

REPORT FOR CONSIDERATION AT PLANNING COMMITTEE

Reference No: HGY/2008/1574

Ward: Hornsey

Date received: 25/07/2008

Last amended date: 11 December 2008

Drawing number of plans: DHA/581/02C, 2506/01G, 2506/04C, 2506/06B, 006B, 007B, 003B, 004B, E5474-02 rev 2, E5474-03, 706571-DU-1 rev 2, 2506/07

Address: Ferme Park Depot, Cranford Way N8 9DG

Proposal: Approval of details pursuant to conditions 5 (unloading facilities), 6 (materials), 8 (wash down areas / facilities), 10 (enclosure), 11 (hard / soft landscaping), 12 (levels of buildings, roads, parking areas), 13 (compliance noise monitoring programme), 14 (scheme specifying physical / administrative provisions to control noise), 18 (acoustic walls), 20 (measures to control and contain dust), 21 (covered conveyor systems), 26 (traffic control / management system), 31 (western loop), 40 (surface water) and 43 (wheel wash facility) attached to planning appeal reference APP/Y5420/A/05/1189822, original planning reference HGY/2005/0007.

Existing Use: Railway sidings

Proposed Use: Concrete batching plant

Applicant: London Concrete Ltd

Ownership: Network Rail

PLANNING DESIGNATIONS

Contaminated Land
Road Network: Borough Road

Officer Contact: David Paton

RECOMMENDATION

GRANT PERMISSION

SITE AND SURROUNDINGS

The site is located at the southern end of Cranford Way Industrial Estate. It comprises operational railway land within Ferme Park sidings on the western side of the East Coast Main Line between Haringey and Hornsey stations. There is a slight rise from the end of Cranford Way onto the site, but the area is generally flat and open due to the adjacent railway. There are 3 tall silos on the sidings land immediately adjacent to the application site. The site is at the bottom of a hill at the top of which stands Chettle Court. Uplands Road descends this hill. As a result the lower numbered Uplands Road addresses and the Chettle Court flats have a view over the site and the railway tracks (although this is screened by trees especially in summer), and would look down on the development.

To the east of the site is the East Coast Main Line, an ecological corridor, with the houses of Wightman Road beyond. To the south lies the Stroud Green Railway Embankment a steeply sloping bank covered in trees and scrub and a site of Local Ecological Importance that leads up to Chettle Court. To the west and south west are houses on Uplands Road and to the north and north west warehouses in the industrial estate.

Chettle Court and Uplands Road houses would be the nearest residential accommodation to the proposed batching plant, being between 100m. and 130m. away, although there are children's play facilities in front of Chettle Court that are slightly closer. The rear garden boundaries of the Wightman Road houses would be about 150m. away from the development.

Access to the site would be along Cranford Way, a private road off Tottenham Lane about 120m. south of Hornsey station. Tottenham Lane is one-way south bound at this point, with north bound traffic using Church Lane. Cranford Way is approximately 630m. long, with the entrance to the site at its southern end, and this main spine road is two way. There is however a loop at the southern end providing a one way northbound route (that is towards Tottenham Lane) between the back of Units 7 to 11 Cranford Way and the rear garden boundaries of nos. 40 to 94 Uplands Road (the road is within 2m. of the gardens). At its southern end this loop road is lower than the adjacent gardens, but by the time it reaches the last 6 houses or so, it is at a higher level than the gardens. The Uplands Road gardens are only 4m. long. After passing no. 90 Uplands Road the loop road veers away from the houses, creating a treed triangular buffer of land between it and houses and rejoins the main branch of Cranford Way just to the north of Unit 6.

PLANNING HISTORY

June 2006 permission granted on appeal after a lengthy public enquiry for a concrete batching plant. The Inspector attached 43 conditions to the permission. 14 of these conditions require submission and approval of details before commencement of development. The applicants also provided to the Inspector a Unilateral Undertaking that contained a Dust Management Scheme and a Noise Management Scheme (which are the basis of the noise and dust details now

submitted), an Ecological Management Scheme (which is supported by the landscape details now submitted), and a Construction Management Scheme.

DETAILS OF PROPOSAL

The current application is for the approval of the details in compliance with the following 15 conditions – conditions 5, 6, 8, 10, 11, 12, 13, 14, 18, 20, 21, 26, 31, 40 and 43.

Condition 5 – details of unloading facilities for materials from railway wagons (including measures to control noise and dust) – plans (dwgs. E5474-02Rev2 & E5474-03Rev0) showing bottom discharge unit building (BDU) clad in Goosewing Grey steel sheet, with roller shutter doors and PVC strip curtains over rail doors when open; no use of high pressure air hoses or of hammers.

Condition 6 – details of materials, colour and texture of the external finish of the concrete batching plant, office/messroom, hoppers and rail unloading building (dwgs. 080320/007RevB, 706571-DU-1Rev2, 080320/004RevB, E5474-03Rev0) – batching plant & storage bins/hoppers - Kingspan horizontally & vertically panels, Kingspan micro-rib panels, Kingspan flat Stucco panels, Kalzip standing seam roof system, all grey, dusty grey or aluminium colour; office/messroom– Plastisol Goosewing grey sheet steel; BDU - Plastisol Goosewing grey coated steel profiled sheeting.

Condition 8 – details of washdown areas and facilities for cleaning out concrete mixer trucks – dwgs. 2506/04RevC & 2506/06RevB, showing designated area for washing down & cleaning out into wash trough, percolating through into settlement pits.

Condition 10 – details of means of enclosure for boundaries of site (dwg. DHA/581/02/RevC) – includes retained chain link fence at back of warehouses, and retained and new Palisade fencing around site of batching plant, and Heras fencing with new heavy duty kerb at bottom of Stroud Green Embankment along side of access road.

Condition 11 – details of hard and soft landscaping including measures to protect trees and vegetation to be retained, and surface materials (dwgs, DHA/581/02/RevC & 2506/04RevC) – includes one new Oak tree, a habitat logpile, retained trees at rear of warehouses with wildflower meadow planting and an area of regenerated scrub, plus the removal of 2 trees at the foot of the embankment to allow formation of heavy duty HGV kerb, and planting of ivy behind kerb, and installation of new bird & bat boxes.

Condition 12 – details of levels of buildings, roads, parking areas & parking – shown on dwgs. 2506/04RevC & 2506/01RevG.

Condition 13 – submission of a compliance noise monitoring programme specifying how, when & where noise would be measured, who would be responsible, and how results would be assessed and used, and including establishing baseline noise conditions at residential properties in Wightman Road

– all contained in Sharps Redmore’s Noise Monitoring report, which details a baseline monitoring exercise from a rear garden of a Wightman Road house in March 2008, that monitoring would be carried out at the nearest residential receptor in Uplands Road, in Chettle Court and in Wightman Road, with noise levels sampled during normal working hours of the plant for a period of 1 hour at each monitoring point, and in the 1st., 3rd., and 6th. month after the start of operations and thereafter at 18 month intervals.

Condition 14 – submission of a scheme specifying physical and/or administrative provisions to control noise emanating from the site, to accord with the noise limit set out in Condition 15 – contained in Sharps Redmore’s Noise Control Scheme report, which incorporates the measures submitted in the S.106 Unilateral Undertaking at the Appeal, and involves the cladding of the batching plant, the unloading facility and the hoppers, the enclosure of all conveyors & hoppers (dwg. E5474-02.2), complete enclosure of the loading bay including a door (dwg. 080320/006.B) & containment of compressors & secondary plant within the main plant building; the report also includes a complaints procedure and provision that the review of noise control will take into account the complaint history.

Condition 18 – details of the acoustic wall originally proposed along the side of the loading bay facing Chettle Court – it is now proposed to fully enclose the loading bay with insulated cladding and roof and an insulated folding panel door (details in Sharps Redmore’s Noise Control Scheme & dwgs. 080320/006RevB & 080320/007RevB).

Condition 20 – details of measures to control and contain dust within the application site boundary (including dust from the aggregate unloading building, hoppers, batching plant, washdown areas, and dry out areas) – contained in Smith Grant’s Dust Control Measures report, which incorporates the measures included in the Dust Management Scheme (DMS) submitted in the S.106 Unilateral Undertaking at the Appeal, and involve, inter alia, all aggregates being transported by rail, and if on delivery found to be dry & potentially dusty, being conditioned with water prior to discharge, with further water being applied as necessary (these provisions are taken from the DMS, accepted by the Inspector); external doors & other openings enclosing potentially dusty operations kept closed during operations (and see Condition 5 re unloading shed); batching and discharge processes fully enclosed; batching to be suspended immediately if any spillages occur or in the event of persistent dust emissions outside the loading bay; a road sweeper with water sprays deployed at least twice a week to sweep the yard and access route along Cranford Way; all HGVs leaving the site to be inspected by driver and cleaned as necessary; wash-down area laid to falls towards the settlement pit; and sediment from the settlement pits to be excavated as necessary and deposited in adjacent drying bay to drain back into settlement pits (settled solids in drying bay will nevertheless retain high water content so that dust generation is very unlikely). In addition, the plant will require an Environmental Permit and the application for this will specify technical details of filters, pressure relief valves and alarm systems.

Condition 21 – this condition requires all conveyor systems outside to be fully covered in accordance with details provided for Condition 14.

Condition 26 – details of a traffic control/ management system for pedestrian and vehicular access – dwg. 2506/07RevB shows separate pedestrian routes within the site, visitor parking and HGV access and turning areas.

Condition 31 – details of a scheme to include physical and administrative measures to prohibit use of the “western loop” part of Cranford Way – 1.5m x 1m. no left turn sign to be erected at entrance to site (dwg. 2507/07RevB), with written instructions given to all London Concrete drivers and suppliers making deliveries.

Condition 40 – details of a scheme for the future maintenance of the surface water system, including the settlement pits – dwg. 2506/06RevB and consulting engineer’s statement (ref. MOB 1)

Condition 43 – details of a wheel-wash facility - dwg. 2506/04RevC shows a power hose located by the settlement pits.

CONSULTATION

Adjoining occupiers – 369 nearby residents and businesses

External noise and dust consultants

Ecology Officer

RESPONSES

Adjoining occupiers – 20 comments and objections, although 13 of these comments are objections to the principle of the development or to the nature of the appeal decision, such as the volume of heavy lorries using Cranford Way, which can no longer be contested. The remaining objections are on the following grounds:

- querying the acoustic properties of the cladding and the effectiveness of the materials in reducing noise generated when discharge and filling take place (especially from the rail wagons and into the storage bins)
- how the times to use water sprays on the rail wagons will be decided and how run off from this spraying will be dealt with
- querying whether conveyors will in fact be fully covered and what materials will be used
- inadequate nature of measures to prevent lorries using the “western loop”
- inadequacy of monitoring proposals, both in terms of frequency of review and responsibility largely resting with London Concrete
- lack of dust control measures for when drying bays are cleared out with an excavator.
- the Council has utilised the services of independent noise and dust consultants (two different firms), to assess the submitted details.

NOISE CONSULTANTS – comment as follows on the Noise Monitoring Programme (submitted in accordance with Condition 13) and the Noise Control Scheme, including details of the acoustic wall (submitted in accordance with Conditions 5, 4 & 18):

a) Noise Monitoring

- noise monitoring should include written details of the activities continuing during each measurement period
- it should be specified that when monitoring takes place, one survey should be done at 7 a.m. and one on Saturday, to ensure that periods when complaints are most likely to arise are covered- all other aspects of the Noise Monitoring Programme are considered satisfactory
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b) Noise Control

- Condition 5 – details for facilities for unloading materials from railway wagons (including measures to control noise & dust) – specified mitigation measures appear to be appropriate
- Condition 14 – a scheme specifying physical and/or administrative provisions to control noise emanating from the site to accord with the noise limit set out in Condition 15 – the submission includes noise control measures, site maintenance, site management, and complaints procedure, and it is suggested that an additional clause be added that machinery will safely stopped in the event of a malfunction causing a breach in the noise conditions
- Condition 18 – details required of the acoustic wall to be installed on the side of the loading bay facing Chettle court – the scheme now provides for the complete enclosure of the loading bay with insulated cladding and an insulated door (to be closed when loading takes place) complying with BS EN ISO 717:part 1 1997, and the specifications are typical for this type of structure and can be expected to provide the required sound insulation

DUST CONSULTANTS – comment as follows on the Dust Control Measures report (submitted in accordance with Conditions 5 & 20):

- a) General – report focuses on the need to avoid “nuisance” dust, but the Inspector gave the reason for dust control measures as “in the interests of *health* & amenity”, and health impacts, primarily caused by the fine airborne fractions of dust, are a different area from nuisance dust. The “potential emissions” does not explicitly consider the resuspension of dust from ground surfaces (that could contribute considerably to airborne/PM10s).

- b) Dust control measures
- Condition 5 – details for facilities for unloading materials from railway wagons (including measures to control noise & dust) – this section provides appropriate control measures.
 - Condition 20 – details of measures to control and contain dust within the application site boundary (including dust from aggregate unloading building, hoppers, batching plant, washdown areas and dry-out areas) – report is quite comprehensive and describes appropriate control measures, but these issues may need further consideration:
 - i) report suggests that technical details of filters, pressure relief valves & alarm systems will be provided in the Environmental Permit application, but it would be appropriate to provide these details here as well
 - ii) report describes conditions in which dry batching will be carried out, but this needs to be more specific in terms of the maximum time period over which this operation could be undertaken
 - iii) report proposes “at least twice weekly” wet sweeping for the running areas of the yard & access route, but in dry/drought summer conditions daily wet sweeping may be required, and allowance should be made for this
 - iv) report mentions compliance with the DMS, but should also refer to the Dust Control Measures report
 - v) as relevant sensitive receptors are near the site it would be appropriate to monitor ambient PM10s, and an on-going dust slides survey would be useful to quantitatively monitor dust soiling impacts
 - vi) airborne dust emissions monitoring could include photographs with the proposed visual assessments, which should be made in the direction of sensitive receptors as well as for the downwind site boundary (wind direction can fluctuate rapidly)
 - vii) emissions monitoring proposals suggest that weather conditions will be observed but no details of any meteorological monitoring are provided
 - viii) emergency response procedure, to be followed in the event of a “major dust emission” as defined in the report, should include taking photos. of such an event
 - ix) complaints procedure includes provision that, following a substantiated complaint, London Concrete will take any “reasonable” steps to improve the effectiveness of dust control measures, but a more prescriptive and detailed proposal should be provided

Ecology Officer – agrees further details of positioning of bird and bat boxes pursuant to the Ecological Management Plan (in the S.106 Unilateral Undertaking) and the landscaping scheme submitted pursuant to Condition 11.

RELEVANT PLANNING POLICY

UD3 "General principles"
ENV7 "Air, water & light pollution"
OS11 "Biodiversity"

ANALYSIS/ASSESSMENT OF THE APPLICATION

Noise conditions

The Noise Monitoring Programme includes, as required, the establishment of new baseline noise conditions in Wightman Road properties from measurements taken in March this year. The Council's consultants have suggested that the first survey should take place in the first week of the plant's operation, but it is quite likely that the plant will not be operating at normal capacity in that week and a first survey after one month, as proposed, is considered appropriate. After the first 6 months, assuming compliance is achieved, monitoring will take place at 18 month intervals, subject to any complaints received. The consultants have suggested that as part of the regular monitoring, one survey should take place at 7 a.m. and one on Saturday, as these times are when complaints are most likely. Otherwise the Council's consultants regard these arrangements as satisfactory.

The Programme has been amended to allow for a separate observer to note the activities at the plant during each measurement period; to ensure that one survey at one of the monitoring positions is performed at 0700 hours, and takes place by or within the first 6 months of batching operations; and to allow for a Saturday survey to take place at the 6 month monitoring date.

Noise control measures, to control noise emanating from the site in accord with the limits set by the Inspector in Condition 15, include full enclosure of all potentially noisy operations, and the full enclosure of the loading bay is a significantly better solution than the open bay with an acoustic wall originally proposed, benefiting both Chettle Court and Wightman Road residents. The Noise Control Scheme has been clarified by the addition of a paragraph ensuring that the loading bay door remains closed whenever a lorry is being loaded. The scheme includes a complaints procedure requiring all complaints to be recorded, reported to the site manager for investigation and corrective action if necessary, and for the Council to be informed. The noise control measures are to be subject to review in consultation with the Council, with the first review to take place 6 months after operations start. The Council's noise consultants judge these measures together with site maintenance and management schemes to be comprehensive. The consultants have suggested a minor addition to the noise control scheme, but paragraph 3.4(c) to which this relates states that "...operations shall be adjusted or suspended until normal working can be restored", which is considered to be sufficient.

The control scheme and monitoring programme are enforceable by the Council and will be subject to regular review with the Council.

Dust Control Measures

a) The applicant's consultants comment that the dust control measures (such as full enclosure of plant, hoppers & conveyors, conditioning rail wagons with water etc.) will be equally effective in preventing nuisance dust and harm due to fine particulates. The Inspector also noted in his decision that the plant would be subject to Local Air Pollution Prevention and Control requirements.

b) Condition 20

- i) It is a general principal that planning should not duplicate or cover issues that are controlled by other legislation.
- ii) The Dust Control Measures report has been amended to make it clear that maintenance or repair of the wet pan will as far as possible, be carried out when batching is not taking place, thus reducing the need for dry batching. The circumstances of dry batching contained in the new report submitted for approval are the same as contained in the DMS submitted as part of the application approved by the Inspector.
- iii) The report has been amended to allow for additional wet sweeping during dry conditions.
- iv) The report has been amended to make it clear that, once approved, it will take precedence over the DMS submitted with the original application.
- v) The Inspector stated that this monitoring and surveys would be part of the LAPPC regime, and it is therefore not appropriate to include this in the planning approvals.
- vi) The report has been amended to include assessment at the more sensitive southern and western boundaries.
- vii) The report has been amended to specify that qualitative records of the wind direction and strength, sun, rain and temperature will be recorded.
- viii) The full emergency response procedure will be submitted with the application for an Environment Permit under the LAPPC requirements (although the applicant's consultants does not consider that photographs would contribute significantly to an investigation of any such release)
- ix) The report has been revised by substituting "practicable" for the word "reasonable".

The Dust Control Measures report encompasses the terms of the DMS submitted with the application approved by the Inspector and has been revised to take account of the comments of the Council's consultants.

Use of the "western loop"

Some reservations have been expressed about the measures to prevent use of this section of Cranford Way, however Condition 31 prevents HGVs only from using this route, and other vehicles attending the batching plant will be at liberty to use it. The measures are therefore targeted at drivers of the larger vehicles, and the proposed signage at the exit from the site has been amended to make it clear that all HGV drivers are banned from turning left onto the western loop.

HGV traffic

The number of mixer truck movements, private concrete vehicle movements, and cement deliveries are controlled by Conditions 27, 28 & 29 and do not require submission of further details. (Rail deliveries of aggregates are also controlled, by Condition 25).

Materials

Materials proposed are standard insulated cladding panels in a grey colour that should minimise the obtrusive nature of the buildings. (Condition 6)

Washdown area & cleaning

Details show designated washdown area, and facilities for cleaning out trucks into the settlement pits (Condition 8).

Means of enclosure & hard & soft landscaping

The fencing is standard for industrial sites and should ensure that the Embankment is protected from damage from trucks (Conditions 10 & 11). Landscaping is appropriate to this site & use, and additional details of siting of bat & bird boxes have been agreed in accordance with the Ecological management Scheme

Levels

Details of the levels of buildings, roads & parking areas are provided on submitted drawings as required by the Inspector (Condition 12).

Traffic control

Details show defined HGV access routes and turning areas, defined visitor parking area, and separate pedestrian routes through the site to ensure site safety (Condition 26).

Maintenance of surface water system and settlement pits

Details are contained in a separate statement from a consulting engineer (Condition 40). In particular, there will be a monthly cycle of removing dried solid waste from the drying bay, for transfer of partly dried solids from the washtrough to the drying bay, and for transfer of from Pit 1 to the washtrough. Every 2nd. month solids from Pit 2 will be transferred to the washtrough, and every 3rd. month solids from Pit 3 will also be transferred to the washtrough. Clean water from Pit 3 will be recycled and used in the batching process.

Wheel wash facility

A power hose will be provided by the settlement pits and is shown on the submitted drawings (Condition 43).

SUMMARY AND CONCLUSION

The schemes and details submitted pursuant to those conditions associated with noise and dust control and monitoring (i.e. Conditions 5, 13, 14, 18, 20, & 21) have been amended to take account of the Council's concerns and are satisfactory and meet the requirements of the conditions. Details submitted pursuant to the remaining conditions (i.e. Conditions 6, 8, 10, 11, 12, 26, 31, 40 & 43) are also satisfactory. The application complies with policies UD3 "General principles", ENV7 "Air, water & light pollution" and OS11 "Biodiversity" of the Council's Unitary Development Plan.

RECOMMENDATION

GRANT PERMISSION

Registered No. HGY/2008/1574

Applicant's drawing No.(s) DHA/581/02C, 2506/01G, 2506/04C, 2506/06B, 006B, 007B, 003B, 004B, E5474-02 rev 2, E5474-03, 706571-DU-1 rev 2 & 2506/07

REASONS FOR APPROVAL

The schemes and details submitted pursuant to those conditions associated with noise and dust control and monitoring (i.e. Conditions 5, 13, 14, 18, 20, & 21) have been amended to take account of the Council's concerns and are satisfactory and meet the requirements of the conditions. Details submitted pursuant to the remaining conditions (i.e. Conditions 6, 8, 10, 11, 12, 26, 31, 40 & 43) are also satisfactory. The application complies with Policies UD3 'General Principles', ENV7 'Air, Water & Light Pollution' and OS11 'Biodiversity' of the Council's Unitary Development Plan.