a condition to follow the recommendations of the EMP is attached should the application be approved, but also an informative to indicate that if any protected species are encountered during operations or restoration that it is the developer's responsibility to obtain an appropriate license from Natural England should this be necessary.
- 7.74 Following the advice of the Ecology Officer (HCC) the application is considered to be acceptable and in accordance with the policies identified above.

#### Ground Water/Drainage

- 7.75 Chapter 10 of the NPPF seeks to direct development areas of low flood risk. The site is within Flood zone 1, outside of the flood plain of the River Rib and is at very low risk of flooding. The Flood Risk Management Team have no objections. They note that the site currently exists and discharges into a lagoon which then discharges into a small ditch that becomes culverted downstream and conveys flows beneath the A10.
- 7.76 Policy 16 of the Hertfordshire Waste Development Framework requires that waste management proposals will not have a negative impact on the water environment.
- 7.77 A principal aquifer runs under the site and as such a detailed hydrological survey has been submitted with the application. The calculations of this survey have been revised at the request of the Environment Agency, who are now satisfied that there would be no significant impacts bourn from the development in terms of protection of groundwater and the aquifer.
- 7.78 This is also controlled via the permitting regime with the Environment Agency through ongoing monitoring of the site including leachate extraction to ensure protection of groundwater.

- 7.79 Given that the Environment Agency and Flood Risk Management Team have no objections, the proposal is considered to be in accordance with the planning policies identified above.

### The Historic Environment

- 7.80 Chapter 12 of the NPPF seeks to preserve and enhance the historic environment. Policy 11 of the Hertfordshire Waste Development Framework requires that the scale of development is appropriate to the location and the character of the surrounding built environment.
- 7.81 Saved policies BH2 (Archaeological Evaluation Assessments) and BH16 (Historic Parks and Gardens) of the The East Herts Local Plan, are also of relevance.
- 7.82 Poles Park which is a Grade II Registered Park and Garden surrounds Poles Convent which is a Grade II\* Listed Building is located to the east of the site (now known as Hanbury Manor /Golf Hotel). Westmill Farm House (Grade II), Garden Walk on the south of Westmill House (Grade II), Westmill House (Grade II\*), Westmill (Grade II) are about 10 metres north east of Westmill (Grade II) are all located 150m to the north and west of Westmill Quarry.
- 7.83 Historic England have been consulted with regard to the application however did not wish to pass comment on the application. The Historic Environment Advisor (Archaeology HCC) has considered an archaeological evaluation submitted with the Environmental Statement and is of the opinion that the development is unlikely to have a significant impact on heritage assets of archaeological interest.
- 7.84 Given that the quarry and landfill operation already exist and this application seeks an extension of time to operations and restoration, it is not considered that there would be any significant impact upon heritage assets including the setting of listed buildings and the application is in accordance with the policies identified.

## **8.0 Conclusion**

- 8.1 The principle of the development has been established therefore through the planning history of the site, and the principle of extensions to time limits on restoration as previously set are considered also to be acceptable and necessary given the justification of the applicant in delays in waste reaching the site (largely due to regulation change and improved recycling rates overtime).
- 8.2 This has consequently delayed completion of the landfilling process at Westmill. The principle of alternative contours in order to retain a silt lagoon on the site are also considered to be acceptable. The proposal does have a detrimental effect on the openness of the Greenbelt.

Given however that this time extension will allow the time needed to fill landfill cells which then in turn will allow the proposed contours to be achieved through restoration and ultimately the return to grassland, then the proposal is not considered to be at odds with the intent of the policies identified. The benefits accrued from the development in terms of dealing with some of the County's unrecyclable waste outweigh the potential impacts upon the Greenbelt which are temporary.

- 8.3 The visual harm after restoration of the landfill would be minor to moderate after settlement. This also needs to be balanced against the economic benefits of the former mineral extraction which para 144 of the NPPF gives great weight to. The impact on the landscape will clearly remain significant during operational stage, however the extension of time limit on the land fill is required to allow the restoration to proceed, and on balance the longer term minor-moderate impacts of the landfill area after restoration are considered acceptable when weighed against the strategic need to retain and complete the landfill.
- 8.4 Subject to the conditions placing restrictions on vehicle movements and washing of wheels before vehicles leave the site and a financial contribution of £30 000 to the Highway Authority for road cleaning and any repair to the network as a result of the development (through section 106 legal agreement), then the Highways Authority have no objection to the proposals which are considered to accord with local and national planning policy in this regard.
- 8.5 The Rights of Way Officer (HCC) has no objections to the proposals subject to £10 000 financial contribution toward upgrading of the internal public right of way from footpath to bridleway.
- 8.6 There are clear impacts upon residential amenity in terms of noise, air quality and odours. The Environmental Statement has demonstrated that effective mitigation through the use of planning conditions can be achieved to reduce these effects as much as is possible through planning condition where possible, but also in the separate Environmental Permit regime for the site. The impacts are temporary however, will reduce over time and will cease upon completion of the landfill operation and restoration. The effects have to be weighed against the benefits of the scheme- which has an economic and strategic role (Westmill is the last the Landfill within Hertfordshire). On balance the case officer is of the opinion that the temporary effects upon residential amenity do not outweigh the benefits of the scheme, including the required time for final restoration, and as such the proposal is considered to be in general accordance with local and national planning policy with regard to potential impact upon residential amenity.
- 8.7 Given that the Environment Agency and Flood Risk Management Team have no objections, the proposal is considered to be in accordance with planning policies relating to flood risk and ground water protection.

- 8.8 The Ecology Officer is satisfied that there would be no significant impact upon biodiversity and ecology in accordance with the relevant planning policies.
- 8.9 Given that the quarry and landfill operation already exist and this application seeks an extension of time to operations and restoration, it is not considered that there would be any significant impact upon heritage assets and the application is in accordance with the policies identified.
- 8.10 Taking all material considerations and planning policy into account, , including all of the information as submitted in the environmental statement, it is recommended that subject to the application being referred to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009 and the Secretary of State deciding not to call in the application for his determination, the Chief Executive and Director of Environment should be authorised to grant planning permission subject to the completion of a section 106 Legal Agreement with the developer for a financial contribution of £30,000 to the Highway Authority for road cleaning and any repair to the network as a result of the development; a £10,000 financial contribution toward upgrading of the internal public right of way from footpath to bridleway and conditions as follows:

#### Time Limits For Cessation

1. Sand and gravel processing shall cease by 31 December 17. All plant, machinery, equipment and buildings associated with the winning and working and processing of minerals (including ready mix plant) shall be removed from the site by 31/12/20; the infilling of waste shall cease by 31 December 2021; the capping of waste shall be complete by 31 December 2022; and final restoration shall be complete by 31 December 2027.

Reason: In the interests of residential amenity, in order to limit visual impacts from the development and in the interests of timely restoration.

#### Vehicle Movements (Whole Site)

2. No more than 482 HGV movements (241 in, 241 out) per day shall take place Monday to Friday into/out of the Westmill Landfill and Quarry/Ready Mix Plant and no more than 200 HGV movements (100 in, 100 out) shall take place on Saturdays into/out of the Westmill Landfill and Quarry/Ready Mix Plant unless otherwise agreed in writing in advance by the Waste Planning Authority in exceptional circumstances.

Reason: In the interests of Highway Safety

### Vehicle Movements (Quarry)

3. No more than 80 HGV movements (40 in, 40 out) per day shall take place Monday to Friday into /out of the Westmill Quarry and Ready Mix Concrete Plant and no more than 40 HGV movements (20 in, 20 out) shall take place on Saturdays into/out of the Westmill Quarry and Ready Mix Concrete Plant unless otherwise agreed in writing in advance by the Waste Planning Authority in exceptional circumstances.

Reason: In the interests of Highway Safety

### Wheel Cleaning

4. No commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the highway.

Reason: To prevent the deposit of mud onto the road in the interest of highway safety.

### Covered Loads

5. No open backed loaded vehicles under the control of the operator shall enter or leave the site unless they are securely sheeted

Reason: In the interests of highway safety.

### HGV hours

6. The permitted hours for HGV access for sales and delivery purposes are hereby restricted to 0600-1800 hours Monday to Friday and 0600-1300 hours Saturday.

Reason: To enable the Mineral Planning Authority to adequately control the development and minimise its impact on the amenities of the local area.

### Permitted Hours of operations

7. No soil handling, excavation, or tipping of waste shall be carried out , other than the following times:07.00-18:00 hours Monday to Friday, 07.00-13:00 hours Saturday and no such operations (other than essential maintenance work) shall take place on Saturday afternoon, Sunday, or Bank Holidays or between 0700 and 0800 Monday to Saturday within 150 metres of any residential properties without the prior agreement of the Mineral Planning Authority.

### Further Development

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any subsequent revisions to the Order that may occur, no building, fixed plant, fixed machinery or fixed structures shall be erected on the land without

planning permission and the written agreement of the Mineral Planning Authority shall be obtained prior to the placing of any buildings or structures in the nature of the portable plant.

Reason: To minimise the adverse impact of operations on the local community in terms of visual intrusion.

#### Quarry Processing Plant

9. The existing processing plant shall be used solely for the processing of material excavated from the area subject of this permission and no materials shall be imported from elsewhere for processing without the prior written agreement of the Mineral Planning Authority.

Reason: To ensure the prompt and effective restoration of the site and plant area.

#### Vehicle Noise

10. All vehicles and plant employed within the site shall be fully maintained in sound working order at all times and shall be fitted with, and use effective silencers, provided in accordance with manufacturers recommendations.

Reason: To enable the Mineral Planning Authority to adequately control the development and minimise its impact on the amenities of the local area.

#### Noise from operations restriction

11. Except for temporary operations, between the hours of 0700 and 1800 on permitted working days, noise from operations on the site including both fixed and mobile plant and machinery, shall not exceed 55dB LAeq 1h (free field) or the existing background noise levels (LA90) at noise sensitive properties, as shown on plan 1 attached to this schedule of conditions, by more than 10dB LAeq (1 hour) free field as measured at the nearest noise sensitive property, whichever is the lower. The operators shall take such measures to ensure that this noise level is not exceeded.

Reason: To enable the Mineral Planning Authority to adequately control the development and minimise its impact on the amenities of the local area.

#### Noise from sales and deliveries restriction

12. Between the hours of 0600 and 0700 on permitted working days, noise from sales and deliveries operations on the site shall not exceed 42dB LAeq 1h (free field) or the existing background noise levels (LA90) at noise sensitive properties as identified in the noise assessment as

submitted. The operators shall take such measures to ensure that this noise level is not exceeded. Measurements so taken shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

Reason: To enable the Mineral Planning Authority to adequately control the development and minimise its impact on the amenities of the local area.

#### Noise from temporary operations restriction

13. For temporary operations such as site preparation, soil and overburden stripping, bund formation and removal and final restoration, the free field noise level due to work at the nearest point to the noise sensitive properties, as identified on plan. No 1 attached to this schedule of conditions shall not exceed 70 Laeq. Temporary operations shall not be carried for more than eight weeks in any calendar year where those operations are within 150 metres of any noise sensitive properties.

Reason: To enable the Mineral Planning Authority to adequately control the development and minimise its impact on the amenities of the local area.

#### Groundwater protection 1

14. Except with the prior written approval of the Mineral Planning Authority, no water shall be discharged direct from the site to any river, stream, ditch or other watercourse beyond the boundaries of the site. No solid matter shall be deposited so that it passes or is likely to pass into any water course.

Reason: To protect the ground water environment.

#### Groundwater protection 2

15. Any oil, fuel lubricant or other potential pollutant shall be handled on the site in such a manner as to prevent pollution of any watercourse or aquifer. Fuel or oil storage tanks shall be housed in an area with an impervious base surrounded by oil and fuel tight bund walls of sufficient height and construction. The bunded volume shall be capable of containing 110% of the volume of all of the enclosed tanks and pipework and shall also enclose all fill and drain pipes, which shall vent downwards.

Reason: To protect the groundwater environment.



### Dust Suppression

16. Measures shall be taken to prevent nuisance from windblown dust arising from operations at the site and such measures shall include the use of water bowsers to dampen down the materials handled on site, the internal haul roads and other areas traversed by vehicles and machinery.

Reason: To enable the Mineral Planning Authority to adequately control the development and minimise its impact on the amenities of the local area.

### Restoration Plans

17. The restoration of the site shall be carried out in accordance with the Concept Restoration Plan P3\_285\_9 submitted 17<sup>th</sup> August 2016; WK038300 and Drawing 003 rev 3- Cross Sections, Drawing 002 Proposed pre and post settlement levels; WK038400 Post Settlement contours, WK038500 Pre-settlement contours, received 9<sup>th</sup> June 2017.

Reason: To ensure that the site is restored in an orderly manner to a condition capable of beneficial after use and in the interests of the amenities of the local area.

### Planting

18. All planting and seeding shall be carried out in accordance with the details of the approved restoration plans and shall be maintained for five years after completion of the restoration. Any trees that within a year of planting die or become damaged, diseased or removed shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the site is restored in an orderly manner to a condition capable of beneficial after use and in the interests of the amenities of the local area.

### Removal of plant/structures

19. All plant, buildings, machinery and sanitary facilities and their foundations and bases, together with any internal access roads and vehicle parking, shall be removed from the site at such time as the Mineral Planning Authority, after consultation with the operator, shall determine that they are no longer required for the working or restoration of the site, and the site restored in accordance with the plans approved under this permission.

Reason: To ensure that the site is restored in an orderly manner to a condition capable of beneficial after use and in the interests of the amenities of the local area

### Aftercare

20. Full details of aftercare, for a minimum period of five years post restoration, and intended afteruse of the proposed restoration scheme shall be submitted to and agreed in writing by the Local Planning Authority within 6 months of the date of this permission.

Reason: To ensure that the site is restored in an orderly manner to a condition capable of beneficial afteruse and in the interests of the amenities of the local area.

### Ecology

21. The management strategies identified in the Ecological Management Plan as submitted 9 June 2017 shall be followed by the developer.

Reason: In the interests of Ecological preservation and enhancement

### Display of Permission

22. The terms of this permission and any schemes or details approved pursuant thereto shall be displayed at the site office, and shall be made known to any person(s) given responsibility for the management or control of operations.

Reason: To enable an easy reference and to encourage compliance with the requirements of this permission.

### Informative-

It is brought to the attention of the Developer that should any protected species be encountered during the life of this permission upon the site, that they have a duty to seek the appropriate advice and /or licences if necessary to deal with such species from Natural England.

### *Background information used by the author in compiling this report*

Application documents  
NPPF 2012  
East Herts Local Plan Adopted April 2007 (Saved Policies)  
Hertfordshire Waste Development Framework Waste Site Allocations  
Development Plan Document 2011-2026  
Hertfordshire Minerals Local Plan Review 2002-2016 (saved policies)  
Hertfordshire Waste Core Strategy 2011-2026  
Neighbour representations  
Consultee responses



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Hertford  
Herts  
SG13 8DN

8 February 2016

Ref: 095/01 AD

Dear Mrs. Foster,

With reference to:

**APPLICATION FOR VARIATION OF CONDITION 1 AND CONDITION 25 OF PLANNING PERMISSION 3/1228-13 TO EXTEND THE LIFE OF THE SAND AND GRAVEL EXTRACTION AND RESTORATION VIA LANDFILL AND TO AMEND THE RESTORATION DETAILS AT WESTMILL LANDFILL SITE, WESTMILL ROAD, WARE, HERTS SG12 0ES.**

The properties at Poles Park have been affected most noticeably in the past 6 months where landfill operations have been concentrated in Cell 8, closest to the Poles Lane perimeter and prior to this a few years ago by the activity in Cell 5. In certain climatic conditions, we detect the lingering unpleasant odour of decomposing waste rather like the smell from the back of a dustbin lorry. We have tolerated this and not registered regular complaints, as the problem is sporadic and we have understood that the landfill site has a finite lifespan and that we could look forward in the near future to enjoying the amenities of a restored site, original restoration anticipated from 2017.

Living in the grounds of Hanbury Manor, many of us in addition pay for and enjoy using the adjacent facilities of the golf course and tennis courts, as well as the gardens, all of which have at regular intervals suffered from the same odour problem, as well as litter being blown across in strong winds.

We recognize the importance commercially of fully exploiting the mineral resources available, but feel that extending the process of landfill and capping followed by restoration for up to 15 years beyond the original permit is unreasonable and does not motivate the operators of the site to make every effort to hasten the process. Some compromise must be agreed as the proposed extended deadline is far beyond what would have originally been approved, and is therefore not in the spirit of fair planning and development.

We realize that the restoration process involves a time period for settling of deposited landfill before final landscaping, but the anticipated completion dates seem overly pessimistic. We would be in favour of allowing cells 9 and 10 to be completed and capped over the next few years with a final capping date pre 2020 so that work can begin in the meantime on restoring





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## Management

the quarry site and the whole site can begin the process of restoration at an earlier date. In addition there should not be scope for further extensions to permit deadlines as this makes a farce of the procedure.

We would also urge that efforts are made at the earliest opportunity to replant and screen in the corner of Cells 8 and 9 and along Poles Lane while operations continue so that this public right of way can once more be used and enjoyed by residents in this area of Ware.

Yours Sincerely,  
For and on behalf of  
Poles Park Residents Limited

**Mr C and Mrs J Harris**  
2 Poles Park, Hanbury Drive, Thundridge, Ware, Herts SG12 0UD

**Mr D and Mrs A Marcus**  
3 Poles Park, Hanbury Drive, Thundridge, Ware, Herts SG12 0UD

**Mr C and Mrs M Dosssetter**  
4 Poles Park, Hanbury Drive, Thundridge, Ware, Herts SG12 0UD

**Mr D and Mrs L Hart**  
5 Poles Park, Hanbury Drive, Thundridge, Ware, Herts SG12 0UD

**Mr A and Mrs L Mitchell**  
6 Poles Park, Hanbury Drive, Thundridge, Ware, Herts SG12 0UD

**Mr P and Mrs J Haffer**  
7 Poles Park, Hanbury Drive, Thundridge, Ware, Herts SG12 0UD

**Mr D and Mrs S Cooper**  
8 Poles Park, Hanbury Drive, Thundridge, Ware, Herts SG12 0UD

**Mr M and Mrs M Patel**  
9 Poles Park, Hanbury Drive, Thundridge, Ware, Herts SG12 0UD

**Mrs J Edwards**  
10 Poles Park, Hanbury Drive, Thundridge, Ware, Herts SG12 0UD



SCANNED

6 7 FEB 2016

County Hall Post

**Hanbury Mews Residents Ltd  
2 Hanbury Mews, Hanbury Drive, Ware, SG12 0UB**

**Jenny Foster  
Spatial Planning and Economy Unit  
CHN216, County Hall  
Hertford  
Hertfordshire SG13 8DN**

26<sup>th</sup> January 2016

Dear Jenny,

**Cemex application for permission to extend the life of operations at Westmill Quarry**

**These comments are made on behalf of Hanbury Mews residents in response to the letter from the Spatial Planning and Economy Unit of Hertfordshire County Council dated 13<sup>th</sup> January 2016.**

**Local residents have experienced serious environmental problems, and at times hardship, over many years resulting from the nearby Westmill quarrying and landfill operations. The most serious problem has been that of odour transmission, which still persists, and for which the Operators were at one stage successfully prosecuted, but there have been others including the spread of litter, dust, excessive noise and heavy traffic movement. For the last 15 years residents have tolerated the nuisance and co-operated with the Operators, notably via joint membership of the Westmill Liaison Committee, in efforts to minimise the environmental problems. This was done in the expectation that these problems would disappear with the termination of Westmill operations at the end of 2017 at the expiry of the existing planning permission. However it has become evident that the Operators will not be able to complete the quarrying, landfill and restoration of the site within the permitted time, and residents are now utterly dismayed to learn that the Operators are seeking a Westmill life extension of up to 13 years to allow them to complete their work on the site.**

**This is an intolerable prospect for a local community that has suffered for so long, and Hanbury Mews residents wish to register their strong objection to the Cemex application to extend the life of Westmill operations beyond the currently planned termination date of end 2017.**

**However if, notwithstanding our objection, Hertfordshire County Council is still prepared to consider a Westmill life extension, we make the following comments in relation to the Cemex application:**

- The proposed extension period, ending as late as 2030, is unreasonably and inexplicably long. The proposal calls for a period of 6 years to landfill Cell 10, whereas it took a similar time to landfill Cells 5, 6, 7 and 8 in total, and a further period of up to 6 years to cap and restore the site. It is our view that any extension of Westmill operations, if permitted, can and should take place over a very much shorter period.**

- Maintenance of the strictest possible control over environmental impact, particularly odour emission, must be ensured, with continuing efforts to minimise such problems
- In reaching any decision on the duration of life extension, the County Council should bear in mind the continuing blight on property values in Hanbury Mews, caused by the proximity of the Westmill operations.

We trust that you will recognize the seriousness of our concern about the Cemex application.

Yours sincerely,

Peter Greatrex  
Secretary - Hanbury Mews Residents Ltd

For and on behalf of:

- 2 Hanbury Mews
- 2 Hanbury Mews
- 5 Hanbury Mews
- 8 Hanbury Mews
- 9 M.E.W.S
- 9 Hanbury Mews
- 1. Hanbury Mews
- 1 Hanbury Mews
- 4. Hanbury Mews
- 11, Hanbury Mews.
- 10

Appendix 5  
Objection  
withdrawn

**DOWNFIELD COURT RESIDENTS LTD**

Chairman : David Beynon, 1 Downfield Court, Hanbury Drive, Thundridge  
Ware, Herts SG12 0SB  
Tel & Fax : 01920 484614 e-mail : beynondavid@hotmail.com

24th August 2017

Jenny Foster  
Spatial Planning and Economy Unit  
CHN216, County Hall  
Hertford  
Herts SG13 8DN

Dear Jenny,

**Cemex Application to extend the life of the Westmill Site operations**

In our letter to HCC dated 25<sup>th</sup> August 2016 we expressed the serious concerns of Downfield Court residents about the proposed variations to Planning Permission 3/1228-13, and placed on record our objection to them. Much time has elapsed since the Application was first submitted, during which Cemex and Biffa have made considerable progress, outside the terms of their existing Permission, towards the completion of their extraction and landfill operations, and have reduced the proposed timeline for extraction, landfill and reinstatement at Westmill.

We find it difficult to understand how or why Cemex /Biffa have been allowed to continue their operations for so long outside their permitted term, and we still have concerns about the lengthy duration proposed for continuing Westmill operations, and the continuing impact this will have on the local community. However the changes that have taken place during the long delay in the submission of the Application leave us to believe that there is now little purpose in maintaining our formal position, and we have decided to withdraw our objection to the Cemex Application, and also our request to be represented at the forthcoming meeting of the HCC Planning Committee.

We will of course continue to take part in the Westmill Liaison Group meetings, but it is appropriate at this point to thank you personally for the balanced and helpful way you have conducted these meetings, maintaining an excellent relationship with those of us representing the residents of Downfield Court.

Yours sincerely,

David Beynon





13<sup>th</sup> December 2016

Our Ref: AR/MR/HAN1903 216383

7 5 DEC 2016



FAO Mrs Jenny Foster  
 Spatial Planning and Economy Unit  
 County Hall  
 Hertford  
 Herts  
 SG13 8DN

Dear Mrs Foster,

**RE: APPLICATION (YOUR REFERENCE PL\0750\15) FOR THE VARIATION OF CONDITION 1 (TIME LIMIT FOR COMMENCEMENT) AND CONDITION 25 (RESTORATION) OF PLANNING PERMISSION 3/1228-13 TO EXTEND THE LIFE OF THE SAND AND GRAVEL EXTRACTION AND RESTORATION VIA LANDFILL AND TO AMEND THE RESTORATION DETAILS AT WESTMILL LANDFILL SITE, WESTMILL ROAD, WARE, HERTFORDSHIRE, SG12 0ES**

I write on behalf of my client, The Hanbury Manor Marriott Hotel and Country Club, to **Object** to the above planning application for the reasons as set out herein. This letter supplements earlier representations submitted by the hotel in response to the consultation process, in the form of letters dated 26<sup>th</sup> January and 16<sup>th</sup> February 2016, which you will no doubt retain on the planning case file.

The Hanbury Manor Hotel and Country Club occupies the eastern boundary to the Westmill Quarry/Landfill site and is directly and adversely affected by its continued operation for landfill purposes. The Environmental Statement (ES) that accompanies the application, indicates that the combined impacts of the continuation of operations at Westmill (Noise, Air Quality, Transport & Visual) on Hanbury Manor Hotel, as a sensitive receptor, will be 'moderate'. However, for reasons to be explained in the text that follows, this assessment clearly understates the real impact that the operation of the site has had and will continue to have on the Hotel in regard to the environment it provides for its guests and the real effects on the business in general.

It is only too evident to the hotel, its staff and indeed its customers that the continued operation of the landfill site gives rise to significant impacts on the amenities of the hotel and its grounds, which has and continues to have significant ramifications for the business and indeed its future business plans if this application were to be approved. Both local and national planning policy requires such uses not to give rise to unacceptable adverse impacts, which from my personal inspection of the hotel and its grounds, is most definitely contravened in this case.





The two most obvious environmental defects that impact on the hotel are the smells that emanate from the application site resulting from the continued landfill and the vast amounts of dust generated from the site.

To demonstrate the scale of the problem, which is ongoing, as a snap shot, over a period of five months between 29<sup>th</sup> March 2015 and 1<sup>st</sup> September of the same year, the hotel received 92 official complaints from residents staying at the hotel. The recurring theme which guests commented on was the unpleasant smells within the hotel rooms and its grounds and dust on guests' belongings, particularly their vehicles parked within the hotel grounds. The smells in particular on occasions were so bad, that it resulted in guests refusing to stay at the hotel on arrival or cutting short their stays, which has resulted in the hotel having to give refunds with associated loss of revenue. Flies attracted by the landfill also plague the hotel and again are a common and recurring cause of complaint. The Hotel documents and keeps all records of complaints, although a number of these can be inspected relatively easily on public sites such as Trip Advisor, which is having an adverse effect on publicity and public relations.

Such self-review websites are becoming ever more influential to hotels in regard to attracting business, although can be particularly harmful if recurring themes are apparent on online reviews, posted by unhappy guests for all to see. With 92 complaints received by guests over the five month period, it is reasonable to presume that many more would have been unhappy with their stay for similar reasons and although chose not to lodge a formal complaint would be unlikely to visit the hotel again.

As a flavour of the types of complaints being received, a small number are produced as follows:

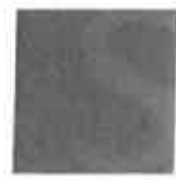
*"The dust cloud in the top carpark was appalling and the stink from the land fill."*

*"Disturbance from the landfill site was unbearable. We were forced out of the hotel to avoid the smell."*

*"The amount of flies around food was totally unacceptable and made whether to eat food questionable. No air-con in Thundridge which left people feeling uncomfortable, but to open the door or window exposed us to awful smells and flies. Some of the issues were due to being located next to a tip/land fill, e.g. smells and flies, which we were not advised about. The worst damage was to our cars, i.e. they were covered in so much dust/debris that it was unsafe to drive as the dust created a heavy layer and you could not see through the windscreen or any other window."*

*"While I'm no trash/garbage/rubbish tip expert, I couldn't help but smell the terrible smell that reminded me of one... It was everywhere, outside and inside the hotel. An absolutely horrible smell. The seagulls swarming above the area over the high fence near that car park made me think that it was coming from there. For this reason I will not return to Hanbury."*





**The Hanbury Manor Hotel and Country Club employs a work force of 232 full and part time staff, in addition to approximately 15 agency staff and represents the only five star hotel within the district of East Hertfordshire. It is, therefore, an important business and employer locally and so accordingly, significant weight should be afforded to the detrimental effects that the continued operation of landfill on the site will have on the business and the income the hotel generates for the local area. Similarly, as an important leisure and golfing facility, the effects on paying guests and their enjoyment of those facilities should also be taken into account in the decision-making process.**

**Within the planning statement accompanying the planning application, the agents cite the continued operation of the quarry and landfill and subsequent retention of its employees on site, as a significant benefit of the development. However, to put this into perspective, the existing quarry only employs a maximum of 17 staff, which will be reduced when aggregate staff are lost imminently, following which only landfill staff will be employed. The benefits in this regard will clearly be minimal and is more than outweighed by the detrimental impact the continued operation of the site will have on The Hanbury Manor Hotel and Country Club as a far larger employer and a significant leisure/tourist provider to the area.**

**The applicant has endeavoured to mitigate the effects of dust and odour pollution experienced by the hotel, by positioning water dowers on the perimeters of the site boundaries with the hotel. Tubes dispensing perfume have also been positioned around the hotel building itself. However, these measures have clearly failed to mitigate the effects of the landfill site and, as demonstrated by the numerous customer complaints, the issue of dust, smells and the vermin it is attracting, remains a significant problem and a serious threat to the future business plans of the hotel, if this application for an extension were to be granted.**

**In addition to the most obvious of impacts of smells and dust significantly affecting the hotel and its grounds, cumulatively, other issues add weight to the planning case against this proposal.**

**Noise can and has been a problem, particularly from locations within the grounds and for such a sensitive receptor, noise pollution when assessed with the impacts of dust and smells, cumulatively weighs against the proposal. It is noteworthy that the applicants confirm that noise from the site will actually increase during the latter stages of the restoration works. Even if this was for a temporary period only, as stated by the applicants, this would nevertheless have serious implications for the hotel.**

**Visually, the large expanse of the landfill site can be seen from the historic grounds of the hotel, which spoils the enjoyment of guests who wish to relax in attractive surroundings as presented by the hotel. The site and associated landfill is clearly visible from a number of guest suites to the rear of the hotel, which impacts on the enjoyment of guest stays. Also from a landscape context, the landfill and quarry very much represents an incongruous and harmful land use within the countryside setting. The extension of its active use and significant delay in any restoration of the site will result in unnecessary and unjustified harm to the landscape over the next 14 years.**





Indeed, the Environment Agency (EA) in their second objection to the application in their letter dated 28<sup>th</sup> November 2016, raise serious concerns regarding the lack of information accompanying the application about the restoration and justification for the elevated topography. Worryingly, the EA comment that *"...we do not believe the proposed restoration could be realised which brings into question the viability and deliverability of the restoration scheme."*

Further concerns are expressed by the EA regarding significant risk of harm to human health when they state:

*"Finally, with regards to slope stability on the northern flank of the site, we are not satisfied the topography will remain stable in the pre-settlement conditions. This is a significant environmental risk and if the slope falls there may be significant risk of pollution and harm to human health."*

This application was submitted to the County Council for determination in December 2015, approximately a year ago. The Council have generously given the applicant a significant amount of time to seek to address the EA's original concerns expressed earlier this year and despite the submission of further information by the applicant, it is clear that serious problems remain with this application as highlighted by the EA's continued objections. Accordingly, due to these significant problems inherent in the proposal, the Council, must surely now have little option but to refuse this application.

The inadequacies of the application as highlighted by the EA, should be taken into account in the decision-making process cumulatively with the significant harm caused to amenity to the Hanbury Manor Hotel and Country Club as a sensitive receptor bordering the application site. The hotel use by its nature relies on the environment it can provide for its guests, which is clearly severely compromised by the ongoing use of the Westmill Landfill Site. This has had severe effects on the business, although in the comfort that the restoration of the site would be completed on or before 31<sup>st</sup> December 2017, as required by the original planning permission, the hotel has soldiered on and drafted its future business plans accordingly. In the knowledge of this, the future looked favourable for the business going forward, although if this application is approved, effectively extending the restoration period by a further 14 years, this will have significant implications for the business. The importance of the hotel as a leisure facility and a major employer locally should be safeguarded and given significant weight against the grant of a permission in this case.

These material considerations weigh against the proposal and any benefits afforded by the proposal in regard to the continued ability to utilise the site for landfill. A viable scheme should have been submitted by the applicants long ago within the existing timescale and remit of the original planning application, although they have failed to do so. Insufficient justification exists in this instance to extend the landfill and restoration requirements and the aforementioned material considerations outweigh any benefits afforded by the continued working of the site.







The proposal now before you therefore fails to comply with the National Planning Policy Framework (NPPF), particularly in regard to the provisions as set out in Section 11 of the Framework entitled 'Conserving and Enhancing the Natural Environment'. The proposal, for the aforementioned reasons also contravenes Local Planning Policy, specifically the 'Saved policies of the adopted Hertfordshire Minerals Local Plan (March 2007)', the 'Hertfordshire Waste Core Strategy' and the 'East Hertfordshire Local Plan 2007'.

Accordingly, Hertfordshire County Council, as the determining authority in this case, are respectfully requested to refuse this application for reasons as set out in this letter.

I would be grateful of notification as to when this application will go before the Council's Planning Committee for determination and I therefore look forward to hearing from you in due course.

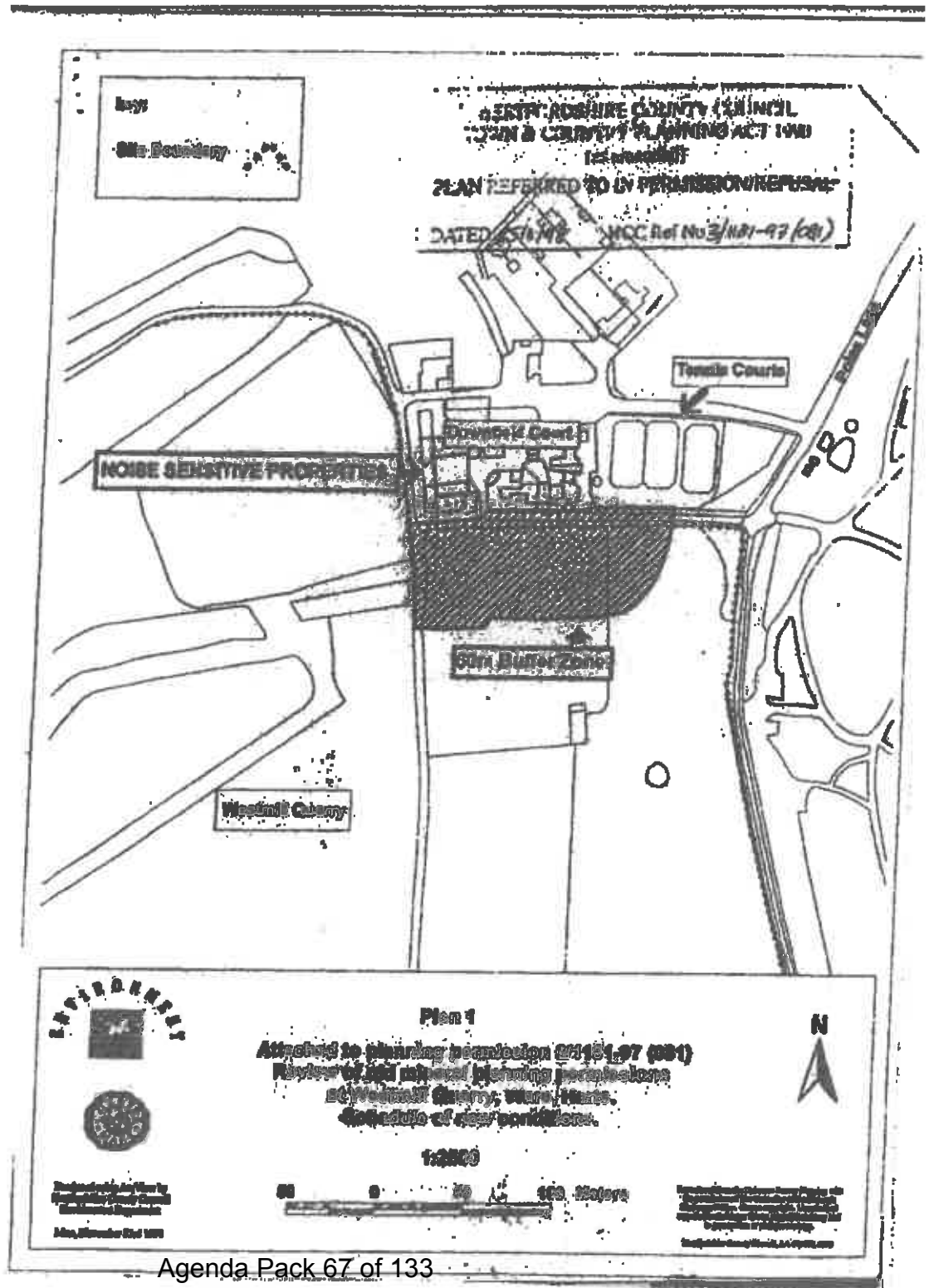
Yours sincerely

**Martin Ranner BA (Hons) PG Dip MRTPI**

**Direct e-mail: [martin.ranner@sworders.com](mailto:martin.ranner@sworders.com)**



Plan referred to in condition 11.





**HERTFORDSHIRE COUNTY COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE  
FRIDAY, 8 DECEMBER 2017 AT 10.00AM**

**EAST HERTS COUNCIL**

Agenda Item  
No.

**2**

**APPLICATION FOR VARIATION (S.73) OF CONDITION 4 (APPROVED PLANS) AND CONDITION 8 (NO PROCESSING OF MATERIALS ON-SITE) ON PERMISSION 3/1304-13 TO ALLOW FOR THE SITING OF A MODULAR TREATMENT PLANT AND PROCESSING OF MATERIAL ON SITE AT THORLEY HALL FARM, THORLEY WASH, THORLEY, BISHOPS STORTFORD, HERTFORDSHIRE**

*Report of the Chief Executive and Director of Environment*

Contact: Felicity J Hart, Principal Planning Officer  
[Tel: 01992 556256]

Local Member: Graham McAndrew

**1. Purpose of Report**

- 1.1 To consider application no. 3/2245-17 (CM0951) which is a S73 planning application seeking to vary two conditions (4 & 8) on planning permission no. 3/1304-13 to allow for the siting of a modular treatment plant and processing of material on site at Thorley Hall Farm, Thorley Wash, Bishops Stortford.

**2 Summary**

- 2.1 This application seeks to vary two conditions of planning permission 3/1304-13. Planning permission was granted in May 2014 for the construction of an agricultural reservoir for irrigation purposes. Development commenced in terms of the removal of material in September 2016.
- 2.2 The applicant asserts that the majority of the excavated material is good quality sand and gravel and that without processing it, it is not being put to best use. In order for the mineral to be used sustainably as a resource, the applicant seeks to vary Condition 8 to allow processing to take place on site.
- 2.3 The application proposes the provision on site of a low profile semi-mobile modular treatment plant and ancillary activities to treat the excavated materials arising from the construction of the irrigation reservoir. The plant and ancillary activities include stockpiles and silt and water management in the form of shallow excavated ponds. These ponds will be placed on the base of the first phase within the void already partially created.

### **3 Conclusion**

3.1 It is concluded that the proposed variation of conditions (4 & 8) should be granted planning permission subject to the following 22 conditions:

1. Time Limit for Commencement
2. Completion of Development
3. Approved Plans
4. Abstraction Licence
5. Dust Management Scheme
6. Sound insulation on plant and machinery
7. Sheeting of Vehicles
8. Landscaping including fencing
9. Tree Protection Scheme
10. No removal of trees or hedges in bird breeding season
11. Ecological and landscape management plan
12. Bird Hazard Management Plan
13. Archaeological Investigation
14. The Pumphouse
15. Hours of Operation
16. Construction Traffic Management Plan
17. Limit on HGV movements
18. HGVs to turn left out of site
19. Wheelwashing and cleaning facilities
20. Removal of bunds and ancillary temporary development
21. Flooding measures
22. External Lighting

3.2 Conditions 2, 5 and 8, as set out in planning permission 3/1304-13, have been deleted.

### **4 Description of the site, and existing and proposed development**

4.1 The application site is currently partially excavated, aiming to construct a 44 million gallon agricultural reservoir to include the removal of 200,000 cubic metres of sand and gravel during the construction process, together with the temporary construction of 3 metre high bunds and ancillary development.

4.2 The site for the reservoir is located in a rural area and comprises arable fields to the south of Bishops Stortford. Thorley Wood, part Ancient Woodland, is important for its mature trees and interesting ground flora and lies to the north of the site of the reservoir. The settlement of Thorley Wash lies to the east of the site along London Road. The site is situated in the Metropolitan Green Belt and is Agricultural Land classified Grade 2.

- 4.3 The excavated area for the reservoir has temporary grassed soil bunds around it, which retain topsoil and subsoil on site. They are intended both as a storage mechanism, but also form a temporary screen for the duration of the working operation.
- 4.4 During the construction period of the reservoir, the original application stated that there would be likely to be a daily average of 80 HGV movements (40 in, 40 out) subject to a maximum of 100 movements (50 in, 50 out). The hours of operation are 07.00 to 18.00 Monday to Friday with no operations taking place on Saturday, Sundays or Bank Holidays. The current application does not propose to change these conditions.
- 4.5 Condition 8 of the original agricultural reservoir permission states that. "No processing of materials removed in connection with the construction of the reservoir shall take place on site and all material shall be removed for processing off-site." This application (no.3/2245-17) proposes to remove that condition to allow on site processing and the new plans submitted require an amendment to Condition 4 of the original permission.

## **5 Planning History**

- 5.1 3/1304-13 CM0951 Planning permission granted for extraction and removal of materials (sand, gravel & soils) to enable the construction of a 44 million gallon agricultural reservoir for farm irrigation.
- 5.2 3/0117-14 Application for engineering works to construct an underground pipe from Brookside Business Park to supply water to a proposed agricultural reservoir (planning application reference: 3/1304-13) to include a headwell, pump chamber, ancillary valve compartment and GRP kiosk (Permitted).
- 5.3 3/2533-16 Proposed application for the extension of the area required for the construction of an agricultural reservoir (3/1304-13) to enable stockpiling of excavated material together with environmental bunds, processing plant, water management ponds and ancillary activities for the period of construction (Withdrawn)
- 5.4 3/2534-16 Proposed application for the removal of condition 8 (no processing of material on site) from permission 3/1304-13 to enable material to be processed on site before removal (Withdrawn)

## **6 Consultations**

- 6.1 East Herts District Council – Environmental Health comments that they do not wish to object to the application to vary conditions 4 and 8 of original planning consent 3/1304-13. But would however make the following observations:

- Noise: I note that condition 9 places certain restrictions on the operator in respect of noise from plant, and these would also apply to the amended site operations to involve the processing of sand and gravel material on site. I also note the report from the acoustic consultant which generally advises that noise levels will reduce from the previously proposed siting of the modular treatment plant. However, there is one location where there is predicted to be a marginal increase in noise levels, although they should still be within permitted operating levels. I would suggest that the following condition be included in any consent granted to cover the situation should any complaints about noise from the revised operations be received:

In the event of any complaint about noise arising from on-site operations being received by the Minerals Planning Authority, the applicants shall carry out noise monitoring at a point agreed with the Minerals Planning Authority, with the results reported to the same authority in writing. The monitoring and report shall include:

- Attended measurements to verify compliance with the prescribed noise levels. Measurements to be undertaken by a competent person of the free field Equivalent Continuous Noise Level, LAeq,1hr of on-site operations . Measurements taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for such effects
- Monitoring to be undertaken from 0700-1800 for at least one working day at the agreed monitoring location, with the main items of plant and machinery used on site in operation;
- Details of equipment used for monitoring
- The logging of all weather conditions, approximate wind speed and direction and both onsite and off site events occurring during measurements including 'phased out' extraneous noise events
- Any breaches of the prescribed noise levels, together with recommended noise mitigation measures to ensure that future compliance with the prescribed levels is achieved

Reason: To enable compliance with prescribed noise levels for on-site operations to be adequately monitored and assessed in the event of complaints about noise being received.

- Dust: I note the existing controls imposed by condition 7 and the approved dust management scheme and have no further recommendations in this respect.
- External Lighting: I would recommend that a condition is included to require the applicant to submit details of the external lighting scheme for approval to ensure that any glare or obtrusive light impacts on neighbouring land users are avoided by good lighting design:

#### **External lighting**

Details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and no external lighting



shall be provided without such written consent. The development shall then be carried out in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area, and in accordance with policy ENV23 of the East Herts Local Plan Second Review April 2007.

6.2 East Herts District Council – Planning Authority

The District Council considers that the proposal represents inappropriate development in the Green Belt and is by definition harmful. The development will also result in a loss of openness, which is a fundamental aim of Green Belt policy, and will conflict with the purposes of including land in the Green Belt.

From the information submitted it is not clear what other harm is associated with the proposal, and consultation responses from consultees in respect of landscape, ecology, archaeology, highways, rights of way, and flood risk will need to be taken into account.

The County Council will need to have regard to Green Belt policy as set out in Section 9 of the NPPF to assess whether there are any very special circumstances that clearly outweigh the harm plus any other harm.

The District Council also draw your attention to the allocation of the site to the north of the application site for development in policy BISH5 of the emerging District Plan.

6.3 London Stansted Airport

The proposed development has been closely examined for aerodrome safeguarding, particularly birdstrike avoidance. The variances to the agreed planning permission include the formation of shallow ponds for water and silt management. These have the potential to be very attractive to hazardous flocking species such as waders (particularly Lapwing and Golden Plover) and waterfowl, especially at weekends and evenings when the site is not operating. Therefore, we request that it is a Condition of approval, that the existing BHMP now needs to be extended to cover the processing phase of the development, not just from when the reservoir is filled with water, to mitigate any increase in risk to flight safety.

6.4 Environment Agency No comments.

6.5 Hertfordshire County Council – as Highway Authority does not wish to restrict the grant of permission and provides the following advice note.

The application is for the variation of condition 4 (Approved Plans) and condition 8 (No Processing of Material on-site) on permission 3/1304-13 to allow for the siting of a modular treatment plant and processing of material on site. The existing permission (3/1304-13) includes a condition controlling the amount of HGV traffic. (Condition 20) The

processing of material on site is likely to reduce the amount of HGV traffic generated from the site. Provided the highway conditions imposed by the current permission remain in force, there are no highway issues associated with the proposal and therefore the Highway Authority does not wish to restrict the grant of planning permission.

- 6.6 Hertfordshire County Council – Historic Environment (Archaeology)  
The proposed treatment plant is to be located in the eastern part of the site, in the area subject to excavation for an agricultural reservoir. Archaeological monitoring of the initial soil stripping of this area has already been carried out, via 3/1304-13, and a report on the results of these archaeological investigations is awaited. In this instance therefore there are no comments to make upon the proposal.
- 6.7 Hertfordshire County Council – Lead Local Flood Authority has no comments to make.
- 6.8 Hertfordshire County Council – Landscape Officer  
The proposals include the installation of a temporary modular treatment plant, stockpile area, and a series of three silt/water management ponds.

It is intended to carry out the proposed development during the temporary operational stage of an extant permission that comprises the extraction and removal of materials, to enable the construction of the agricultural reservoir, and is due for completion in June 2021.

With regards to landscape effects, the proposed development is well located within the site boundary of the extant permission, below ground level within a completed excavation phase. The proposed development affects an area of previously disturbed ground, which will form part of the completed reservoir floor, and is not considered to be of any importance to local landscape character.

With regards to visual effects, the proposed development is well screened to views from the wider area, due to its location at 58m AOD approximately 6m below existing ground level at approx. 64m AOD, and the screening effect of the temporary bunds associated with the extant permission. From a distance, the variations in topography and intervening roadside vegetation also provide effective screening to views.

Overall the proposed development results in the intensification of industrial activity during the operational stage of the extant permission to construct an agricultural reservoir. However, the proposals are not considered to result in any significant landscape and visual effects, above those already experienced as a result of the extant permission, due to the short term and temporary nature of the proposed development, located well within the extant permissions site boundary,

below ground level within an area of previously disturbed ground, and well screened to views from the surrounding area.

6.9 Thorley Parish Council

Variation of Condition 4 (Approved Plans)

Thorley Parish Council objects to the proposed variation of condition 4. Our hope is that the variation to Condition 8 will be refused, rendering the change to Condition 4 unnecessary.

Variation of Condition 8 (No Processing of material on site)

Thorley Parish Council wish adherence to the original planning consent which is that the main consent is for the excavation/formation of an agricultural reservoir. Mineral extraction is a by-product of the excavation, and should be removed from site directly to a processing plant without any stockpiling or processing being done on site, as per condition 8 which precludes processing of the materials on site.

The applicants state that the job would get done more quickly and efficiently if the material was processed on site. This seems, to Thorley Parish Council, to be highly unlikely as the materials would have to be excavated, stockpiled and then moved to be processed, stockpiled again and then shipped off site as materials are sold.

The effect of the removal of condition 8 would, in our view, change the nature the site from the original reservoir to a quarry retail outlet. Thorley Parish Council supported the original planning application on the basis that there would be no processing of material on site. It would strongly suggest that nothing has changed to warrant any amendment to the planning consents already granted. The work should continue expeditiously, following the existing conditions of the planning consent. Indeed we would ask HCC to ensure that current processing of material should cease.

Thorley Parish Council contends that the proposed change of plan and installation of a processing plant will result in noise and dust pollution to residents of the Parish and as such should be refused.

6.10 NERL Safeguarding

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised,

amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

- 6.11 Natural England has no comments to make on the variation of conditions 4 and 8.
- 6.12 A total of 91 consultation letters were sent out and 2 letters objecting to the application have been received. The issues of concern can be summarised as:
- Noise
  - Light pollution
  - Flood risk
  - Should stick to original approval
  - Visible plant
- 6.13 Publicity for the application was as follows: A site notice was erected on 29 September 2017 and the application was advertised in the Herts & Essex Observer on 5 October 2017.

## **7 Planning Policy National Planning Policy Framework 2012 (NPPF)**

### **Development Plan**

- 7.1 The Development Plan is the Hertfordshire Minerals Local Plan Review and the East Herts Local Plan. The NPPF is also a material consideration.
- 7.2 The relevant development plan policies are:

#### ***East Herts Local Plan***

Policy GBC1 Appropriate Development in the Green Belt

#### ***Hertfordshire Minerals Local Plan Review 2002-2016***

Policy 17 – Criteria for the control of mineral development to protect critical capital and other environmental assets.

## **8 Planning Policy**

- 8.1 The principal issues to be taken into account in determining this application are:
- Impact of development on local area in terms of noise & dust
  - Temporary nature of development
  - Green Belt
  - Reasons for the changes to the original permission

- 8.2 The application site is situated in the Green Belt. The NPPF (para 90), does allow certain forms of development such as mineral extraction (referred to as not inappropriate) in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.
- 8.3 This application seeks a change to the original permission. The original planning permission stipulated that there would be no processing of material on site, covered by Condition 8. The primary purpose of the original planning permission was to create a void within which an agricultural reservoir for irrigation at Thorley Hall Farm could be formed. The operational development itself would however result in the extraction of minerals which would be used elsewhere. Extraction commenced in 2016 with materials being removed off site in accordance with the original planning permission. However, the applicant decided that they would prefer to process the material (sand and gravel) on site and an application was submitted to provide a processing plant area on land to the north of the existing site. The previous application was withdrawn in March 2017.
- 8.4 This current application has sought to address the concerns previously identified. The previous application was withdrawn, but the concerns at that time were that the development would have adversely affected openness in the Green Belt, potentially caused a risk to flooding and would potentially have resulted in a deterioration of ancient woodland. The processing would have taken place on land to the north of the current planning application site in a visible location adjacent to an ancient woodland.
- 8.5 This planning application has been designed to provide the necessary plant and equipment for processing within the created void. As a result the mobile plant and screener would be sited at a level lower than the surrounding land level approximately 6 metres down from the original land level. The bunds have already been formed around the edges of the void and as a result the plant will be mainly screened from view. Therefore, although the proposal is in the Green Belt it still preserves the openness of the Green Belt and is classed as a mineral development. It also does not affect the purposes of the Green Belt which makes the proposal appropriate development in the Green Belt. The proposal therefore complies with national policy in relation to Green Belt, and would be a temporary feature only until 2021. It also complies with Hertfordshire Minerals Local Plan Policy 18 as visual intrusion would be minimised.
- 8.6 The original planning application envisaged the construction of the reservoir taking place over a five year period. This new planning application for the treatment plant would not extend that and the applicant has confirmed that the engineering/construction work would still take place within the 5 year time period. It is considered that this is an important factor in the determination of this planning application.

- 8.7 The proposed treatment process would be a wet process which does not generate dust. There would be a series of shallow ponds and water would be required for these as part of the process, which would be re-used in a re-circulatory system that requires no discharge. In terms of noise, it is not anticipated that there would be any increase in noise as a result of the altered process, compared to the noise that is currently generated by the reservoir construction. Due to its location being a relatively long distance from surrounding properties, there is no significant concern regarding noise. It is therefore considered that with regard to noise and dust, the proposal is acceptable in relation to Policy 18 of the Hertfordshire Minerals Local Plan.
- 8.8 Many aspects would remain the same as under the original permission e.g the hours of operation being 7am to 6pm Mondays to Fridays and lorry movements to and from the site would not need to increase and would even be likely to reduce by 10%. The overall time of the construction project would not be lengthened and would be completed at the same time as if unprocessed material was removed from the site (ie within 5 years). There would be no greater impacts on ecology, archaeology, landscape, lighting, water, flood, noise, air quality or dust, rights of way or utilities. The Bird Hazard Management Plan should be updated to take account of the new water within the void in the form of shallow ponds attracting birds. This can be required via condition.
- 8.9 The proposal is for a temporary treatment plant and associated ancillary activities. The applicant requires the planning permission in order to use the excavated material more sustainably as a mineral resource. Given it has been found to be good quality sand and gravel, this proposal is required in order to put the material to its most sustainable use. As such the proposal to process the material on site is considered to be a sustainable use which should result in lower HGV movements for the duration of the construction of this agricultural reservoir. The fact that the proposal would take no longer than the existing approved construction time, together with no greater impact on the factors listed above means that there are no grounds to refuse this proposal and therefore planning permission should be granted.
- 8.10 The proposal is not contrary to national or local policy and would not cause any significant adverse effects in the locality.

## **9 Recommendation**

- 9.1 It is recommended that planning permission should therefore be granted subject to the following 22 conditions:
1. Time Limit for Commencement
  2. Completion of Development
  3. Approved Plans
  4. Abstraction Licence
  5. Dust Management Scheme

6. Sound insulation on plant and machinery
7. Sheeting of Vehicles
8. Landscaping including fencing
9. Tree Protection Scheme
10. No removal of trees or hedges in bird breeding season
11. Ecological and landscape management plan
12. Bird Hazard Management Plan
13. Archaeological Investigation
14. The Pumphouse
15. Hours of Operation
16. Construction Traffic Management Plan
17. Limit on HGV movements
18. HGVs to turn left out of site
19. Wheelwashing and cleaning facilities
20. Removal of bunds and ancillary temporary development
21. Flooding measures
22. External Lighting

Background information used in compiling this report

NPPF  
Herts Minerals Local Plan Review  
Representations received



**HERTFORDSHIRE COUNTY COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE  
FRIDAY, 8 DECEMBER 2017 AT 10.00AM**

**DACORUM BOROUGH COUNCIL**

Agenda Item No.  <b>3</b>
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**APPLICATION FOR THE DEMOLITION OF EXISTING SCIENCE BLOCK, CARETAKER'S HOUSE, GYM AND GIRLS CHANGING ROOMS. ERECTION OF A TWO STOREY MUSIC AND SCIENCE BLOCK, A NEW COMMUNITY SIZED SPORTS HALL AND INFILL DINING COURTYARD TO INCREASE THE SCHOOL BY 1FE AT HEMEL HEMPSTEAD SCHOOL, HEATH LANE, HEMEL HEMPSTEAD, HERTFORDSHIRE, HP1 1TX.**

*Report of the Chief Executive and Director of Environment*

Contact: Sharon Threlfall, Monitoring & Enforcement Officer  
[Tel: 01992 556270]

Local Member: William Wyatt-Lowe

**1. Purpose of Report**

1.1 To consider planning application reference 4/2598-17 ("the application") for the demolition of existing science block, caretaker's house, gym and girls changing room and the erection of a two storey music and science block, a new community sized sports hall and infill dining courtyard to increase the school by 1FE at Hemel Hempstead School, Heath Lane, Hertfordshire, HP1 1TX.

**2 Summary**

- 2.1 The County Council seeks the creation of a two storey music and science block, a new community sized sports hall and infill dining courtyard, and to increase the school by 1FE, facilitated by the demolition of existing school buildings.
- 2.2 Hemel Hempstead School, subject of the application, is located within grounds of 7.2 hectares. It is to the west of the town centre of Hemel Hempstead, in a residential area with a number of other schools in close proximity.
- 2.3 In order to meet the growing, long-term demand for secondary school places within the local catchment the school is looking to expand, on a permanent basis, from 6FE to 7FE (equivalent to 30 pupils) from September 2018. The proposed development is also sought to facilitate the educational needs of the existing pupils within the school.
- 2.4 The main planning issues are the sustainability of the development, the provision of education facilities, the design and setting of the

development, traffic impact and highway safety, impact on ecology and biodiversity, and the impact on residential amenity.

2.5 The report concludes that the Chief Executive and Director of Environment should be authorised to grant planning permission subject to the following FOURTEEN conditions: -

1. Time Limit for Commencement
2. Approved Plans and Supporting Documents
3. Surface Water Drainage
4. Hours of Operation (Construction)
5. Hours of Operation
6. Construction Traffic Management Plan
7. External Materials used in Construction
8. Landscaping plan; including tree protection and habitat improvements
9. Vegetation improvements
10. Overarching Travel Plan
11. Cycle spaces
12. External Lighting
13. Removal of temporary science lab
14. Reinstatement of land to be used for temporary science lab

### **3. Description of the site and proposed development**

3.1 Hemel Hempstead School is located within a 7.2 hectare site, close to the centre of the town. The school is accessed via a series of minor residential roads from the A4146. The grounds slope downwards from west to east, and slope down steeply from the main entrance on Anchor Lane in the north, towards St John's Road in the south.

3.2 The school is set within in a largely residential area, although there are several educational facilities in close proximity to the site, as well as a Sports Centre. The school benefits from a large playing field to the south of the main school building. Pedestrian access is available around the perimeter of the school grounds, which has a boundary of well-established trees and planting which serve to soften the view of the mass of buildings within the site itself

3.3 The most prominent building is the Main Block, which overlooks the playing fields and is located at the northern end of the school grounds. It is of a traditional design, with a bell tower and Doric columns, and of brick built construction around two courtyards, reflecting the architecture of the 1930s. There are later additions to the school which include a mixed of brick built, glazed and clad blocks of up to two storeys high.

3.4 There are two vehicular access points to the school. One is located adjacent to the main school building on Anchor Lane, which is used by school staff and visitors. The second vehicular access is from Heath

Lane for servicing and deliveries; it is this access that is proposed for use by construction traffic.

- 3.5 The school has a standard admission of 6FE (equivalent to 180 pupils), accommodating children of mixed abilities aged 11 – 18. At present, there are 1117 pupils, of which there are 213 sixth form pupils. The Ofsted rating of the school is 'Good' based on the May 2016 assessment.
- 3.6 The proposal is to demolish the existing science block, which is a single storey block in the north eastern corner of the school grounds. The block is a felt covered concrete flat roof block, poorly insulated by modern standards and does not benefit from any toilet facilities. The boundary fence to the adjacent former caretaker's house is in a poor state of repair, leaving the property vulnerable to break-in, and is also proposed to be removed.
- 3.7 The application seeks to replace these buildings with a two storey rectangular teaching block comprising of four general classrooms, a music classroom and recital room on the ground floor, in addition to music practice areas and ancillary facilities. The first floor would provide three science classrooms and a general classroom. The block would have a gross ground floor internal footprint of 724 square metres. Due to the slope in ground level from west down to the east, the building would have a higher roof level of 8.6 metres on the east elevation.
- 3.8 It is proposed to provide a new pedestrian entrance on Heath Lane, and increase the car parking in this area from 15 to 22 spaces between the proposed replacement block and the existing main school building.
- 3.9 The application also seeks a replacement of the existing gym block and associated changing rooms, to facilitate a dining infill to the courtyard and a new sports hall, with associated refurbishment of some existing changing rooms and PE staff areas. At present, the courtyard is an unused void which can deliver against a requirement to increase dining provision. The existing gym overheats and suffers from sunlight glare. There are no staff facilities for changing or showers.
- 3.10 The proposed replacement gym block would provide a large, 695 square metres, Sports England size hall which meets the requirements for community use, including accessible changing rooms, and for professional sports competition. It is proposed to allow community use of the sports hall. The building would largely overlay the footprint of the existing sports hall, which is located at the western boundary of the playing field. The external height of the sports hall is proposed to be 11.6 metres, which is lower than the height of the adjacent Food Tech block and the General Teaching block.

- 3.11 There would be no changes to the existing car parking provision from the main entrance at Anchor Lane. There are currently 115 spaces within the school grounds, and there will be a net increase of six car parking spaces, due to the sale of buildings and land currently accessed by the school.
- 3.12 The proposed development would require the temporary placement of a science lab on the grassed playing field for the duration of the construction works.
- 3.13 The proposal would require the removal, and replacement on a 2 for 1 basis, of an unspecified number of trees in the north eastern corner of the school grounds.
- 3.14 There are no public footpaths across the site.
- 3.15 The school is within Flood Zone 1 (low risk of flooding) and beyond Groundwater Source Protection Zone 3 (lowest level of protection).
- 3.16 Records show that since 2000 the following planning permissions have been granted by the county council at Hemel Hempstead School:-
  - 4/0293-01 Science laboratory extension
  - 4/1677-03 2 storey classroom extension and extension of car park for additional car parking
  - 4/2807-07 New performance block and hard play area
  - 4/2456-08 Temporary building for food technology facility. Single storey, flat roof modular system build unit.
  - 4/0854-09 External two storey brick cavity lift shaft with window walling to first floor, over rear doors
- 3.17 Further development has been permitted by Dacorum Borough Council.

#### **4. Consultations**

- 4.1 A total of **913** neighbouring properties were consulted, and site notices were erected on 10 August 2017
- 4.2 Dacorum Borough Council did not respond to the consultation.
- 4.3 Hertfordshire County Council as Lead Local Flood Authority objects to the application on the basis that the submitted documents do not provide sufficient information regarding the discharge locations for Zone 1 (music block) and Zone 2 (sports hall) and clarification on post-development run-off and storage calculations. The applicant was unable to provide the requested information in time for the publication of the report, and therefore any additional matters will be reported verbally.

- 4.4 Hertfordshire Ecology finds that the proposals are acceptable to be determined by the Local Planning Authority, having taken bats sufficiently into account.
- 4.5 Hertfordshire Fire and Rescue Service has no objection to the development with the informative that access to the site should be maintained for the fire service before during and after the demolition and construction phases.
- 4.6 Hertfordshire Highways does not wish to restrict to the grant of planning permission, subject to the following conditions:-
1. Overarching Travel Plan

The development hereby permitted shall not be commenced until the school completes a ModeShift STARS travel plan including intended interventions and targets. The school will then deliver a ModeShift STARS travel plan to bronze standard within the first year of operating at the increased provision of 7FE, and maintained at a minimum of this accreditation level.

Reason: To ensure that the development is as sustainable as possible

2. Construction Management Plan

Prior to the commencement of any works a Construction Traffic Management Plan and Access Route shall be submitted to and approved in writing with the Local Planning Authority in consultation with Hertfordshire County Council Highway Authority together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic. The plan should include details of the following

- Site operation days/times • Delivery days/times • Vehicle types on site
- Delivery vehicle types • Staff/contractor parking provision • Measures to prevent water/waste entering the highway • Construction traffic access route

Reason: In the interests of maintaining highway efficiency and safety.

3. Construction Traffic Access Route

For the duration of the construction period all traffic associated with the construction of the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of maintaining highway efficiency and safety.

- 4.7 The Landscape Officer of Hertfordshire County Council supports the application in principle, subject to the submission of additional details regarding the proposed landscape scheme and arboricultural matters.
- 4.8 The Natural, Historic & Built Environment Advisory Team has no comment to make as the development is unlikely to have a significant impact on heritage assets of archaeological interest.
- 4.9 Sports England does not object to the development, subject to a condition to provide for community use of the school's sports facilities. It is also recommended that an informative in respect of facility design is included. However, this response is made on the basis that the proposed development will prejudice the use of the existing playing field and therefore the response is that of a statutory consultee. The planning authority finds that the development would not prejudice the use of the playing field.
- 4.10 No other statutory consultation responses were received.
- 4.11 Public consultation  
A total of 7 responses have been received, objecting to or raising concerns regarding the proposed development, which can be summarised as follows:

Objection 1 – Parking

- Use of local roads by pupils, staff and visitor for parking
- Inconsiderate parking by parents at drop off/pick up blocking residential access
- Parking for contractors (employees and site machinery) should be accommodated within the school grounds
- Need for off-site parking solution for out of hours activities across between the local schools
- The school is not served by any local bus routes which increases use of private car

Objection 2 – Highway Safety

- On street parking hinders Emergency Vehicle access
- On street parking increases accident risk for younger children
- Anchor Lane should be widened to allow for two way traffic
- Extend the roadway within the school to allow for a bus set down and pick up area by the main building

Objection 3 - Residential Amenity

- Existing noise disturbance from the school
- Increase in school provision in local area has adversely impacted quality of life
- Disturbance from movements of specialist music teachers during the day

- A two storey building on Anchor Lane would block light to residential properties
- Existing trees should be retained to minimise noise disturbance to local residents

Objection 4 - Need

- Question the need for an additional form when another school is planned

Objection 5 – Design and Setting

- A two storey block is out of keeping in the proposed location on Anchor Lane
- Existing trees should be retained for aesthetics of the site

Objection 6 - Other

- House should not be demolished given housing shortage
- An on-site caretaker is a deterrent to vandalism

**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 For the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004 the development plan comprises the Dacorum Borough Council Core Strategy 2006 – 2031 (Adopted 2013) and the saved policies within the Dacorum Borough Council Local Plan 1991 – 2011.
- 5.3 The most relevant planning policies to consider for this application are:

Core Strategy Policies

- Policy NP1 Supporting Development
- Policy CS4 The Towns and Large Villages
- Policy CS8 Sustainable Transport
- Policy CS10 Quality of Settlement Design
- Policy CS11 Quality of Neighbourhood Design
- Policy CS12 Quality of Site Design
- Policy CS13 Quality of the Public Realm
- Policy CS23 Social Infrastructure
- Policy CS28 Carbon Emission Reductions
- Policy CS29 Sustainable Design and Construction

Local Plan Policies

- Policy 51 Development and Traffic Impacts
- Policy 69 Education
- Policy 99 Preservation of Trees, Hedgerows and Woodlands
- Policy 116 Open Land in Towns and Large Villages

These policies are considered alongside national guidance in the form of:

**The National Planning Policy Framework  
DCLG Policy Statement (August 2011) - Planning for Schools  
Development.**



## **6. Planning Issues**

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

- the sustainability of the development;
- the provision of education facilities;
- the design and setting of the development;
- impact on highways and transport;
- impact on ecology and biodiversity, and
- impact on residential amenity.

### Sustainability of the development

6.2 The National Planning Policy Framework (NPPF) supports the presumption in favour of sustainable development. Notwithstanding the recommendations of the Low Zero Carbon (LZC) Feasibility Report which accompanies the application, the proposed development is required to comply with the Approved Document Part L2A:

Conservation of Fuel and Power (New Buildings and other dwellings). Accordingly the new development will have energy efficient lighting, heating and water heating, and will meet all current air permeability tests, replacing existing buildings which are poorly insulated and inefficient in energy terms by modern standards.

6.3 The development is sought to accommodate a shortfall in secondary school places within an existing development and in close proximity to the home address of school children within Hemel Hempstead.

6.4 The proposal is therefore compliant with paragraph 38 of the NPPF, Dacorum Core Strategy Policies NP1, CS28 and CS29, and the overarching principles of sustainability in development.

### Provision of education facilities

6.5 The proposed development seeks to facilitate the continued education of children within Hemel Hempstead. The expansion of facilities within the school improves the opportunity for pupils and helps to raise educational standards.

6.6 The school grounds are within an area designated as Open Land, however, Policy CS23 supports the provision of school facilities on Open Land. This is further supported by Local Plan Policy 69 where any proposed school extension is considered against the retention of the environmental character, impact on residential amenity, on-site parking, drop-off and pick-up provision, and ancillary facilities.

6.7 The proposal is compliant with paragraph 72 of the National Planning Policy Framework (NPPF), and the local policies which derive from it, that support the provision of school places and the need to expand and alter schools.

Design and setting of the development

- 6.8 The school grounds are within an area designated as Open Land, for which the primary planning purpose is to maintain the generally open character of the area. The proposal is for the demolition of existing buildings, and their replacement with blocks that represent a relatively small addition in terms of footprint. Both blocks offer a consistent design in terms of height and scale, as compared to the retained school buildings and therefore do not significantly adversely impact the openness of the setting in compliance with Policy CS4.
- 6.9 It is proposed that the music and science block will have three brick elevations, and that the southern elevation, which is most visible from within the school, will be clad in coloured Trespa panels. The bricks can be tied in to the existing masonry of the main school building, and it is proposed to replicate the Trespa panels on the enlarged sports hall.
- 6.10 It is acknowledged that Trespa panels would be appropriate on the sports hall, reflecting the modern construction of the adjoining blocks. However, while the panels can be used to tie together the two new blocks as part of the school, they are quite separate within the grounds. An improved design for the music and sports block may be a brick elevation with feature elements of Trespa panels. The external materials can be agreed through the imposition of a robust condition to be discharged before construction is above ground level, thereby ensuring compliance with Policies CS10, CS11, CS12 and CS13 and Local Plan Policy 116, and as required by the over-arching principles of good design set out in the NPPF.

Impact on highways and transport

- 6.11 The issue of traffic impact and highway safety was raised in the majority of responses from members of the public, in that an expansion of the school would lead to an increase in congestion and inconsiderate parking on the local road network.
- 6.12 There is limited opportunity to make significant changes to the road network in the vicinity of the school and it should be considered that the expansion is to accommodate a shortfall of school places within the local catchment. Therefore the applicant can seek to mitigate any traffic impact through soft measures with the aim to modify the travelling behaviour of those accessing the school and encourage more sustainable travel methods through an up to date and maintained School Travel Plan.
- 6.13 The school is served by school bus services which drop off pupils on Heath Lane. Whilst there is objection that there are no public services to the school, the bus station in the town centre is estimated to be only an eight minute walk away.
- 6.14 The school currently provides 32 cycle parking spaces, which are reaching capacity based on the observations of the Transport

Assessment. The proposal will result in a total of 30 spaces, due to the sale of existing facilities which necessitate the proposed development. It is therefore recommended that a condition is included to review the provision of cycle spaces and assess whether additional spaces can be included to ensure that cycling remains an attractive option in line with extant planning policy.

- 6.15 The accompanying Transport Assessment finds that the impact of the expansion of the school by 1FE, on a permanent basis, would not result in residual cumulative impacts that are severe. Therefore, the application cannot be refused on transport grounds, in compliance with Paragraph 36 of the National Planning Policy Framework.
- 6.16 Hertfordshire Highways does not wish to restrict the grant of planning permission on transport grounds, subject to conditions to promote sustainable transport methods, and ensure highway efficiency and safety. The proposed development is therefore compliant with local planning policies Local Plan Policies 51 and 69, and Policies CS8 and CS10.
- 6.17 The issue of unauthorised, illegal or inconsiderate parking outside of the school grounds cannot be addressed through planning control. Whilst the school can remind pupils and parents to observe local parking controls, which include zig-zag keep clear markings, single yellow lines and a controlled parking zone, enforcement is the responsibility of the borough council's Civil Enforcement Officers and/or the Police.

Impact on ecology and biodiversity

- 6.18 The sports hall and dining hall infill element of the proposed development are largely on the footprint on existing built development, and therefore are not considered to have any significant impact on the local ecology or biodiversity in this part of the school.
- 6.19 The area around the existing science block is heavily vegetated with mature planting and trees. It is understood that some of this vegetation will need to be removed in order to facilitate the new development. At this stage, the landscaping proposals are considered to be acceptable in principle, but that the current level of detail is insufficient. A full copy of the Landscape Officer's consultation response is included at Appendix 1.
- 6.20 In order to achieve full compliance with Policies CS13 and CS25, and Local Plan Policies 69, 99 and 116, a pre-commencement condition is required to secure detailed information on the trees to be removed, the protection for retained trees and the replacement species of trees and hedgerows. The Landscape Officer's recommendation is that trees be replaced on a two-for-one basis.

- 6.21 The surveys have found that there are no particular ecological constraints with regards to the proposed development. Following the Preliminary Ecological Appraisal, the caretaker's house was identified as having potential as a bat habitat, and a further roost survey found no use by bats.
- 6.22 Ecological enhancement can be delivered through the introduction of the wildflower grassland and shrub planting at the school boundary, in line with the aims of the NPPF. This can be agreed through a pre-commencement landscaping scheme.

Impact on residential amenity

- 6.23 The school is already an existing educational facility within the local area, and there are a number of other schools close by. There is a degree of inconvenience to residents at the start and the end of the school day, but this is limited to a relatively short period of time.
- 6.24 Whilst objections have been made on the level of noise generated from the existing school, they are unlikely to constitute a statutory noise nuisance. Notwithstanding, this would be a matter for the Environmental Health team of Dacorum Borough Council to investigate. The noise assessment which accompanies the application identifies the greatest source of noise is road traffic. Further, the noise assessment has informed the layout of the music and science block in terms of the location of sensitive rooms to maximise natural ventilation without disturbing local residents.
- 6.25 The existing gym facilities within the school are already subject to a level of community use. In compliance with Policy CS23, the new development will continue to provide facilities to the community. This will be delivered through a sports hall of sufficient size to accommodate community use and professional sports competitions, and with the addition of accessible changing and shower facilities. In order to limit the potential impact on a residential amenity of any additional traffic and associated noise, it is proposed to include a condition on the hours of use.

**7. Conclusion**

- 7.1 On balance, it is considered that the need to alter and expand the school outweighs concerns in respect of the impact on residential amenity, highways and the design of the proposed development, which can also be regulated through the imposition of reasonable, but robust, conditions.
- 7.2 The landscaping and trees can reasonably be either enhanced or protected by condition, and it is considered that the development is compliant with the relevant policies relating to sustainability, the need for educational facilities, design, highways impact, the protection of ecological assets and impact on residential amenity in the Dacorum

Borough Council Local Plan documents and within the National Planning Policy Framework.

7.3 The report therefore concludes that the Chief Executive and Director of Environment should be authorised to grant planning permission subject to the following FOURTEEN conditions: -

1. Time Limit for Commencement
2. Approved Plans and Supporting Documents
3. Surface Water Drainage
4. Hours of Operation (Construction)
5. Hours of Operation
6. Construction Traffic Management Plan
7. External Materials used in Construction
8. Landscaping plan; including tree protection and habitat improvements
9. Vegetation improvements
10. Overarching Travel Plan
11. Cycle spaces
12. External Lighting
13. Removal of temporary science lab
14. Reinstatement of land to be used for temporary science lab

## APPENDIX 1 – Consultation response from Landscape Officer

<b>Landscape Report</b>	<b>7<sup>th</sup> September 2017</b>
<b>From:</b> HCC Landscape Officer, Natural Historic and Built Environment Advisory Team	<b>To:</b> HCC Planning Officer, Spatial Planning
<b>Application No.</b>	PL\0858\17
<b>Location:</b>	Hemel Hempstead School, Anchor Lane, Hemel Hempstead
<b>Proposal:</b>	Proposed application for the demolition of existing science block, caretakers house, gym and girls changing rooms. Erection of a 2 storey music and science block, a new community sized sports hall and infill to dining courtyard to increase the school by 1FE

### **Music Block**

#### ***Landscape and Visual Effects<sup>1</sup>***

The proposed music block is well located within the existing school campus in close proximity to the main school building, on the site of an existing science block and dwelling to be demolished.

With regards to visual amenity, the new block is well screened to public views from the west and south by the existing school campus and from the north by the established vegetation along the northern site boundary with Anchor Lane.

The most significant views of the new block are from users of Heath Lane, along here there are close up views of the eastern elevation. The new block extends beyond the established building line, in close proximity to the site boundary, and is a prominent element at the street corner. The reduction of the building height from two storeys to one storey at its eastern end does help mitigate its impact upon the streetscene to an extent; however there is an opportunity to soften views of the building with new native planting along the eastern site boundary.

With regards to landscape features, the building displaces several areas of existing tree and shrub planting and the proposals should seek to offset their loss with new native planting.

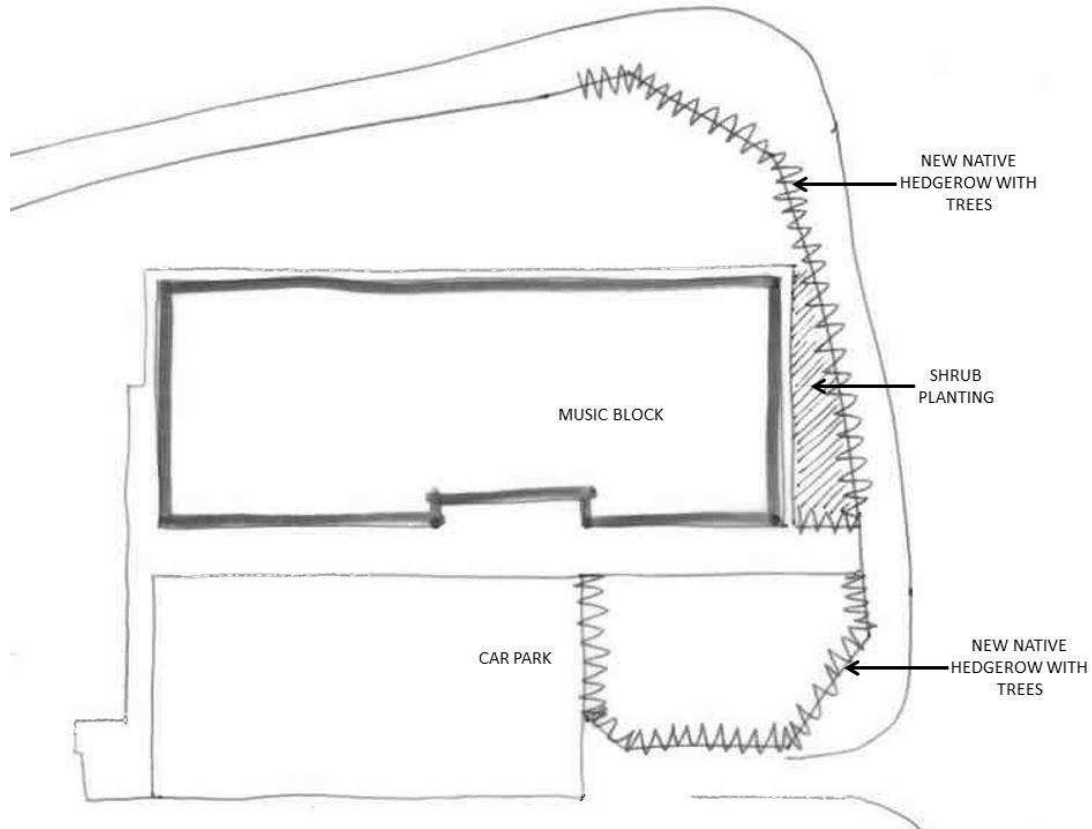
#### ***Landscape Scheme***

The submitted landscape plan A105 requires updating to show existing trees retained, and proposed new native tree and shrub planting to compensate for that removed (on a two for one basis) and to conserve and enhance landscape and visual amenity and biodiversity.

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<sup>1</sup> Comments are given in line with current best practice guidance “Guidelines for Landscape and Visual Impact Assessment Third edition, Landscape Institute and Institute of Environmental management and Assessment.” (GLVIA3)

A new native hedgerow with trees should extend along the site boundary fencing as shown on the diagram below. There is an opportunity to use fastigate trees to the front of the eastern elevation to reduce overshadowing and reflect the linear fenestration pattern. There is also an opportunity to introduce shrub planting.



## **Trees<sup>2</sup>**

The submitted arboricultural information is insufficient and does not meet the requirements of BS5837:2012 'Trees in relation to design, demolition and construction – recommendations.'

A high number of trees are located on the site of, or in close proximity to, the new block as shown on submitted plan A102. The trees along Anchor Lane provide effective landscape and visual mitigation, it is therefore vital that they are adequately protected throughout the demolition and construction process, and enhanced in the long term for the benefit of landscape and visual amenity and biodiversity.

The submitted Tree Schedule is not comprehensive; it only lists four trees, and should be extended to include all of the trees that it is proposed to retain or remove within, and in close proximity to, the construction site boundary line as shown on drawing A105.

<sup>2</sup> Development should be carried out in line with BS5837:2012 'Trees in relation to design, demolition and construction – recommendations.'

In order to ensure that the retained trees are protected from demolition/construction works, a tree protection plan and arboricultural method statement are also required.

## **Sports Block**

### ***Landscape and Visual Effects***

The proposed sports block is well located within the existing school campus, clustered with the existing school building, on the site of the existing gym and changing rooms to be demolished.

With regards to visual amenity, the new block is well screened to public views from the north, west and south by the existing school campus.

The most significant views of the new block are from users of Heath Lane to the east, along here there are filtered medium distance views of the new block, through the vegetated site boundary and across open grassland in the foreground, as an element within a row of existing school buildings. The modern appearance of the building is in contrast to the more typical appearance of the traditional school buildings, however the scale and height of the building relative to the neighbouring building, and its simplistic form does help it sit relatively comfortably within the wider context.

With regards to landscape features, the new block does not appear to affect any trees. However it is not clear how the site will be accessed for the purposes of demolition/construction and if it will impact upon on any existing trees.

## **Conclusion**

In landscape and visual terms, the proposed development is supported in principle however there are outstanding issues regarding the proposed landscape scheme and arboricultural matters.

A landscape scheme is required and should seek to compensate for trees removed, soften views the impact of the music block upon views from Heath Lane, and conserve and enhance landscape and visual amenity and biodiversity.

Additional arboricultural information is required in line with BS5837:2012 'Trees in relation to design, demolition and construction – recommendations' and should include:

- A comprehensive tree survey and constraints plan and tree schedule
- Tree protection plan
- Arboricultural demolition/construction method statement



## Proposed Conditions

### Time limit for commencement

1. The development to which this planning permission relates shall be begun before the expiration of a period of three years commencing on the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

### Approved plans and supporting documents

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- a) Location Plan drawing no: 275.005-PELL-DR-A-P100 dated 05/04/17
- b) Existing Site Plan drawing no: A-101 dated 04/03/17
- c) Zone 1 – Music Block Demolition Plan drawing no: A-102 dated 03/04/17
- d) Zone 1 – Music Block Existing Ground Floor Plan drawing no: A-103 dated 04/03/17
- e) Zone 1 – Music Block Proposed Floor Plans drawing no: A-104 dated 14/03/17
- f) Zone 1 – Music Block Landscape Plan drawing no: A-105 dated 11/04/17
- g) Zone 1 – Music Block Proposed Roof Plan drawing no: A-106 dated 04/03/17
- h) Zone 1 – Music Block Elevations drawing no: A-107 dated 04/03/17
- i) Zone 1 – Music Block Sections 1 to 5 drawing no: A-108 dated 10/04/17
- j) Zone 1 – Music Block Section 6 to 8 drawing no: A-109 dated 04/03/17
- k) Zone 1 – Music Block 3D Views drawing no: A-110 dated 11/04/17
- l) Proposed Site Plan drawing no: A-111 dated 22/05/17 Zone 2 – Sports Hall Existing Ground Floor drawing no: A112 dated 06/04/17
- m) Zone 2 – Sports Hall Demolition Plan drawing no: A113 dated 06/04/17
- n) Zone 2 – Sports Hall Proposed Ground Floor drawing no: A114 dated 24/03/17
- o) Zone 2 – Sports Hall Landscape Plan drawing no: A115 dated 18/04/17
- p) Zone 2 – Sports Hall Proposed Roof Plan drawing no: A116 dated 04/06/17
- q) Zone 2 – Sports Hall Elevations drawing no: A117 dated 06/04/17
- r) Zone 2 – Sports Hall Dining Hall Infill Section drawing no: A118 dated 04/18/17
- s) Zone 2 – Sports Hall 3D Views drawing no: A119 dated 18/04/2017
- t) Drainage Strategy drawing number 3416/300 dated 04/07/17
- u) Drainage Strategy for Sports Hall drawing number 3416/301 dated 04/07/17
- v) Transport Assessment dated May 2017

Reason: For the avoidance of doubt.

**Surface Water Drainage**

**3. To be reported verbally at Development Control Committee.**

Reason: To be reported verbally at Development Control Committee.

**Hours of operation (Construction)**

**4. No construction works relating to this permission shall be carried out on any Sunday or Bank Holiday nor before 07.30 hours or after 18.00 hours on any days nor on any Saturday before 08.00 hours or after 13.00 hours.**

Reason: In the interest of residential amenity.

**Hours of operation**

**5. Unless otherwise agreed in writing with the County Planning Authority, the hours of operation shall be limited to Monday to Friday 08.00 hours to 21.00 hours, Saturdays 08.00 hours to 18.00 hours and Sundays/Bank Holidays 10.00 hours to 16.00 hours.**

Reason: In the interest of residential amenity.

**Construction Traffic Management Plan**

**6. Construction of the approved development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the County Planning Authority in consultation with the Highway Authority. This shall include, but not be limited to:**

- **Site operation days/times**
- **Delivery days/times**
- **Vehicle types on site**
- **Delivery vehicle types**
- **Staff/contractor parking provision**
- **Measures to prevent water/waste entering the highway**
- **Construction traffic access route**

**Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include construction vehicle numbers/routing of construction traffic and shall be carried out as approved.**

Reason: In order to protect highway safety and the amenity of other users of the public highway.

**External materials used in construction**

**7. Prior to the commencement of any development above ground level, details of the materials proposed for the external materials shall be submitted to and approved in writing by the County Planning Authority. Only those materials that have been approved under this condition shall be used for the buildings.**

Reason: In the interest of the appearance of the development.

**Landscaping plan; including tree protection and habitat improvements**

**8. Prior to commencement, a detailed landscaping scheme shall be submitted to and approved in writing by the County Planning Authority which shall include the following details:**

- **A comprehensive tree survey and constraints plan and tree schedule,**
- **Details of those trees to be removed as identified in the submitted Design and Access Statement,**
- **A tree protection plan**
- **Arboricultural demolition/construction method statement,**
- **Details of the hedgerow to be planted,**
- **Details of the size, species, density and location of trees,**
- **Details of wildflower seeding to enhance the open grassland,**
- **Protection measures to be provided for new planting,**
- **The programme for the implementation of the proposed planting; and**
- **The five year programme of management of planting, maintenance and replanting of any trees or shrubs which die, become diseased or are damaged.**

**The landscape scheme shall be implemented in accordance with the approved programme hereafter.**

Reason: In the interests of the visual amenity and the habitat enhancement of the area

**Vegetation removal**

**9. Vegetation removal should take place outside the bird breeding season (March to July inclusive) unless checks can demonstrate there is no nesting activity present, in line with best practice.**

Reason: In the interests of the habitat protection of the area.

**Overarching Travel Plan**

**10. The development hereby permitted shall not be commenced until the school completes a ModeShift STARS travel plan including intended interventions and targets. The school will then deliver a ModeShift STARS travel plan to bronze standard within the first year of operating at the increased provision of 7FE, and maintained at a minimum of this accreditation level.**

Reason: To ensure the development is as sustainable as possible.

**Cycle spaces**

**11. Prior to the occupation of the development hereby permitted, a review of the available cycle spaces will be taken place to confirm if**

**additional cycle spaces can be provided with the agreement of the County Planning Authority.**

Reason: To ensure that cycling remains an attractive sustainable transport options for pupils at the school.

**External lighting**

**12. No external lighting other than that shown on the approved plans set out in Condition 2 shall be installed without the prior written approval of the County Planning Authority.**

Reason: In the interest of the character, appearance and amenity of the site and the surrounding area.

**Removal of the temporary science lab**

**13. The temporary science lab will be removed from site within three months of the occupation of the new music and science block hereby permitted.**

Reason: For the avoidance of doubt.

**Reinstatement of the land to be used for temporary science lab**

**14. The land used for the placement of the temporary science lab and shall be reinstated to a high quality grassed during the next planting season after removal.**

Reason: In order to protect the character, appearance and amenity of the site.

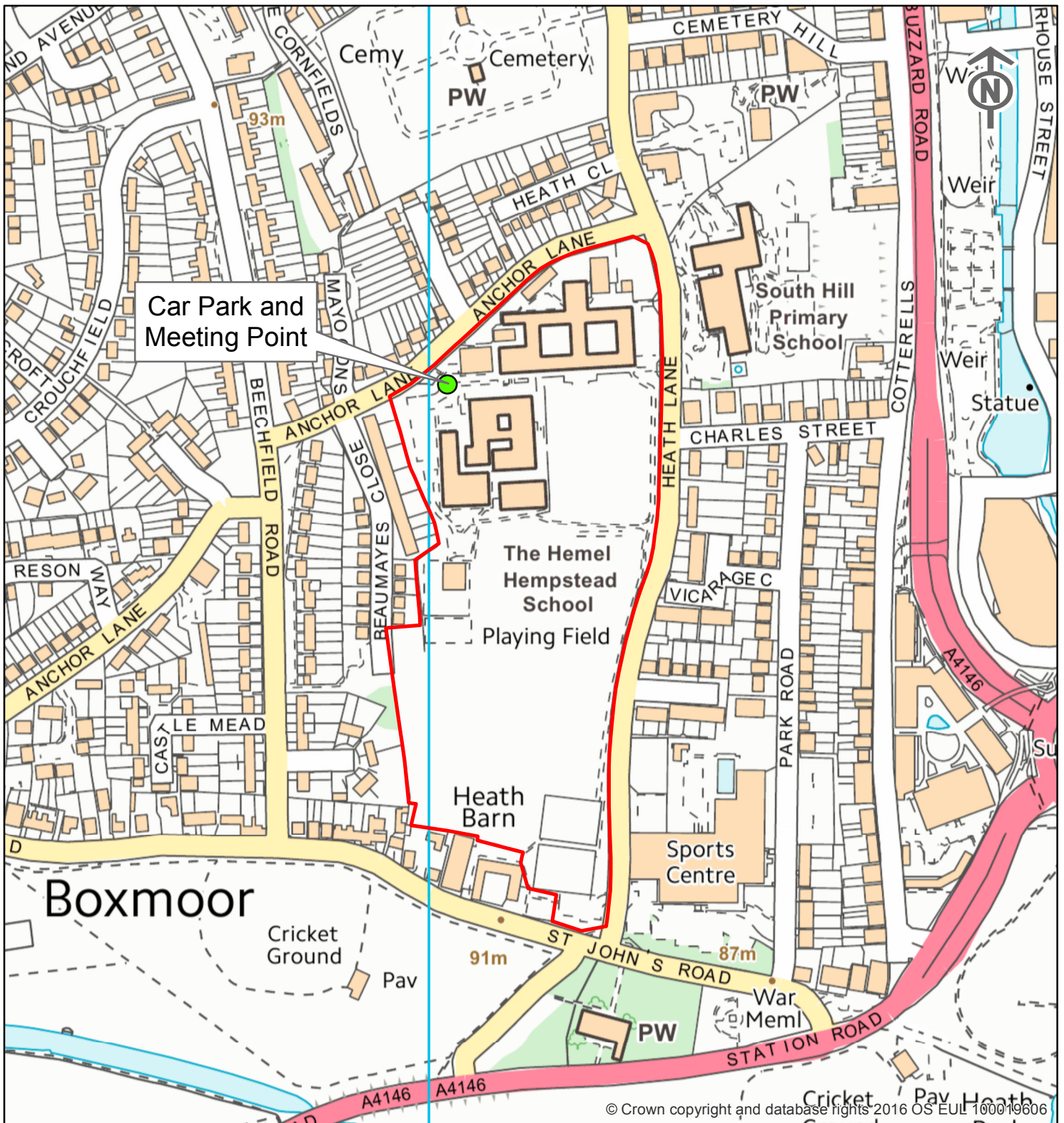
**INFORMATIVE** (Hertfordshire Fire & Rescue Service)

Access to the site should be maintained for the fire service before during and after the demolition and construction phase.

**INFORMATIVE** (Sports England)

The applicant is advised that the design and layout of the sports hall should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to the "Sports Hall Design & Layouts" design guidance note

<http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/sports-halls/>.



## DEVELOPMENT CONTROL COMMITTEE

Date: Friday 8th December 2017

Proposed application for the demolition of existing science block, caretakers house, gym and girls changing rooms. Erection of a 2 storey music and science block, a new community sized sports hall and infill to dining courtyard to increase the school by 1FE at emel Hempstead School, Heath Lane, Hemel Hempstead, Hertfordshire, HP1 1TX

0 40 80 120 160 200 240 280 320 360  
 Agents Pack 101 of 133

**HERTFORDSHIRE COUNTY COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE  
FRIDAY, 8 DECEMBER 2017 AT 10.00AM**

Agenda Item  
No.

**4**

**EAST HERTS DISTRICT**

**PROPOSED APPLICATION FOR A SINGLE STOREY EXTENSION TO FORM 1 NEW CLASSROOM AND CIRCULATION SPACE, INFILLING OF AN INTERNAL COURTYARD TO CREATE NEW OFFICE SPACE AND ENLARGEMENT OF PLAYGROUND HARDSTANDING AT WALKERN PRIMARY SCHOOL, HIGH STREET, WALKERN, HERTFORDSHIRE, SG2 7NS**

*Report of the Chief Executive and Director of Environment*

Author: Christopher Martin, Planning Assistant  
Tel: 01992 556308

Local Member: Ken Crofton

**1 Purpose of Report**

- 1.1 To consider application 3/2301-17 (CC0476) for the single storey extension to form 1 new classroom and circulation space, infilling of an internal courtyard to create new office space and enlargement of a playground hardstanding at Walkern Primary School, High Street, Walkern, Hertfordshire, SG2 7NS

**2 Summary**

- 2.1 The proposed single storey extension would be attached to the East Block of the school and extend the building south, the extension would contain a new classroom, four toilets and a link corridor. The infilling of the courtyard would occur within the West Block and would be used as a new office. The enlargement of the playground hardstanding would replace hardstanding lost from the extension to the East Block.
- 2.2 The proposal would not increase the number of children allowed to attend the school overall; it would allow all classrooms at the school to accommodate the required 25 children per year, which currently not all classrooms do.
- 2.3 The school is within the Walkern Conversation Area and Walkern is considered a Category 1 village as defined by Policy OSV1.
- 2.4 It is considered that the proposed development would not significantly impact neighbour's amenity. It would also not worsen the current traffic situation at the site. Further, the proposal is considered to be appropriate within the Walkern Conversation Area and would not impact the landscape setting.

### **3 Conclusion**

- 3.1 It is recommended that permission be granted subject to conditions.

### **4 The Proposal and Site Description**

- 4.1 The proposal seeks the construction of an extension to the East Block, to the south, on an area of existing hardstanding. The proposed extension would measure 12.5m in length on its southern elevation, 19.5m in length on its western elevation and 9m in length on its eastern elevation; there is no change to the north elevation as this will connect with the existing building. The proposed extension will have a maximum height of 4m and feature a flat roof. The proposed extension will contain a 70m<sup>2</sup> classroom, four toilets and a corridor circulation area. It is proposed to construct the extension from dark grey brick, featuring dark grey window and door frames. The courtyard proposed to be infilled is within the West Block and will be used as an office; it will be constructed to match the existing school building. There is a minor locational change proposed to the location of a fence and gate close to the dining hall in the southern part of the site.
- 4.2 Walkern Primary School is a 1FE school located on a 1.12 hectare site located within the residential area of Walkern village. The school is situated towards the southern edge of the village, fronting onto the east side of High Street. This road becomes the Benington Road to the south and is the main road linking Walkern with Watton at Stone, which is some six kilometres to the south.
- 4.3 The main school building is situated centrally towards the front of the site, with the playing fields situated to the rear, which slope gently down to the River Beane on the eastern boundary of the site. There is open countryside beyond the river. The main school building dates from the 1920s and is of traditional construction with more recent extensions to the rear. There are several other buildings present on the site which include: the school dining hall located at the southern end of the site, a mobile nursery unit located between the dining hall and main school building and a classroom block at the northern end of the site.
- 4.4 The main pedestrian and vehicular access from the High Street is in the North West corner of the site with two additional pedestrian accesses on the western edge of the site from the High Street.
- 4.5 The site falls within the Walkern Conversation Area and is a Category 1 village as defined by Policy OSV1.

## **5 Policy Considerations**

### **5.1 National Planning Policy Framework 2012**

Section 8 Promoting healthy communities:

Paragraph 72 The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities

### **5.2 East Herts Local Plan Adopted 18th April 2007**

Policy TR2 – Access to New Development

Policy ENV1 – Design and Environmental Quality

Policy ENV2 – Landscaping

Policy ENV4 – Access for Disabled People

Policy ENV11 – Protection of Existing Hedgerows and Trees

Policy ENV19 – Development in Areas Liable to Flood

Policy BH5 – Extension and Alterations to Unlisted Buildings in Conservation Areas

Policy BH6 – New Developments in Conservation Areas

Policy OSV1 – Category 1 Villages

## **6 Relevant Planning History**

6.1 The following planning history is considered to be of relevance to this proposal:

- 3/0705-98 – Mobile classroom for preschool – Approved June 1998
- 3/0243-04 – Classroom extension – Approved April 2004
- 3/0850-09 – Classroom block, with covered walkway link, 11 additional parking spaces, retention of double mobile classroom for use by pre-school and demolition of pre-school single mobile unit – Approved December 2013
- 3/1890-14 – Application for the demolition and replacement of dining hall and storage sheds; along with the removal of mobile classroom unit – Approved January 2015
- 3/0700-16 – Extend time limit for removal of mobile classroom – Approved April 2016

## **7 Consultations & Representations**

7.1 East Herts District Council; does not object to the proposal as the extensions and alterations are carefully and sympathetically designed to fit within the existing school complex.

7.2 Hertfordshire County Council as a Highways Authority; does not object to the proposal as the development will not result in any highway implications.



7.3 Hertfordshire County Council Landscape Officer; No objection as the visual impact of the extension is considered to be minimal, however has suggested that alternative material colours be sought to closer reflect the existing school building to retain the distinct character within the Conversation Area.

7.4 Walkern Civil Parish; did not respond to formal consultation.

7.5 Sport England; does not wish to raise an objection to this application subject to the following condition;

1. The Multi Use Games Area (MUGA) hereby permitted shall not be constructed other than substantially in accordance with the Sport England Technical Design Guidance Notes “Artificial Surfaces for Outdoor Sport (2012) <https://www.sportengland.org/facilities-planning/design-and-cost-guidance/artificial-sports-surfaces/>”

7.6 Environment Agency; does not object to the proposal.

7.7 Neighbours / Publicity; Publicity for this application was as follows:

2 site notices were erected on the main vehicular and pedestrian accesses on 4<sup>th</sup> October 2017.

A total of 69 properties were consulted and **6** responses have been received. The concerns raised in these representations include:

- The relocation of gates and retaining walls could affect safeguarding of children
- Uncertainty over the number of children attending the school and surrounding residential expansions which could result in more children attending the school
- Further disturbance to neighbours as expansions have not happened simultaneously, rather they have been one after the other
- Further impact of traffic causing congestion and parking issues within Walkern
- Increased noise as a result of construction and traffic movements
- Loss of views due to expansion
- Raising the height of the existing classroom would negatively affect our outlook
- Concern over the location of waste bins which will be moved due to changes in the fencing
- Impact on view from Grade II listed building
- Impact on the Conservation Area due to the location of the building within the school site
- Impact to bats from lighting and the proximity of slow worms to the school
- Risk of flooding caused by development

## 8 Planning Issues

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

- The need for the proposal;
- The location and design of the proposal;
- Landscaping
- Traffic and highways impacts;
- Residential amenity;
- Flood Risk
- Ecology

### 8.2 The need for the proposal

Currently the school accepts 25 children per year, however, not all of the classrooms are an adequate size to comfortably take 25 children and therefore some classes have mixed year groups. As a result of this application an additional classroom of adequate size for 25 children would be produced within the extension and with this extra classroom, internal alterations can be made to two undersized classrooms to create one appropriately sized classroom and a group working room; therefore resulting in the total number of classrooms still being 7 but all of these classrooms being an appropriate size. There are 138 children at the school presently; however there is an approved capacity of 175 children to attend the school as a result of the 2014 approval.

Historically, class numbers at Walkern primary school have been smaller in upper years as some children have transferred at Year 5 to middle schools in Buntingford. Due to increased demand for school places in Buntingford, however, it is expected that this will no longer be the case. It is therefore necessary to provide classes large enough for 25 children for each year group. Therefore the total number of children attending Walkern School could potentially increase but not above 175, which is the limit based on the current infrastructure at the school. Overall the proposed changes allow for each year group to have a dedicated classroom of adequate size and significantly improve the logistics of organising the teaching environment space.

8.2.1 As the proposed classroom is being constructed on an area of existing hard play, it is proposed to extend the hard play area to the south to replace the lost area.

8.2.2 Overall it is considered that the application complies with Section 8 paragraph 72 (Promotion Health Communities) of the National Planning Policy Framework as the government attaches great importance to ensuring that a sufficient choice of school places are available to meet the needs of existing and new communities.

### 8.3 The location and design of the proposal

The classroom extension is proposed to extend the east block to the south within the central area of the site. By being central to the site this should reduce the impact to most neighbouring properties in terms of noise and visual impact. It is recognised that the extension would result in the reduction of space between the main school building and the freestanding nursery building to the southwest and this can be seen from the High Street and properties to the west which have views across the valley to the east of the school; objections have been received from neighbouring properties stating that this location does impact their view. However, there would still be a clear visual break between the extended building and nursery building, the extension would be a low-profile structure with a flat roof and the site slopes downwards away from the road frontage. Therefore it is considered that the impact to neighbour properties will be minimal by locating the extension in this location.

8.3.1 In terms of design, the new classroom would be a low-profile extension to the existing building. While the existing building has pitched roofs of varying heights, the proposed extension would have a flat roof to minimise its impact on the character of the building and the wider street scene and Conservation Area. It is proposed to finish the building in dark grey bricks, to further minimise the visual impact, however it has been suggested by the Council's Landscape Officer that matching the development to the existing school building would be preferable in terms of visual cohesion and would be as minimal in terms of impact as grey brick. All access to the building would be from flat floor level, without the requirement for stairs or ramps. Overall it is considered that the design would be acceptable in the Conservation Area and as such has not raised any objection from East Herts in this regard. Therefore it is considered that the application complies with Policy ENV1 (Design and Environmental Quality), ENV4 (Access for Disabled People), BH5 (Extensions and Alterations to Unlisted Buildings in Conservation Areas), BH6 (New Developments in Conservations Areas) and OSV1 (Category 1 Villages) of the East Herts Local Plan 2007.

### 8.4 Landscaping

No significant landscaping works are proposed as part of the development. The areas affected are currently hardstanding, or immediately adjacent to existing hardstanding and not of any significant landscape value. It is proposed to establish a root protection area for a Category C tree to the rear of the proposed classroom block and a Category B tree in close proximity to the proposed area of hardstanding and this approach has been supported by the Landscape Officer at Hertfordshire County Council. It is therefore considered that the application is in compliance with Policy ENV2 (Landscaping) and Policy ENV11 (Protection of Existing Hedgerows and Trees) of the East Herts Local Plan 2007.

## 8.5 Traffic and highways impacts

The current application does not propose to increase the overall number of children permitted to attend the school. Previous applications have considered the implications of extending the capacity of the school to its current level. As the overall number of children permitted to attend the school is not proposed to change under this application, it is not proposed to increase the amount of parking on site.

8.5.1 It has been recognised however, that local residents have raised concerns about the traffic situation related to the school. As there could be a small rise in the number of students attending the school, due to the school not being at maximum capacity currently, it is proposed that the school travel plan agreed in 2015, which saw the expansion from 15 to 25 children per year, will be reviewed again as part of this application and the establishment of a park-and-stride facility is being investigated. Further, efforts to re-establish walking bus schemes at the school are being undertaken to encourage further walking, rather than driving, to the school.

8.5.2 Overall it is considered that the application complies with Policy TR2 (Access to New Development) of the East Herts Local Plan 2007 and there has not been an objection from the Highway Authority at HCC.

## 8.6 Residential amenity

Concerns regarding residential amenity have been raised with particular concerns including the impact on the Conversation Area and setting of a Listed Building, as well as impact from noise and disruption particularly during construction.

8.6.1 The proposed extension has been designed in such a way that it should have minimal impact to the Conservation Area, a viewpoint which has been reflected in the response from East Herts District Council, who are responsible for advising on this topic. Further, while the extension will be visible from the nearby Grade II Listed Building it is considered the impact will be minimal and ultimately views are not protected under planning legislation. The consideration of impact to the setting of the Listed Building is that due to the minimalist design of the building, in close proximity to the existing built up area of the school, means that the proposal is not considered to impact upon the setting of the Listed Building.

8.6.2 In regards to noise and disruption, the overall operation of the school is not expected to change significantly and therefore the existing noise levels are not expected to differ significantly. In terms of construction, previous works to the school have been at a larger scale than is currently proposed, therefore it is expected the level of vehicle movements and duration of construction would be much lower. While the majority of construction will occur during holiday times, not all of the works can be completed in this time, accordingly construction traffic will avoid peak school travel times and vehicles will park on-site as is

viable. It is a requirement for any contractor that they monitor their parking and traffic movements and avoid, as much as possible, conflict with other road users and local residents.

#### 8.7 Flood Risk

Although parts of the site are within Flood Zone 2, the proposed expansion is entirely within Flood Zone 1; which is the lowest risk area. The new extension and infill would be sited on existing areas of hardstanding and would therefore not increase the impermeable area. There have been concerns from residents regarding flooding in Walkern, however there has not been an objection from the Environment Agency or the Lead Local Flood Authority. It is also proposed to include sustainable drainage measures as part of this development. Overall it is considered that the proposal complies with Policy ENV19 (Development in Areas Liable to Flooding) of the East Herts Local Plan 2007.

#### 8.8 Ecology

The proposed development would principally be focused on an area of the site that is already paved with hardstanding and has negligible ecological value. Much of the grassed area on the site is also heavily managed and therefore is not considered to be of high potential for ecological value.

It has been raised by neighbours that the development could impact upon bats and slow worms. However, the existing buildings on site are considered to have low potential for bat roost and no external lighting is proposed as part of this application; therefore there is no expectation of impact to bats. There are no known records of slow worms being present on the site; however contractors will be made aware that they must avoid any protected species if they are found on site. The response from Hertfordshire Ecology has echoed these statements with the view that it is highly unlikely that bats or slow worms are present on site and the site as a whole has negligible ecological interest.

### 9 **Summary**

- 9.1 The proposed expansion would allow for a significant improvement to the logistical operation of Walkern School. The expansion has been sympathetically designed for the Conversation Area and will have minimal impact to the surrounding area. Although concerns have been raised about increased student numbers and the impact this could have, the number of children permitted at the school will not increase as a result of this application and consideration has been made previously for the expansion to the potential maximum capacity of the school. No objections have been raised by statutory bodies as a result of this application. Overall having taken into account the balance of all the issues and relevant policy, it is recommended that planning permission should be granted subject to the conditions below:

### 1. Time Limit for Commencement

The development hereby permitted shall be begun before the expiration of a three year period commencing on the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Act 1990 (as amended).

### 2. Approved Plans and Documents

The development hereby permitted shall be carried out in accordance with the following approved plans and documents submitted with the application unless otherwise agreed in writing by the Local Planning Authority:

- Design and Access Statement – September 2017
- Ecological Appraisal – 9985 – June 2017
- Flood Risk Assessment – RE70090Y001B – July 2017
- Proposed Site Plan – 539PEP7WAL-AL(0)101 P2 – August 2017
- Proposed Sectional Elevations Sheet 1 of 2 – 539PEP7WAL-AL(0)131 P2 – August 2017
- Proposed Sectional Elevations Sheet 2 of 2 – 539PEP7WAL-AL(0)132 P2 – August 2017
- Existing Site Plan – 539PEP7WAL-AL(0)01 P1 – August 2017
- Proposed Ground Floor Plan – 539PEP7WAL-AL(0)120 P1 – August 2017
- Proposed Part Site Plan Roof Plan – 539PEP7WAL-AL(0)112 P1 – August 2017
- Proposed Part Site Plan Drainage & Services – 539PEP7WAL-AL(0)111 P1 – August 2017
- Temporary Works Site Access Plan – 539PEP7WAL-AL(0)13 P1 – August 2017
- Proposed Site Plan – 539PEP7WAL-AL(0)101 P1 – August 2017

Reason: In order to protect the character, appearance and amenity of the site and the surrounding area and for the avoidance of doubt.

### 3. Multi Use Games Area

The Multi Use Games Area (MUGA) hereby permitted shall not be constructed other than substantially in accordance with Sport England Technical Design Guidance Notes “Artificial Surfaces for Outdoor Sport” (2012) <https://www.sportengland.org/facilities-planning/design-and-cost-guidance/artificial-sports-surfaces/>

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy.

#### 4. Surface Water Drainage System

Prior to occupation a detailed surface water drainage scheme for the site, based on sustainable drainage principles and as assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate how the new soakaway will be designed to cater for the surface water run-off generated by the new development.

The scheme shall as a minimum include:

- detailed drainage design supported by suitable calculations for all rainfall return periods up to and including the 1 in 100 year + climate change event.
- evidence of ground conditions and permeability including BRE Digest infiltration tests undertaken on the proposed location of the soakaway.

Reason: To prevent flooding by ensuring the satisfactory disposal of surface water from the site.

#### **Background information used by the author in compiling this report**

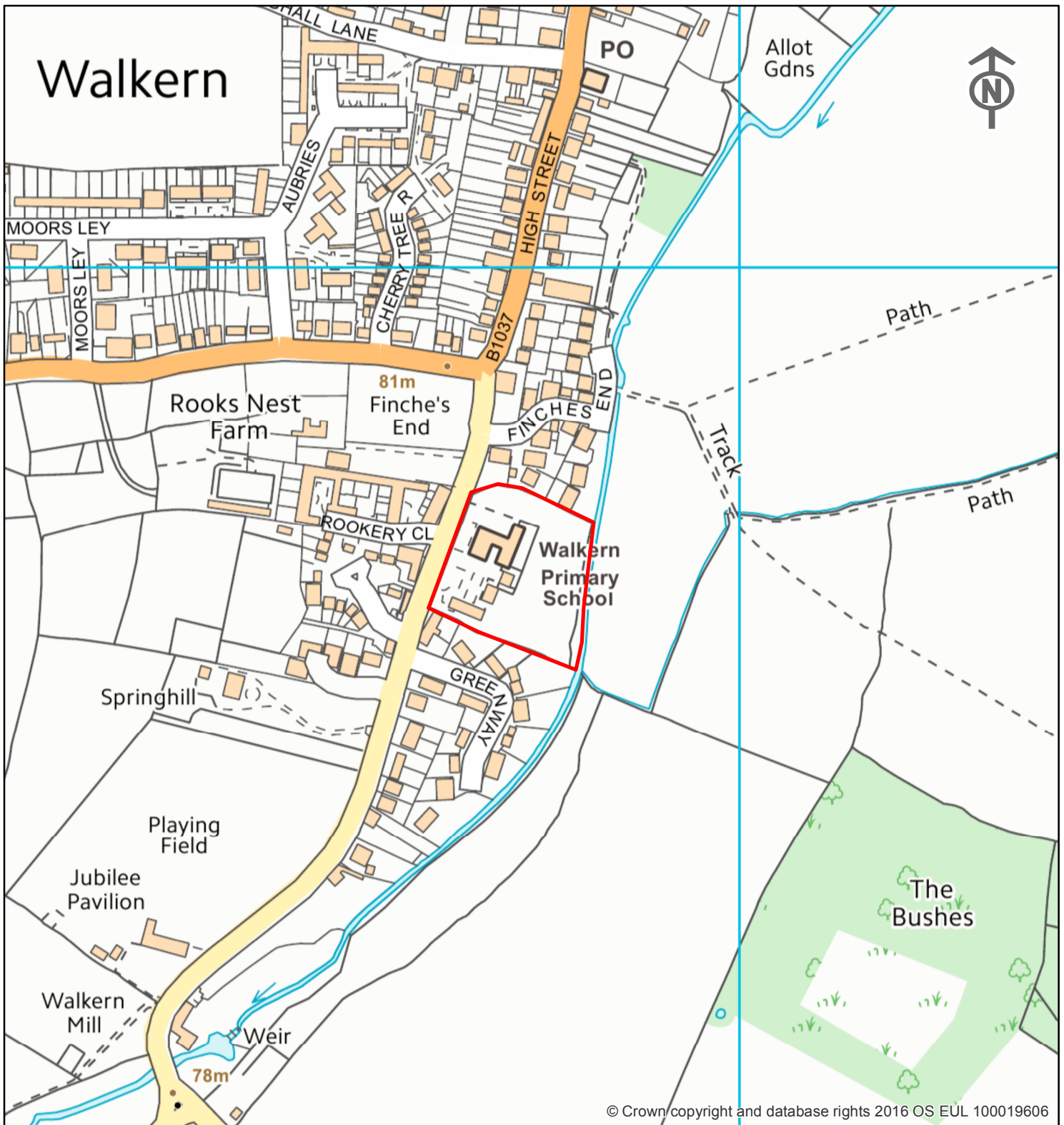
Application documents

NPPF 2012

East Herts Local Plan Adopted 18th April 2007

Neighbour representations

Consultee responses



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## DEVELOPMENT CONTROL COMMITTEE

Date: Friday 8th December 2017

Proposed application for a single storey extension to form 1 new classroom and circulation space, infilling of an internal courtyard to create new office space and enlargement of playground hardstanding at Walkern Primary School, High Street, Walkern, Stevenage, SG2 7NS

0 40 80 120 160 200 240 280 320 360

Agents Pack 12 of 133

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**HERTFORDSHIRE COUNTY COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE  
FRIDAY, 8 DECEMBER 2017 AT 10.00AM**

**HERTSMERE BOROUGH COUNCIL**

Agenda Item  
No.

**5**

**APPLICATION FOR PROPOSED CONTINUED USE OF AN EXISTING MATURATION PAD FOR THE PROCESSING OF GREEN WASTE AND ITS CONVERSION INTO COMPOST FOR USE AS A FERTILIZER ON LAND FORMING PART OF THE FARMING OPERATION UNDERTAKEN AT BLACKBIRDS FARM, BLACKBIRDS LANE, ALDENHAM, HERTFORDSHIRE, WD25 8BS.**

*Report of the Chief Executive and Director of Environment*

Author: Brian Owen, Team Leader Development Management  
[Tel: 01992 555049]

Local Member: Caroline Clapper

**1. Purpose of Report**

1.1 Application 0/1567-17 (CM0867) for the continued use of an existing maturation pad for the processing of green waste and its conversion into compost for use of fertilizer at Blackbirds Farm, Aldenham, WD25 8BS was reported to committee on 26 October 2017, and the committee resolved to grant planning permission subject to conditions. The resolution however did not include a condition on PAS100 as discussed in the committee report. This report seeks authority to include such a condition as part of the decision notice, which has not yet been issued.

**2. The Proposal**

2.1 The proposal is as set out in the previous report to the Development Control Committee of 26 October 2017, which is attached as Appendix 1 to this report. However the recommendation now includes a condition requiring compliance with PAS100, which is the British Standards benchmark for compost quality.

**3. Consultations**

3.1 The consultation responses below are those as reported in the committee report of 26 October 2017 appended to this report. The comments of Hertsmere Environmental Health are set out below:-

3.2 Hertsmere Borough Council (Environmental Health): No objections. It is requested that Mr Pinkerton achieves PAS100 compliance for the compost to be used as fertiliser at Blackbirds farm [by condition] and produces an odour management plan for the spreading of compost at Blackbirds Farm to prevent odour nuisance to neighbouring properties [by condition].

#### **4. Planning Issues**

- 4.1 The planning issues are as raised and set out in the previous report. However, the resolution includes the condition as discussed in relation to PAS100; the relevant section of the report is copied below for reference:-
- 4.2 *“The Environmental Health Officer (EHO) of Hertsmere Borough Council has regularly monitored the site and has not objected to the proposal. They have however required that conditions be attached to the proposal which require PAS100 compliance for the compost to be used as fertilizer (which is a British Standard) and production of an odour management plan to prevent odour nuisance to neighbouring properties.*
- 4.3 *“When the compost reaches PAS100 standard it effectively is no longer a waste and is a clean organic product. The EHO has advised that any potential for odour would also be reduced once the product reaches PAS100 stage. It is considered reasonable therefore that a condition be attached to require this standard following the advice of the Environmental Health Officer in order that the end product does not cause harm to human health or the environment in accordance with Policy 11 of the Waste Core Strategy.*
- 4.4 *“The Environmental Health Officer of Hertsmere Borough Council requests that an odour management plan be sought. An odour management plan was submitted in respect of the existing planning permission and applies to the shredding area. This plan considers issues such as temperature of the windrows on the pad and moisture, and times of turning of the material in order that odour levels are kept as low as possible. The plan also indicates a contingency of deodorizing should it be considered that odours reach unacceptable levels at any time. It is therefore considered appropriate that a condition refers to the existing odour management scheme and applies this to the Broadfield maturation area.”*

#### **5. Conclusion**

- 5.1 The conclusion of the previous report is included below. It is emphasised that compliance with PAS 100 is a material consideration.
- 5.2 In addition to the resolution now including the PAS100 as Condition 6, Condition 7 (Resale of Green Waste Compost) now includes the wording amended by committee at its meeting on 26 October 2017 by reference to 'Blackbirds Farm enterprise'. The committee also resolved on 26 October that the condition limiting hours of operation for this maturation area be deleted. As a result that condition is not included below.
- 5.2 *“It is recognised that there is significant benefit in the re-use of green waste to use as compost within the farm, and that the maturation pad at Broadfields is key to that operation.*
- 5.3 *“Planning approval remains for the reception area and green waste processing at Blackbirds Farm through the earlier planning approval (ref: 0/1097-09). The*

*maturation pad at Broadfields is a key part of the operational process to convert green waste to compost, however it does not have approval due to a technical oversight; this application seeks to remedy that omission. The principle of the development is considered acceptable therefore being in general accordance with local and national planning policy.*

- 5.4 *“No objections have been received from technical consultees (statutory and non-statutory), and whilst 2 objections have been received from neighbours, the application also received 11 letters of support. Any impacts that may arise are considered to be able to be appropriately mitigated by way of conditions, and any harm that may arise as a result of the development are not considered to outweigh the benefits of the scheme which supports a rural enterprise, facilitates a sustainable method of farming and which is a sustainable method of dealing with green waste.*
- 5.5 *“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:”*

Approved Plans and Documents

1. The development hereby permitted shall only be retained in accordance with the following approved plans submitted with the application unless otherwise agreed in writing by the Waste Planning Authority:
  - a. Plan 1, Location plan received 26 July 2017
  - b. Plan 3, Block Plan Broadfield Maturation Pad and Working Area received 26 July 2017

Reason: In order to protect the character, appearance and amenity of the site and the surrounding area and for the avoidance of doubt.

Height of Waste Materials stored in Broadfields Maturation Area

2. No waste or other material shall be stored or stacked over a height of 4 metres within the Broadfields Maturation Area.

Reason: To limit adverse visual effects upon the surrounding landscape

Landscaping

3. Within 3 months of the date of this permission, a scheme for landscape screening of the maturation site at Broadfields including the planting of a hedgerow to the south and east boundaries of the site shall be submitted to and agreed in writing by the Waste Planning Authority. All planting agreed shall be undertaken within the first planting season following the agreement of the details as submitted.

Reason: To limit adverse visual effects upon the surrounding landscape

Odour

4. 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

5. 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 the interest of its general amenity.

Compost Quality

6. The compost produced at the application site shall achieve PAS 100 accreditation or any subsequently revised standard superseding PAS 100 which subsequent standard shall first be submitted to and agreed in writing by the Waste Planning Authority.

Reason: In the interests of human health and odour suppression

Resale of Green Waste Compost

7. The compost generated from the green waste composting hereby permitted shall be used wholly on land at Blackbirds Farm enterprise and there shall be no resale 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 of Blackbirds Farm. The sale of the compost from the site is not considered to be an appropriate use within the Green Belt.

**Background information used by the author in compiling this report**

Application documents:

NPPF 2012

Hertsmere Borough Council Local Plan Core Strategy DPD Adopted 2013

Hertsmere Borough Council Site Allocations and Development Management Policies Plan Adopted November 2016

Hertfordshire Waste Core Strategy 2011-2026

Neighbour representations

Consultee responses

**HERTFORDSHIRE COUNTY COUNCIL**

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

**HERTSMERE BOROUGH COUNCIL**

Agenda Item  
No.

**1**

**APPLICATION FOR PROPOSED CONTINUED USE OF AN EXISTING MATURATION PAD FOR THE PROCESSING OF GREEN WASTE AND ITS CONVERSION INTO COMPOST FOR USE AS A FERTILIZER ON LAND FORMING PART OF THE FARMING OPERATION UNDERTAKEN AT BLACKBIRDS FARM, BLACKBIRDS LANE, ALDENHAM, HERTFORDSHIRE, WD25 8BS**

*Report of the Chief Executive and Director of Environment*

Author: Shaun Wells Tel: 01992 555049

Local Member: Caroline Clapper

## **1.0 Purpose of Report**

1.1 To consider application 0/1567-17 (CM0867) for the continued use of an existing maturation pad for the processing of green waste and its conversion into compost for use of fertilizer at Blackbirds Farm, Aldenham, WD25 8BS.

## **2. Summary**

- 2.1 The proposal seeks to regularise the continued use of a maturation pad in an area known as Broadfields at Blackbirds Farm.
- 2.2 Green waste is composted on the maturation pad in windrows and spread as fertilizer on Blackbirds Farm. The compost is for the use and purpose of Blackbirds Farm only and is restricted to this effect by condition 5 of 0/1097-09
- 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 The application has been received following the issuing of an 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 of Notice 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, however, this application has also been submitted

seeking regularization of the use and operation of the Broadfields Maturation Pad.

### **Conclusion**

2.6 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 (the full wording of which can be found at the end of this report) :

1. Approved Plans and Documents
2. Height of Waste Throughput
3. Landscaping
4. Odour
5. Dust Suppression
6. Resale of Green Waste Throughput
7. Operating Hours

### **3. The Proposal**

3.1 The proposal seeks to regularise the continued use of a maturation pad in an area known as Broadfields at Blackbirds Farm. Planning Approval was granted on 25 September 2009 under application 0/1097-09 for the change of use of existing silage pits to use as open windrow composting of green waste at Blackbirds Farm. As part of that approval, condition 18 required details to be agreed for the location of maturation areas.

3.2 Whilst the approximate location of the Broadfields Maturation Area was indicated by a cross on a plan received by the Council, this was outside of the initial red edge approved under 0/1097-09 and also was not within a red edge plan as part of the discharge of condition 18. Legal advice is that the details of the maturation pads should have been within a defined red edge location plan as part of a planning application. As such this application seeks to the generally regularise that position and brings the maturation pad within a defined area clearly indicated in red ink on a plan submitted with the application.

3.3 An application for a Certificate of Lawful Use with regard to maturation pads at the farm including Broadfield was refused by the Council under delegated powers 14 June 2017, as Officers were of the opinion at that time that insufficient evidence had been submitted with the application to clearly demonstrate that the maturation areas had been in that use continuously for a period of 10 or more years.

3.4 The Council served an enforcement notice 28 June 2017 alleging the material change of use of land from agriculture to the importation of waste, storage of compost and use of storage of associated machinery. The applicant has submitted an appeal against that enforcement notice but has also submitted this application in an attempt to regularise the situation.

- 3.5 Green waste is brought to the farm via HGV to a reception area (this process area was approved under application 0/1097-09). Having being inspected for rogue material and shredded if necessary, the green waste is then transferred by trailer and tractor within the farm to the maturation pad in Broadfield where it is stored in open windrows of no more than 4 metres in height.
- 3.6 In total the maturation pad at Broadfield covers an area of approximately 4000m sq. including a concrete pad of 1,375m sq. (55m wide x 25 m deep) where the green waste is stored whilst it matures and an associated working area of 2625 sq. m. The concrete pad has a sealed drainage system which drains directly to the existing dirty water lagoon which has been in existence for many years.
- 3.7 The temperature of each windrow is recorded on a daily basis and the material is turned as necessary by a compost turner (an aerator) to maintain aerobic conditions.
- 3.8 The maturation process typically takes 6 weeks depending on the type of material being composted, time of year and weather conditions. The material is classed as waste all the time it sits on the maturation pad until the final screening takes place at which point it achieves the national compost benchmark accreditation being PAS 100 and ceases to be waste, having become compost. It then becomes an agricultural product and is ready for spreading on the fields which form part of the farming operation of AF Pinkerton & Partners. Once it becomes an agricultural product planning permission is no longer required since agricultural activities do not constitute development.

#### **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. 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 The Broadfields maturation area within the farm is approximately 4000m sq. including a concrete pad of 1,375m sq. and is located 200 metres to the west of the main farm complex of agricultural buildings. A sewage works is located to the immediate north east of the main farm complex. The farm holding is approximately 440 hectares in total.
- 4.3 FP10 is the closest public right of way to the application site which runs to the eastern edge of Broadfield.

## **5. Policy Considerations**

- 5.1 National Planning Policy Framework 2012:  
Chapter 3, Supporting a Prosperous Rural Economy  
Chapter 9, Protecting Greenbelt Land  
Chapter 11, Conserving and Enhancing the Natural Environment
- 5.2 Hertfordshire Waste Core Strategy 2011-2026  
Policy 1A: Presumption in Favour of Sustainable Development  
Policy 6: Greenbelt  
Policy 11: General Criteria for Assessing Waste Planning Applications  
Policy 15: Rights of Way
- 5.3 Hertsmere Borough Council Local Plan Core Strategy DPD Adopted 2013:  
Policy CS13: Greenbelt
- 5.4 Hertsmere Borough Council Site Allocations and Development Management  
Policies Plan Adopted November 2016:  
Policy SADM26: Development Standards in the Greenbelt
- 5.5 Aldenham Parish Council are the first parish council in Hertsmere 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 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.
- 6.4 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 Other Applications Pending with the Local Planning Authority:-



PL\0854\17- Variation of condition 2 on permission 0/1097-09 to change hours for delivery and operation(Pending decision)

PL\0855\17-Variation of conditions 6 and 7 on permission 0/1097-09 to only include HGV vehicles within these conditions (Pending Decision)

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 comments received

7.2 Hertsmere Borough Council (Environmental Health):No objections. It is requested that Mr Pinkerton achieves PAS100 compliance for the compost to be used as fertiliser at Blackbirds farm [by condition] and produces an odour management plan for the spreading of compost at Blackbirds Farm to prevent odour nuisance to neighbouring properties[by condition].

7.3 Environment Agency No objections.

7.4 Aldenham Parish Council :No objections, provided that the Environment Agency and Highways Agency are satisfied with the continued use of the maturation pad.

7.5 Hertfordshire County Council as a Highways Authority were not consulted as the maturation pad in itself is not directly accessed by public highway, but by internal tracks within the farm.

7.6 Lead Local Flood Authority: No objections. We acknowledge that the site drains into an existing dirty water lagoon. This lagoon receives not only the effluent from the cattle yards but also the surface water runoff from the former silage pits used for the initial stages of composting drains. According to the information provided the Environment Agency (EA) has approved the existing wastewater treatment system at the site and carries out inspections of the system. It is considered that the dirty water lagoon is a wastewater treatment system and not a surface waste drainage system. The LLFA therefore have no comments as they are not statutory consultee on the matter, and suggest that the Environment Agency should be consulted.

7.7 Hertfordshire Ecology (HCC) does not object to the proposal. The Ecology Officer does not consider there to be any ecological constraints associated with the proposals, which seek to continue present use. Notwithstanding this position, the proposals themselves do not enhance the site ecologically in any way, which is what the NPPF seeks to achieve. Consequently it is advised that the planting of a native hedgerow around the perimeter of the feature would be beneficial. This would serve to reduce any visual impact but also restore the hedgerow/field interface which has been lost at this location. This could be suggested as an informative if the application was approved. If the

local impact is considered higher for other reasons also, securing any new planting by Condition may be appropriate , as part of a simple landscaping scheme.

## 7.8 Landscape Officer (HCC)

### Landscape and visual baseline

The site lies within the Aldenham Plateau landscape character area as defined within the Hertfordshire Landscape Character Assessment.

The landscape character is described as ‘An area of predominantly gently undulating arable farmland...Medium to tall hedgerows and sunken lanes help to enclose the open arable fields and retain a rural and tranquil character...’

The visual and sensory perception is described as ‘The relatively elevated level nature of the land and the enclosing vegetation means it is only locally visible from the surrounding areas.’

The strategy for managing change in this area is to **improve** landscape condition and **restore** the strength of character. The guidelines for managing change include:

- promote enhanced habitat and visual linkage through a substantially improved and restored network of hedges and hedgerow trees

### Landscape effects

There is some concern for the relative isolated location of the site; in general it is encouraged to cluster new development with the existing farm complex as far as possible to avoid scattered development across the open countryside.

The creation of a new hedgerow with trees along the southern and eastern site boundaries would help mitigate the impact upon landscape character to an extent, reinforcing the local network of hedgerows and trees. It may also deliver some environmental benefits helping to ameliorate the impacts of any dust and noise.

### Visual effects

The visual envelope (the area from which there is potential views of the development) is well enclosed by the existing woodland along the northern site boundary, the woodland associated with Wood Hall in close proximity to the western site boundary, the settlement of Aldenham to the south, and the settlement associated with Kemprow Road to the east.

The most significant views are from users of the public right of way (FP10) to the east that runs between Blackbirds Farm and Aldenham. From here there are open views into the site of the windrows, and the plant and machinery associated with the maturation operation.

The creation of a new hedgerow with trees along the southern and eastern site boundaries would help mitigate the impact upon visual amenity.

## Conclusion

It is recommended that limiting the height of windrows to 4m, and creating a new hedgerow boundary with trees to the southern and eastern site boundaries should help mitigate the landscape and visual effects of the proposed development.

### 7.9 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.

7.10 Historic England: No objections.

7.11 National Grid- No objections but state that the application site is within close proximity to a High Voltage Transmission Overhead Line.

7.12 Ramblers Association- No view either for or against application so long as FP 10 Aldenham right of way which coincides with part of the access track to the pad is not affected.

7.13 Neighbours / Publicity; Publicity for this application was as follows: 2 site notices were erected on 17<sup>th</sup> 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 Maturation Pad. An advert was also placed in the Watford Observer on Thursday 3rd October 2017.

7.14 A total of 445 properties were consulted and **11** responses have been received. Of these 2 responses objected to the application and 9 responses support the application.

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

- There is overproduction of compost at the farm. On land between Pegmire Land and Radlett Road there are several long mounds of green waste. This surely suggests that too much compost is already being produced.
- Increase in odours, smells from uncovered compost.
- Noise from Broadfield and silage pit operations, and JCB traffic
- Mud spread on Radlett Road

- The applicant has ignored enforcement notices and has continued his operations. Applicant has appealed one notice but not the second notice at School Field.
- There is still an application to consider an increase in compost production from 8000 to 31000 tonnes which has not been withdrawn.
- The consideration of use of conditions cannot be determined without the applicant setting out the parameters of the business he is applying to operate which aren't set out in the application
- The County Council should not consider the application when the applicant has refused to comply with conditions for existing operations.
- The County Council should reject the application as premature and incomplete, and contrary to the enforcement notice served.
- The application is misleading with regard to officers logs relating to odour
- The proposal that the farmer should be able to operate at any hour of day or night and not be restricted by condition is absurd.
- The County Council should not determine the application until an appeal on the enforcement notice is determined.

Comments made from 9 responses in support of the application stated the following in summary:-

- Is betterment to the environment using natural resources instead of artificial fertilizers
- Full support given to green composting
- A respondent who lives on Blackbird Lane stated that they could see no issue with the application, and were happy that green waste could be recycled and composted
- Several local people indicated that they have never encountered significant traffic problems at the site
- Community needs composting sites
- One respondent stated that they were grateful for the manner in which the farm/operation is managed
- There is no impact on surrounding areas
- Service to the community is being carried out. If the operation did not occur it would encourage fly tipping of the waste
- Proposed works would not affect a local livery business
- Head of Lower School Edge Row confirmed that they have no objections to the proposals, however had concern with traffic in the locality generally –not specifically from the development(concerns passed to Highways HCC)
- Recycling of green waste is environmentally better solution than sending to Landfill
- The recycling creates a valuable resource(compost) which supports food production
- A nearby resident (who resides at Kemp Row) confirmed that they have never been disturbed by the farm activities

## 8. Planning Issues

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

The Principle of the Development  
Development Within the Green Belt  
Residential Amenity  
Ecological Impact  
Landscape Impact  
Traffic and highways impact  
Drainage and Flood Risk

### The Principle of the Development

- 8.2 The principle of development was considered acceptable at the stage of the approval of /1097-09, for the proposed change of use of the existing silage pits to use as open windrow composting of green waste. (Approved 25<sup>th</sup> September 2009).

- 8.3 The decision notice recognized the need for maturation pads as part of that proposal under condition 18 of the previous approval which stated that,

*“Prior to the removal of any waste for maturation, details of the location of the maturation areas shall be submitted to the Waste Planning Authority. Only those areas which have received approval for maturation purposes shall so be used.”*

*Reason- To minimise the adverse impact of operations on the local community*

- 8.4 That condition was subsequently discharged by the Local Planning Authority on 15<sup>th</sup> February 2010, on the basis of a plan identifying Broadfields as one of four areas to be used as maturation pads. These areas were outside of the ‘red edge’ location plan however of the original application, and subsequent legal advice has been that any maturation areas should have fallen within the application site, hence the need for this application to regularize that position.

- 8.5 The NPPF supports sustainable development and the rural economy.

Paragraph 14 of the NPPF states that,

*“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development.....and for decision making this means approving development proposals that accord with the development plan without delay”*

Paragraph 28 of the NPPF promotes development of agricultural and other land based rural business.

- 8.6 Policy 1A of the Hertfordshire Waste Core Strategy similarly states that planning applications that accord with policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise.
- 8.7 Policy 11 of the Waste Core Strategy sets out General Criteria for assessing waste applications 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..
- 8.8 Whilst this facility does only serve the purposes of Blackbirds Farm, the natural composting of green waste is a very sustainable method of farming as opposed to using artificial fertilization methods and is sustainable form of waste management.
- 8.9 It is recognized that there is significant benefit in the re-use of green waste to use as compost within the farm, and that the maturation pad at Broadfields is key to that operation.
- 8.10 Planning approval remains for the reception area and green waste processing at Blackbirds Farm through the earlier planning approval. The maturation pad at Broadfields is a key part of the operational process to convert green waste to compost, however does not have approval due to a technical oversight. The principle of the development is considered acceptable therefore being in general accordance with local and national planning policy.
- 8.11 One of the objections complains that there is an over production of compost and that there are mounds of compost around the farm. The current planning permission has a limit for the amount of compost through put at the site. The Environment Agency receives data on production and this has shown that in previous years the production is below the limit, 8,000 tonnes per annum. Compost is applied to the land at specific times of the year depending upon the what happens with different crops in fields around the farm, the compost is then stored for when it is needed.

#### Development Within the Greenbelt

- 8.11 Chapter 9 of the NPPF sets out the 5 purposes of the Greenbelt as follows:- to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment ;to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 8.12 It is not considered that the proposal would be at odds with any of the purposes of the Green Belt . There are some appropriate uses within the Green-Belt, such as agricultural uses and buildings, many of which benefit from permitted development rights. Although this relates to the proposal of the recycling of a waste product and hence requires planning permission, it does support an agricultural use which would be generally considered to be appropriate within the Green Belt.

- 8.13 Policy 6 of the Waste Core Strategy has some relevance as it sets out a number of criteria for 'waste management facilities' within the Green Belt. It is noted that this is not what might be considered to be a regular waste management facility, given that the green waste which is turned into compost can be spread only at Blackbirds Farm and is not for sale (this is required by condition 5 of the planning approval 01/1097-09). The condition limits the use to Blackbirds Farm and that it should not be used for resale. The intention of the condition is to make sure that the compost is not sold on outside of the farm. The siting within the green belt is acceptable providing it is used by Blackbirds Farm for its own use. Policy 6 requires that there is a need for the development that cannot be met by alternative suitable non-Greenbelt Sites. In consideration of this, the location cannot be met by alternative non-Greenbelt sites as it relates to an existing agricultural activity within the Green Belt which is Blackbirds Farm. It is also noted that the use of the site as a 'waste management facility' is also accepted through the grant of application 01/1097-09, and again the application should only be considered in the context of the maturation area and pad, the waste reception area and use already benefitting from planning permission.
- 8.14 There are sustainable transport connections to the site with a good access to the local and major road networks and the wider economic and environmental benefits of the proposal weigh in its favour. As such there is no significant conflict with policy 6 of the Waste Core Strategy.
- 8.15 Policy CS13 of the Hertsmere Borough Council Local Plan Core Strategy DPD, and Policy SADM26 of the Site Allocations and Development Management Policies Plan, similarly seek to restrict inappropriate development and set standards for appropriate development within the Green belt. For the reasons given above however, it is not considered that this would be inappropriate development being related to an established use with the benefit of planning permission and with intrinsic links to an agricultural use. It is not considered that there would be conflict with any of the significant criteria set out in the policies. The proposal is considered to be therefore in general accordance with planning policy which seeks to protect the Greenbelt and its functions.

#### Residential Amenity

- 8.16 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.
- 8.17 There have been 2 objections received to the proposal which express concern with regard to amongst other issues odours and one referred to noise issues.
- 8.18 This application relates to the operations at Broadfields. There is a mitigating distance however from the maturation pad of approximately 400 metres to the closest properties on Pelham Lane and approximately 500 metres to the

properties on Kemprow. Noise should not present an issue given these distances, the Environmental Health Officer from Hertsmere Borough council has not raised any concerns in respect of noise.

- 8.19 The Environmental Health Officer (EHO) of Hertsmere Borough Council has regularly monitored the site and has not objected to the proposal. They have however required that conditions be attached to the proposal which require PAS100 compliance for the compost to be used as fertilizer (which is a British Standard) and production of an odour management plan to prevent odour nuisance to neighbouring properties.
- 8.20 When the compost reaches PAS 100 standard it effectively is no longer a waste and is a clean organic product. The EHO has advised that any potential for odour would also be reduced once the product reaches PAS 100 stage. It is considered reasonable therefore that a condition be attached to require this standard following the advice of the Environmental Health Officer in order that the end product does not cause harm to human health or the environment in accordance with policy 11 of the Waste Core Strategy.
- 8.21 The Environmental Health Officer of Hertsmere Borough Council requests that an odour management plan be sought. An odour management plan was submitted in respect of the existing planning permission and applies to the shredding area. This plan considers issues such as temperature of the windrows on the pad and moisture, and times of turning of the material in order that odour levels are kept as low as possible. The plan also indicates a contingency of deodorizing should it be considered that odours reach unacceptable levels at any time. It is therefore considered appropriate that a condition refers to the existing odour management scheme and applies this to the Boadfield maturation area.
- 8.22 A dust suppression scheme is also in place with regard to the wider site, which includes the windrows at the maturation pad. This includes observations to keep the windrows in a moist condition to prevent dust. Again as this scheme is already in place under condition 10 of approval 0/1097-9, a new dust suppression scheme is not required, however a condition requiring that the operation at the pad is in accordance with the existing dust suppression scheme is considered reasonable.
- 8.23 The Environment Agency also authorize the green waste disposal at the site. The Environment Agency have not offered any considerable comment on the application, other than that they have no objections to the proposal.
- 8.24 The mitigating distances involved to existing residential properties from the maturation pad are unlikely to give rise to significant levels of noise disturbance than that which might occur within any similar agricultural use.
- 8.25 In the absence of formal objections from either the Environmental Health Officer or the Environment Agency, and given the condition to require PAS 100 compliance, and continuation of existing odour and dust suppression schemes, it is considered that any impact upon residential amenity as a direct result of



the development would be at acceptable levels which would not significantly harm residential amenity or human health in accordance with Policy 11 of the Hertfordshire Waste Core Strategy.

#### Ecological Impact

8.26 Chapter 11 of the NPPF seeks to conserve and enhance the natural environment. Policy 11 of The Waste Core Strategy requires *inter alia* that:

iv) the proposed development would not adversely impact upon wildlife habitats, the natural, built or historic environments

8.27 The Ecology Officer HCC raises no objections to the application. They do not consider there to be any ecological constraints associated with the proposals, which seek to continue present use.

8.28 The Ecology Officer advises that a native hedgerow around the maturation pad would be beneficial to not only screen the maturation area but would have some ecological benefit. It is considered that such a condition requiring a hedge would be reasonable, being of some limited benefit not only in ecological terms, but for limitation of landscape impact and also to aid dust suppression.

#### Landscape Impact

8.29 Chapter 11 of the NPPF requires that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

8.30 Policy 11 of the Waste Core Strategy states that application proposals for waste management facilities will be granted provided that *inter alia* :

the siting, scale and design of the development is appropriate to the location and the character of the surrounding natural and built environment;

8.31 The application site is not within a special landscape designation such as Area of Outstanding Natural Beauty.

8.32 The Landscape Officer (HCC) has not objected to the application, however has suggested that the visual impacts of the development could be mitigated through the creation of a new hedgerow with trees along the southern and eastern site boundaries, which "*would help mitigate the impact upon landscape character to an extent*".

8.33 The Landscape Officer also suggests that the visual impact could be mitigated by limiting the height of the wind rows to no more than 4 metres in height.

8.34 It is considered that subject to these conditions that there would be effective mitigation of visual impact and no significant harm to the wider landscape as required by the relevant planning policies.

### Traffic and highways impacts

- 8.35 This application is for the maturation pad only which is served by internal tracks within the farm which do not form part of the public highway. As such the County Highway Authority have no control over this particular aspect of the operation. Green waste is moved via tractor and /or trailer from the reception area (which is controlled via conditions relating to application 0/1097-9, as that is served off the main Highway) to the maturation pad.
- 8.36 As the movements associated with the maturation pad are internal to the farm and off the public highway, then it is not considered that the application has any detrimental effect upon the public highway. One objection complains that mud is spread on Radlett Road, however this application relates to Broadfields which does not access on to Radlett road.
- 8.37 Whilst Footpath 10 (Aldenham) runs adjacent to the maturation pad, the right of way is not hindered or restricted in any way by the development in accordance with policy 15 of the Waste Core Strategy.

### Drainage and Flood Risk

- 8.38 Chapter 10 of the NPPF seeks to direct development away from areas of significant flood risk. The site is within Flood Zone 1, and has a low probability of flooding.
- 8.39 With regard to drainage the Lead Local Flood Authority (LLFA) did not wish to comment as the Environment Agency are the statutory consultee in this instance. The LLFA acknowledge that the site drains into an existing dirty water lagoon . It is considered that the dirty water lagoon is a wastewater treatment system and not a surface waste drainage system. This lagoon also receives the surface water runoff from the former silage pits (reception area). The Environment Agency (EA) has approved the existing wastewater treatment system at the site and carries out inspections of the system. Given that the EA have not objected to the application it is considered that the maturation pad has adequate drainage in place. The proposal is in accordance therefore with chapter 10 of the NPPF in this regard.
- 8.40 The objectors say that the applicant has ignored enforcement notices. The two enforcement notices served by the county council and have both been appealed. The effect of an appeal against an enforcement notice is to suspend the steps required to be undertaken within the notice. The county council do have an application to increase the amount of production and this has not been withdrawn, in addition an objection says that the county council should not consider an application until all parameters of the business are set out. The planning application before the committee has been validated against the validation checklist which is adopted by the County Council. The County Council need to reach a decision on the application which is before the committee and this application is presented with a recommendation on the merits of the application.

## 9. Conclusion

- 9.1 It is recognised that there is significant benefit in the re-use of green waste to use as compost within the farm, and that the maturation pad at Broadfields is key to that operation.
- 9.2 Planning approval remains for the reception area and green waste processing at Blackbirds Farm through the earlier planning approval. The maturation pad at Broadfields is a key part of the operational process to convert green waste to compost, however does not have approval due to a technical oversight. The principle of the development is considered acceptable therefore being in general accordance with local and national planning policy.
- 9.3 No objections have been received from technical consultees (statutory and non-statutory), and whilst 2 objections have been received from neighbours the application has 11 letters of support. Any impacts that may arise are considered to be able to be appropriately mitigated by way of conditions, and any harm that may arise as a result of the development are not considered to outweigh the benefits of the scheme which supports a rural enterprise, facilitates a sustainable method of farming and which is a sustainable method of dealing with green waste.
- 9.4 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:

### Approved Plans and Documents

- 1) The development hereby permitted shall only be retained in accordance with the following approved plans submitted with the application unless otherwise agreed in writing by the Local Planning Authority:
- Plan 1, Location plan received 26 July 2017
  - Plan 3, Block Plan Broadfield Maturation Pad and Working Area received 26 July 2017

Reason: In order to protect the character, appearance and amenity of the site and the surrounding area and for the avoidance of doubt.

### Height of Waste Materials stored in Broadfields Maturation Area

- 2) No waste or other material shall be stored or stacked over a height of 4 metres within the Broadfields Maturation Area.

Reason: To limit adverse visual effects upon the surrounding landscape

### Landscaping

- 3) Within 3 months of the date of this permission, a scheme for landscape screening of the maturation site at Broadfields including the planting of a hedgerow to the south and east boundaries of the site shall be submitted to and agreed in writing by the County Planning Authority. All planting agreed shall be undertaken within the first planting season following the agreement of the details as submitted.

Reason: To limit adverse visual effects upon the surrounding landscape

#### Odour

- 4) 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

- 5) 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 the interest of its general amenity.

#### Resale Of Green Waste Compost

- 6) The compost generated from the green waste composting hereby permitted shall be used wholly on land at Blackbirds Farm and there shall be no resale 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.

#### Operating Hours

- 7) Unless prior approval in writing by the Waste Planning Authority has been given, no processing of green waste including tipping, screening, shredding, and turning at the maturation pad 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 any adverse impact of operations on the surrounding area in terms of noise and general disturbance.

**Background information used by the author in compiling this report**

Application documents:

NPPF 2012

Hertsmere Borough Council Local Plan Core Strategy DPD Adopted 2013

Hertsmere Borough Council Site Allocations and Development Management Policies  
Plan Adopted November 2016

Hertfordshire Waste Core Strategy 2011-2026

Neighbour representations

Consultee responses