

PLANNING APPLICATIONS COMMITTEE

13th August 2015

Item No:

UPRN	APPLICATION NO.	DATE VALID
	15/P0767	26/02/2015
Address/Site:	Rapid Ready Mix, Alpha Place, Garth Road, Morden, Surrey SM4 4LT	
(Ward)	Lower Morden	
Proposal	Variation of Condition 6 (delivery times) - to allow vehicles to leave and enter the site between 0700 hours and 0900 hours Monday to Saturday but maintaining current restrictions on loading/unloading of lorries before 0900 hours on any day - attached to LBM planning permission 11/p2523 (dated 02/08/2013)	
Drawing No's	Site location plan	
Contact Officer	Leigh Harrington (020 8545 3836)	

RECOMMENDATION

GRANT VARIATION OF CONDITION 6.

CHECKLIST INFORMATION

- Head of agreement: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted - No
- Number of neighbours consulted -44
- Press notice - No
- Site notice - Yes
- External consultations: Nil
- Density - N/A
- Number of jobs created N/A

1. INTRODUCTION

- 1.1 This application is brought before the Planning Applications Committee due to high levels of public interest in developments on this site.

2 SITE AND SURROUNDINGS

- 2.1 The application site is a 0.22ha triangular shaped plot of land located at the eastern end of Alpha Place on the Garth Road Industrial Estate. Access to the site is via a shared private road from Garth Road and through a set of palisade gates. The majority of the previous industrial units that occupied the site have been demolished and now the site is predominantly laid to concrete hardstanding which is used for the parking and storage of the company's four concrete mixing wagons as well as staff and visitor parking. The new purpose built computer controlled concrete silo is located in the north west corner of the site close to the boundary wall with the adjacent warehouse units. Along the same wall but separated from it by purpose built concrete 'bunker' walling are storage areas used for the storage of sand and stone which are the inert materials used in the concrete manufacturing process. An acoustic barrier has been erected along that boundary wall.
- 2.2 The site includes a two storey office building facing Alpha Place which provides ancillary office space and staff facilities for the company.
- 2.3 The eastern boundary of the site runs largely along the course of the Pyl Brook, beyond which is the Lynmouth Avenue Gardens Recreation Ground and which is a designated green corridor on the UDP Proposals map. The central area of the recreation ground is open to grass with a wide strip of trees, shrubs and other foliage adjacent to Pyl Brook and separates the site from the rear of the residential properties in Lynmouth Avenue.
- 2.4 The north western boundary of the site borders the rear of warehouse and storage uses whilst the southwest corner shares a boundary with the properties of Haydon Court on Garth Road. The application site is in a designated Industrial Area and is not within a conservation area.
- 2.5 The applicant is currently parking loaded cement trucks in the area in Alpha Place in front of the site which allows them to set off just after 6.30am without being in breach of condition 6.

3. CURRENT PROPOSAL

- 3.1 Condition 6 attached to planning permission 11/P2523 stated that ;
"The use of the site for receiving deliveries, the loading and unloading of vehicles and the use of mechanized equipment and vehicles shall only operate between the hours of 09.00 and 18.00 Monday to Friday and 09.00 to 15.00 on Saturdays and at no time on Sundays, Bank Holidays and Public Holidays. Reason: To safeguard the amenities of

the area and the occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan.”

- 3.2 The condition was drafted to prevent deliveries of aggregates and other materials, the loading and unloading of vehicles and the use of mechanical sweeping machinery and other loading machinery outside of those hours. The applicants contend that this condition restricts the use of their site in that vehicles cannot leave the site to get out to clients until after 9am. A previous application that sought to vary the wording of the condition to read "The yard area shall not be used for; the loading and unloading of lorries, receiving deliveries of sand, aggregates or cement powder, vehicle cleaning and maintenance, surface cleaning by mechanised roadsweepers, outside the hours of 0800-1830 Monday to Friday and 0800-1500 on Saturdays and at no time on Sundays and Public Holidays" was refused by members on the grounds that *:The applicant has failed to demonstrate that the proposed increase in the hours of permitted use of the site would not have a significantly adverse effect on the amenity of the locality by reason of noise generation and the proposal is therefore considered contrary to policies 7.15 in the London Plan 2011 and policy PE.2 of the Adopted Merton Unitary Development Plan 2003.*
- 3.3 Consequently this application now seeks to vary condition 6 to allow vehicles to leave and enter the site between 0700 hours and 0900 hours Monday to Saturday but maintaining current restrictions on loading/unloading of lorries before 0900 hours on any day. This would involve the replacement of condition 6 with a new two part condition which states;
- i) The use of the yard for the loading and unloading of vehicles or mechanised road sweeping shall only operate between the hours of 0900hrs and 1800hrs Monday to Friday and 0900hrs to 1500hrs on Saturdays and at no time on Sundays, Bank Holidays and Public Holidays.
 - ii) No heavy goods vehicles shall enter or leave the yard area except between the hours of 0700hrs and 1900hrs Monday to Friday, 0700hrs to 1500hrs Saturdays and not at all on Sundays, bank Holidays and Public Holidays.

4. PLANNING HISTORY

- 4.1 In 1957 planning permission was granted for extensions to the factory buildings. There is no more recent history available. After the factory closed the majority of the buildings on site were demolished in August 2010 for which planning permission was not necessary.
- 4.2 The current and unauthorised use of the site commenced around late summer 2010.

- 4.3 11/P2523 (dated 02/08/2013) Granted by PAC for the change of use of the site from use within Class B2 (Industrial) with ancillary offices to use of site for storage and distribution (B8) of aggregates in connection the bulk delivery of cement with ancillary offices including erection of a canopy.
- 4.4 13/P2910 Application to vary the details of Condition 6 to read "The yard area shall not be used for; the loading and unloading of lorries, receiving deliveries of sand, aggregates or cement powder, vehicle cleaning and maintenance, surface cleaning by mechanised road sweepers, outside the hours of 0800-1830 Monday to Friday and 0800-1500 on Saturdays and at no time on Sundays and Public Holidays" Refused *The applicant has failed to demonstrate that the proposed increase in the hours of permitted use of the site would not have a significantly adverse effect on the amenity of the locality by reason of noise generation and the proposal is therefore considered contrary to policies 7.15 in the London Plan 2011 and policy PE.2 of the Adopted Merton Unitary Development Plan 2003*
- 4.5 14/P1613 Application as yet undetermined for demolition of existing store and replacement with new store.

5. CONSULTATION

- 5.1 The application was advertised by means of neighbour notification letter and a site notice.
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There were 10 objections from local residents raising concerns relating to:

- Noise and hours of operation cause a great deal of disruption and disturbance, increasing the hours will worsen this
 - The company's activities do not benefit the local area
 - None of the other companies in the locality give residents cause to complain
 - Applicants have not adhered to existing conditions and frequently rev engines as early as 6am and operate late in the summer time
 - Application is ambiguous, it is hard to see what activities they are doing
 - Would not be possible to see if the lorries are working or just coming and going
 - These changes would fail to safeguard neighbour amenity
- 5.3 Environmental Health officers have been consulted on the application and undertook a joint site visit with the applicant's sound consultants and officers. They have reviewed the addendum noise assessment report and commented; "The additional use of the site will involve loaded

cement batching vehicles leaving the site and returning during the period 7am and 9am. The period from 7am is considered to be daytime and therefore noise criteria for daytime should be applied. Noise assessments during the day should be assessed for at least a period of 1 hour which is stated in BS4142:2014 Methods for rating and assessing industrial and commercial sound.

- 5.4 Having read the report and subsequent updated report by Southdowns Environmental Consultants Ltd, who have undertaken periods of noise monitoring together with the use of computer noise modelling, show that the use of the yard to allow vehicles leaving the site indicates that the use is unlikely to have an adverse impact on local amenity over the assessment period of one hour.
- 5.5 The existing background noise levels (the noise levels when site activities where not taking place), used in the Section 7.4.2 of the noise report by Southdowns dated 15 June 2015 reference 1915W-SEC-00001-05 at 3 noise sensitive locations, were 37dB at Lynmouth Avenue, 41dB at Salcome Drive and 46dB at Garth Road and the respective noise levels predicted at the receptors with the vehicles engine running and vehicles leaving the site are 37dB at Lynmouth Avenue, 31dB at Salcombe Drive and 27dB at Garth Road over the period of 1 hour.
- 5.6 The report states that the noise levels are based on 7 trucks leaving the site over one hour as an average noise level. The actual noise levels at the receptors would be higher than those quoted in the report if the time period for all 7 trucks leaving the site was less than one hour, for example the average noise levels over 30 minutes would have the effect of increasing the noise by 3dB and reducing it to 15mins would add a further 3dB.
- 5.7 Given that the site is located in a mixed industrial/residential area with other businesses operating before 9am, I have no grounds to object to the application."

6. POLICY CONTEXT

6.1 London Plan (2015)

The relevant policies in the London Plan (2015) are:
4.4 (Managing Industrial Land and premises)
7.15 (Reducing and managing noise)

6.2 Merton LDF Core Planning Strategy (2011)

The relevant policies in the Merton LDF Core Strategy (2011) are:
CS 12 (Economic development)

6.3 Merton Sites and Policies Plan (July 2014)

The relevant policies in the Merton Sites and Policies Plan (July 2014) are:
DM D2: (Design considerations)
DM EP2 (Reducing and mitigating noise)

7.0 PLANNING CONSIDERATIONS

- 7.1 The key issue arising from the application are the impacts of the additional operating hours on the amenity of neighbours.
- 7.2 Noise and neighbour amenity.
SPP policy DM EP2 requires that development is managed to minimise its impact on residential amenity and this can be done through the imposition of conditions whilst policy DM D2 requires that proposals protect existing development from noise and pollution so that the living conditions of occupiers are not unduly diminished. London Plan 2015 policy 7.15 seeks to manage noise by avoiding significant adverse impacts on health and quality of life as a result of new development.
- 7.3 This application and those which preceded it have generated a number of objections concerning noise from the site and the impact of the additional operating hours on neighbour amenity. Since members approved the use of the site an acoustic barrier screen has been erected along the boundary with Haydon Court and it is understood that this barrier does significantly reduce the amount of day time noise especially that created from the management of the aggregates which are stored against it. The issue with this application is the impact of permitting fully laden heavy goods vehicles to manoeuvre around the site and to enter and leave the site two hours earlier and one hour later than currently permitted.
- 7.4 British Standard 'BS4142:2014 Methods for rating and assessing industrial and commercial sound' requires that the impact of noise pollution be measured over a one hour period and the levels averaged out for that period. The Council's Environmental health officer has extrapolated the results to determine that if the results were averaged over a 15 minute period then the increase in noise would be in the order of 6dB. This has to be assessed against background noise levels of around 40dB and where an increase in noise levels is measured in steps of 3dB so that when a change in noise levels is noticeable then it will have increased by 3dB. This would also need to be considered in relation to this being considered day time and on an industrial estate.
- 7.4 The restriction on undertaking noisier activities such as delivering materials and aggregates and loading these onto the cement lorries would remain in place. In essence the variation application would mean that the lorries could be started up and driven out of the site from 7am and return as late as 7pm. Were the applicants to start their vehicles as early as they currently do when parked outside the site then they would

be liable to enforcement action in the form of a Breach of Condition Notice.

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

- 8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms of an Environmental Impact Assessment (EIA).

9. CONCLUSION

The proposal involves extending the hours within which the applicant's cement lorries can leave and enter the site. Given the nature of the construction processes involving cement requiring long drying periods and the potential distance that the construction site is from the application site there is a need for the business to start early in the mornings. The applicants have constructed an approved acoustic barrier between the site and the nearest residential neighbours.

The applicants have demonstrated to the satisfaction of the Council's Environmental Health officer that the noise produced from the starting and driving off of the cement vehicles would be within the criteria deemed acceptable by the relevant British Standard. Even reducing the period of time by which the level as are averaged from 1 hour to ¼ of an hour results in a barely noticeable increase in noise levels.

Given that the noise produced is within the relevant British Standard accepted noise level range and the site is located within an Industrial Estate it is considered that there is insufficient evidence to support a refusal of permission on the grounds that the proposed variation of condition would result in harm to neighbour amenity and thereby contravene relevant planning policy.

RECOMMENDATION Vary condition 6 to read;

- i) The use of the yard for the loading and unloading of vehicles or mechanised road sweeping shall only operate between the hours of 0900hrs and 1800hrs Monday to Friday and 0900hrs to 1500hrs on Saturdays and at no time on Sundays, Bank Holidays and Public Holidays.
- ii) No heavy goods vehicles shall enter or leave the yard area except between the hours of 0700hrs and 1900hrs Monday to Friday, 0700hrs to 1500hrs Saturdays and not at all on Sundays, bank Holidays and Public Holidays.

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