

PLANNING COMMITTEE - Date:16 December 2015

Report of the Executive Head for Economic Development, Planning and Sustainability.

Ref: D2015/72898/FUL	WARD: D17 / BEDDINGTON NTH	Time Taken: 10 weeks, 0 days
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Site: Beddington Waste Management Facility BEDDINGTON LANE Beddington CR0 4TH

Proposal: Variation of Condition 13 of previously approved application D2005/54794/FUL, to permit the disposal of Local Authority waste between 13.00 and 16.30 for six Saturday afternoons in any one calendar year.

Applicant: Mrs Mandeep Jutley

Agent: Ms Regina Hessemann

Recommendation:**GRANT PLANNING PERMISSION**

subject to completion of a deed of variation to the original S.106 legal agreement to be completed by 5 January 2016 or such longer period as may be agreed in writing by the Executive Head of Economic Development, Planning and Sustainability, after which time the resolution to grant will be rescinded;

Reason for Report to Committee: Major application recommended for approval.

Summary of why application proposals are acceptable:

- This Section 73 application represents minor alterations to the scheme approved under ref D2005/54794/FUL to use the premises between the hours of 13:00 to 16:30 for six Saturday afternoons in any one calendar year.
- The proposal would not result in harm to the visual appearance of the site or its wider setting, the local highway network, impact on neighbours, trees and landscaping.

1.0 BACKGROUND**1.1 Site and Surroundings:**

1.2 The application site comprises 97.2 hectares of land located to the west of Beddington Lane. The majority of the land has been subject to mineral extraction and continues to be subject to landfill activity pursuant to a planning permission granted on appeal in 1995. A recycling and composting centre managed by the applicants, Viridor, occupies the north-eastern corner of the site.

1.3 The site receives domestic and non-domestic waste, contaminated soils, green and skip waste and dry recyclables from the South London Waste Partnership (the Partnership) boroughs of Sutton, Kingston, Merton and Croydon and other parts of Greater London. The majority of the waste is presently sent to landfill, with the exception of green waste, which is processed in a composting plant, dry recyclables, which are brought to the site for bulking prior to transfer to recycling facilities elsewhere, and a small amount of residual waste that is compacted and sent to an energy recovery facility at Lakeside in Colnbrook. In 2009, the landfill facility at Beddington accommodated around 330,000 tonnes of waste of which around 200,000 tonnes was the Partnership's own household waste.

- 1.4 The site is accessed from Beddington Lane (the B272), from a point approximately 100 metres north of the Coomber Way roundabout. Imports are transported by HGVs which generate the majority of vehicle movements to and from the site.
- 1.5 The combination of site activities working towards the agreed restoration scheme under application D2005/54794/FUL has led to a varied and engineered landform. Landfill is complete in much of the southern third of the site and this area has been contoured and seeded in accordance with the previously agreed restoration plans. Two lakes and a reed bed have been formed close to the western boundary. The remainder of the site continues to be subject to landfill, composting and recycling activity, as well as ongoing restoration. Vegetation is largely restricted to the periphery of the site with major screens of trees and shrubs along the southern and western boundaries.
- 1.6 The site is bounded to the south by Beddington Park and to the west by the Sutton to Victoria railway line. Thames Water sewage treatment works and neighbouring industrial plots border the site to the east. To the immediate north and south-east are two areas of sewage sludge deposition known as the Hundred Acres and SAM sites respectively. These lie outside the application site but parts are leased to the applicants by Thames Water. The SAM site includes a Scheduled Ancient Monument - the remains of a Roman villa. To the north of the Hundred Acres is Mitcham Common.
- 1.7 The wider area to the east is mainly commercial in character. The Thames Water sewage treatment works and adjoining industrial sites form part of the Beddington Strategic Industrial Area which extends to the boundary with the London Borough of Croydon. Beddington village lies to the south-east. Beyond the railway line to the west lie Bedzed and neighbouring residential areas in Hackbridge.
- 1.8 **Site Specific Designation:**
- 1.9 The site lies within an area defined in the London Plan as Metropolitan Open Land (MOL), part of a Metropolitan Green Chain, a Site of Metropolitan Importance for Nature Conservation and part of the proposed Wandle Valley Regional Park. These designations are all reflected in the Core Strategy to the Sutton Local Development Framework (LDF).
- 1.10 The site falls within an Archaeological Priority Area and the south-western corner is an area at risk of flooding. The southern boundary of the site adjoins the Beddington Park Conservation Area.
- 1.11 Both the landfill and recycling and composting centre are identified in the South London Waste Plan adopted March 2012 as existing waste sites safeguarded for their current use or conversion to waste management. The Plan notes that both sites are subject to temporary planning permissions or resolutions to grant temporary permission that are due to expire in 2023, after which the land will be incorporated into the Wandle Valley Regional Park.
- 1.12 **Relevant Planning History:**
- 1.13 The site has a lengthy history of waste management use. Permission for mineral extraction and landfill operations was first granted on appeal in 1995. This was subject to a number of conditions including a requirement to complete infilling operations by 2015 and to restore the land within 17 months thereafter. Permission for a recycling centre was first granted in 2003, linked to the life of the landfill. Following Viridor's acquisition of the land in 2004, a variation to the design and layout of the facility was granted in 2005.

- 1.14 The 1995 permission was accompanied by a unilateral undertaking from Thames Water, the owners of the land, the main purpose of which was to secure arrangements for the restoration of the land following landfill and the creation and future management of a variety of wildlife habitats. This included the formation of a Beddington Farmlands Trust to undertake the future management of the restored land. The restoration plans were embodied in a conservation management plan. (Other obligations from 1995 regarding Coomber Way and related highway measures have been largely implemented).
- 1.15 Variations to the 1995 and 2005 permissions, to allow extended hours for the reception and land filling of local authority waste, were granted in August 2009 and September 2010. In May 2012 the Development control Committee granted permission for a further variation to permit an increase in the number of vehicle movements associated with the night time delivery of local authority waste to the waste reception building.
- 1.16 In 2005 Viridor submitted an application (D2005/54794/FUL) to build a 75,000 tonnes per annum anaerobic digestion plant adjacent to the existing recycling centre and to extend the duration of all waste management activities on the site from 2015 to 2023, reflecting its contract with the Partnership. The application also sought permission to export and stockpile clay from the site prior to landfill. The application was first reported to Committee in April 2008 when it was resolved to grant permission subject to, inter-alia, the completion of a legal agreement with Viridor to ensure the restoration and future management of the land. The application was accompanied by an amended conservation management plan that drew on the practical knowledge gained from the restoration and conservation work undertaken on site since 1995.
- 1.17 Resolution of the legal agreement was protracted, so the application was reported back to Committee on 18 July 2012 to review and refresh the 2008 resolution. The delay provided an opportunity to review the restoration plans for the land and the best management arrangements for achieving these. A conservation management scheme, to replace the 2008 management plan, was reported to the Committee. Committee confirmed its earlier resolution to grant permission subject to the completion of the legal agreement. The agreement was completed and permission approved in June 2013. Restoration of the landfill approved under this permission has been implemented and the recycling facility currently operates in accordance with this permission.
- 1.18 In March 2010 Viridor submitted an application to build a smaller (30,000 tonnes per annum) anaerobic digestion plant, again reflecting its contract with the Partnership. This remains outstanding. However, in February 2013 the Partnership confirmed that it does not intend to pursue the anaerobic digestion proposals and Viridor has now committed not to build the agreed, larger facility.
- 1.19 In July 2012 Viridor submitted an application to demolish the existing buildings on site and to build a energy recovery facility (ERF) along with buildings ancillary to the ERF, construction of two combined heat and power (CHP) pipelines, revisions to the approved restoration plan for the Beddington landfill site approved under application ref:D2005/54794/FUL, amendments to the existing in-vessel composting operations, removal of existing access and provision of new access road and reconfiguration of access to Thames Water site to north.
- 1.20 The planning application was reported to the Development Control Committee on the 24 April 2013 with the recommendation of approval subject to the conclusion of a legal agreement, the provision of additional areas for habitat and access and no adverse direction being received from the Mayor of London to whom the application had been referred.

- 1.21 The application was deferred so that further investigation on air quality and traffic issue, and to consider reinforced conditions on these topics and related provisions within the draft S106 agreement. In May 2014 planning permission was granted subject to conditions and the execution of a S106 agreement.
- 1.22 Following the granting of planning permission, in June 2014 a Judicial Review was brought to the High Courts. Following the Courts investigation the Judge dismissed the case for Judicial Review. Viridor have recently confirmed that they have begun to implement the ERF permission on site.
- 1.23 Application D2015/72902/FUL was submitted in October 2015 for the 'use of existing composting and waste product storage buildings and hardstandings for the receipt, bulking and transfer of residual waste, street sweepings, green waste, mixed recyclates and food waste for temporary period until 31 December 2022. This application is pending a decision.

2.0 APPLICATION PROPOSALS

2.1 Details of Proposal:

- 2.2 Planning permission is sought for variation of condition 13 of previously approved application D2005/54794/FUL (as described in paragraphs 1.16 and 1.17), which states:

- 2.3 *"No operation authorised or required under this permission shall be carried out other than during the following times:*

- *0700 - 1730 Mondays to Fridays*
- *0700 - 1300 Saturdays*

and no such operation shall take place on Sundays or on Christmas Day, Boxing Day or New Years Day without the prior written approval of the local planning authority.

This condition shall not prevent the following activities in accordance with schemes approved under this permission:

(a) operation of, or emergency repairs to, machinery necessary to control or manage landfill gas or leachate;

(b) operation of, or emergency repairs to, water pumps necessary for the control and disposal of water;

(c) the digestion of waste within the digester complex;

(d) the operation of the slurry processing building and pumping of slurry to the digester complex"

- 2.4 The application proposes to permit the disposal of Local Authority Waste between 13:00 and 16:30 for six Saturday afternoons in any one calendar year. The revised condition would read as follows:

- 2.5 *No operation authorised or required under this permission shall be carried out other than during the following times:*

- *0700 - 1730 Mondays to Fridays*
- *0700 - 1300 Saturdays*
- *1300 – 1630 Six Saturday afternoons in any one calendar year.*

and no such operation shall take place on Sundays or on Christmas Day, Boxing Day or New Years Day without the prior written approval of the local planning authority.

This condition shall not prevent the following activities in accordance with schemes approved under this permission:

- (a) operation of, or emergency repairs to, machinery necessary to control or manage landfill gas or leachate;*
- (b) operation of, or emergency repairs to, water pumps necessary for the control and disposal of water;*
- (c) the digestion of waste within the digester complex;*
- (d) the operation of the slurry processing building and pumping of slurry to the digester complex”*

2.6 The applicant requires the additional operating hours to facilitate greater flexibility to meet the collection requirements of the four Boroughs that make up the South London Waste Partnership and to enable them to meet the additional demand over the Christmas and holiday periods. No building works are proposed and there would be no change to the level of tonnage coming to the landfill, or the type of waste that are disposed at the site.

2.7 **Significant amendments to application since submitted:**

2.8 None.

3.0 **PUBLICITY**

3.1 **Adjoining Occupiers Notified**

3.2 **Method of Notification:**

3.3 Letters were sent to 25 adjoining occupiers on the 26 October 2015 located in Beddington Lane, Coomber Way and Jessops Way and a site notice was erected within the vicinity on 11 November 2015. A site notice also appeared in the Sutton Guardian on 29 October 2015.

3.4 **Number of Letters Received:**

3.5 One.

3.6 **Address of Representation:**

3.7 40 Wordsworth Road

3.8 **Material Consideration:**

- Proposal will cause extra traffic and noise.

3.9 **Official Consultation**

3.10 **Internal:**

3.11 Senior Highways Engineer:

3.12 No objection.

3.13 Sustainability:

3.14 No objection.

3.15 Strategic Policy:

- 3.16 No objection.
- 3.17 Biodiversity:
- 3.18 No objection.
- 3.19 Environmental Health:
- 3.20 No objection.
- 3.21 Waste Management:
- 3.22 No objection.
- 3.23 Opportunity Sutton:
- 3.24 Any comments received will be reported orally at committee.
- 3.25 **External:**
- 3.26 London Borough of Merton:
- 3.27 No objection.
- 3.28 London Borough of Croydon:
- 3.29 Any comments received will be reported orally at committee.
- 3.30 Environment Agency:
- 3.31 No objection subject to suitable conditions.
- 3.32 Natural England:
- 3.33 No objection.
- 3.34 Surrey and East Surrey Water:
- 3.35 Any comments received will be reported orally at committee.
- 3.36 Thames Water:
- 3.37 No objection.
- 3.38 **Councillor Representation:**
- 3.39 None.

4.0 **MATERIAL PLANNING POLICIES**

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the London Borough of Sutton comprises the following documents:

(1) The London Plan – Spatial Development Strategy for Greater London (July 2015).

(2) The Local Development Framework (LDF) has replaced the UDP as the official Development Plan for the Borough. At present it comprises two main documents (additional ones for specific areas such as Sutton Town Centre will be produced):

- (a) The Core Planning Strategy (CPS)
- (b) The Site Development Policies Development Plan Document (DPD)

Also a material consideration in determining planning applications are:

- (a) National Planning Policy Framework
- (b) National Planning Policy Guidance
- (b) Adopted London Borough of Sutton Supplementary Planning Guidance/ Documents.

4.2 **London Plan:**

- 2.18 - Green Infrastructure: The Network of Open and Green Spaces
- 7.17 - Metropolitan Open Land
- 7.19 - Biodiversity and Access to Nature
- 5.2 - Minimising Carbon Dioxide Emissions
- 5.3 - Sustainable Design
- 5.5 - Decentralised Energy Networks
- 5.6 - Decentralised Energy in Development Proposals
- 5.7 - Renewable Energy
- 5.8 - Innovative Energy Technologies
- 5.10 - Urban Greening
- 5.11 - Green Roofs and Development Site Environs
- 5.12 - Flood Risk Management
- 5.13 - Sustainable Drainage
- 5.17 - Waste Capacity
- 6.1 - Integrating Transport and Development – Strategic Approach
- 6.3 - Assessing Effects of Development on Transport Capacity
- 6.9 - Cycling
- 7.1 - Building London's Neighbourhoods and Communities
- 7.2 - An Inclusive Environment
- 7.4 - Local Character
- 7.7 - Location and Design of Tall and Large Buildings
- 7.14 - Improving Air Quality

4.3 **Sutton Core Planning Strategy DPD:**

- PMP5 - Wandle Valley
- PMP9 - The Open Spaces Network
- BP5 - Improving Health and Well-Being
- BP6 - One Planet Living
- BP7 - Flood Risk and Climate Change Adaptation
- BP8 - Waste Reduction and Management
- BP9 - Enabling Smarter Travel Choices: an Area-Based Approach
- BP12 - Good Urban Design and Heritage
- DP2 - Planning Obligations

4.4 **Site Development Policies DPD:**

- DM1 - Character and Design
- DM2 - Protecting Amenity

- DM5 - Carbon Dioxide Emissions and Renewable Energy
- DM6 - Sustainable Design and Construction
- DM7 - Flood Risk
- DM8 - Climate Change Adaptation and Sustainable Urban Drainage
- DM9 - Air Quality
- DM11 - Contaminated Land
- DM12 - Noise and Vibration
- DM13 - Light Pollution
- DM15 - Green Belt/Metropolitan Open Land
- DM17 - Biodiversity, Habitats and Species
- DM19 - Promoting Sustainable Transport
- DM20 - Assessing the Transport Impact of New Development
- DM21 - New Development and the Highway Network

4.5 **Supplementary Planning Guidance/Documents:**

- IPG11 - Sustainable Design and Construction
- SPD1 - Designing Out Crime
- SPD14 - Creating Locally Distinctive Places

4.6 **The South London Waste Plan:**

4.7 The South West London Waste Plan (SWLP) was adopted in March 2012 and is a joint waste development plan document and forms part of the LDF for The London Borough of Sutton, The London Borough of Croydon, The London Borough of Merton and The Royal Borough of Kingston. It is used by the Local Planning Authorities for the determination of planning applications relating to waste facilities.

4.8 The following policies below set out the SLWP are deemed to be of importance with the proposed application:

- Policy WP3 – Existing Waste Sites
- Policy WP7 – Protecting and Enhancing Amenity

4.9 Policy WP3 highlights that national and regional policy recognises local authorities have a responsibility to safeguard current existing waste sites and to maximise their potential, particularly when inside a Strategic Industrial Location.

4.10 The proposed development is considered to be in accordance with the above policy, as the Beddington Farmlands Landfill is one of the existing permitted waste sites, within the Beddington Industrial Area and Strategic Industrial Location.

4.11 Policy WP7 underlines that developments for waste facilities will be required to demonstrate that any impacts of the development can be controlled to achieve levels that will not significantly adversely affect people and the environment.

5.0 **PLANNING CONSIDERATIONS**

5.1 The principal considerations (including whether any material planning objections have been reasonably addressed) in relation to this application are:

- **Principle of Use**
- **Design Quality and Impact on Streetscene/ Metropolitan Open Land**
- **Impact on Neighbours**
- **Traffic & Parking**
- **Trees and landscaping**

- **Planning Obligations**

5.2 **Principle of Use:**

5.3 The principle of development was established by the granting of planning permission D2005/54794/FUL. Whilst the applicant is applying for a variation of condition 13 of that permission, under Section 73A of the Town and Country Planning Act 1990 (as amended), the proposal is, in effect, a new application for the entire development, albeit with a variation to that original condition. In considering the current application officers have been mindful of any material changes in planning circumstances since the granting of that original permission, including amendments to the London Plan and the introduction of the NPPF. Officers also note that there has been a minor change in site circumstances.

5.4 The NPPF states that within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. One of the 12 principles states that 'take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. Another principle is that planning should encourage the effective use of land by reusing land that has been previously developed ('brownfield land'), provided that it is not of high environmental value.

5.5 Another principle aims to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

5.6 The proposed development would be consistent with the NPPF as it involves uses identified as being appropriate within a Strategic Industrial Location. As such, the principle of the application site for industrial purposes within a Strategic Industrial Location is acceptable in land use terms providing the development does not detract from the character of the area or street scene; does not cause overlooking, loss of privacy, sense of enclosure; does not cause a loss of light, does not create additional noise and vibration, odours, smoke, fumes, dust and does not cause effect of traffic movements to and from the site. These issues are addressed in more detail below.

5.7 **Design Quality and Impact on Streetscene/Metropolitan Open Land:**

5.8 Policy BP12 of the adopted Core Planning Strategy, policy DM1 of the Site Development Policies DPD and SPD14 'Urban Design' requires development to respect or reinforce the character and identity of the area and avoid developments which do not integrate well into the surroundings.

5.9 As part of the original planning permission D2005/54794/FUL, it was considered that the development in terms of design quality and the visual impact of the proposed buildings would be limited. This application does not propose any external alterations to the application site; therefore, it is considered that the use of the site between 13:00 and 16:30 on six Saturday afternoons in any one calendar year would not impact upon the character and appearance of the site or the streetscene. Furthermore given that no building works are proposed there would be no impact upon the openness of the Metropolitan Open Land.

- 5.10 **Impact on Neighbours:**
- 5.16 Policy DM2 of the Site Development Policies DPD seeks to protect the amenities of neighbouring properties. The key issues of DM2 are overlooking, causing a loss of privacy, sense of enclosure, loss of light, noise and vibration level, odours, smoke, fumes, dust and the effect of traffic movements to and from the site.
- 5.17 Policy WP7 of the South London Waste Plan states that planning permission will be granted for waste management developments subject to the applicant demonstrating the proposal will not generate significant adverse impacts from noise odour, emissions, illumination, visual intrusion or traffic.
- 5.18 Given that the application does not propose any building works there would be no impact on nearby residents in terms of loss of outlook, daylight/sunlight or loss of privacy.
- 5.19 Under the original application D2005/54794/FUL condition 26 states 'Except for temporary operations as set out in Condition 27, the site attributable noise at any noise sensitive premises shall not exceed 55dB LAeq (1 hour, free-field).
- 5.20 Condition 27 states 'Expect for temporary operations as set out in condition 29, the site attributable noise at the boundaries of Beddington Park and Mitcham Common shall not exceed 65dB LAeq (1 hour, free-field).
- 5.21 The applicant has confirmed in their supporting statement that to date noise monitoring has confirmed that the noise limits as stipulated in conditions 26 and 27 are being complied with. It is considered that the disposal of waste at the premises for six Saturday afternoons in any one calendar year between 13:00 and 16:30 would not exceed the current noise restriction levels.
- 5.22 Under the original planning application D2005/54794/FUL which sought permission for the continuation of the use of the site for landfill purposes until 2023, the potential environmental effects of the use of the application site were considered. With the submission of application D2005/54794/FUL the applicant submitted an Environmental Statement and an Air Quality Assessment. It was considered that there would not be any adverse impacts from noise odour, emissions, illumination, visual intrusion or traffic.
- 5.23 The supporting information submitted with this application advises that the proposed changes to the hours of operation would not lead to an overall increase in the quantity of waste accepted at the site. Therefore, given the distance between the source of any dust, odour and sensitive receptors being greater than 300 metres the risk of potential adverse odour and dust impact is considered to be negligible and low.
- 5.24 The existing migration measures (which are regulated by the Environment Agency through the sites existing Environmental Permit) will continue to be employed on site. As such, it is considered that there would not be a significant increase of any additional dust or odour impact at local receptors during the operational phase as a result of the varied hours of operation.
- 5.25 The continued regulation of the facility with regard to dust and odour by the Environment Agency under an Environmental Permit would ensure that standards if control are maintained.
- 5.26 The Councils Environmental Health Officer and the Environment Agency have no objection to the use of the premises for six Saturday afternoons in any one calendar

year between 13:00 and 16:30. Overall, it is considered that the proposal to vary condition 13 would not result in harm to the amenity of nearby residents.

5.27 Traffic & Parking:

5.28 Policy BP10 of the Core Planning Strategy states that developments should seek to reduce the need to travel, advocate the use of sustainable modes of transport and reduce the impact of traffic on residential areas. Policy DM22 'Parking' of the Site Development Policies DPD seeks to ensure that provision is made for off-street parking for new proposals in line with the Council's maximum car parking standards. The policy continues that planning permission will not be granted for development that is likely to result in increased on-street parking where it would adversely affect traffic flows, bus movements, road safety and the amenities of local residents and the local environment.

5.29 The applicant has advised that they are not proposing to increase the level of waste deposited at the site and as such the additional hours of operation will not result in an increase in HGV movements diluting the existing BWMF traffic which would be accommodated within the existing capacity of the local road network.

5.30 The application does not propose any alterations to the existing parking arrangements and as such the Councils Principal Engineer and Management Consultant confirms that the proposal would not adversely affect local highway conditions or result in an unacceptable increase in on-street parking pressure.

5.31 Overall the proposal would not have a negative impact upon the local highway network.

5.32 Trees and Landscaping:

5.33 There would be no loss of any trees through the extended hours of operation. As referred to in the original planning permission D2005/54794/FUL and within the S106 agreement, the application provided a restoration scheme which was designed to maintain and enhance the existing faunal populations of nature conservation importance at the site. The scheme also provides opportunities for new species assemblages through the provision of new and nationally important habitats.

5.34 The Conservation Management Scheme (CMS) agreed within the S106 agreement states that the outline aim of the CMS is, during the operational phase, to maintain the populations of existing 'target' bird species and other faunal groups and to create, post development, a suitable habitat resource for these species and others of local and regional importance. This aim would be achieved by focussing attention upon the enhancement and management of habitats within and adjacent to the site during operational phases, the phased restoration of the site to a predominately nature conservation after-use and its management for such a use in the long-term.

5.35 The habitat creations are to consist of, open water, reed beds and marginal aquatic habitat, wet grassland, meadow grassland, species-rich neutral grassland, heathland and acidic grassland, scrub, rural areas, sacrificial crops, hedgerows and woodland.

5.36 The application to vary the operational hours on Saturdays will include a deed of variation which will include the previously approved Conservation Management Scheme. As such, it is considered that the proposed application will not impact on trees and landscaping schemes already approved under application D2005/54794.

5.37 Planning Obligations:

5.38 The Deed of Variation to the S106 agreement for application ref: D2005/54794/FUL will secure all of the previously secured planning obligations are implemented as part of this application. The requirements of the original application are as follows:

- Arrangements for proposed phasing of restoration and subsequent access for the public.
- Details pertaining to future arrangements of displacement habitats.
- Provision of endowment of £1.84m to underwrite costs of long-term conservation management, aftercare of the site, and delay in final restoration of the site.
- Formation of Beddington Farmlands Trust to undertake future management of the site to ensure its preservation, conservation and enhancement as a Site of Metropolitan Importance for Nature Conservation.
- Arrangements to ensure compliance with future objectives contained within Conservation Management Plan.
- £50,000 to mitigate effects of increased HGV traffic and extended operation of site.
- £35,000 to contribute towards running of Beddington Air Quality monitoring station.
- £500 to carry out NO2 monitoring sampling via three diffusion tubes.
- Public access to all footpaths should be for not less than 364 days per year unless for i) repair; ii) emergency; iii) operational requirements of the developer for continuing maintenance/aftercare; v) overriding statutory responsibilities of developer; vi) duties of waste management licence holder.
- If required grant lease/right of access to area of land (less than 2ha and adjacent to public highway suitable of obtaining relevant pp for waste management vehicles- Viridor to investigate.
- Arrangements for access to members of CSG on an accompanied site visit, including notice required, and access for maintenance and/or management to any nominee of CSG, and arrangements for administration.
- Arrangements for educational visits including notice period required for access, and number of visits.
- Arrangements for dealing with public liability insurance. To indemnify the Council against all claims/demands etc.
- Single arbitrator used for disputes between parties.

6.0 CONCLUSION AND RECOMMENDATION

6.1 It is considered that the proposed development would not have a detrimental impact on the character or visual amenities of the area, amenities of neighbouring occupiers. In addition it is considered that the proposal would not result in unacceptable levels of traffic, noise, odour and dust.

6.2 It is therefore considered that the proposal would be consistent with national, regional and local planning policies, and subject to the completion of a legal agreement together with the imposition of appropriate conditions, it is recommended that the application be approved.

Drawings and other documents can be viewed on line –

- 1) Go to page: <http://gis.sutton.gov.uk/FASTWEB/welcome.asp>
- 2) Enter Planning Application Number: **D2015/72898**
- 3) Click on Search and View Current Applications
- 4) Click on View Plans & Documents



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D2015/72898/FUL

DRAFT

WARNING: It is in your interests to ensure you obtain the approval of the Local Planning Authority, where the conditions require that to occur. Failure to comply with the following conditions may lead to enforcement action to secure compliance.

FIRST SCHEDULE

Beddington Waste Managment Facility BEDDINGTON LANE Beddington CR0 4TH

Variation of Condition 13 of previously approved application D2005/54794/FUL, to permit the disposal of Local Authority waste between 13.00 and 16.30 for six Saturday afternoons in any one calendar year.

SECOND SCHEDULE

(1) The development must be begun not later than the expiration of three years beginning with the date of the planning consent for the application ref. D2005/54794/FUL.

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

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: BF3/2, BTN76 to 85 incl., R00067/0001 Rev X2, 0002 Rev X2, 0003 Rev X1, 0004 Rev X1 and Supporting Statement dated October 2015.

Reason: For the avoidance of doubt and in the interests of proper planning.

(3) From the from the date of this planning permission until the development hereby permitted until its completion, a copy of this planning permission, including all documents hereby approved and any other documents subsequently approved in

accordance with the requirements of this planning permission shall be made available at the site office for inspection during site operating hours.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

(4) Within 6 months of the date of this permission and until its completion, a notice board of durable material and finish shall be maintained at the site entrance indicating the name, address and telephone number of the Company responsible for the operation of the site and the name of its representative on site

Reason: To facilitate contact with the operator where necessary.

(5) Prior to any construction activity being undertaken on the anaerobic digestion facility or associated infrastructure, a construction/demolition management scheme shall be submitted to, and approved in writing by the local planning authority. Such a scheme shall set out the measures to be taken to mitigate the impact of noise and disruption arising from demolition and construction on the occupiers of nearby premises and the area generally.

Thereafter all construction and demolition activity shall be undertaken in accordance with the approved scheme.

Reason: To safeguard the amenities currently enjoyed by the occupants of nearby premises and/or dwellings.

(6) Prior to the erection of any, above ground equipment associated with the landfill gas, including any landfill gas flare stack units and energy generation plant, details of the location, design, appearance, landscaping and screening shall be submitted to the local planning authority for approval. Thereafter, the development shall be carried out in accordance with the approved scheme unless agreed otherwise by the local planning authority in writing.

Reason: To safeguard the amenities currently enjoyed by the occupants of nearby premises and/or dwellings.

(7) Prior to the erection of any above ground equipment associated with Leachate Treatment Plant, details of the location, design, appearance, fencing and landscaping, of the Plant, lagoons and associated buildings shall be submitted to the local planning authority for approval. Thereafter, the development shall be carried out in accordance with the approved scheme unless agreed otherwise by the local planning authority in writing.

Reason: To safeguard the amenities currently enjoyed by the occupants of nearby premises and/or dwellings.

(8) Within 6 months of the date of this planning permission a scheme shall be submitted to the local planning authority in respect of the proposed soil and clay handling programme for the development, including the method, timing and extent of soil stripping and the location, configuration and height of storage and screening mounds and screening bunds separately formed from top-soil, sub-soil and or clay, and the grass seeding of all top and subsoil mounds and/or bunds which are to remain in situ for more than 12 months. Thereafter, the development shall be carried out in accordance

with the approved scheme unless agreed otherwise by the local planning authority in writing.

Reason: To safeguard the amenities currently enjoyed by the occupants of nearby premises and/or dwellings.

(9) Prior to the commencement of development within the area defined as 'sludge lagoons' as defined on drawings reference BTN76 and the area of the anaerobic digestion facility and associated infrastructure, a written scheme of archaeological investigation shall be submitted to and agreed in writing by the local planning authority in respect of those areas. Thereafter, development shall take place in accordance with the approved scheme unless otherwise agreed in writing with the local planning authority. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the local planning Authority.

Reason: To protect the archaeological value of the site.

(10) Prior to the commencement of development within the area defined as 'sludge lagoons' as defined on drawings reference BTN76 and the area of the anaerobic digestion facility and associated infrastructure, a comprehensive site contamination investigation, including the method and extent of the investigation and the method of treatment proposed for the contaminated materials shall be submitted to and approved in writing by the local planning authority in respect of those areas; Thereafter, the development shall be carried out in accordance with the approved scheme unless otherwise agreed in writing with the local planning authority. All works in connection with the investigation shall be undertaken by trained and qualified personnel

Reason: To prevent pollution of the environment.

(11) Prior to the commencement of landfilling in each phase, a detailed scheme for implementation shall be submitted to and approved in writing by the local planning authority in respect of that phase which shall include:

- (a) the direction of tipping;
- (b) the maximum depth of excavation, subject to a minimum distance of 15m undisturbed, in-situ London clay shall remain below all landfill phases in addition to the engineered clay base;
- (c) the internal; transportation system including the location and design of internal haul roads;
- (d) litter control and collection measures to prevent the spread of wind blown litter, including the height, location and maintenance of litter fences and measures to cope with unusual weather conditions;
- (e) the contours, gradients and final levels of areas following respreading of soils;
- (f) a scheme of surface water management;
- (g) the luminosity and location of any lighting.

Thereafter the development shall be carried out in accordance with the approved scheme unless otherwise agreed in writing with the local planning authority.

Reason: To safeguard the amenities currently enjoyed by the occupants of nearby premises and/or dwellings.

(12) No demolition and construction works on the anaerobic digestion facility or associated infrastructure shall take place outside the hours of:

07:00hrs to 19:00hrs on Mondays to Fridays and

08:00hrs to 13:00 on Saturdays.

Works shall not take place on Sundays or Bank Holidays without the prior written approval of the local planning authority.

Reason: to protect occupiers of nearby properties from unreasonable disturbances from works connected with implementing this permission.

(13) No operation authorised or required under this permission shall be carried out other than during the following times:

0700 - 1730 Mondays to Fridays

0700 - 1300 Saturdays

1300 – 1630 Six Saturday afternoons in any one calendar year.

and no such operation shall take place on Sundays or on Christmas Day, Boxing Day or New Years Day without the prior written approval of the local planning authority.

This condition shall not prevent the following activities in accordance with schemes approved under this permission:

(a) operation of, or emergency repairs to, machinery necessary to control or manage landfill gas or leachate;

(b) operation of, or emergency repairs to, water pumps necessary for the control and disposal of water;

(c) the digestion of waste within the digester complex;

(d) the operation of the slurry processing building and pumping of slurry to the digester complex

Reason: To safeguard the amenities currently enjoyed by the occupants of nearby premises and/or dwellings.

(14) At least 24 hours prior to any operation authorised or required under this permission to be carried out beyond 13.00 on a Saturday as agreed by condition 13 prior notification to the Environment Agency shall be submitted.

Reason: To facilitate contact with the operator where necessary.

(15) The site gates shall remain closed until 06.45 hours; no vehicle shall be allowed beyond the weighbridge before 07.00 hours. Any vehicle queuing on the access road between 06.45 and 07.00 shall switch off its engine.

Reason: To safeguard the amenities currently enjoyed by the occupants of nearby premises and/or dwellings.

(16) No top-soil or sub-soil shall be removed from the site without the prior written approval of the local planning authority

Reason: to ensure that adequate suitable materials remain on site to carry out restoration.

(17) No excavations shall take place within 50m of any residential property nor within 10m of the site boundary, nor within 10m of any pylons or sewers.

Reason: To safeguard the amenities currently enjoyed by the occupants of nearby premises and/or dwellings and to safeguard the integrity of surrounding infrastructure and services.

(18) No liquid wastes shall be disposed of at the site and no materials shall be disposed of or used for filling other than:

1. household and civic amenity wastes;
2. non-hazardous wastes including construction industry wastes;
3. inert waste for cover material and restoration;

Reason: To prevent the deposit of materials not hereby permitted.

(19) There shall be no open fires within the boundary of the site.

Reason: To prevent pollution of the environment.

(20) There shall be no storage of skips on the site other than as may be agreed in writing by the local planning authority.

Reason: To maintain control over activities carried out within the site.

(21) Within 6 months of the date of this planning permission, a scheme shall be submitted to, and approved in writing, by the Council detailing how signage will be provided to advise HGV drivers of alternative routes.

Reason: In the interests of road safety.

(22) Within 6 months of the date of this planning permission a Green Travel Plan shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme.

Reason: In the interests of sustainable travel.

(23) Within 6 months of the date of this planning permission, a detailed scheme shall be submitted to the local planning authority for approval to contain measures that will be employed throughout the life of the development to prevent mud being carried onto the public highway and to maintain metalled haul roads, areas within the site over which licensed road vehicles operate roads and the surrounding public highways free from mud. Thereafter the development shall be carried out in accordance with the approved scheme unless otherwise agreed in writing with the local planning authority.

Reason: To safeguard the amenities currently enjoyed by the occupants of nearby premises and/or dwellings.

(24) Within 6 months of the date of this planning permission, a scheme for the control of noise shall be submitted to, and approved in writing, by the Council detailing how the production of noise from all operations and processes will be minimised during the operation of the site. The scheme shall address and include specific measures to

reduce the impact from audible vehicle reversing alarms and gas flares and the transportation of materials around the site. Thereafter the development shall be carried out in accordance with the approved scheme unless otherwise agreed in writing with the local planning authority.

Reason: To safeguard the amenities currently enjoyed by the occupants of adjoining premises and/or dwellings.

(25) Prior to the commencement of construction of the anaerobic digestion facility or associated infrastructure, a scheme for the control of noise shall be submitted to, and approved in writing, by the Council detailing how the production of noise from the facility will be minimised during its operation. The scheme shall address specifically details of ventilation apertures and openings/doors within the buildings and noise attenuation associated with these. Thereafter the development shall be carried out in accordance with the approved scheme.

Reason: To safeguard the amenities currently enjoyed by the occupants of adjoining premises and/or dwellings.

(26) Within 6 months of the date of this planning permission, a scheme for the monitoring of noise levels by the operating company be submitted to and approved in writing by the Local Planning Authority; this scheme shall include the (a) frequency of monitoring (b) the monitoring locations (c) the survey period and (d) arrangements for the recording of comments on the weather conditions and noise sources. Thereafter the development shall be carried out in accordance with the approved scheme unless otherwise agreed in writing with the local planning authority.

Reason: To safeguard the amenities currently enjoyed by the occupants of adjoining premises and/or dwellings.

(27) Except for temporary operations as set out in Condition 27, the site attributable noise at any noise sensitive premises shall not exceed 55dB LAeq (1 hour, free-field);

Reason: To safeguard the amenities currently enjoyed by the occupants of adjoining premises and/or dwellings.

(28) Except for temporary operations as set out in Condition 29, the site attributable noise at the boundaries of Beddington Park and Mitcham Common shall not exceed 65dB LAeq (1 hour, free-field);

Reason: To safeguard the amenities currently enjoyed by users of Beddington Park and Mitcham Common.

(29) For temporary operations, the noise level due to work at the nearest point to the noise sensitive properties shall not exceed 70dB LAeq (1 hour, free-field); temporary operations shall not exceed a total of eight (8) weeks in any twelve (12) month period for work close to any individual noise sensitive property(ies); temporary operations shall include site preparation (including soil stripping), bund formation/removal, lake margin formation and final placement of soils and overburden and other temporary activities as may be agreed in writing by the local planning authority. No such operations shall be carried out other than during the following periods:

0800-1730 Monday to Fridays

0800-1300 Saturdays

and no such operations shall take place on Sundays or Bank and Public Holidays:

Reason: To safeguard the amenities currently enjoyed by the occupants of adjoining premises and/or dwellings.

(30) Audible bird scarers shall not be used on the site;

Reason: To safeguard the amenities currently enjoyed by the occupants of adjoining premises and/or dwellings and in the interests of nature conservation.

(31) No pump or other machinery which is audible at any noise sensitive premises shall be run outside the permitted daytime working hours unless otherwise agreed with the local planning authority or in the case of an emergency;

Reason: To safeguard the amenities currently enjoyed by the occupants of nearby premises and/or dwellings.

(32) Within 6 months of the date of this planning permission, a scheme for the monitoring of dust levels to be implemented at the site shall be submitted to the LPA for approval; the scheme shall include the timing and frequency of monitoring, the nature and location of the equipment to be used and the relevant air quality criteria to which operations shall comply; Thereafter the development shall be carried out in accordance with the approved scheme unless otherwise agreed in writing with the local planning authority.

Reason: To safeguard the amenities currently enjoyed by the occupants of nearby premises and/or dwellings.

(33) Within 6 months of the date of this planning permission, details of the measures to be taken when dust exceeds the agreed air quality criteria shall be submitted to, the local planning authority for approval. Thereafter the development shall be carried out in accordance with the approved scheme unless otherwise agreed in writing with the local planning authority.

Reason: To safeguard the amenities currently enjoyed by the occupants of nearby premises and/or dwellings.

(34) Prior to the commencement of construction of the anaerobic digestion facility and associated infrastructure hereby permitted, a scheme shall be submitted to, and approved in writing, by the local planning authority for the management of odour and bioaerosols from the operation of the facility. Thereafter the development shall be carried out in accordance with the approved scheme.

Reason: To avoid unacceptable impacts on neighbouring land-uses and local amenity caused by the production of odour and risk to public health.

(35) Within 6 months of the date of this planning permission, a scheme for the control of insects, birds and rodents shall be submitted to, the Local Planning Authority for approval; a record of any complaints received in this respect and of the actions taken

shall be kept and made available on request to the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme.

Reason: To avoid risk to public health and unacceptable impacts on neighbouring land-uses and local amenity.

(36) A Buffer Zone 5 metres wide alongside existing main watercourses shall be established in accordance with details which shall be submitted to the Local Planning Authority for approval within 6 months of this planning permission. The scheme shall include measures to mark and protect the Buffer Zone, including where appropriate the provision of fencing. No storage of materials, access, fires, dumping or tracking of machinery shall be allowed within this area. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the local planning authority.

Reason: To maintain the character of the watercourse and provide undisturbed refuges for wildlife using the river corridor and reduce the impact of the proposed development on wildlife habitats upstream and downstream, including bankside habitats.

(37) No soakaways shall be constructed in contaminated ground.

Reason: To prevent pollution of groundwater.

(38) The construction of the surface water drainage system for the anaerobic digestion facility and associated infrastructure shall be carried out in accordance with details to be submitted to and approved in writing by the local planning authority before the construction of the facility commences. The development shall thereafter be carried out in accordance with the approved details.

Reason: To prevent pollution of the water environment.

(39) Within 6 months of the date of this planning permission, a scheme for the provision and implementation of surface water limitation and the use of surface water source control measures shall be submitted to the local planning authority for approval. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To prevent the increased risk of flooding in accordance with Planning Policy Guidance Note 25 Development & Flood Risk (PPS25) and to improve water quality

(40) At least three (3) but not more than twenty-one (21) working days before each sub-phase of clay capping and soil spreading is to begin, written notice shall be given to the local planning authority; no clay or soil shall be replaced until the disposal areas have been inspected and agreement reached with the Local Planning Authority regarding the need for regrading of the waste disposal areas; such inspection and agreement shall occur within three (3) working days of notice being received.

Reason: To allow for the inspection of finished levels

(41) The development shall be constructed in accordance with the approved RAMP as detailed in Version 5 (13-1595 3204 D18 v5, dated 23/06/14) submitted under condition 40 of planning permission D2005/54794.

Reason: To ensure the satisfactory restoration of the site.

(42) The site shall be worked and restored in a phased manner in accordance with the following programme;

(a) No deposit of waste shall take place in 'Cell Construction' as shown in phase 5 until the restored area shown on plan Phase 5 BTN80 has been completed;

(b) No deposit of waste shall take place in the 'Cell Construction' as shown on plan Phase 7 until the restored area shown on plan Phase 7 BTN82 has been completed;
and

(c) Final restoration of the site is to be completed on or before 31 December 2023.

Reason: to ensure the timely restoration of the site in a phased manner.

(43) The development shall be constructed in accordance with the approved RAMP as detailed in Version 5 (13-1595 3204 D18 v5, dated 23/06/14) submitted under condition 42 of planning permission D2005/54794.

Reason: To ensure the satisfactory aftercare of the site.

(44) All planting and habitat creation undertaken in connection with the approved landscape/restoration scheme which, within a period of five (5) years from the completion of the scheme, are removed, fail or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the satisfactory restoration of the site.

INFORMATIVES.

(1) This approval only grants permission under section 92 of the Town and Country Planning Act 1990. Further approval or consent may be required by other legislation, in particular the Building Regulations and you should contact Building Control on 020 8770 6263 or 6325 before proceeding with the work.

(2) This decision notice should be read in conjunction with the agreement under section 106 of the Town and Country Planning Act 1990 dated @@@. To arrange the most appropriate method of payment please telephone 020 8770 5070.

(3) For the avoidance of doubt, this permission does not apply in respect of the operation of the waste management centre as permitted under planning application reference D2002/49715/FUL, as amended by planning permission reference 2005/53545/FUL.

(4) All schemes submitted pursuant to the conditions attached to this permission should accord with schemes approved under planning permission reference N93/37646 (APP/P5870/A/94/238692/P5) other than to reflect changes in operating procedures or the extension of the area covered. The schemes previously approved to which this refers are:

The Specification for Archaeological Mitigation ref W9811.04 dated June 1996;
Schemes for the control of noise and dust submitted pursuant to conditions 10.6, 10.9 and 10.10 as approved on 25th September 1996.

Schemes for the control of odour, litter, pests and vermin.

(5) Conditions 31 & 32 require the preparation of a scheme for the control of dirt and dust. This should consider current best practice and environmental guidelines and include reference to measures for: 1) the avoidance of the waste and other materials from drying out. 2) the enclosure of all areas where dust is or has the potential to be produced. 3) the documentation of, and implementation of, a robust management and control regime to ensure that the potential for dirt and dust generation from the sludge drying process is minimised 4) the implementation of a dust-monitoring regime to establish existing background concentrations and the ongoing concentrations once the processes are in operation. Regard must be had to the Council's statutory review and assessment of air quality under the Environment Act 1995.

(6) Condition 33 requires the preparation of a scheme for the control of odour. This should consider current best practice and environmental guidelines and include reference to measures for odour control within the AD plant as no detailed odour assessment has been undertaken for.

(7) Conditions 23 to 25 require the preparation of a scheme for the control of noise. This should have regard for current best practice and environmental guidelines and should take into account the following: 1) At noise sensitive premises noise from plant on the application site shall be rated in accordance with the criteria of BS4142: 1997 Method for rating industrial noise affecting mixed residential and industrial areas. The excess of the rating over the background level shall not exceed zero decibels and the assessment shall include a 5dB acoustic feature correction in order to preclude the presence of a dominant tone/tones; 2) No waste or other material shall be imported or exported or moved within the site outside of the hours permitted under the original Gravel Extraction and Land filling planning permission (T/APP/P5870/A/94/238692/P5); 3) Activities between 17:30hrs and 07:00hrs Monday to Friday and 17:30hrs Friday to 07:00hrs Saturday within the Household / Municipal Solid Waste Reception and Pre-Treatment building involving the use of the powered loading shovel shall be limited to essential operations and shall only be carried out with all doors and openings to the building shut tight; 4) Measures to limit the impact from audible vehicle reversing alarms; 5) Best Practicable Means to be used at all times to minimise noise both during the daytime and at night.

(8) Your demolition and construction management scheme should set out the measures to be taken to ensure that all works are carried out in accordance with the guidelines set out in the Code of Practice on the "Control of Pollution and Noise from Demolition and Construction Sites". This may be obtained from the Environmental Protection section of the Council's website.

(9) The Control of Pollution (Oil Storage) (England) Regulations 2001 must be complied with.

(10) As per condition 14 the Environment Agency should be informed at least 24 hours prior to working beyond 13:00 on a Saturday by calling 03708 506 506 or by emailing enquiries@environment-agency.gov.uk for the attention of the South London Environmental Management Team.

(11) The submitted application complied with the relevant planning policies and Sutton Council has accordingly granted planning permission.

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