

LOCATION: GBN Services Ltd, The Railway Sidings, Oakleigh Road South, London, N11 1HJ
REFERENCE: B/00951/13 **Received:** 05 March 2013
WARD(S): Brunswick Park **Accepted:** 05 March 2013
Expiry: 04 June 2013

Final Revisions:

APPLICANT: GBN Services Ltd

PROPOSAL: Retention of trommel rubbish sorting conveyor and picking station and raising height of acoustic wall on western side of the site to 8m.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans and document:

1993/1, 1993/2, 1993/3, 1993/4, 1993/5, 1993/6; Design, Access and Planning Statement by Graham Simpkin Planning (dated March 2013).

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 2 Before the development hereby permitted commences, details of the specification and colour of the paint to be used on the wall shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

- 3 The trommel shall not be operated on Sundays or Bank or Public Holidays, or before 09:00 or after 17:00 on Monday to Fridays, or before 10:00 or after 12:00 on Saturdays.

Reason:

To prevent the use causing an undue disturbance to occupiers of nearby

residential properties.

INFORMATIVE(S):

1 The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Core Strategy (2012) and Development Management Policies DPD (2012).

In particular the following policies are relevant:

Core Strategy (Adopted) 2012: CS NPPF, CS1, CS5.

Development Management Policies (Adopted) 2012: DM01, DM04.

ii) The proposal is acceptable for the following reason(s): -

The retention of the trommel is considered acceptable providing the 8m high wall is erected constructed of the materials specified in the approved drawings and the noise report. The noise levels from the trommel in respect of the impact on those living in Chaville Court and for those living on Oakleigh Road South will not be discernible over and above other noise sources. The proposed wall is not considered to be visually obtrusive or overbearing and will have a limited impact on the character and appearance of the application site and surrounding locality. The proposal is considered to accord with the aforementioned policies.

iii) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

2 The raising of the height of the acoustic wood and steel fence as indicated on drawing 1993/5 shall be fully implemented within three months of the date of this decision notice to ensure that no further enforcement action is taken in respect of the current planning breach.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

Paragraph 14 identifies a presumption in favour of sustainable development.

The Mayor's London Plan: July 2011

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Relevant Policies: 7.4, 7.15.

Relevant Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11th September 2012

Relevant Core Strategy DPD (2012) Policies: CS NPPF, CS1, CS5.

Relevant Development Management DPD (2012) Policies: DM01, DM04.

Adopted Supplementary Planning Documents/Guidance:

SPD - Sustainable Design and Construction (April 2013)

<http://barnet.moderngov.co.uk/documents/s8344/Appendix%20A%20Sustainable%20Design%20and%20Construction%20SPD.pdf>

Relevant Planning History:

Site Address: Land at former Railway Sidings Oakleigh Road South London N11 1HJ
Application Number: N15069A/07
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 03/05/2007
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Change of use of land from scrap yard to a waste transfer station and vehicle de-polluting facility. Erection of waste transfer building. Erection of vehicle de-pollution canopy/bay. Erection of perimeter walls and gates. Retention of part single, part two storey portable building.

Site Address: Land at former Railway Sidings, Oakleigh Road South, London, N11 1HJ
Application Number: B/03706/10
Application Type: Full Application
Decision: Refuse
Decision Date: 11/1/2011
Appeal Decision: Dismissed
Appeal Decision Date: 11/1/2011
Proposal: Amendment to approved planning permission N15069A/07 to include the retention of the trommel outside of enclosure along southwestern boundary of the site and increase height of steel wall from the existing height of 4 Metres to 5.5 Metres along southwestern boundary.

ENFORCEMENT - ENF/01184/09B

Following the dismissal of the appeal against the Council's decision to refuse planning application B/03706/10, an Enforcement Notice was served on 27th January 2012 requiring the demolition of the trommel rubbish sorting conveyor and the removal of the resultant materials permanently from the land. An appeal against the Notice was heard on 19 February 2013. On 1 March 2013 the appeal was dismissed and the Enforcement Notice upheld with a correction and variation. A copy of the appeal decision follows this report.

Site Address: Land at former Railway Sidings, Oakleigh Road South, London, N11 1HJ
Application Number: B/03582/12
Application Type: Full Application
Proposal: Retention of trommel rubbish sorting conveyor and picking station and raising height of acoustic wall on western side of the site to 8m
Appeal Decision: **Awaited**

A report for application ref. B/03582/12 was included in the agenda for the East Area Planning Sub-Committee on 6 March 2013 but withdrawn in order that the appeal decision (received on 1 March 2013) relating to the Enforcement Notice could be reviewed. At this stage the applicant decided to lodge an appeal as a decision had not been made within the statutory period. The report on this application is to be considered by this Committee in order that a resolution can be made as to what decision would have been made had the appeal not been lodged.

Consultations and Views Expressed:

The following objections / comments were raised by 5 local residents in response to application ref. B/03582/12 and are set out in the Committee report for that application;

- Have had to put up with constant clanking
- What was once a pleasant residential area has been considerably spoiled in the last 10 years
- Oppose any industry that will increase noise levels, dirt
- How long can GBN continue to make applications?
- The site is totally unsuited to the working practices of GBN and Winters
- Trommel makes a great deal of noise
- Noise starts as early as 5.30am and continues throughout the day
- On many occasions, traffic including buses is held up while lorries manoeuvre in and out of the site
- Site produces dust
- Life has been intolerable since the expansion of the whole yard
- Excessive noise and dust
- There is a children's playground opposite which is affected.
- Have been in constant touch with Environmental Health due to the loud noise and excessive vibration
- Rubbish encourages vermin
- Council does not monitor the uses
- They are breaching their conditions
- The site is open on Sundays illegally
- GBN have ignored original conditions and requirements

Internal /Other Consultations:

- Railtrack PLC - No response received
- Environment Agency -

Initial correspondence received from the EA dated 22 November 2012 stated that they had no issues with the additional fencing that has been proposed for the western side of the site. However as they have also received noise complaints from residents to the east of the site, they requested that the applicant also considers offering additional noise screening on the eastern side of the site.

As a result of the noise and dust complaints received about operations at this site, they requested that the applicant move the trommel indoors or create a cover for the trommel that will reduce noise and dust impacts.

Further correspondence received from the EA on 18 January 2013 stated that they wish to highlight that their response to this planning application (date received 22 November 2012) contained comments on noise but not objections based on noise.

Objections / comments have been received from 4 local residents in response to application ref. B/00951/13. The objections / comments are similar to those set out above. There has been 1 request to speak.

The Environment Agency have stated that they have no objection to the planning application and they make similar comments to those set out above.

Date of Site Notice: 21 March 2013

2. PLANNING APPRAISAL

This application is a duplicate of application ref. B/03582/12 which is currently the subject of an appeal as the Local Planning Authority failed to determine the application within the statutory period

The recommendation and conditions above, and the following appraisal, are as originally set out in the Committee report for application ref. B/03582/12 on 6 March.

It should also be noted that in the recent decision relating to the Enforcement Notice appeal the Inspector stated in paragraphs 14-16:

14. At the time of my site visit, the trommel was in operation and I visited Chaville Court and the properties in the vicinity of Oakleigh Road South. The trommel's exposed position emitted a fairly constant level of noise with the motor and conveyor providing consistent broadband noise. Additionally, in combination with sound from industrial-related activities, regular impulsive sound from the picking station as a result of the sorting of materials is also noticeable from Chaville Court and the immediate vicinity of the GBN site. This is broadly consistent with the findings stated in the appellant's own noise report.

15. In an urban environment such as this, background noise levels are likely to be dominated by noise from passing traffic and from the usual hustle and bustle of daily life. However, I heard first hand evidence from residents living in Oakleigh Road South and Falkland Avenue. They were particularly concerned about noise from the exposed location of the trommel at the GBN site in association with other industrial activities.

16. On the other hand, in response to a revised planning application which is pending determination, the Council's environmental health officer says that noise from the GBN site does not make a significant contribution to the noise climate experienced by residents in Oakleigh Road South. It is likely that occupiers of properties further away from the GBN site are also materially unaffected. The Council's own observations found that the GBN site is largely screened by physical features such as buildings on the Winters' site and a belt of trees. On the basis of the available evidence, I concur that residents in Oakleigh Road South and Falkland Avenue are not materially affected by unacceptable levels of noise from the operation of the trommel and picking line at the GBN site.

It is considered that the dismissal of the Enforcement Notice appeal reinforces the

need for raising the height of the acoustic wall which is proposed in this application.

Site Description and Surroundings:

The application site is a parcel of land located on the former railway sidings on the south western side of Oakleigh Road South. It is located between an existing builders merchant and the railway lines themselves. Prior to being used as a waste transfer station and vehicle de-polluting facility, it was used as a scrap yard.

The site is accessed off Oakleigh Road South and the various businesses are served by a service road within the site.

The immediately surrounding area to the east of the railway line is characterised by various commercial premises and their accompanying buildings. These businesses include two builders merchants, another waste transfer station and a scaffolding business.

To the north east and south east along Oakleigh Road South and on the opposite side of the railway tracks along Beaconsfield Road to the west are residential properties. The closest residential properties to this site is Chaville Court, a purpose built block of local authority flats located on the other side of the railway tracks. There is an area of open space directly opposite the site on Oakleigh Road South.

Proposal:

This application seeks planning consent for the retention of the trommel in the existing position and raising height of acoustic fence on western side of site.

For clarification, a trommel is a revolving cylindrical screen used to separate materials by size. Materials are placed in one end and travel through the trommel which is constantly revolving whilst materials are inside.

The proposed 'wall' will be 8m high and 37.5m long and will be comprised of wood and steel. The existing boundary wall/treatment is approximately 5.75m high.

There is extensive planning history on this site which is a material consideration.

Planning permission was granted in 2007 for the change of use of the land from scrap yard to a waste transfer station and vehicle de-polluting facility, erection of waste transfer building, erection of vehicle de-pollution canopy/bay, erection of perimeter walls and gates and retention of part single, part two storey portable building under planning reference N15069A/07.

Two separate planning applications were submitted to the Local Planning Authority in April 2010 to vary a condition relating to the opening hours of the site as a whole and the operating hours for a trommel. During the formal assessment of these two planning applications, which were subsequently withdrawn it came to light that the set up of the site and the location of certain equipment was not in accordance with the approved plans under reference N15069A/07. Within the approved application, an open front enclosure was approved which was to house the trommel and

associated equipment including the picking line. However, the majority of the trommel is located outside the enclosure along the railway tracks. The boundary treatment along this boundary consists of a steel wall which measures approximately 4m high.

The most recent application sought permission for the retention of the trommel in its current location as well as the increase in the height of the steel wall which runs along part of the southwestern boundary from 4 to 5.5 metres under planning reference B/03706/10. This application was refused on the following grounds on 21/12/2010 -

The development by reason of the position of the trommel outside of the enclosure, its proximity to residential properties and noise levels would result in undue levels of noise and disturbance to the living conditions of neighbours, detrimental to their residential amenities, contrary to policy ENV12 of the adopted London Borough of Barnet Unitary Development Plan and Planning Policy Guidance 24: Planning and Noise.

An appeal was lodged against the Council's decision to refuse this application which was dismissed. In dismissing the appeal, the Inspector stated '*I am not persuaded that retaining the appeal trommel in its present open position and raising the height of the boundary wall would adequately reduce the level of noise and disturbance experienced by residents of Chaville Court*'.

Planning Considerations:

The use of the site as a waste transfer station and a vehicle de-polluting facility has previously been approved. This application will consider the retention of the trommel in its current position and whether this and the raising of the height of the boundary treatment on the western side of the site will reduce noise levels to an acceptable level.

A noise report was submitted with the approved application which assessed the implications on the existing noise climate of the proposed change of use and then to consider possible noise suppressing measures. The nearest noise-sensitive receptors for that application, previous applications and the current application are the residential flats at Chaville Court, on the far side of the railway tracks.

It was considered that the proposed use may be noisier than the previous use as a scrap yard and that to ensure that this was not to the detriment of the residents living nearby, a number of measures to control and reduce this noise at the neighbouring residential premises were proposed. These included 5m high fencing on the railway side of the site to shield the residents in the flats and to limit the hours of use of the trommel. The hours of operation of the site were also to be controlled. It was considered that the fencing and waste sorting building on the north of the site would provide significant noise shielding. The noise report, which was based on the assumption that the trommel would be fully *within* the enclosure predicted that with a 5m high fence in place, noise levels at the flats at Chaville Court, which face the site would be 2dB(A) above background noise levels at the ground floor, 4dB(A) above background at the first floor and 5dB(A) above background at second floor.

According to the BS4142 methodology (Method for rating industrial noise affecting mixed residential and industrial areas), the noise level should be 10dB(A) below the background noise level for a positive indication that complaints are unlikely. However, the Councils draft SPD - Sustainable Design and Construction (November 2012) requires noise from plant and machinery to be at least 5dB(A) below the background level.

A noise report was provided with the previous application (B/03706/10) and this demonstrated that the noise levels from the trommel were 13dB above background noise level measured from flats at ground floor level at Chaville Court. According to the British Standard BS4142, complaints are likely with this level of noise.

The noise report which forms part of this application is considered comprehensive, in accordance with BS4142. The noise rating level of the trommel with the proposed wall in place has been predicted to be 2dB above background noise level. This prediction included removing noise from trains. Had noise from the trains not been removed, then the noise level will be below background noise levels.

The predicted noise level at the nearest residents of Chaville Court is the same, whether the trommel is in the approved position, inside the open walled enclosure, or in its existing position with proposed wall.

The residents of Chaville Court are likely to still hear the noise from the trommel, albeit much reduced. The noise will to some extent be masked by railway noise as the railway is between the trommel and the residents. It is a significant material planning consideration that the predicted noise levels would be the same for this proposal as the previously approved scheme.

As a result of this, the proposed 8m high 'wall' is considered to overcome the previous reason for refusal in respect of noise levels and the harm to the amenity of those living in Chaville Court.

Whilst those living in Chaville Court are the most sensitive receptors, consideration must also be given to the residents living on Oakleigh Road South and Brunswick Park. The closest house is 118 Oakleigh Road South which is approximately 200m away from the trommel. A report was carried out for the 2007 application which monitored noise generated by a typical trommel. The predicted noise calculated from a typical trommel as measured 200m away (the distance between the existing trommel on site and the closest residential property on Oakleigh Road South) would be 50dB(A). This does not take into account physical screening from existing buildings around the wider locality.

The Councils Environmental Health Team have carried out noise readings a distance of 5m from the front facade of 118 Oakleigh Road South. The dominant noise source was traffic on Oakleigh Road South. Noise from industrial activities was audible above the traffic but those levels were not significant. However, when there were lulls in the traffic, noise from industrial activity was significant. Noise included thuds, clunking, motor noise, general noise from heavy vehicles, noise from reversing alarms and noise from skips being loaded and unloaded. When the noise readings were carried out, GBN were not operating the trommel.

The background noise levels recorded varied, but at 10.10am on Friday 11th January 2013, the background noise level was 55.9dB (LA90 over 10 minute time period). It was observed that at this time the noise was mainly from traffic and activities at Winters Skip Hire Ltd (a neighbouring use close to GBN) were minimal.

The noise level when Winters were operating was 68.6dB (measured as a 10 minute LAeq) at 9.45am on Wednesday 16th January 2013.

Environmental Health Officers (EHO) are of the professional opinion that noise from GBN does not make a significant contribution to the noise climate as experienced by residents at Oakleigh Road South. Noise is screened physically by the presence of the large building housing Winters Skip Hire Ltd operations. Noise is also masked by the noise from activities at Winters Skip Hire Ltd, which is 100m closer to the residents than GBN and is a larger site.

If Winters Skip Hire Ltd were not operating and the trommel on the GBN site was, then the noise level of 50dB(A) (noise from a typical trommel, positioned 200m away from closest residential property) is 5dB(A) below the background noise level as measured, on Friday 11th January 2013 (once the rush hour had finished). This means that any noise levels from the trommel at GBN would not contribute significantly to the overall noise climate. In the context of the existing approved operating waste transfer facility and industrial area, 5dB below background noise levels is considered satisfactory.

On the EHO's last visit on the morning of Friday 18th January 2013, GBN were operating their trommel. The noise was clearly audible on Beaconsfield Road to the west of the site. This noise will be ameliorated by the proposed 8m acoustic 'wall'. The EHO assessed the level of noise to a point close to the main entrance on Oakleigh Road South which gives access to the site and noted that no noise was audible from the trommel whilst it was operating. However when the EHO walked down Oakleigh Road South towards No.118, noise from Winters was audible and the dominant noise source with the traffic.

With regards to the visual impact of the acoustic 'wall', there is no doubt that the wall will be a considerable structure given its height and length. However in the context of the site and the locality, the 'wall' is not considered to be visually obtrusive or overbearing. The wall will abut the boundary of the site with the railway line and then beyond that an area of open space and Chaville Court. The existing boundary wall is approximately 5m high and so the increase of 3m and an increased length is not considered to be significantly harmful to the visual amenities of the locality or to the amenities of those using the open space or living in Chaville Court.

The applicant has not provided details of the colour of the wall and given its size, it is considered appropriate to impose a condition requiring details of the colour of the wall to be submitted and approved.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Dealt with in the planning appraisal.

4. EQUALITIES AND DIVERSITY ISSUES

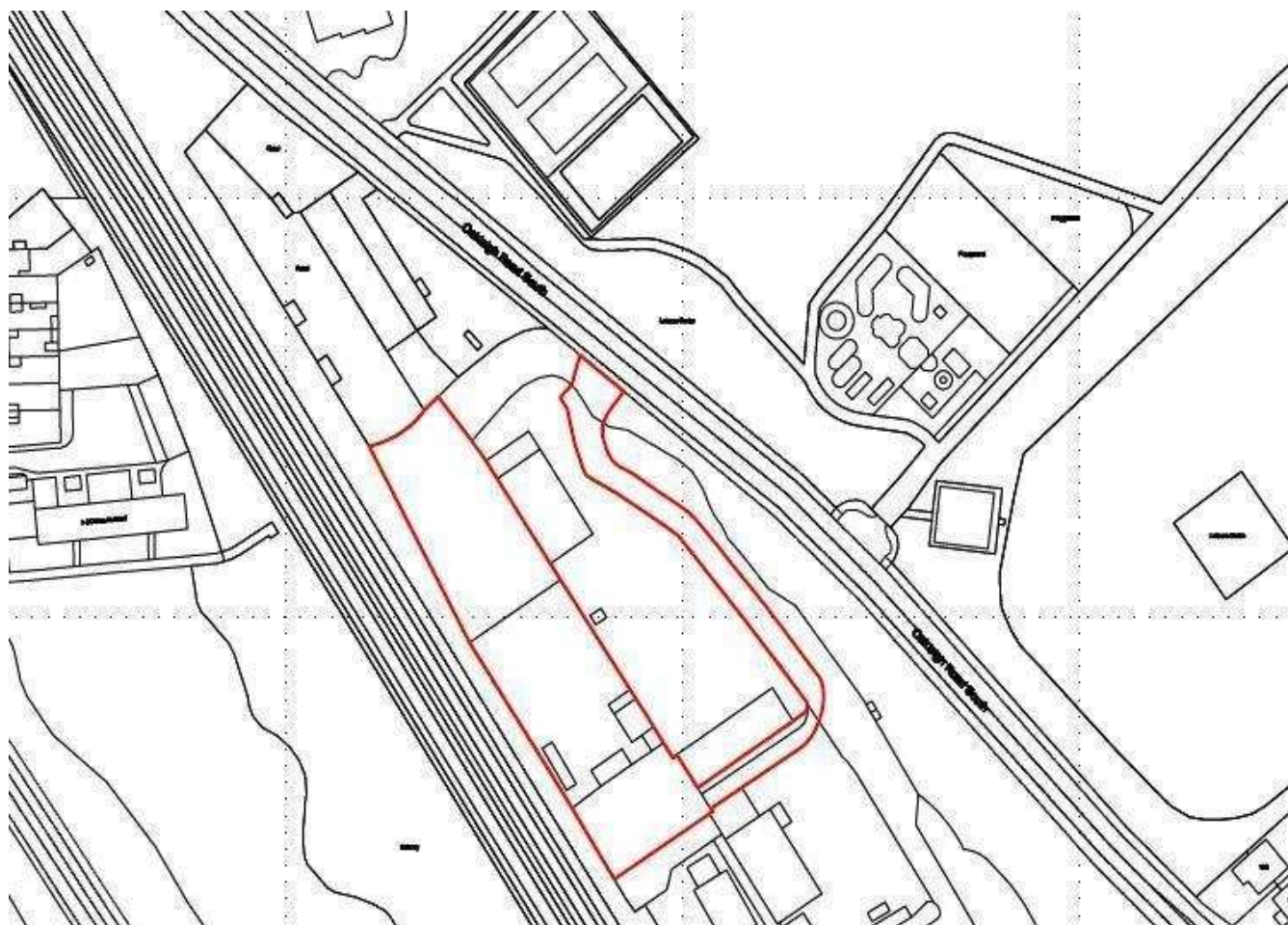
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

The retention of the trommel is considered acceptable providing the 8m high wall is erected of the materials specified on the drawings and in the noise report. It is predicted that there would be no noise difference between erecting the 8m high wall and putting the trommel inside the enclosure as per the previously approved planning consent. As such, the retention of the trommel in its current location with the proposed mitigation would be no worse than the approved situation. It has also been demonstrated that the existing noise levels from the trommel will not be discernible over and above other noise sources to those living on Oakleigh Road South. The proposed wall would significantly improve noise levels from the trommel that would be heard from residents living in Chaville Court. The wall is not considered to be visually obtrusive or overbearing and so will have a limited impact on the character and appearance of the application site and surrounding locality. As such, this application is recommended for approval, subject to conditions.

SITE LOCATION PLAN: GBN Services Ltd, The Railway Sidings, Oakleigh Road South, London, N11 1HJ

REFERENCE: B/03582/12



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