

UPDATE SHEET - AGENDA ITEM 9

Planning & Regulatory Committee 23 May 2018

Minerals & Waste Application: MO/2017/1797

Park Pit, Reigate Road, Buckland, Surrey RH3 7BE

The development of Buckland Park Lake comprising: 1) a café with associated terrace and disabled parking; 2) outdoor activity centre comprising mobile units; 3) observation pavilion; 4) entry kiosk; 5) two bird hides; 6) a picnic lawn with steps; 7) children's playground area; 8) car park; 9) water tank/pond; 10) floating pontoon. All for public use in association with the approved water-based recreation and proposed land-based outdoor recreation afteruse, of the former silica sand quarry, known as Park Pit.

Please note the Committee Report should be amended / corrected as follows:

CONSULTATIONS AND PUBLICITY

17 AONB Officer
No objection

26 Buckland Parish Council
The local parish has submitted a further letter dated 18 May 2018, which has been circulated to the P&R Committee Members. Helyn Clack, the local Member has also submitted an email summarising and endorsing this response from the parish, as she cannot attend the committee meeting. The local Member asks that her email and the letter from the Chairman of the Buckland Parish Council be taken into account in the deliberation of this Item on Park Pit. The local Member states that *'Our concern being that the conditions of permission as laid out in the report need to be more robust in these specified areas to reflect the detailed and locally negotiated agreement between the community and the owners of the pit, which is supported overall by residents and myself.'*

The points raised by the parish are summed up by the local Member as follows:

- *The hours of operation for the facilities are strictly limited between 08.00hrs and 18.00hrs. All activity on the site should cease by 22.00hrs*
- *No external lighting shall be erected on the buildings with the exception of infrared (pir switched) security lighting to minimise any light pollution*
- *No use of amplified music or speech, whether live or recorded, in the open air, in a marquee or in any other temporary structure erected to support events or activities.*
- *Live or recorded amplified music or speech to be limited to within the café facility between the operational hours of 08:00hrs to 18:00 hrs.*
- *To restrict water based recreational activity to non-motorised craft with a specific exemption to allow the use of safety craft within the lagoon area subject to a requirement for the safety craft to be propelled by a battery powered (silent) outboard and fitted with a propeller guard;*
- *No fireworks are to be allowed.*

- *With the support and assistance of Mole Valley District Council ("MVDC")) to make a direction under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015 to withdraw the rights set out in part four class B 'temporary use of land'.*

Officer's comment

In response to the local Members comment regarding the agreement between the owner and the community, there was no agreement on conditions and or restricting permitted development rights.

Hours of operation – Officers consider that the condition is clear and enforceable, and is supported by an operational noise condition recommended by the County Noise Consultant. In view of the concerns from the parish and further guidance from the County Noise Consultant, Officers are recommending that Condition 3 be amended to cover up to 23:00 hours, for the organised evening events, and in addition a further condition covering evening noise levels, due to a lower background level.

Lighting – Officers consider that security lights are needed and the proposed lighting would not cause significant adverse light pollution.

Music/noise – Officers have amended Condition 5 (below) to restrict amplified music but see no reason to restrict amplified speech. The existing condition in respect of motorboats is considered appropriate. There are restrictions (Fireworks Regulations) on the use of fireworks and when they can be set off, however there are no restrictions on local Councils. Officers see no planning reason to ban fireworks.

Management – The Parish have asked for permitted development rights to be withdrawn, specifically the rights set out in Part 4 Class B 'temporary use of land', which read as follows:

'B. The use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes of—
(a) the holding of a market;
(b) motor car and motorcycle racing including trials of speed, and practising for these activities,
and the provision on the land of any moveable structure for the purposes of the permitted use.'

The proposed temporary events which the Parish is seeking to restrict are a replacement to the initially proposed wedding party events (now withdrawn), which had the agreement of the local interested parties, in the Business Ideas Workshop referred to in the application.

The national Planning Practice Guidance states that '*Conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances.*' Officers have considered this issue under para.61 of the report and point out that there would be a limited number of occasions that temporary events can take place on site, and that noise will be controlled by way of condition. A condition removing permitted development rights would not pass the test of necessity and there are no exceptional circumstances.

RECOMMENDATION

CONDITIONS

Hours of Operation

- 3 With the exception of organised group events (e.g. bird watchers, open water swimming, outdoor activity centre), no lights shall be illuminated nor shall any operations or activities authorised or required by this permission, take place other than during the hours of:

08:00 – 18:00 hours

For organised group events this time period will be extended to 23:00 hours

Noise

- 5 No outdoor live or amplified music is permitted on site at any time.
- 8 Between 08:00 and 18:00 hours, the Rating Level, LAr(1hr), of the combined noise emissions from the plant and activities associated with the application site shall not exceed the existing representative LA90 background sound level at any time by more than +5 dB(A) at the nearest noise sensitive receptor (NSR). The assessment shall be carried out in accordance with British Standard 4142:2014 'Methods for rating and assessing industrial and commercial sound'. The existing representative LA90 background noise level shall be determined by measurement that shall be sufficient to characterise the environment and the recommended level should be justified following guidance contained within BS 4142:2014.
- 9 Between 18:00 and 23:00 hours, the Rating Level, LAr(1hr), of the combined noise emissions from the plant and activities associated with the application site shall not exceed the existing representative LA90 background sound level at any time by more than +5 dB(A) at the nearest noise sensitive receptor (NSR). The assessment shall be carried out in accordance with British Standard 4142:2014 'Methods for rating and assessing industrial and commercial sound'. The existing representative LA90 background noise level shall be determined by measurement that shall be sufficient to characterise the environment and the recommended level should be justified following guidance contained within BS 4142:2014.

Due to the addition of this new Condition 9 covering evening noise levels, Conditions 9 to 13 would be renumbered to Conditions 10 to 14

The following new conditions are also recommended to be added.

- 15 Prior to the use of the proposed fish tank, a detailed design shall be submitted to and approved in writing by the County Planning Authority. The fish tank shall be constructed in accordance with the approved design.
- 16 The floating pontoon and associated pumping equipment shall be maintained in a state of repair capable of fulfilling its emergency role or removed from the site if no longer required.

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