

TO: PLANNING & REGULATORY COMMITTEE

DATE: 15 July 2015

BY: PLANNING DEVELOPMENT TEAM MANAGER

DISTRICT(S) TANDRIDGE DISTRICT COUNCIL

ELECTORAL DIVISION(S):
Caterham Valley
Mrs Marks

PURPOSE: FOR DECISION

GRID REF: 533718 159227

TITLE: MINERALS/WASTE TA/2014/0205

SUMMARY REPORT

The Gas Holding Station, Godstone Road, Whyteleafe, Surrey CR3 0EG

Continued operation of concrete crusher to include the stocking of untreated material and graded/sorted product.

The application site is a 0.3 hectare area positioned in the north west corner of a larger gas holding station site. The application site is situated at the northern extent of the village of Whyteleafe in Tandridge District Council. Residential areas of Kenley lie to 1.2km to the north west with Purley beyond approximately 3.2km; Warlingham approximately 2km to the south east; and Caterham approximately 3km to the south. The County boundary with the London Borough of Croydon forms the northern and western boundary of the application site. The eastern and southern boundaries of the application site abut trees and land which forms part of a gas holding station which extends southwards. Beyond the County boundary to the north is a public footpath and beyond the County boundary to the west of the application site lies the A22 Godstone Road. The Riddlesdown Site of Special Scientific Interest (SSSI) lies some 45m and 110m to the north and east respectively. The Metropolitan Green Belt lies some 50m to the east.

The application has been made retrospectively in order to allow for the continued use of a concrete crusher on site, including the stocking of untreated material and graded/sorted product. The applicant has submitted a detailed planning statement which sets out the main scheme for the operation of the concrete crusher. The proposal should not lead to a material intensification of activity at the site.

The Local Member has called this application in to be determined by the Planning and Regulatory Committee. She objects to this application on the grounds that the operation of the site causes a great deal local traffic delay and congestion. In addition mud and silt from the site impacts on the highway drainage system and causes distress and difficulty. Further, the Local Member states that any new application for this site should be dealt with in a manner commensurate with the adverse impact the site has on the local community and on Surrey's roads and infrastructure.

The recommendation is to PERMIT subject to conditions.

APPLICATION DETAILS

Applicant

LMD Services

Date application valid

9 January 2015

Period for Determination

Amending Documents

Site Layout Plan – Drawing No.3 – Dated July 2015

SUMMARY OF PLANNING ISSUES

This section identifies and summarises the main planning issues in the report. The full text should be considered before the meeting.

	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
Air Quality	YES	18 – 39
Noise	YES	40 – 54
Highways	YES	55 – 60

ILLUSTRATIVE MATERIAL**Site Plan**

Site Layout Plan – Drawing No.3 – Dated July 2015

Aerial Photographs

Aerial 1 – The Gas Holding Station

Aerial 2 – The Gas Holding Station

Site Photographs

Figure 1 – Site entrance

Figure 2 – Concrete Crusher

Figure 3 – Example of day to day working at the site

Figure 4 – On-site looking north east towards the site boundary

Figure 5 – On site looking south east towards site boundary

Figure 6 – Surface water runoff into Godstone Road from the Gas Holding Station

Figure 7 – View looking east, directly into the site from Godstone Road

BACKGROUND**Site Description**

The 0.3 hectares (ha) application site is situated at the northern extent of the village of Whyteleafe in Tandridge District Council. Residential areas of Kenley lie to 1.2km to the north west with Purley beyond approximately 3.2km; Warlingham approximately 2km to the south east; and Caterham approximately 3km to the south. The County boundary with the London Borough of Croydon forms the northern and western boundary of the application site. The eastern and southern boundaries of the application site abut trees and land which forms part of a gas holding station which extends southwards. Beyond the county boundary to the north is a public footpath with a builders yard and the London to Caterham railway line

beyond. Beyond the county boundary to the west of the application site lies the A22 Godstone Road with residential properties and commercial and industrial units beyond. To the south beyond the gas holding station lay residential properties and commercial and industrial units also and to the east beyond the trees lies the railway line. The boundary treatment of the application site consists of palisade fencing to the west and south, to the east the site immediately abuts trees with no boundary treatment between the site and trees; and to the north a chain link fence with trees behind this.

Some 45km and 110km to the north and north east respectively beyond the builders yard and also beyond the railway line lies the Riddlesdown Site of Special Scientific Interest (SSSI) designated for its calcareous grassland. The north eastern component of the SSSI is located on a former chalk quarry. The Metropolitan Green Belt lies some 50km to the east beyond the railway line. Whilst there is a main river which runs through the gas holding site to the south of the application site, the application area does not lie within an area liable to flood.

The application site is on two levels with the eastern part of the site being at a higher level than the western part. All storing and screening activities take place on the eastern portion of the site with the site offices, workshop, parking and access taking place in the western part of the application site. The nearest residential properties are opposite the entrance to the application site on the corner of Godstone Road and Old Barn Lane approximately 14m to the west.

Planning History

In December 2013 Surrey County Council granted planning permission (Ref. TA/2013/252) subject to conditions, for the permanent retention and continued use of 0.3 hectares for importation, treatment (including sorting, screening and blending), and exportation of suitable non-hazardous soils and hardcore; and the permanent retention of a workshop and two portacabins ancillary to the principal use. This application concerns details pursuant to Ref. TA/2013/252.

In January 2015 Surrey County Council granted planning permission (Ref. TA/2013/252/cond2) subject to conditions, for details of a remediation and validation report submitted pursuant to Condition 31 of planning permission reference TA/2013/252, dated 13 December 2013.

In March 2015 Surrey County Council approved the details of application (Ref:TA/2013/252/cond1) for the submission of a Dust Action Plan pursuant to Conditions 25 and 26, and the submission of a Surface Water Management Plan pursuant to Condition 28 of planning permission ref: TA/2013/252 dated 13 December 2013 for the permanent retention and continued use of 0.3 hectares for importation, treatment (including sorting, screening and blending) and exportation of suitable non-hazardous soils and hardcore, and the permanent retention of a workshop and two demountable units ancillary to the principal use.

THE PROPOSAL

- 1 The proposal is a retrospective planning application. The applicant proposes to continue using a concrete crusher on site on an 'as and when required' basis. The application also makes provision for areas of the site which would be required for the storing of untreated material and the resultant product.
 - 2 The applicant argues that the continued regulated operation of the crusher will not result in any unacceptable impacts upon local amenity and upon the surrounding area. As such the applicant argues that planning permission should be granted retrospectively.
 - 3 The applicant's main operation at the site includes the screening of imported materials from construction sites around London, followed by the separation of such materials using a single belt screener. The resultant products are reclaimed soil and hardcore and concrete. This material is then sold to landscapers and gardeners in the local area, with the aggregate being supplied as material for highway works.
 - 4 In essence the applicant seeks authorisation for the continued operation of a concrete crusher in the areas identified within the submitted Site Layout Plan dated July 2015. The applicant also states that the concrete crusher is hired only when it is required on site. Further, the Site Layout Plan identifies all of the areas of the site which would be necessary in order to bring the concrete crusher into the facility and for it to operate effectively. The Site Layout Plan also shows the areas where the sorted and unsorted materials are typically situated.
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CONSULTATIONS AND PUBLICITY

District Council

- 5 Tandridge District Council - No objection, but held concerns
- i) Noise on local residents as concrete crushers are inherently noisy
 - ii) Dust emissions caused by the concrete crusher could result in poor air quality

Consultees (Statutory and Non-Statutory)

- 6 County Noise Consultant - No objection, subject to conditions
- 7 County Highway Authority - No objection, subject to conditions
- 8 The Environment Agency - No objection
- 9 Tandridge Environmental Health Officer - No objection, subject to conditions
- 10 Croydon Environmental Health Officer - No objection
- 11 County Air Quality Consultant - No objection

Parish/Town Council and Amenity Groups

- 12 Whyteleafe Village Council - No objection, but held concerns
- i) Surrey County Council should be mindful of the potential noise, vibration and pollution nuisance
 - ii) There should be a limitation on the use of the crusher within normal working hours
 - iii) There should be at least two clear days break between use of the crusher

Summary of publicity undertaken and key issues raised by public

- 13 The application was publicised by the posting of 2 site notices and an advert was placed in the local newspaper. A total of 39 owner/occupiers of neighbouring properties were directly notified by letter. No letters of representation were received.

Local Member Objection

- 14 The Local Member for this application site has objected to this application. Her comments have been reproduced below:

“My comments are the same as before; the ingress and egress from this site is difficult and causes much delay and congestion for residents, neighbouring businesses and general vehicle traffic. This site is on the main A22 - a very busy and important road allowing access from the M25 towards Purley and Croydon. The road is narrow, and bends slightly at this site. The sight lines are poor and despite requests to Croydon Council the road markings and lack of parking restrictions at this point are not improved.

The mess caused by the leeching of mud and dust from the site onto the road and into the drainage system causes distress and difficulty to the local area and as this part of the A22 was severely affected by the recent flooding and the effects of the flooding was made worse by blocked gullies and drains - I find that the siting of this business is not appropriate at all.

Any new application for this site should be dealt with severely in order to recognise the impact its actions have on the local community and on Surrey's roads and infrastructures. Maybe a levy should be imposed on the business to help mitigate the damage caused to both highway and drainage system?

The local Village Council has also frequently complained about the impact of this business on the local community.”

PLANNING CONSIDERATIONS

- 15 The County Council as Waste Planning Authority (for clarity, Officers refer to the County Council as the County Planning Authority – ‘CPA’ elsewhere in this report) has a duty under Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 to determine this application in accordance with the Development Plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 (as amended) (1990 Act) requires local planning authorities when determining planning applications to “have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations”. At present in relation to this application the Development Plan consists of the Surrey Waste Local Plan 2008 (SWP 2008), as amended, and the Tandridge District Core Strategy 2008 and the Tandridge Local Plan Part 2 – Detailed Policies 2014.
- 16 The National Planning Policy Framework (NPPF) was adopted in March 2012. This document provides guidance to local planning authorities in producing local plans and in making decisions on planning application. The NPPF is intended to make the planning system less complex and more accessible by summarising national guidance which replaces numerous planning policies statements and guidance notes, circulates and various letters to Chief Planning Officers. Planning Policy Statement 10 (PPS10) Planning for Sustainable Waste Management (re-published March 2011) remains in place and in time will be replaced by national waste planning policy published as part of the National Waste Management Plan. The NPPF is based on the principle of the planning system making an important contribution to sustainable development, which is seen as achieving positive growth that strikes a balance between economic, social and environmental factors. The Development Plan remains the cornerstone of the planning system. Planning applications which comply with an up to date Development Plan should be approved. Refusal should only be on the basis of conflict with the Development Plan and other material considerations.
- 17 The NPPF states that policies in Local Plans should not be considered out of date simply because they were adopted prior to publication of the framework. However, the policies in the NPPF are material considerations which planning authorities should take into account. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies are to the policies in the Framework, the greater the weight they may be given).

AIR QUALITY AND DUST

National Policy

National Planning Policy Framework – Conserving and enhancing the natural environment

Development Plan Policy

Surrey Waste Plan 2008 – Policy DC3: General Considerations

Tandridge Local Plan Part 2 – Policy DP22: Minimising Contamination, Hazards & Pollution

- 18 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.
- 19 Paragraph 124 of the NPPF discusses air quality but this is specifically with regard to Air Quality Management Areas but the paragraph does say the cumulative impacts on air quality from individual sites in local areas should be considered.
- 20 Policy DC3 of the Surrey Waste Plan 2008 seeks to ensure waste development does not cause significant adverse harm by way of air quality and that mitigation measures be provided where necessary.
- 21 Policy DP22 of the Tandridge Local Plan Part 2 states that development will be permitted provided it would not:
1. Have an adverse impact on health, the natural or built environment or amenity of existing or proposed uses by virtue of odour, dust and/or other forms of air pollution; or
 2. Be likely to suffer unacceptable nuisance as a result of proximity to existing sources of odour, dust and/or other forms of air pollution.

- 22 Under planning permission Ref. TA/2013/252 the applicant can import, process and store inert waste materials. Accordingly, this does present the potential to generate dust emissions. In order to control the emission of dust stemming from the site, Officers under the original planning permission attached conditions 25 and 26 which required the submission of a Dust Action Plan (DAP), in order to mitigate and limit the impacts of dust emission from the site.
- 23 In March 2015 Surrey County Council approved the details of application Ref: TA/2013/252/cond1 which contained a suitable DAP and Dust Monitoring Scheme (DMS), in order to suitably discharge conditions 25 and 26 of Ref. TA/2013/252.
- 24 The County Air Quality Consultant (CAQC) was consulted on this application and stated that the Dust Risk Assessment which informed the abovementioned DAP and DMS took crushing activities into account in determining the dust emission class. The submitted DAP/DMS proposed all the good practice dust control measures for a high risk site, and this high level of control is considered appropriate to protect the amenity of the surrounding sensitive land users for the activities covered the by retrospective planning application. Accordingly, the CAQC raised no objection to the development.

Description of Activities On-Site

- 25 LMD aggregates have a fleet of six 8-wheeler, 32 tonne tipper lorries (HGVs) which are operated from the site. These vehicles collect waste material from sites across London and the south east and bring the material to the processing site where it is stockpiled at the eastern side of the site prior to treatment.
- 26 A wheeled loading shovel is used for loading vehicles and stockpiling materials. A 360° excavator is used on site to feed the materials (including loading the screening from the stockpiles of waste soils) into a single belt Powertrack soil screener which sorts the waste by size, which is normally used for three to four hours per day. 60-70% of the waste material is reclaimed soil, with the remaining 30-40% being hardcore and concrete.
- 27 The quantity of material imported to the site each day is between 100-150 tonnes. An annual quantity of up to 35,000 tonnes is screened and stockpiled on site awaiting export.
- 28 The use of a concrete crusher on site. (Subject of this application)
- 29 There are two structures present at the north west of the site; two stacked portacabins serving as site office and a welfare unit. A workshop is also used for storing equipment and undertaking maintenance on the vehicle fleet.
- 30 Replicated below is Table 6.1 from the DAP which concerns 'Dust Sources' below:

ACTIVITY	RISK FROM ACTIVITY
Delivery vehicles and movement of plant on site	<p>There is a relatively short on-site haul route, some of which is unsurfaced. Driving at speed over unsurfaced roads can lead to soil particles becoming airborne. These particles can cause nuisance through dust soiling and negative health effects from PM₁₀.</p> <p>Vehicle emissions also contain particulate matter and frequent vehicle movements near residential properties have a negative impact on air quality.</p>
Stockpiling	<p>Placement of soils and hardcore on site may give rise to dust due to the wind shifting the particulates. Large drop heights and the poor storage of materials can also be key sources of</p>

	dust.
Screening	Screening activities can cause fugitive dust emissions through the mechanical action of the soil screener and drop heights.
Crushing (subject of this application)	Crushers have the potential to cause fugitive dust emissions, through the mechanical action of the crusher as well as drop heights.

Mitigation Measures Presented In the DAP

- 31 The DAP includes a list of measures to mitigate the potential dust impacts resulting from the activities on the aggregate processing site. The CAQC has previously stated that these measures have been determined as appropriate for this site. I have listed only the most important mitigation measures presented by the applicant below:

Operational Controls - Communication

- A stakeholder communication plan will be produced by LMD, outlining how the company will communicate with local residents, local authorities and other interested groups or individuals. Community engagement will be included in this plan and undertaken as soon as is practicable. It is recommended that the best methods of communication in this case would be a use of signage and posting letters through doors in the local area (within a 200m radius of site).
- Community engagement should be launched with a meeting to discuss work on the site and the chosen measures to mitigate negative impacts on the local community, with an opportunity for questions to be raised by the public.
- Stakeholder communication cannot be done prior to activities as this dust management plan is retrospective, so engagement should be used to inform future activities and decisions.
- Reports of the monitoring taking place on site should be made publicly available and submitted to Surrey County Council on a quarterly basis.

Site Management

- An individual responsible for environmental management (environmental manager) on site will be designated by LMD, and be on-site at all times during working hours. The name and contact details for the individual will be displayed at the site boundary.
- A contact name and address for LMD Crushed Aggregates head office will also be displayed at the site boundary.
- The environmental manager is responsible for ensuring that the dust action plan is adhered to at all times, and that the workforce is trained appropriately. As a minimum this plan will be reviewed every six months, to confirm that it is up-to-date.
- A complaints log will be used to record any complaints made about dust or air quality- related site activities; this should be completed by the individual who received the complaint and all site staff are responsible for keeping it up-to-date.
- All responses to complaints and actions to resolve the cause of the complaints should be recorded in the complaint log. The log should be submitted, along with the monitoring results, to Surrey County Council on a quarterly basis.
- Exceptional incidents that cause dust emissions (both on- and off-site) and action taken to resolve the situation will be recorded in the log book.
- All records relating to dust emissions will be made available to the local authority on request.

Monitoring

- The frequency of site inspections should be increased when activities with a high potential to produce dust are being carried out; such as when crushing is occurring on site and during prolonged dry or windy conditions. Wind speed and direction will also be monitored, either at the continuous monitoring location or on site; details of this are included in the dust monitoring scheme.
- In the event that any of the monitoring thresholds are exceeded, the following measures will be undertaken:
 - the cause of the exceedence will be determined through a site inspection;
 - operations contributing to the exceedence will be suspended until controls are applied;
 - measures to mitigate the exceedence will be applied;
 - the concentration, location, time and date of the exceedence will be recorded in the site log, along with the cause and measures taken to mitigate the exceedence.

Preparing and Maintaining the Site

The applicant (LMD) will:

- Plan layout and construction of stockpiles, tips and mounds to minimise dust creation and protect exposed material from wind. They are currently positioned at the east of the site away from receptors.
- Use windbreaks/ netting/ screens/ semi-permeable fences, trees and shrubs (plant trees to obscure the site from the public footpath and replace trees that have previously been removed from the site boundary).
- Erect solid screens or barriers around dusty activities or the site boundary that are at least as high as any stockpiles on site.
- Cover, seed or fence stockpiles to prevent wind whipping.

Operating Vehicle/Machinery and Sustainable Travel

The applicant (LMD) will:

- Enforce an on-site speed limit of 10mph to minimise resuspension of dust from vehicle movements, and install signage on site to this effect. As the site is only small this is likely to already be adhered to some degree.

Operations

The applicant (LMD) will:

- Only use cutting, grinding or sawing equipment fitted or in conjunction with suitable dust suppression techniques such as water sprays or local extraction, e.g. suitable local exhaust ventilation systems.
- Ensure an adequate water supply on the site for effective dust suppression, using non-potable water where possible. Recycled water from the grated sump at the site entrance is currently used for this purpose.
- Use enclosed chutes and conveyors and covered skips.

Trackout

The applicant (LMD) will:

- Use water-assisted dust sweeper(s) on the access and local roads to remove, as necessary, any material tracked out of the site. This is unlikely to require the sweeper being continuously in use but regular (a minimum of weekly) usage is recommended to prevent visible dust off-site.
- Ensure vehicles entering and leaving sites are covered to prevent escape of materials during transport.

- Undertake daily inspections of on-site haul routes for integrity and instigate necessary repairs to the surface as soon as reasonably practicable. Record all inspections of haul routes and any subsequent action in a site log book.
- Install hard surfaced haul routes where they are not already present, which are regularly damped down with fixed or mobile sprinkler systems or mobile water bowsers.
- The site entrance is already >10m from the nearest receptor. If the site entrance is moved in future, then it should be kept at least this distance.

Dust Monitoring Scheme

- 32 In response to the consultation comments previously provided by the CAQC, the applicant confirmed that PM10 monitoring will be undertaken near sensitive receptors to ensure that local residents are not negatively impacted by dust emission from the site.
- 33 The DAP also advises the applicant to purchase and run these monitors as opposed to contracting the work, due to the small scale and long duration of monitoring. Dust alerts will be setup, to alert the environmental manager if the set PM10 concentration trigger level is exceeded.
- 34 The recommended monitoring location suggested in the DAP is on the corner of Godstone Road and Old Barn Lane (on the facade of the closest receptor, or on the site hoarding of the derelict site opposite) as will provide PM10 concentrations at the nearest sensitive receptor to the site. The alert threshold for this site will be set at 125ug/m³, as the 250ug/m³ recommended by the Mayor of London's dust control guidance is suggested at the site boundary and PM10 concentrations off site will be unlikely to reach this level.
- 35 Table 6.2 from the DAP is reproduced below, and sets out the frequency and type of monitoring to be undertaken at the site.

FREQUENCY	TYPE OF MONITORING
Continuous	<ul style="list-style-type: none"> - PM10 continuous monitoring on the corner of Godstone Road and Old Barn Lane. The monitor will be set with an alert threshold of 125µg/m³ over a 15 minute averaging period. Trigger alerts will include automatic texts and/or emails to the site manager and environmental manager. - A threshold of 7.5 metres per second (16.8 mph) will be applied to wind speed coming from a north-easterly direction in dry conditions. Dry conditions are defined in this case as instances where there has been no rainfall in the past 24 hours. Wind speed and direction will be measured using a weather monitoring system, either purchased with the continuous monitor or separately by the client. - All exceedences of the thresholds will be recorded and dealt with as detailed in the DAP.
Daily (at Minimum)	<ul style="list-style-type: none"> - Visual inspection of dust deposition on and offsite will be undertaken by the environmental manager. - The inspection results will be recorded and made available to the local authority upon request. This includes visual dust soiling checks of surfaces such as roads, street furniture, cars and window sills within 100m of site boundary. There should be no discolouration on the surfaces due to deposited dust. - Haul route and stockpile checks will be undertaken by the environmental manager to confirm that the dust action plan is being adhered to.
Weekly	<ul style="list-style-type: none"> - Inspection of the site by the environmental manager to ensure that the DAP is being adhered to

In the event of complaint (every 2 weeks)

- If complaints regarding dust soiling arise, then uninterrupted monthly dust deposition monitoring will also be undertaken on site in order to measure the rate of dust deposition at locations across the site boundary.
- This would be accomplished via passive dust monitors (sticky pads) located at two locations at the site boundary (north-east of the site and at the site entrance), and one co-located with the PM10 monitor on Godstone Road. A site threshold of 200mg/m²/day (averaged over a four-week period) or 2-5% EAC/day (EAC, the darkness or potential soiling of dust - measured over a week period) will be applied, as recommended by the Mayor of London's¹⁹ and the IAQM's guidance for monitoring on construction sites.²⁰
- Deposition monitoring will cease when an average EAC of less than 5% and dust mass deposition rate of less than 200mg/m²/day (averaged over a four-week period) occurs over two sequential months.

Quality Assurance/Quality Control

- 36 Within the DAP it is recommended that the Dust Scan 'DustDisc' (stickypad) is used to monitor deposition as non-specialists can install this on site. For PM10 monitoring it is recommended within the DAP that the applicant should get a monitoring device which is produced by Turnkey Instruments Ltd (Osiris) and Casella (Dust Guardian). These units can be mounted on a stand or on the side of a building.

Conclusion

- 37 The DAP contains methods to mitigate dust emissions from the site. The DAP also provides for regular monitoring of the level of dust emission from the site which could adversely affect residents in the close proximity of the site. The applicant should now fully engage with the provisions of the DAP in order to minimise any adverse amenity and health impacts. Further, the applicant must also efficiently monitor the site dust emission levels.
- 38 Importantly, reports of the monitoring taking place on site should be made publicly available and submitted to the County Planning Authority (CPA) on a quarterly basis. This will allow the CPA to accurately monitor the level of dust emission from the site. Further, all records relating to dust emissions will be made available to the local authority on request. Planning conditions will provide control over the process.
- 39 Taking the above into account Officers are satisfied that the previously submitted Dust Action Plan conforms with National Planning Policy, Policy DC3 of the Surrey Waste Plan and Policy DP22 (H) of the Tandridge Local Plan Part 2 Detailed Policies.

NOISE

National Policy

National Planning Policy Framework – Conserving and enhancing the natural environment

Development Plan Policy

Surrey Waste Plan 2008 – Policy DC3: General Considerations

Tandridge District Local Plan 2001 – Policy EV10: Noise

- 40 The NPPF at paragraph 123 states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; and to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development.
- 41 Surrey Waste Plan Policy DC3 requires consideration of noise impacts from waste development proposals as outlined above.
- 42 Policy EV10 of the Tandridge District Local Plan 2001 states that development will not be permitted where it would generate an unacceptable level of noise and which would affect noise sensitive development. The policy requires adequate information to be provided in order to assess the proposal in terms of noise.

- 43 The County Noise Consultant (CNC) was consulted on this application and held no objection to the development.
- 44 The site is located to the east of the A22 Godstone Road, a busy main road. There are other industrial uses to the north and south of the site. The nearest noise sensitive receptors (NSRs) are residential flats located on the opposite side of Godstone Road, at the junction with Old Barn Lane, at 25 m from the site boundary.
- 45 The applicant has planning permission (Ref.TA/2013/252) for the permanent retention and continued use of 0.3 hectares for importation, treatment (including sorting, screening and blending), and exportation of suitable non-hazardous soils and hardcore; and the permanent retention of a workshop and two portacabins. The consent is subject to a number of conditions of which Condition 4, provided below, relates to noise:
- 'Except for temporary operations the level of noise arising from any operation, plant or machinery on the site, when measured at, or recalculated as at, a height of 1.2 metres above ground level and 3.6 metres from the facade of a residential property or other noise sensitive building that faces the site shall not exceed 60 LAeq, during any 30 minute period.'*
- 46 The use of the concrete crusher is the subject of this application. The applicant has stated that the concrete crusher is hired for use on site as and when required. The application seeks authorisation for the continued use of the concrete crusher in areas identified within the submitted site layout plan provided with the application.
- 47 The CNC stated that Condition 4 of Ref.TA/2013/252 shown above was drafted with respect to the guidance in SCC 'Guidelines for Noise Control, Minerals and Waste Disposal'. These guidelines were produced in 1994 and hence there also needs to be consideration of current government guidance. Based upon the current guidance, it is likely that the SCC guidelines will be revised but this is currently awaiting consideration of the requirements of the revised BS 4142: 2014 'Methods for rating and assessing industrial and commercial sound' which came into effect on the 31st October 2014.
- 48 Although changes in SCC's guidelines are expected, Condition 4 is considered to be reasonable in light of any expected changes. The permissible level of noise from the site has been determined from the baseline noise measurements made at locations representative of the façade of the nearest residential flats by the CNC (Barry Squibb) in 2013, and is deemed to be reasonable, It will therefore not be necessary in this case to review the planning condition for a new consent in relation to operations on the site in light of the new guidance.
- 49 The plant is operating in a high traffic noise area, next to the A22, which is a busy main road. NSRs are likely to have been designed to mitigate high levels of road traffic noise and therefore should be adequately protected from other noise. On this basis, it is unlikely that there will be sufficient noise generated by the site to cause disturbance at NSRs. However, RPS have been notified that two complaints have been made by nearby residents in connection with the temporary operation of the concrete crusher on site.
- 50 Under Condition 4 of Ref.TA/2013/252, temporary operations on site are permitted to exceed the stated noise limit and hence there is no control over noise from any temporary operations nor does there appear to be a definition of what temporary operations constitute in terms of frequency or duration. On this basis, it is RPS' opinion that, should consent be granted, the use of the crusher should be considered under 'permanent operations' and therefore be subject to the noise limit provided in Condition 4. This therefore may require the operator to provide screening to the flats when the crusher is operated but this should protect the amenity of the adjacent flats and reduce the likelihood of further complaints.
- 51 Should the application be consented on this basis, the applicant should provide evidence, in the form of a noise monitoring survey and report to be submitted to SCC that demonstrates that the requirement of Condition 4 is met with the concrete crusher operating on site. The monitoring should be carried out within 28 days of the grant of the planning consent or during the first period following consent during which the crusher is in use on site if the crusher is not used within the first 28 day period. Noise monitoring should be carried out by a competent acoustician at a location representative of the closest residential properties to the site.

Finally the CNC suggested a revised wording to Condition 4 be attached to any permission, and this is shown below:

'The level of noise arising from any operation, plant or machinery on the site, when measured at, or recalculated as at, a height of 1.2 metres above ground level and 3.6 metres from the facade of a residential property or other noise sensitive building that faces the site shall not exceed 60 LAeq, during any 30 minute period.'

- 52 Officers appreciate the need to ensure that the use of the concrete crusher is limited to a maximum noise threshold and this would be best achieved through the rewording and implementation of condition 4 shown above. Further, if permission was to be granted conditions requiring the monitoring of the site would be attached in order to maintain a degree of control and regulation over the site.
- 53 Tandridge District Council (TDC) were also consulted on this application and stated that 'the continued operation of the concrete crusher should not be allowed unless its use is restricted and the noise issue addressed to the satisfaction of local residents' The implementation of a condition to restrict the maximum noise threshold for an extended period is proposed by Officers in accordance with the advice provided by the CNC, which Officers consider would satisfy the requests of Tandridge District Council.
- 54 Tandridge District Council Environmental Health (TDCEH) were also consulted on this application and they raised certain concerns. TDCEH stated, 'Concrete crushers are inherently noisy, so when situated near to residential surroundings then complaints are likely. These complaints arise from the crushing operations during the daytime. The applicant proposes a maximum use of 3-4 times a week and each time between 3-4 hours. I am concerned that once planning is granted the applicant could operate the crusher for more than their proposal.' Once again the implementation of restrictive use conditions which have been attached including a maximum noise threshold should satisfy the concerns of TDCEH in the opinion of Officers.
- 55 Officers are satisfied that given the application site's location alongside a busy A road together with the fact that the adjoining land uses are industrial in nature, that the use of the concrete crusher alongside the plant and machinery at the site would not significantly increase the background noise level of the site. Further, Officers consider that the proposal would not significantly adversely affect sensitive receptors and that the proposal complies with the requirements of the Development Plan.

HIGHWAYS

Development Plan Policy

Surrey Waste Plan 2008 – Policy DC3: General Considerations

- 56 The Surrey Waste Plan 2008 seeks to ensure waste development proposals do not cause significantly adverse impacts and that sufficient information should be provided on a proposal. Policy DC3 states that planning permission for waste development proposals will be granted provided that, through the demonstration of appropriate information to support the application, that any impacts of the development can be controlled to achieve levels that will not significantly adversely affect people, land, resources or infrastructure. The policy goes on to state that information supporting an application must include, where relevant to the development proposal, an assessment of traffic generation, access and suitability of the highway network alongside mitigation measures where appropriate.
- 57 The County Highway Authority (CHA) was consulted on this application and initially objected to development due to a lack of clarity and detail within the site layout plan. The original plan did not accurately show how vehicles would enter and exit the site safely taking into account the location of the concrete crusher. Further, the original site layout plan did not display the location of the wheel washing facilities at the site. The CHA stated that these deficiencies would need to be addressed by the applicant in order to overcome their objection to the development.
- 58 The applicant on the advice of the CHA submitted a revised site layout plan. (Site Layout Plan – Drawing No.3 – Dated July 2015). The CHA was re-consulted on this application in light of the updated site layout plan which had been received. The CHA stated that the updated plan had addressed the initial deficiencies in the application and accordingly they held no objection to the development subject to conditions.

- 59 Concerns have been raised by the Local Member in regards to highway safety and run-off from the site onto the public highway. Officers note, that these concerns do not directly relate to subject of this application which is the operational use of the concrete crusher on site and have otherwise been addressed in the earlier granted planning permission REF. TA/2013/252.
- 60 Officers are satisfied that the operation of the concrete crusher does not amount to a material intensification of the use of the site. The CHA raise no objection to this application subject to condition and Officers consider that the proposal would not significantly adversely affect the local highway network.

HUMAN RIGHTS IMPLICATIONS

The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda is expressly incorporated into this report and must be read in conjunction with the following paragraph.

The Officer's view is that this proposal does not engage any of the articles of the Convention and has no Human Rights implications.

CONCLUSION

The application has been made retrospectively in order to allow for the continued use of a concrete crusher on site, including the stocking of untreated material and graded/sorted product. The applicant has submitted a detailed planning statement which sets out the main scheme for the operation of the concrete crusher, which should not materially intensify activity at the site.

The details of the application have been assessed by both specialist statutory consultees and Officers, who have confirmed their satisfaction with the details submitted. Noise and dust controls will be put in place through condition if permission is granted, which will set modern standards for amenity protection.

RECOMMENDATION

The recommendation is to **PERMIT** planning application **TA/2014/0205** subject to conditions.

CONDITIONS:

1. The development hereby approved shall be carried out in all respects strictly in accordance with the following plans/drawings:

Site Layout Plan – Drawing No. 3 – Dated: July 2015-07-14
2. No lights shall be illuminated nor shall any operations or activities authorised or required by this permission, including the arrival and departure of heavy goods vehicles, be carried out outside the following hours:

Monday - Friday	08.00 to 17.00
Saturdays	08.00 to 13.00

No operations are permitted on Saturdays 13:00 - 00:00, Sundays or Bank, National or Public Holidays. This condition shall not prevent the prior arrival/ later departure of staff arriving on foot or using transportation other than HGV's
3. The level of noise arising from any operation, plant or machinery on the site, when measured at, or recalculated as at, a height of 1.2 metres above ground level and 3.6 metres from the facade of a residential property or other noise sensitive building that faces the site shall not exceed 60 LAeq, during any 30 minute period
4. The HGV parking and turning area as shown on 'Site Layout Plan – Drawing No. 3 – Dated: July 2015-07-14' shall be permanently retained and maintained for that use

5. The wheel washing facilities as shown on 'Site Layout Plan – Drawing No. 3 – Dated: July 2015-07-14' shall be permanently maintained and used whenever the operations hereby permitted are undertaken
6. The use hereby permitted in combination with Planning Permission Ref. TA/2013/252 shall generate a total of no more than 32 HGV two way movements per day. The site operator shall maintain accurate records of the number of HGV vehicles accessing and egressing the site daily and shall make these available to the County Planning Authority upon request.
7. HGVs shall enter the site immediately when they arrive and shall at no time park outside on the public highway waiting to access the site.
8. All vehicles accessing the site shall enter and leave the public highway in forward gear.
9. No work is to be carried out on or close to the site boundary that might undermine the stability of the adjoining public footpath or its boundary fence

REASONS:

1. To comply with the terms of the application and to enable the County Planning Authority to exercise planning control over the operation so as to minimise the impact on local amenity in accordance with Policy CW5 and Policy DC3 of the Surrey Waste Plan 2008.
2. To protect the amenities of local residents in accordance with Policy DC3 of the Surrey Waste Plan 2008
3. To ensure the minimum disturbance and avoid nuisance to the locality to comply with Policy DC3 of the Surrey Waste Plan 2008 and Policy EV10 of the Tandridge District Local Plan 2001
4. That the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Surrey Waste Plan 2008 Policy DC3
5. That the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Surrey Waste Plan 2008 Policy DC3
6. That the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Surrey Waste Plan 2008 Policy DC3
7. That the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Surrey Waste Plan 2008 Policy DC3
8. That the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Surrey Waste Plan 2008 Policy DC3
9. To protect the amenities of local residents in accordance with Policy DC3 of the Surrey Waste Plan 2008

INFORMATIVES:

1. The developer is reminded that it is an offence to allow material to be carried from the site and deposited on or damage the highway from uncleaned wheel or badly loaded vehicles. The Highway Authority will seek, wherever possible to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders (Highways Act 1980 Sections 131, 148, 149).
2. The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority Local Transportation Service before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.
3. The County Planning Authority confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.