

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

Retrospective Change of use from a Waste Transfer Station to Material Recycling Facility

Ward:	Nonsuch
Contact Officer:	John Mumford

1 Plans

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to the originally permitted application via the Council's website, which is provided by way of background information to the report.

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

2 Summary

- 2.1 This application seeks permission for the retrospective change of use from a Waste Transfer Station situated at The Chalk Pit, College Road, Epsom to a Material Recycling Facility.
- 2.2 The operation involves "waste disposal" and the application is therefore a "County Matter" and falls to be determined by Surrey County Council. The Borough Council has been invited by the County Council to submit a recommendation to inform their decision making process. The application is due to be determined by Surrey County Council's Planning and Regulatory Committee on 12 July 2017.
- 2.3 The application has been referred to Committee by Councillor David Wood, a local ward member, in order that the County Council can be informed of local concerns.
- 2.4 The site falls within the Green Belt.
- 2.5 It is recommended that OBJECTIONS are made to Surrey County Council because of unresolved environmental issues and impacts arising from the proposal upon the living conditions of nearby residents and the local area generally as set out in the report.**

3 Site description

- 3.1 The Chalk Pit is an industrial and commercial site of approximately 1.8ha and is located on the northern side of the A2022 College Road some 2km southeast of Epsom Town Centre. Access to The Chalk Pit and the application site is gained via the A2022 College Road. The Chalk Pit hosts numerous commercial land uses including several waste management facilities. Although The Chalk Pit is bounded to the north and south by open fields, built-up residential areas are located to the west and south-east with the nearest dwelling situated some 70m to the east of The Chalk Pit.
- 3.2 The application site comprises an area of approximately 0.21ha situated in the south-eastern corner of The Chalk Pit and consists of an open sided steel portal frame canopy building measuring about 19.5m x 10m. Within the building is a mechanical trommel with a rotating drum and vibrating screen plates to sort waste and next to the building is a mechanical picking station where individual types of materials are separated out by hand.
- 3.3 The application site is not covered by any archaeological constraints and is in Flood Zone 1 (land with the lowest probability of flooding), though the site lies within the catchment area of a source protection zone (SPZ 2) designated to protect groundwater to supply human consumption.

4 Proposal

- 4.1 The applicant began operating from the application site during 2010. Since that time, unauthorised activities which are normally associated with a recycling operation were noted by Surrey County Council as taking place within the application site, including a power screener being brought onto the site in May 2011, a mechanical picking station being installed in September 2014, the stationing of a trommel in December 2015, and the use of a concrete crusher from April 2016.
- 4.2 This application is therefore seeking to regularise the use of this recycling plant by applying for a retrospective change of use to a Materials Recycling Facility (MRF). According to the plans submitted as part of the application, the land where this change of use has been applied for includes roughly the northern half of the area previously permitted to operate as a WTS under CLEUD ref: APP/X/95/B3600/2321 dated 17 April 1998, and a small part of land to the west of the CLEUD area, where no planning permission for waste development or activities has previously been permitted. The application does not include the southern half of the CLEUD area, or any of the land or buildings to the west of the application site, where the applicant currently stores skips, parks lorries and repairs company vehicles.

- 4.3 The applicant argues that there is a need for the operational use of the mobile trommel on site as processing material on site reduces the need for double handling of much of the material – which would involve transportation to another facility and thence to final destinations. Thus the applicant believes that the trommel plays an important role in material recovery and may substantially reduce likely transportation and other environmental costs. Officers accept that the use of the trommel will facilitate waste recovery and so enable waste to move up the hierarchy.

5 Comments from third parties

- 5.1 This Council as a consultee on a County planning application does not separately consult neighbouring residential occupiers; this is a matter for Surrey County Council. Nevertheless, an objection has been directly received from a nearby residential occupier on Longdown Lane North raising the following matters:

- strongly oppose the intrusively noisy trommels that recycle aggregates by rotating stones and the crushing them. The specific objection about the trommel has been that it is sited on an elevated area within The Chalk Pit, against the quarry edge, and thus the incessant grinding generated simply reverberated, on occasions, above the rest of The Pit, out into surrounding residential roads like Longdown Lane North and Links, with an uncontrolled "booming effect";
- by granting this retrospective change of use to recycling materials, there will then be nothing stopping the applicant and the other waste companies in the Pit, to apply to introduce more trommels in the future, creating yet more unbearable noise and dust for residents, in an inappropriate location;
- With potential serious issues for many residents and students in Epsom, and indeed The Chalk Pit's workforce, potentially affecting drinking water supplies, asbestos dust inhalation, and environmental noise damage - and given that SCC have confirmed the current operator is unauthorised for recycling activities - we hope an effective containment plan can be quickly put in place by SCC and/or the EA, rather than further years of indecision and inaction.

6 Consultations

- 6.1 Surrey County Council, as Highway Authority, has commented that it is also a consultee to Surrey County Council's Planning and Regulatory Committee and will be making comments directly to that Committee.

- 6.1 Borough Environmental Health Officer has noted that the applicant considers a separate noise assessment to be unnecessary and proposes instead a condition from a nearby similar operation to be applicable. This view is not accepted and it is proposed that the applicant should conduct a fresh BS4142 assessment on the basis that BS4142 has been revised since the above mentioned condition was applied. Additionally it should be for the applicant to positively demonstrate that the addition of his activities won't increase the overall noise emissions by anything over 5dB at the Nearest Sensitive Receptor (NSR) and if it does the applicant should provide for noise mitigation either physical or management.
- 6.2 Borough Contaminated Land Officer has commented that the site is environmentally sensitive and also extremely vulnerable, being excavated into the Lewes Nodular Chalk that constitutes a principal aquifer with no protection afforded by lower permeability deposits. Part of the property also lies within a Source Protection Zone 2 and within the East Street Epsom Safeguard Zone for drinking water. Due to the hydrogeological sensitivity of the setting, the Environment Agency Groundwater Team will wish to be consulted on this application. It is my understanding that an Environment Agency Environmental Permit (reference EPR/QP3398VB) is in place for the site.
- 6.3 Borough Contaminated Land Officer comments on the planning application are likely to be relevant to the Environment Agency.
- 6.4 Much of the waste arrives in skips, including from domestic refurbishments. As such, there is the possibility that asbestos containing materials (ACM) will be present either due to inadvertent inclusion (lack of recognition at source) or deliberate concealment. Hand sorting of skip wastes would have a high likelihood of identifying ACM and allow for immediate segregation. If a mechanical trommel is used to sort waste there is greater potential for ACM not to be identified and for asbestos containing dust to be generated via agitation. I would therefore like to see a management programme put in place to identify, mitigate and monitor the risk to workers and others from asbestos containing dust. This could include, for example, personal and boundary monitoring.
- 6.5 There is a proposal to collect runoff water from treatment and storage areas and use this for dust suppression. To ensure that risks to the principal aquifer beneath the site are minimised, I suggest that, as a minimum, contaminant acceptability criteria would need to be agreed and for the collected water to be tested and used only if contaminant concentrations were below the agreed criteria. The application supporting information also states that "the site benefits from a natural slope to the south" whereas a steep slope eastwards is evident. A drainage survey would be needed to allow for the design of a system for collecting water from treatment areas for possible re-use where quality is deemed acceptable.

- 6.6 There were other areas of concern noted during the Borough Contaminated Land Officer's site visit relating to just outside the application boundary including fuel spillage and vehicle washing that could be potentially polluting to the chalk aquifer.

7 Relevant planning history

Application number	Decision date	Application detail	Decision
94/00714/CMA		<p>Lawful Development Certificate (LDC) for use of land for a skip hire depot involving the use of four skip lorries and 120 skips, and for the storage and transfer of waste.</p> <p>LDC for the use of approximately 200 sqm of land for the storage and transfer of up to 26,000 tonnes of waste per calendar year</p>	<p>Objection</p> <p>LDC Granted on appeal 09.05.1996 under ref APP/X/95/B3600/002321</p> <p>LDC separately Granted on appeal on 17.04.1998 under ref APP/X/95/B3600/002321</p>
09/00237/CMA (for another operator elsewhere on site)	19.11.2009	Use of land for Asbestos waste transfer with associated concrete hardstanding	<p>Objection</p> <p>Surrey County Council Granted 20.11.2009</p>
13/00289/CMA (for another operator elsewhere on site)	16.10.2013	Retention of a mobile trommel and for the continued use of the site for a skip hire business, waste transfer and as a materials recovery facility.	<p>No Objection</p> <p>Surrey County Council Granted 17.03.2014</p>
14/00958/CMA (for another operator elsewhere on site)	02.10.2014	Erection of new building (62.4sqm) and use of land of some 0.017ha within the Chalk Pit for waste recovery activities comprising: the importation, deposit, storage, sorting, transfer and distribution of up to 10,400 tonnes per annum of commercial and industrial skip waste materials such as concrete, soils, hardcore, wood, plastic, paper and	<p>No Objection</p> <p>Surrey County Council Granted 11.03.2015</p>

		card, metals and green waste within new building; the erection of new fencing; and provision of an HGV parking and turning area.	
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8 Planning Policy

National Policy Planning Framework (NPPF) 2012

Core Strategy 2007

Policy CS2	Green Belt
Policy CS6	Sustainability in New Developments

Development Management Policies 2015

Policy DM10	Design Requirements for New Developments
Policy DM17	Contaminated land
Policy DM25	Development of Employment Premises
Policy DM36	Sustainable transport for New Development

9 Planning considerations

Background

- 9.1 The site has an extensive history of commercial use dating back many years from its use as a mineral working and as a large sawmill and lumberyard in the 1940's. The application site itself currently operates on land originally granted planning permission in 1994, under ref: EP91/0359/0202, for the temporary retention of a Waste Transfer Station (WTS). The operator then applied for a CLEUD in 1998 for the storage and transfer of up to 26,000 tonnes of waste per calendar year on the same site, which was granted on appeal under ref: APP/X/95/B3600/2321 dated 17 April 1998.
- 9.2 Subsequent planning permissions have permitted the retention of an open-sided building for the transfer of waste (ref: EP95/0611 dated 30 November 1998); installation of a weighbridge (ref: EP03/0380 dated 18 September 2003); erection of a retaining wall to provide a secure boundary between two land uses (ref: EP08/0417 dated 25 July 2008); and, retention of a first floor addition to portable site office accommodation, siting of a secure container/store, and siting of a portable toilet block (ref: EP08/0418 dated 30 July 2008).

Impact on the Green Belt

- 9.3 The application site is located in the Metropolitan Green Belt. The development proposed is inappropriate and planning permission should only be granted if very special circumstances exist which clearly outweighs the harm caused. The ongoing commercial waste use of the application site has been established through a Certificate of Lawful Existing Use or Development (Ref APP/X/95/B3600/2321) confirming the use of the application site for storage and transfer of up to 26,000 tonnes of waste per calendar year.
- 9.4 Officers are not convinced that sufficient evidence has been provided by the applicant to justify the additional recycling activities (which involve mechanical devices that generate noise and dust) as amounting to the very special circumstances which clearly outweigh the harm to the Green Belt in this case.

Highways, Traffic and Access

- 9.5 The County Highway Authority (CHA) has been consulted on the application and has commented that in the absence of supporting transportation information it is not possible to assess how the operation of a site and consequent traffic generation as a material recycling facility differs, or not, from the permitted use as a waste transfer station. Whilst no modifications to the Chalk Pit access off College Road or internal roads are proposed along with no increase in staff or change to working hours an objection is still raised on the grounds of lack of information to determine the impact of the proposal on the highway network.

Residential Amenity

- 9.6 The proposal would be situated some 180m to the east of the nearest residential properties that are located on College Road. The proposal would create noise by way of the HGV vehicle movements associated with the operation of the site; the loading and unloading of skip vehicles and notably the use of a mobile trommel on the application site. It is clear from the comments received from a neighbouring resident and from the Borough Environmental Health Officer that there could be an unacceptable impact on residential amenity in terms of noise and disturbance. It is considered essential that the County Council require the applicant to undertake a BS4142 noise assessment to demonstrate that the addition of the recycling activities won't increase the overall noise emissions by anything over 5dB at the Nearest Sensitive Receptor (NSR). If it does however, the applicant should be required to provide for noise mitigation to achieve this standard. If the County Council is minded to grant planning permission then it is essential that an appropriate planning condition for noise is imposed.

- 9.7 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution. Paragraph 120 states that planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects of pollution should be taken into account.
- 9.8 Government policy states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented with an application (Paragraph 121). Government policy also states at paragraph 122 that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.
- 9.9 Policy CS 6 of the Epsom and Ewell Core Strategy 2007 states that proposals for development should result in a sustainable environment and reduce, or have a neutral impact on upon pollution. In order to conserve natural resources, minimise waste and encourage recycling it is the responsibility of the waste planning authority to ensure new development for waste facilities minimises the emission of pollutants including noise pollution into the wider environment.
- 9.10 The hours of operation for this application are proposed as 0700 to 1800 Mondays to Fridays and 0700 to 1300 on Saturdays which would be the same as existing. The operating hours should be limited by planning condition on any new consent if planning permission were minded to be granted by the County Council.

Water Environment Pollution Controls

- 9.11 The site lies on the Lewes Nodular, Seaford and Newhaven Chalk Formation. The formation is classified as principal aquifer in terms of the large amounts of water it can yield for supply and its ability to provide base flow to watercourses which support aquatic ecology. The proposed development lies within the catchment area of a source protection zone (SPZ 2) designated to protect groundwater to supply human consumption. Therefore the site is located within an area of high risk regards groundwater protection.
- 9.12 Officers are of the opinion that the imposition of appropriate planning conditions on any new consent are necessary in order to safeguard against possible future contamination issues at the site.

Air Quality and Dust

- 9.13 Paragraph 124 of the Framework, states decisions should take into account the presence of Air Quality Management Areas (AQMA) and the cumulative impacts on air quality from individual sites in local areas. However no AQMA applies to the application site. Paragraph 144 of the Framework, states that local planning authorities should ensure that any unavoidable, dust and particle emissions are controlled, mitigated or removed at source.
- 9.14 The application site is situated below the ground level of the surrounding areas and as a result is screened by the 'quarry face' in the north-eastern region of The Chalk Pit. Further, at the perimeter of the site, known as the 'pit rim' which can be described as the intervening land between the open fields beyond which are residential dwellings and the application site, small shrubs and trees are present. This provides further physical screening of the application site assisting in the mitigation of any adverse air quality and dust impacts stemming from the operational activities within the application site.
- 9.15 The proposal involves the processing storage, transfer and processing of mixed waste materials. Trommel fines are a by-product of screening the mixed waste materials, the trommel fines themselves are fine particles. Thus, the proposal holds the potential to generate dust emissions through the operational activities of the application site which is only intensified further through the trommel fines produced in using the mobile trommel on site.
- 9.16 It is suggested that the County Council should require a dust risk assessment be carried out to provide reassurance over this issue, in accordance with IAQM Guidance. Residential properties are located approximately 180m to the west of the application site. The IAQM construction dust guidance scopes out sensitive receptors at a distance of more than 350m from a source. There appears to be inadequate information submitted with regard to air quality management in order to dispel the fears of receptors being adversely affected.

10 Conclusion

- 10.1 The application raises a number of significant environmental issues which need to be resolved before any grant of planning permission is considered by Surrey County Council. Epsom Borough Council objects to the application as it is currently submitted and would wish to be consulted on any additional information that may be put forward by the applicant.

11 Recommendation

- 11.1 An OBJECTION is made to Surrey County Council because of unresolved environmental issues and impact arising from the proposal upon the living conditions of nearby residents and the local area generally and a lack of transportation information to allow an adequate assessment of the impacts of the proposal as set out in the report.**