

Planning & Regulatory Committee 26 January 2022

UPDATE SHEET

MINERALS/WASTE EP21/00223/CMA

DISTRICT(S) EPSOM & EWELL BOROUGH COUNCIL

Land at The Chalk Pit, College Road, Epsom, Surrey KT17 4JA

Change of use of an existing Waste Transfer Station to a Materials Recycling Facility and extension of this site to incorporate a new Waste Transfer Station, including: demolition of existing building; reinforcement of retaining wall; provision of new site surfacing and drainage; construction of buildings for the bulking and processing of mixed skip waste and skip storage, and the sorting and transfer of inert waste materials; use of an office; retention of existing workshop; installation of weighbridge; retention of entrance gates and fencing; and, provision of car parking [part retrospective].

A legal opinion has been provided by local residents which considers that there is a credible argument that could be made to suggest that the use rights under the extant Certificate of Lawful Existing Use or Development (**CLEUD**) may have been extinguished. While Officers agree that unlawful operational development has occurred within the land covered by the **CLEUD**, namely the installation of drainage and the covering of the surface of the land with concrete hardstanding and tarmacadam, it is not agreed that such operational development has either significantly or radically altered the physical nature of the site, and it is not agreed that such operational development has altered the character and overall use of the site.

Furthermore, Officers are aware of the report titled Noise Impact Assessment – NJB and Epsom Skip Hire, Chalk pit, Epsom dated 2 July 2021 authored by Jon Tofts on behalf of the Environment Agency (**EA**). This report was written as internal advice to be used within the EA, to consider the levels of noise pollution and compliance with Environmental Permits, with any interpretation outside of the EA being beyond its intended scope. Therefore, this report does not speak to Officers of the County Planning Authority (**CPA**) or the planning application to be considered.

Finally, Officers are also aware of the report titled Independent Internal Review of complaints and regulation of the former chalk pit, College Road Epsom dated 19 November 2021 authored by Kevin Ward on behalf of the EA. As the title of this report would suggest, it contains an assessment of whether complaints received had been handled appropriately and whether the regulatory and operational decision taken were sound. Therefore, this report does not speak to Officers of the CPA or the planning application to be considered.

The above-mentioned EA reports can be viewed on our website.

CONSULTATIONS AND PUBLICITY

Consultees (Statutory and Non-Statutory)

Add the following to Environment Agency response:

The Environment Agency has received a significant number of reports regarding noise and dust emanating from this site and its operations treating waste and continue to receive

complaints. This is related to the intensification of the use at the site, and we have no objection in the reduction in the waste tonnage through put at this site. With reference to the Environment Agency document Non hazardous and inert waste: appropriate measures for permitted facilities we have no objection to all of the proposed waste activities to be carried out in a building. We also support the regularising of operational hours on site and the proposed reduction of waste tonnage to 26,000 ton per year. Our view is that reduction in waste through put, enclosure of all waste activities within a building, dedicated permitted hours of operation and improvements in the site surface will reduce noise and dust emissions from the site operations.

Additional key issues raised by public

Since the publication of the Officer Report, additional letters of representation from objectors have been received by the CPA in relation to planning application ref: EP21/00223/CMA, although no additional matters have been raised beyond those identified within the original consultation exercise.

RECOMMENDATION

Amend Condition 5 wording as follows:

Within two months of the date of this permission space shall be laid out within the application site in accordance with Drawings Nos. 193091/PL/D/006 Rev C Proposed Block Plan dated May 2021 and 193091/PL/D/012 Overnight HGV Parking Plan dated June 2021 for cars, HGVs and cycles to be parked and for the loading and unloading of 12 HGVs and for all vehicles to turn so that they may enter and leave the site in forward gear.

A four hoop Sheffield toast rack cycle stand with sufficient space for eight bicycles shall subsequently be installed within the cycle parking area as shown on Drawings Nos. 193091/PL/D/006 Rev C Proposed Block Plan dated May 2021 and 193091/PL/D/012 Overnight HGV Parking Plan dated June 2021 within one month of the laying out of the space as detailed above.

Thereafter the parking/loading and unloading/turning areas shall be retained and maintained for their designated purposes.

Amend Condition 8 wording as follows:

There shall be no more than an annual average of 68 daily movements of HGVs to and from the application site. This shall include the transporting of waste that is deposited at, the transporting of waste and/or recovered materials that are removed from, and the movement of empty skips. The operator shall maintain accurate records of the daily number of such HGVs accessing and egressing the application site and these records shall be submitted to the County Planning Authority by the first day of April, July, October and January each year.

Amend Condition 10 wording as follows:

The Rating Level, L_Ar, T_r, of the noise emitted from all plant, machinery and vehicle movements on the application site shall not exceed the existing representative LA90 background sound level at any time by more than +5dB(A) at the nearest noise sensitive receptor.

Should this noise limit be exceeded the source(s) of the noise causing the exceedance shall cease until the operator has submitted a scheme to attenuate noise levels which has been approved by the County Planning Authority in writing and that scheme has been implemented.

Amend Condition 12 wording as follows:

Waste processing operations within the application site involving the use of any type of mechanical screener for any materials recycling hereby permitted shall cease until Building 2

has been fully constructed and fitted with roller shutter doors as shown on Drawing No. 193091/PL/D/008 Rev A Proposed Cross Sections and Elevations dated Jan 2021.

Building 1 shall subsequently be fully constructed and fitted with roller shutter doors as shown on Drawing No. 193091/PL/D/008 Rev A Proposed Cross Sections and Elevations dated January 2021 within six months of the completion of Building 2.

Amend Condition 18 wording as follows:

Upon full completion of Building 1 and Building 2 as shown on Drawings Nos. 193091/PL/D/006 Rev C Proposed Block Plan dated May 2021, 193091/PL/D/007 Rev A Proposed Site Zoning dated January 2021, 193091/PL/D/008 Rev A Proposed Cross Sections and Elevations dated January 2021, 193091/PL/D/009 Rev A Site Drainage Plan dated January 2021, and 193091/PL/D/012 Overnight HGV Parking Plan dated June 2021, the loading and/or unloading of waste and/or materials to/from lorries and/or machinery; the storage, sorting, segregation, bulking and/or stockpiling of waste and/or materials; and, the deposit and storage of skips, shall only be undertaken within Building 1 and Building 2.

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