

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 14/02135/FULL1

Ward:
**Bromley Common And
Keston**

Address : Scrubs Farm Lower Gravel Road
Bromley BR2 8LL

OS Grid Ref: E: 542959 N: 166378

Applicant : Mr Mick Drury

Objections : YES

Description of Development:

Use of part of field to make mulch and bio-fuel from virgin wood, siting of portacabin and construction of wooden log shed and associated works included the construction of a concrete base with surface water catchment system.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
London City Airport Safeguarding

Proposal

The application seeks retrospective planning permission for the use of part of a field to make mulch and bio-fuel from virgin wood, the siting of a portacabin and construction of a wooden log shed and associated works comprising of the construction of a concrete base and surface water catchment system.

A 20 ft portacabin located adjacent to the main access road to Scrubs Farm and the access to the site will be used as an office. A 20ft tool shed is proposed immediately adjacent to the portacabin.

An open log store is proposed. This is 7m in length by 5.5m in depth and has a pitched roof which is 3.6m at its highest point. The log shed is required for the seasoning of logs, this will have slatted sides to allow for the free flow of air through the structure.

Materials are generally delivered to the site in small vans and trailers before being separated, with the larger material cut into logs prior to storage and seasoning for

use as a fuel, and the smaller material shredded to produce mulch or bio-fuel. Operations take place on a (partially laid) concrete base which provides a stable base for the operation of mobile plants, whilst managing surface water and preventing mud being tracked from the site. The mulch is achieved by maturing the shredded virgin wood whilst stopping short of it commencing the composting process. This is achieved by regularly turning stockpiles of the material.

The application is accompanied by a Planning Statement which includes the following points:

- Greenfields Wood Waste Solutions is a family run business which has been involved in vegetation clearance and green waste management for many years - they also provide mobile grass cutting and grounds maintenance for the schools in the Borough
- Environment Agency has accepted that virgin wood is not waste although the delivery of virgin wood from landscape gardeners is likely to be considered as a waste material as they intend to discard it - proposal can be considered a low risk activity and if the virgin wood was to be shredded by a landscaper gardener at the point of production it would not be a waste material
- if the farmer undertook vegetation clearance on his land and stockpiled the trunks and woody material it would not be considered as waste - the view of stockpiled wood would not be materially different to the proposed use
- majority of the mulch produced is to be used within the agricultural holding or at other local farms as a soil improver which negates the requirement to import other man-made soil improvers such as fertilisers and sludge
- in terms of the product the following estimations apply:
 - 65% is mulch and will be used on the farm
 - 5% is mulch and will be used on adjoining farms
 - 5% will be sold as logs
 - 20% comprises woodchip for bio fuel or to supply garden centres
 - 5% comprises mulch/woodchip which is bought by local landscape contractors
- applicant employs 3 staff from the local area planning permission will result in 2 additional part time positions
- there will be wider economic gains for local businesses in being able to use a site that is closer to the arisings
- Council have recently introduced a fortnightly collection for green waste but large tree trunks and branches cannot be deposited within the bin
- Council has also set up temporary waste sites during the summer period to ease congestion at the two household waste recycling centres but tree trunks, large branches and commercial garden waste cannot be accepted
- typical van weight at the Scrubs Farm was 1030kg - this would have cost at least £180 to dispose at the council site - the cost at Scrubs Farm is £30
- restrictions on the household waste collection services and the cost of using the council's strategic recycling centres prohibits local businesses from using these to dispose of wood waste - the site at Scrubs Farm is therefore providing a much needed service

- economic and environmental benefits will result from utilising the mulch on the farm rather than man-made fertilizers or sludge from sewage treatment works which would require HGVs delivery, significant expense and odours from sludge
- landscape gardeners were asked which alternative sites they would use in the event that planning permission is not granted and the following were identified:
 - Cookham Road, Swanley, BR8 7QP
 - Highams Farm, Croydon, CR6 9PQ
 - Dunbrick Lane, Sevenoaks, TN14 6EP
- prior to use of Scrubs Farm, the applicant operated from Charmwood Farm, Bromley, BR6 7SA
- priority of Cookham Road site is to serve municipal waste contracts of London Boroughs of Bromley, Bexley Lewisham, Southwark, Greenwich and City of London) and the waste capacity is therefore likely to be protected for these waste contracts and will be likely to be unsuitable for small scale landscape contractors
- use of mulch at Scrubs Farm will result in significant reduction in carbon dioxide emissions as compared with use of mulch from Highams Hill Farm
- Dunbrick Recycling does not permit commercial or business waste and is therefore unavailable to landscape contractors
- Charmwood Farm would not be preferential to Scrubs Farm in terms of the distance to supply the mulch
- alternative for landscape contractors is controlled burning of wood material - this is not considered to be consistent with the principles of sustainable development and reducing carbon emissions
- further environmental benefits include:
 - reduced HGV movements
 - improved soil structure will lead to improved tractor efficiency reducing fuel usage and emissions
 - reduced reliance on artificial fertilizers
 - reduced soil erosion and improved soil health]
 - increased natural nutrient supply
 - increased yields and productivity.

The application is accompanied by a Landscape and Visual Impact Assessment which concludes as follows:

- proposal will not have significant landscape or visual impacts
- nature of activity is not too dissimilar to agricultural and therefore the presence of stockpiles of wood or mulch is not unexpected in this locality
- former pig units (now commercial units) are more prominent from the viewpoints
- further hedge planting can be undertaken to enhance the biodiversity potential but this does not appear essential in terms of screening the operations
- stockpile heights can be restricted by a planning condition.

Location

The site of the proposed operation is to the north of the access road, adjacent to the main area of Scrubs Farm buildings and west of the existing sports pavilion and football pitches. Opposite the site there are a number of former agricultural buildings which have been converted to commercial uses. The land to the east and south east of the site is agricultural and part of the holding. The site lies within the Metropolitan Green Belt.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- increased noise and disturbance
- increased traffic
- harmful visual impact
- detrimental impact on highway and pedestrian safety
- increased pollution / polluted run-off from site
- impact of chemical and rotting smells
- inappropriate use in residential area
- no evidence of company's claims regarding jobs and economic benefits
- harm to enjoyment of the Green Belt
- site receives more tree waste than it can process and storage piles on site grow ever larger
- dust particles blow over nearby properties creating a health risk
- very special circumstances have not been demonstrated to justify inappropriate development in the Green Belt
- lack of alternative sites explained by fact other sites are not prepared to accommodate this type of business
- reputation of company is questioned as they were asked to leave their previous site due to land misuse.

Comments from Consultees

Environmental Health (EH) have commented that the site has a long history of odour complaints and the application does not include any mitigation measures to reduce odours which are an inevitable consequence of the process.

Environment Agency (EA) have no objections to the proposal. The applicants should incorporate surface water good practice advice to ensure that sustainable surface water management is achieved as part of the development. If non-confirming material that could constitute waste is received, such as manure, Greenfields should reject it at the time of delivery or ask the deliverer to remove the material. The Environment Agency will monitor the following:

- inspection of incoming loads
- segregation of waste
- monitoring of stockpiles
- storage of material
- records of tonnages

- noise
- surface water drainage.

Thames Water have no objections to the proposal.

The Council's in-house drainage advisor has commented that the wood store should be set a minimum of 8m from the top bank of the adjacent watercourse.

Further responses to consultations, including highways comments, will be reported verbally at the meeting.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan and the London Plan:

- BE1 Design of New Development
- ER5 Air Quality
- ER8 Noise Pollution
- G1 Green Belt
- T2 Assessment of Transport Effects
- T18 Road Safety
- ER2 Waste Management Facilities

National Planning Policy Framework
London Plan

Saved policy ER2 of the UDP states that:

'Proposals for new waste management facilities will be assessed against the following criteria:

- (i) the proximity of facilities to the source of the waste;
- (ii) where appropriate, opportunities for rail-based waste transfer are maximised;
- (iii) proposals do not result in significant traffic-related environmental effects in residential areas or along lorry routes to and from the facility;
- (iv) adverse effects on the amenities of residential areas by reason of noise, smell, dust, odours, litter, vermin and birds can be minimised;
- (v) visual intrusion is minimised;
- (vi) any adverse impact on the historic and natural environment can be mitigated;
- (vii) surface water and groundwater resources are protected from potential pollution.'

Planning History

There are extensive planning history records on this site. These relate to the use and reuse of the existing units at the farm, telecommunications masts, and use of the land for a piggery. These are not considered relevant to this application so are

not reproduced here. A full copy of the planning history including all applications is available on the file.

A previous application for the same proposal (ref. 13/03199) was refused planning permission in January 2014 on the following two grounds:

'The proposed B2 use represents an inappropriate use in the Green Belt. The nature of the use involving the siting of temporary structures, requirement for hardstanding, the presence and operation of plant and the external storage of plant and materials will be detrimental to the openness and visual amenities of the Green Belt and character and appearance of the area, thereby contrary to Policies BE1 and G1 of the Unitary Development Plan.

Insufficient information has been submitted on the trip generation of the scheme to accurately assess the impact of the proposal on highways safety. The proposal is thereof contrary to Policies T2 and T18 of the Unitary Development Plan.'

Conclusions

The main issues relating to the application are the impact of the proposal on the openness and visual amenities of the Green Belt and the visual amenities of the surrounding area, the impact on the residential amenities of the occupants of nearby dwellings, and highway safety. In particular, consideration should be given to whether the additional material submitted by the applicant addresses the previous grounds of refusal.

The proposed operation involves wood waste chipping, shredding, cutting and the storage of these materials on site, this is considered to be a B2 (general industrial use). The site is located in the Green Belt, where a B2 (general industrial) use would be considered to represent inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm, as required by Policy G1.

The applicant has argued that very special circumstances exist to justify inappropriate development in the Green Belt as follows:

- lack of suitable, available, alternative non-Green Belt sites
- positive support from local landscape contractors
- restrictions at existing sites make the management of this material difficult.
- support for local businesses and the local economy
- reduced carbon emissions by using the produced mulch on site
- reduced reliance on fertilizers and man-made soil improvers
- generation of two part time jobs.
- manufacture a renewable fuel which contributes to a low carbon economy
- management of material that arising from within the Borough contributes to self sufficiency

- removal of the management of this material out of the waste hierarchy, or further up the hierarchy.

The above benefits of the proposal can all be considered to carry a degree of weight in planning terms. In particular the environmental benefits in that it converts what is essentially a waste product into a product that can be used on the land to enhance soil quality or as a fuel. However, this does not alter the fact that this is a B2 (general industrial use) which represents an inappropriate use in the Green Belt, that would also be detrimental to the character and appearance of the area.

The applicant has submitted a landscape assessment to demonstrate that the proposal will not result in a landscape or visual impact. The operation requires a hardstanding on agricultural land to allow the operation of the required plant and machinery. It also includes the siting of a number of temporary buildings and the stockpiling of virgin wood, and piles of various grades of shredded materials which need to be turned regularly to ensure that the composting process is avoided. The paraphernalia required for this operation to take place on the site is considered to impact on the openness and visual amenities of the Green Belt.

It is considered that the argument put forward by the applicant does not represent very special circumstances to justify the harm in Green Belt terms. The harm by inappropriateness and the harm to the openness and visual amenities of the Green Belt is significant and the benefits of the proposal outlined by the applicant are not considered sufficient to overcome this harm.

The operation, shredding of wood products and use of chainsaws etc. is an inherently noisy, activity and there is also potential for the use to result in unacceptable odours if the operation is not managed correctly. The applicant has not submitted details of measures to mitigate odours generated by the operation.

Highways comments will be reported verbally at the meeting in order that Members can consider whether sufficient information has been submitted to demonstrate that the use will not result in an unacceptable impact in highways terms.

In summary, the proposal is a B2 (general industrial) use that is considered to represent an inappropriate use in the Green Belt. The applicant has not demonstrated that very special circumstances exist in this case to justify what is considered to be an inappropriate development in this location. Furthermore, satisfactory odour mitigation measures have not been provided.

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

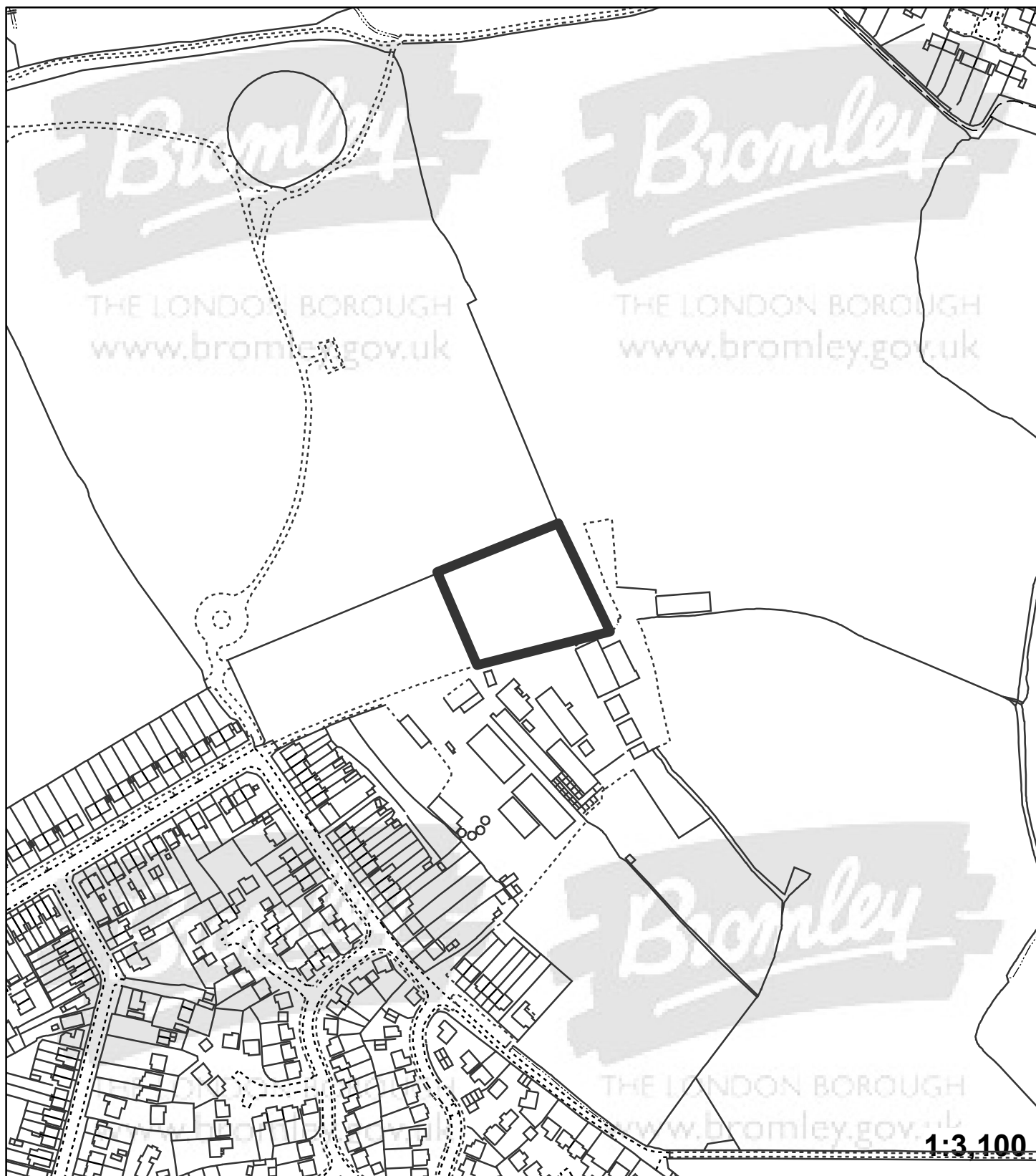
- 1 The proposed B2 (general industrial) use represents an inappropriate use in the Green Belt. The nature of the use involving the siting of temporary structures, requirement for hardstanding, the presence and operation of plant and the external storage of plant and materials will be detrimental to the openness and visual amenities of the Green Belt; thereby contrary to Policy G1 of the Unitary Development Plan.

- 2 Insufficient information has been submitted to demonstrate satisfactory odour mitigation measures, in the absence of which the proposed use will have a detrimental impact on the residential amenities of the occupants of nearby dwellings contrary to Policy ER2 of the Unitary Development Plan.

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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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