

# Agenda Item 95.

<b>Development Management Ref No</b>	<b>No weeks on day of committee</b>	<b>Parish</b>	<b>Ward</b>	<b>Listed by:</b>
153171	10/8	Wargrave	Remenham, Wargrave and Ruscombe	Councillor Halsall

<b>Applicant</b>	Grundon Waste Management Limited		
<b>Location</b>	Star Works, Star Lane, Knowl Hill	<b>Postcode</b>	RG10 9XY
<b>Proposal</b>	<b>153171:</b> Variation application to condition 3 of planning consent 344446 (dated 29th May 1997) to retain the security compound, store and landfill weighbridge for the duration of the landfill operation.		
<b>Type</b>	Minor – Other developments		
<b>PS Category</b>	18		
<b>Officer</b>	Graham Vaughan		

<b>FOR CONSIDERATION BY</b>	Planning Committee on 3 <sup>rd</sup> February 2016
<b>REPORT PREPARED BY</b>	Head of Development Management and Regulatory Services

## SUMMARY

The site is within the Green Belt and designated countryside and therefore is within a sensitive landscape. Although set back from the A4 main road, public footpaths are situated around the area. Whilst the landfill site is within the Wokingham Borough, Star Lane itself is primarily within the Windsor and Maidenhead Borough. As such, residential properties within both Boroughs are impacted by the site.

The application is for the retention of the security compound, store and landfill weighbridge during the time of landfill operation. It is as a result of the requirement for landfill operations to continue on the site as it has not yet been fully filled and this is considered through application 153172. The main reasons for not fully filling the site are the reduction in the amount of waste being sent to landfill (through Government initiatives) and the restrictions on the amount of waste that can be sent to the site (e.g. through the limits on vehicle movements). Without the site being completed, the agreed restoration scheme could not take place.

The continued operation of the security compound, weighbridge and store would allow for the continuation of landfill operations to the extent that the site could be completed and fully restored. As a result, it is considered acceptable in planning terms however the condition is amended to ensure these elements would be removed following the completion of the site. All other conditions for application 344446 would remain in effect.

## PLANNING STATUS

- Green Belt
- Countryside
- Ancient Woodland consultation zone
- Archaeological Interest
- Contaminated land consultation zone
- Footpaths
- Wind turbine consultation zone
- Farnborough Aerodrome consultation zone
- Landfill consultation zone

- Groundwater protection zone
- Tree Preservation Order
- Local Wildlife site
- Protected species consultation zone

## RECOMMENDATION

**153171: That the committee authorise the GRANT OF PLANNING PERMISSION subject to the following:**

### A. Conditions and informatives:

1. Condition 3 now reads:

The use of the site as a security compound, skip container store, aggregate store and vehicle park shall cease on completion of the Knowl Hill landfill site (permitted by planning permission 340429 & 426466 (and any subsequent permissions under section 73 of the Act permitting the carrying out of the development)). *Reason: To restrict the period of operations in the interest of amenity and in accordance with the application.*

2. All other conditions of planning permission 344446 apply to this permission. Please see appendix one for list of conditions attached to 344446.

## PLANNING HISTORY

184/47	Interim development order (IDO) for mineral extraction <b>granted</b> in July 1947
340429 & 426466	Remedial filling and restoration of former landfill site, extension of landfill and restoration of quarry, site roads, weighbridge and office on land west of Star Works <b>allowed at appeal</b> on 5 <sup>th</sup> September 1994
MIN/2004/2560	Mineral extraction at star works - Appeal against conditions imposed on previous consent 342286 <b>part allowed and part dismissed at appeal</b> on 12 <sup>th</sup> September 2006
VAR/2008/0333	Proposed variation to conditions 1 & 2 of consent 97/65283 to allow revised cell boundaries and delay the construction of engineered batter <b>conditionally approved</b> 17 <sup>th</sup> October 2008
VAR/2008/0334	Application for variation of Condition 11 to allow an increase in the number of Heavy Goods vehicle movements and Non-Compliance with Condition 4 relating to provision of batters adjacent to Area "C" of permission 340429 <b>conditionally approved</b> on 11 <sup>th</sup> September 2008
VAR/2010/1795	Variation of condition 11 of Permission 34029: From The maximum number of heavy goods vehicle movements importing waste and soils and exporting minerals from the site shall not exceed 90 movements in any one day of which not more than 48 movements shall relate to the import of waste and soils, To: The maximum number of heavy goods vehicle movements importing waste and soils shall not exceed an average of 70 per day on a monthly basis calculated on the basis of 5.5 working days per week. The number of HGV movements shall not exceed 90 movements in any one day <b>conditionally approved</b> on 16 <sup>th</sup> December 2011
VAR/2015/0670	Application to vary conditions 14 & 15 of appeal planning consent 340429 (Remedial filling and restoration of former landfill site,

	extension of landfill and restoration of quarry, site roads, weighbridge and office on land west of Star Works, Star Lane, Knowl Hill) to allow the permitted hours of operation to be extended to 1600 on Saturdays and 0900 - 1600 on Sundays <b>withdrawn</b> on 4 <sup>th</sup> June 2015
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<b>SUMMARY INFORMATION</b>	
Total extraction site area	32 hectares
Grundons operation site area	17.3 hectares
Actual landfill site area	6.7 hectares
Unfilled landfill site area	Approximately 3.3 hectares

<b>CONSULTATION RESPONSES</b>	
Highways	No objection
Biodiversity	No comments received
Tree and Landscape	No objection
Environmental Health	No objection
Policy	No objection
Rights of Way	No comments received
Wargrave Parish Council	No objection
Local Members (Wokingham Borough Council)	Listing request from Councillor Halsall if the recommendation is for approval due to impact on environment and residential amenity
Hurley Parish Council (adjoining Parish/Borough)	Do not support or object but comment that at a recent residents meeting, it was considered the applications should be refused and the operating company withdraw from the site. If the applications are to be approved then the site should be appropriate monitored by the EA/WBC
Local Member (adjoining Parish/Borough)	Letter of objection from Councillor Hunt with regards to the following: <ul style="list-style-type: none"> <li>• Both Grundon and the EA have been lax in applying the waste management license</li> <li>• Significant odours have arisen from the site and many residents cannot enjoy their gardens</li> <li>• Many residents have anticipated that the operations would cease in 2016</li> <li>• There is a discrepancy between 2010 and 2016 figures in terms of the amount of imported material required</li> <li>• The Star Works site is not advertised by Grundon on their website</li> </ul> Grundon should apply for a variation of the contours for restoration instead of time for landfill
Windsor and Maidenhead (adjoining Local Planning Authority)	No comments received

<b>REPRESENTATIONS</b>
At the time of writing, 16 letters of objection have been received. Whilst these primarily relate to application 153172 a summary of the objections have been provided for both

applications on the site.

- Grundon have failed to comply with the license conditions for a long time and do not cover deposited waste properly
- Litter blows across into neighbouring sites and there are regular revolting smells
- Smells cover long distances and can be detected approaching the site not just next to it
- Methane gas comes off the site often having a detrimental and disrupting impact
- Reverse alarms from lorries are heard 6 days a week
- The existing vehicle movements are not utilised to the full amount
- 3 years is a long time and residents have been expecting the site to finish in 2016
- Residents cannot enjoy their gardens particularly during summer months
- Seagulls visit the site on a daily basis and nothing has been done about them
- Waste material is deposited outside the site and is hazardous to people and animals
- Traffic from the site interferes with walkers and this could increase
- Site is an eyesore from the public footpaths and bridleways
- No evidence is provided to say the works can be completed in three years
- Grundon have not reached the tonnage limit each year so how can they complete the site in three years
- No evidence of existing restoration can be seen
- The land should be restored as it is now and the delays have arisen due to the mismanagement of the site

#### **APPLICANTS POINTS**

- National trend in waste generation has led to less waste being sent to landfill – this could not be foreseen at the time of the appeal
- Full restoration of the site could not take place if the operations were to stop at the current specified time – this could lead to a landscape which would not integrate into the area
- The weighbridge, security compound and store help in managing the site effectively

#### **PLANNING POLICY**

National Policy	<b>NPPF</b>	National Planning Policy Framework
	<b>NPPW</b>	National Planning Policy for Waste
	<b>NPPG</b>	National Planning Policy Guidance
Adopted Core Strategy DPD 2010	<b>CP1</b>	Sustainable Development
	<b>CP3</b>	General Principles for Development
	<b>CP6</b>	Managing Travel Demand
	<b>CP7</b>	Biodiversity
	<b>CP9</b>	Scale and Location of Development Proposals
	<b>CP11</b>	Proposals outside Development Limits (including countryside)
	<b>CP12</b>	Green Belt
Adopted Managing Development Delivery Local Plan 2014	<b>CC01</b>	Presumption in Favour of Sustainable Development
	<b>CC02</b>	Development Limits
	<b>CC06</b>	Noise

	<b>TB01</b>	Development within the Green Belt
	<b>TB03</b>	Major Existing Developed Site in the Green Belt (Star Brick and Tile Works)
	<b>TB21</b>	Landscape Character
Waste Local Plan for Berkshire	<b>WLPB</b>	Policy 11
Replacement Minerals Local Plan for Berkshire	<b>RMLP</b>	Policies 18 and 19

## **PLANNING ISSUES**

### Description of Development:

1. The proposal relates to the extension of time for landfill operations at the Grundon Waste Management landfill facility at Star Works, Star Lane, Knowl Hill. Two variation applications have been submitted for this with application 153172 specifically requiring the time limit of the condition placed on the original approval to be increased and application 153171 requiring further time for the security compound and weighbridge to remain on the site.
2. Application 153171 specifically relates to the retention of the security compound, store and landfill weighbridge for the duration of the landfill operation. As such, it is considered necessary to re-word the condition to allow this to happen, but to cease at the end of operations on the site as a whole (i.e. after restoration).
3. The site is within the Green Belt and designated countryside but is recognised in the Local Plan as a major existing development site in the Green Belt. The use of the site is well established since being mined for mineral extraction from 1947 as part of the approval of an interim development order. In 1994, an application for the site to be used as landfill was allowed at an appeal stage subject to a significant number of conditions which commenced in 1999. Some of these conditions were contested in 2004 and this was part allowed and part dismissed at an appeal stage. Two further applications were made in 2008 to change further conditions and these were both approved. Other applications have been made on the site but relate to working practices or the installation of new equipment and are therefore not directly relevant to this application.

### Principle of Development:

4. The principle of development was established through the granting of planning permission for landfill operations and in essence, this cannot be revisited. However, it should be acknowledged that planning policies have changed since the original application and in particular national policies such as the National Planning Policy Framework (NPPF) and the National Planning Policy for Waste (NPPW) have come into existence. Furthermore, local planning policies have changed including the adoption of the Core Strategy and Managing Development Delivery Local Plan.
5. Through policies CP1 and CP3, the Core Strategy aims to provide sustainable development that is appropriate for the area. Although not specifically aimed at minerals and local waste, both policies seek environmental improvements and that impacts on local residents' amenity are minimised and mitigated against.

6. For applications within the Green Belt, policies CP12 of the Core Strategy and TB01 of the Managing Development Delivery Local Plan aim to limit development and maintain openness in the Green Belt. Specifically relating to the proposal site, policy TB03 of the MDD Local Plan states:
  - a. The Star Brick and Tile Works, Knowl Hill is identified as a major existing developed site in the Green Belt and is defined on the Policies Map.
  - b. Within the defined development envelope of the Star Brick & Tile works, the principle of limited infilling or the partial or complete redevelopment of the site will only be acceptable where it would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
7. This is consistent with bullet point 6 of paragraph 89 of the NPPF which relates to exceptions to harmful development within the green belt. Paragraph 3.8 of policy TB03 states that '*the Council will accept the principle of re-use, redevelopment or limited infilling, subject to relevant policies and site specific considerations*'. Therefore, the appropriateness of the proposed retention of structures is dependent on there being no greater harmful impact to the openness of the Green Belt – and the purpose of including land within the Green Belt – than the existing development. It is understood that there is to be no additional installation or erection of structures – rather existing structures are to be retained and therefore it is considered that there would be no additional impact to the openness of the Green Belt.

#### Business Need:

8. The retention of the facilities on the site is as a result of the requirement to continue landfilling operations. The business need of this is explored in application 153172 however Grundon have submitted a business case for continuing landfill for both applications. Whilst landfill operations could technically continue without the weighbridge, security compound and store, these elements obviously help with the running of the site and understanding of how much landfill has been deposited. As a result, there is a clear business need for the continuation of these elements if landfill operations continue. It should be noted however that the condition, whether original or reworded, requires the use to cease on completion of the site. In other words, the weighbridge, security compound and store must be removed once operations have stopped; regardless if that is in 2016 or 2018 for example.

#### Character of the Area:

9. The site is an active landfill site and therefore already has a distinct appearance and impact on the area. Whilst the site is within the Green Belt and in designated countryside, it nonetheless was considered acceptable in character terms when determined at appeal. Part of the reason for this was the restoration of the site once landfill operations had ceased and in order to achieve this, the Inspector placed conditions on the original permission relating to the restoration of the land.
10. In respect of the weighbridge, security compound and store, these are also bound by condition to be removed following cessation of operations on the site.

Given that they have an established impact on the character of the area, and this would not change as a result of the proposal, it is considered acceptable to further the time in which they are on site. Grundon have put forward an additional three years for landfill operations and although it would be a further six months after this that they would have to be removed by, three and a half years is not considered an undue delay when put into the context of the duration of the site as a whole. As such, no harmful impact on the character of the area and the Green Belt is considered to occur by allowing the proposal.

#### Residential Amenity:

11. There are properties on Star Lane in both Wokingham and Windsor and Maidenhead Boroughs which are impacted by the landfill operations as well as properties on Canhurst Lane which is entirely within Wokingham Borough. It should also be noted the former Seven Stars Pub, to the east along the A4 and in Windsor and Maidenhead Borough, is being converted into residential units. The actual landfill operations take place to the north and north west of these properties with the other elements of the site (e.g. weighbridge, security compound) being located closer to the properties on Star Lane.
12. With regards to the weighbridge, security compound and store, it is considered these are of a sufficient distance from neighbouring properties to mitigate any impact on residential amenity in terms of overlooking, overbearing and a loss of light. Furthermore, noise and disruption arising from these elements is not considered to be sufficiently harmful to warrant refusing the application. Clearly they were considered to be acceptable by being allowed and a condition is in place to require their removal. Whilst it is acknowledged this would continue for additional time beyond what was originally agreed the elements are important in ensuring the safe and efficient use of the site and this is considered to outweigh the impact of continuing their use.

#### Access and Movement:

13. Although some aspects of the proposal are involved in the highway movements associated with the site, these are as a result of the use of the site instead of the components of the proposal. As such, the continued use of the site for the weighbridge, security compound and store would not in itself result in any additional highway movements. Although it could be argued this would be above the original level of movements, the conditions restricting vehicle movements would still be in place and therefore no harmful impact would occur.

#### Landscape and Trees:

14. Given the established impact of the site, it is considered no significant additional harm would arise as a result of retaining the weighbridge, security compound or store. Allowing the retention of these facilities would mean the site could be run more efficiently and therefore allow a quicker resolution. As such, and although indirectly, this would lead to a betterment in terms of the overall landscape character.

#### Ecology:

15. Given the established impact of the site, it is considered no significant additional harm would arise as a result of retaining the weighbridge, security compound or store. Allowing the retention of these facilities would mean the site could be run more efficiently and therefore allow a quicker resolution. As such, and although indirectly, this would lead to a betterment in terms of ecology.

### **CONCLUSION**

The retention of the weighbridge, security compound and store would not lead to any additional impacts on the site other than being there for longer than originally planned. However, they clearly already have an established impact and this would not change in terms of the openness of the Green Belt or residential amenity. A business need is also apparent as the elements to be retained would help in running the site more efficiently than if they were not present. As such, the proposal is considered to accord with local and national planning policy and is therefore recommended for approval.

### **CONTACT DETAILS**

<b>Service</b>	<b>Telephone</b>	<b>Email</b>
Development Management and Regulatory Services	0118 974 6428 / 6429	development.control@wokingham.gov.uk