

FERME PARK, CRANFORD WAY, HORNSEY

**REPORT ACCOMPANYING
PLANNING APPLICATION
BY
LONDON CONCRETE LTD**

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Firstplan Ltd
25 Floral Street
London. WC2E 9DS

Tel: 020 7031 8210
Fax: 020 7031 8211

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SECTION 1: INTRODUCTION

- 1.1 This updated planning report is submitted on behalf of London Concrete Limited in support of a planning application currently being considered by Haringey Borough Council for the erection of a concrete batching plant, with associated hoppers, conveyors and ancillary facilities, at the Ferme Park Depot, Cranford Way, Hornsey.
- 1.2 An application for a concrete batching plant was originally submitted to the local planning authority in January 2004 and was accompanied by a range of supporting assessments which considered: noise, airborne dust, highways, and ecology as well as a planning report which considered, amongst other things, London Concrete's operation and relevant strategic and local plan policy matters. This application was eventually appealed on grounds of non-determination in December 2004. At the same time, however, a duplicate application was submitted to the LPA to enable on going discussion and consultation regarding the proposals to continue. The duplicate application forms the application currently being considered by the local planning authority.
- 1.3 Following a number of meetings with the Officers from Haringey Borough Council, and as a result of consultation at two public meetings, comments made by residents in objection to the proposals and comments from a number of Councillors who visited the site, a number of amendments are proposed to the proposals currently with the local planning authority, and amended plans were formally submitted by Firstplan's letter dated 27th June 2005.
- 1.4 This updated planning report provides confirmation of the amendments to the application proposal and updates various sections of the previous report on the basis that certain sections, in particular those dealing with policy matters, are now out of date, as a result of the publication of new and revised guidance in the intervening period since December 2003 when the original report was completed.

1.5 Section 2 of this report provides an overview of London Concrete's current and future business proposals. Section 3 goes on to describe details of the proposals, and Section 4 provides a description of the site and surrounding area. The history of the site is considered in Section 5. Central Government and strategic planning advice, and advice in relation to the use of aggregates is dealt with in Section 6. The policies and objectives of the London Plan are considered at Section 7 and Section 8 considers the relevant adopted and emerging UDP policies. Section 9 deals with other relevant planning considerations and Section 10 details the existing pattern of concrete batching plants serving the area.

1.6 In addition, each of the respective consultants who previously submitted reports in support of the application, have considered again their previous findings in the context of the amendments proposed to the scheme and have produced addendum reports which accompany this further submission.

SECTION 2: LONDON CONCRETE OPERATION

- 2.1 London Concrete Ltd is a division of Aggregate Industries Plc, which was formed in 1997 as a result of a merger between Camas Plc and Bardon Group Plc. Aggregate Industries now forms part of the Holcim Group. London Concrete currently operates seven rail served concrete batching plants in Greater London at Brentford, Purley, Battersea, Greenwich, Wembley, Colnbrook and Bow, and a mineral working based plant at Gerrards Cross, Buckinghamshire. A further rail served plant has planning permission at Watford and is under construction. In October 2004 planning permission was granted at appeal for another rail-served plant at Tolworth Station Yard, Kingston Road in the London Borough of Kingston Upon Thames. It is proposed that this scheme will be operational during 2006.
- 2.2 The company is committed to supplying its concrete batching plants by sustainable means and in London this means rail importation. That is the basis of this planning application.
- 2.3 London Concrete supplies the building and civil engineering industry with ready mixed concrete. This is essentially a low cost bulk material and the cost of transportation is a significant factor in the delivered price.
- 2.4 Demand for ready mixed concrete will generally be satisfied from whatever sources are available; any insufficiency of adequate suitably sited bulk handling facilities in London and the South East will not stop new development, maintenance and urban infrastructure renewal, but it will make it more expensive and substantially increase traffic movements in and around London.
- 2.5 As a consequence of the low stock life of ready mixed concrete, the market for concrete is a maximum of approximately 4-5 miles from the production plant. This reflects both the cost of transport and also technical issues associated with the product. As a result, the concrete industry is characterised by a network of plants located as close as possible to the market for ready mixed concrete, rather than the source of supply of aggregates. As a consequence, ready mixed concrete companies may supply their plants from aggregate supplies which are considerable distances from their concrete batching plants.

- 2.6 London Concrete wishes to serve the identified market for ready mixed concrete in this part of north London and the proposed site at Ferme Park is an ideal location. The Ferme Park proposal will, by being rail served, improve the sustainability of the ready mixed concrete market in the Borough. London Concrete will compete with existing concrete batching plants which are supplied by aggregates imported by road, resulting in fewer HGV movements in the Borough.
- 2.7 The benefit of utilising the railway to import aggregates will result in a significant reduction of HGV movements in this part of London. Currently there are no concrete batching plants in the Borough, so the Haringey market is served by plants which, of necessity, involve HGV movements into the Borough from elsewhere. Thus the proposals will have considerable environmental benefits, and the strategic location of the application site in relation to the principal road network makes it particularly appropriate for the proposed use.
- 2.8 The Ferme Park proposals will add to the company's existing network of concrete batching plants and will improve and make more sustainable the supply of ready mixed concrete in this part of London.

SECTION 3: THE APPLICATION PROPOSALS

a) The Application Proposals

- 3.1 The application proposes the erection of a low level concrete batching plant, incorporating the latest environmental and safety features, with cladding enclosing all of the working elements of the plant. The reports dealing with noise and dust explain the anticipated impact of the proposals.
- 3.2 Aggregates will be imported by rail. It is estimated that a train carrying approximately 1,350 tonnes will arrive at the site two or three times a week. Cement will arrive in road tankers, although London Concrete anticipate that, in the longer term, cement will, like aggregates, be imported by rail.
- 3.3 Trains will use the existing sidings, arriving from the north. The aggregate will then be transferred into the aggregate storage bins via a bottom unloading system and covered conveyor and then transferred by a further conveyor into the concrete batching plant itself. The application drawings identify the various elements of the application proposals.
- 3.4 The concrete batching operation itself comprises the following:
- i) Within the concrete batching plant, which will be entirely enclosed, aggregates are stored in separate storage bins, and cement is stored within a silo. Appropriate quantities of the materials are then weighed and batched by a computer controlled system in the proportions required for the particular mix. Following this, the materials are discharged by gravity into the truck mixers, which then leave the site. The pan mixer that comprises part of the plant allows the ready mixed concrete to enter the mixer trucks in a wet state. Thereafter the rotating drums of the mixer trucks continue to agitate the mix en route to the customer's site.
 - ii) The cement will be discharged directly into the cement silo within the batching plant via a sealed system, using compressed air. Between one and two deliveries of cement will be needed each day.
 - iii) The plant will probably be served by five mixer trucks, each with a capacity of 8 cubic metres.

iv) The batch control cabin is where the batching manager will supervise the computer controlled process which measures the required quantities of aggregates, cement and water which, when mixed, comprise ready mixed concrete.

3.5 The dust extraction equipment used as part of the batching operation is detailed in the report prepared by Smith Grant Partnership. The report concludes that the proposal is unlikely to have a discernible affect on the locality.

3.6 All traffic will enter and leave the site by the site entrance onto the two-way eastern limb of Cranford Way, and then onto Tottenham Lane. The Bellamy Roberts Partnership envisages that there will be an average of 56 vehicle movements per day from the application site. The report concludes that the proposal will have no material impact on either highway capacity or amenity in Cranford Way and Tottenham Lane.

3.7 The concrete batching plant will generate new employment for approximately 12 staff including 5 drivers and 3 plant staff, 2 technical staff and 2 administrative staff at the Company's headquarters.

b) Amendments to the Scheme

3.8 As has been detailed earlier in this report, amendments have now been made to the scheme and were submitted to the Council by covering letter dated 27th June 2005. The amendments have been made to address points raised at the two planning forums attended by a number of local residents; points raised at our various meetings with Haringey Borough Council Planning Officers, and comments arising from a site visit attended by a number of the Councillors on the Planning Committee. The amendments comprise the following:

Amendments to Plant

- Plant rotated away from Chettle Court to result in the loading area facing the railway line, away from the nearest residential properties;
- An acoustic screen 8.5 m long by 5m high with a 0.5 m cantilevered top set at 45 degrees provided to loading area;
- Height of plant reduced from 16.5 m (top of conveyor) to 15 m;
- Point at which main conveyor discharges into the internal shuttle conveyor of plant fully enclosed;

- Feature cladding provided for aesthetic styling purposes, giving an improved visual appearance;
- Altered building profile including curved roof detailing provided for aesthetic styling purposes.

Amendments to Storage Bins

- Additional cladding provided to enclose the lower section of the storage bins;
- Point at which the conveyor discharges into storage bins has been fully enclosed;
- Height of conveyor at point of discharge into bins reduced from 18m to 14.25 m. (Overall height of bins maintained at 15.5 m);
- Feature cladding provided for aesthetic styling purposes;
- Altered building profile including curved roof detailing provided for aesthetic styling purposes.

Other Amendments

- Section of Siding No 15 (located closest to the plant) to be removed.

3.9 The various issues and policy considerations raised by the application proposals are considered in subsequent sections of this report.

SECTION 4: DESCRIPTION OF SITE AND SURROUNDING AREA

- 4.1 The application site extends to approximately 1.161 hectares. It comprises operational railway land in the southwest corner of Ferme Park down sidings, which extend along the western side of the East Coast Main Line between Hornsey and Haringey stations. The site is relatively flat and comprises part of the railway sidings.
- 4.2 Access to the application site is from Cranford Way, which leads onto Tottenham Lane (A103).
- 4.3 To the south, the site is bounded by an embankment, further to the south of which is Chettle Court, a five story block of flats. The nearest residential properties other than Chettle Court, are those located to the west in Uplands Road, Denton Road and to the east of the site beyond the east coast mainline, in Wightman Road. To the north west the application site abuts the Cranford Way Industrial Estate, which largely comprises distribution and storage units.

SECTION 5: SITE HISTORY

- 5.1 The Ferme Park sidings comprise operational railway land in the ownership of Network Rail. Following the privatisation of the railways, the management of freight is now undertaken by English, Welsh and Scottish Railways (EWS).

- 5.2 The application site and the adjoining Cranford Way Industrial Estate, was previously the Hornsey Goods Yard. Following various planning permissions in the 1950's and 60's, office and industrial uses were gradually established on the land, which is now the Cranford Way Industrial Estate. The planning history for the last 30 years largely relates to applications for office uses and for a variety of industrial uses.

SECTION 6: RELEVANT GOVERNMENT AND STRATEGIC POLICY

6.1 This section addresses national and strategic policy considerations relevant to the proposed development.

a) **National Policy Guidance**

PPS1: Delivering Sustainable Development

6.2 PPS1 sets out the governments overarching planning policies on the delivery of sustainable development through the planning system. This replaces Planning Policy guidance Note 1, 'General Policies and Principles', published in February 1997.

6.3 Paragraph 5 of the PPS confirms that planning should facilitate and promote sustainable and inclusive forms of urban and rural development by:

- **making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;**
- **contributing to sustainable economic development;**
- **protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;**
- **ensuring high quality development through good and inclusive design, and the efficient use of resources; and,**
- **ensuring that development supports existing communities and contributes to the creation of safe, sustainable, livable and mixed communities with good access to jobs and key services for all members of the community.**

6.4 The application proposals are a key example of sustainable economic development, which will contribute to the local economy of this part of Haringey.

6.5 Paragraphs 21 and 22 of PPS1 encourage the prudent use of natural resources, of which land is one. This prudent use of resources would thus include the re-use of previously developed land. The application proposals are in direct accordance with this advice as they propose a more efficient and effective use of previously used land.

6.6 Paragraph 28 of PPS1 confirms the Government's commitment to the plan led approach and states that:

“Planning decisions should be taken in accordance with the development plan unless other material considerations indicate otherwise. Planning decisions taken in accordance with the plan are therefore key to the delivery of sustainable development.”

6.7 Paragraph 31 confirms this point once more and states that:

‘The regional spatial strategies and local development documents that are development plan documents form the framework for taking decisions on applications for planning permission. Decisions have to be taken in accordance with the development plan unless other material considerations indicate otherwise.’

6.8 It will be demonstrated in subsequent sections of this report that the proposals fully accord with the policies both of the London Plan and those of the relevant adopted and emerging UDP.

b) **PPG13 Transport (March 2001)**

6.9 The overall theme of PPG13 is to promote sustainable transport choices for people and for moving freight; accessibility to jobs, shopping and leisure facilities and services by public transport, walking and cycling; and to reduce the need to travel, especially by the private car.

6.10 In terms of freight, Policy 47 is particularly relevant:-

“Minerals can only be worked where they are found and the transport of minerals and spoil as well as material for landfill sites can have significant environmental impacts. Local authorities should seek to enable the carrying of material by rail or water wherever possible, through partnership with extractors and rail and water operators, appropriate planning conditions and obligations, the use of DETR freight grants and promoting facilities for landing aggregates by sea and distribution by rail or water...”

6.11 Paragraph 45 of PPG13 advises that land use planning can help to promote sustainable distribution, including where feasible, the movement of freight by rail. Local planning authorities are encouraged to identify and, where appropriate, protect sites and routes which could be critical in developing infrastructure for the movement of freight and to encourage developments generating freight movements in the most appropriate locations.

c) **Minerals Policy Guidance**

6.12 The most pertinent policy guidance for the provision of aggregates in the South East is MPG6, published in 1994. The Policy objectives of MPG6 are stated in Paragraph 9 as:

“The Government wishes to see indigenous mineral resources developed within its broad objectives of encouraging competition, promoting economic growth, and assisting the creation and maintenance of employment. The Government believes that for the economic well being of the county that the construction industry continues to receive an adequate and steady supply of aggregates so that it can meet the needs of the community and foster economic growth.”

6.13 The transportation of aggregates by rail is supported in MPG6. Paragraph 93 of the Guidance Notes states:

“The effect of the heavy goods vehicles used to move aggregates is often a major concern to the local community. Where possible consideration should be given to the movement of material by rail as this can offer environmental advantages and for longer distances may be more economic...”

6.14 Further support for the use of rail is given in MPG1, published in July 1996. This states at Paragraph 64 that:

“...the Government would like to see as much freight as possible carried by rail or waterway rather than by road wherever possible.”

d) **Planning for the Supply of Aggregates in England (October 2000)**

6.15 This paper was published by the DETR in October 2000 as the first public step in reviewing MPG6. It served as a consultation document on the principles and practices of land use planning for the supply of aggregates in England.

6.16 Annex B provides background information on aggregates and trends in inter regional movements. Paragraph B 16 states that:

“Another major issue for the planning of aggregates supply in England is the tendency for there to be an imbalance between the prime areas of economic activity mainly needing aggregate material, currently especially in London and South East, and the areas where suitable supplies can be obtained. Over time major flows of aggregate material, mainly crushed hard rock, have therefore developed between areas of supply and market areas to ensure a balance between supplying and demand.”

6.17 Paragraph 3.21 deals specifically with the transportation of aggregates and identifies that the great majority of aggregate is still distributed by roads. It indicates that if technical and marketing conditions are right, aggregates are very suitable for bulk carriage by rail and water. It is acknowledged, however, that whilst there is a need for rail reception depots within areas of demand, there is competition for the use of such sites from other sectors of industry, and such opportunities may not remain open indefinitely.

6.18 The provision of a rail served concrete batching plant at Ferme Park, Hornsey is consistent with this advice.

e) **'A New Deal for Transport' (1998)**

6.19 The 1998 White Paper sets out the Government's approach to transport policy and identified a range of measures which would be instigated in order to achieve the stated objectives. Paragraph 1.22 of the White Paper sets out the Government's intention of creating an integrated transport policy. Parts of the objectives of that policy are to achieve:

- **(i) integration with the environment – so that our transport choices support a better environment; and**

- (ii) integration with land use planning – at national, regional and local levels so that transport and planning work together to support more sustainable travel choices and reduce the need to travel.

6.20 Paragraphs 3.32 to 3.35 deal with rail freight. Paragraph 3.32 states that:

“We can move more freight by rail, relieving pressure on the road network and bringing environmental benefits. The main rail freight operator, English, Welsh and Scottish Railway (EWS), has an aspirational target of doubling its traffic measured by tonne-kilometres over 5 years and tripling it over 10.”

6.21 The White Paper identified the Government's intention to set up a strategic rail authority (SRA) and paragraph 3.33 of the White Paper highlighted the fact that the SRA would be asked to develop targets for both freight and passenger railways in order to secure maximum benefit overall from the rail network.

f) **Transport 2010: The Ten Year Plan**

6.22 The Government's commitment to the development of rail freight and the achievement of modal shift from road to rail is clearly expressed in “Transport 2010: The 10 Year Plan”, published in July 2000. It sets bold targets for increasing the amount of freight moved by rail and takes forward the goals set out in the 1998 White Paper.

6.23 Paragraph 6.14 of the Plan identifies Government funding targets during the period, which include £7 billion rail modernisation fund with the objective of leveraging in private capital to secure the biggest rail expansion programme for more than a century. This

- rail modernisation fund is said to demonstrate the Government's commitment to the massive investment programme that is necessary to expand the network, and increase passenger rail freight by 50% and rail freight by 80%.

6.24 Paragraph 6.22 establishes a number of outcomes and targets which the Government expects will be achieved over the period, one of which is:

“A significant increase in rail's share of the freight market to around 10% - an additional 15 billion tonne kilometres of rail freight, equivalent to one billion lorry trips in 2009/10.”

g) **The Future of Transport (July 2004)**

6.25 This recent White Paper builds on the 1998 White Paper and the subsequent Ten Year Plan. The Foreword has been written by the Prime Minister, and the Preface by the Secretary of State for the Environment.

6.26 As with the earlier documents, there is a strong emphasis on freight transport, with Section 8 entitled 'Moving Goods Efficiently'. The Government's stated aim is:

"Efficient freight transport is essential to our economy and to our prosperity. In turn, economic growth increases demand for goods and therefore for their transportation – locally, nationally, and internationally. Goods need to be moved freely, reliably and efficiently, while minimising the impact on safety, the environment and other transport users."

6.27 The application proposals will assist in meeting the Government's aspirations for freight.

h) **SRA Freight Strategy (May 2001)**

6.28 The Strategic Rail Authority (SRA) are responsible for implementing the Government's targets for the increased use of the rail network. The SRA's Freight Strategy, first published as a stand-alone document in May 2001, is now an integral part of the SRA's overall strategy. It reflects the advice in PPG 13 and promotes opportunities for freight generating development to be served by rail.

6.29 The Strategy aims to:

"...set a framework and lay the foundations for a network which will accommodate the scale and type of growth required to deliver the government's target of 80% growth in 10 years."

6.30 The Strategy identifies that a key role will be played by regional and local planning authorities, particularly in:

“facilitating the provision of a substantial increase in rail-connected warehousing, a significant move towards rail-linked sites for and for industrial activity within land use plans and a higher success rate for rail freight related applications.”

6.31 It is noted within Part 2 of the Strategy, however, that where individual businesses identify a rail connected site, with the specific intention of creating a rail served facility, the evidence suggests that far too many planning applications fail. This is acknowledged as being due to:

“local opposition on environmental grounds (noise and local traffic generation) or as a result of competing demands for the sites in question (e.g. brownfield housing or more employment intensive activities)”

6.32 As a consequence, one of the aims of the Strategy for planning is to:

“improve the understanding of freight requirements by local and regional authorities and thereby ensure that they take into account and plan for rail freight growth and that more applications for planning permission for rail freight interchanges and associated activities are approved.”

i) **SRA Strategic Plan (January 2003)**

6.33 The latest SRA Strategic Plan clarifies the Freight Strategy in the light of changes and new pressures in the rail industry. This essentially revolves around the issue of costs. The SRA's freight strategy is confirmed on page 25 of the document. The final paragraph reads as follows:

“The SRA’s freight strategy remains the point from which any review of industry costs in this area must start. In its commitment to facilitating an increasingly competitive operating environment and in the mix of network and interchange investments, funding support and service quality measures proposed, it has already proved a robust basis from which to work. Elements of its infrastructure portfolio are already being implemented. As we go forward, the same issues, of developing the freight market in a sustainable way and introducing fresh sources of investment to the railway remain critical.”

- 6.34 The investment proposed by London Concrete as part of the application proposals will ensure that the Ferme Park site is brought into productive use as a rail freight site, in accordance with the SRA's freight strategy.

SECTION 7: THE LONDON PLAN

7.1 The London Plan was published in February 2004, and replaces the earlier strategic guidance of RPG 3. Development plans for the London Boroughs must be in general conformity with it. The Plan provides a framework looking forward 15 – 20 years.

7.2 The Introduction to the Plan sets out six objectives, with the fifth objective being to improve London's accessibility, with a key policy direction being to:-

“Improve the sustainable movement of freight within and around London, making more use of water and rail.”

7.3 This policy direction is taken further in the Freight Strategy (Policy 3C.24):-

“The Mayor will promote the sustainable development of the full range of road, rail and water-borne freight facilities in London and seek to improve integration between the modes and between major rail interchanges and the centres they serve. The development of a London rail freight bypass route is supported....”

7.4 Within Policy 3C.24, a number of objectives for UDP policies are stated and include the requirement that UDP policies should:

“- seek to locate developments that generate high levels of freight movement close to major transport routes.

- ensure that suitable sites and facilities are made available to enable the transfer of freight to rail and water through the protection of existing sites and the provision of new sites.”

7.5 In this context the Ferme Park Sidings site is ideally located adjacent to the East Coast Mainline which links to other railway lines around southern England and the Midlands. Furthermore, the site also benefits from an existing means of access, via Cranford Way, to the principal road network.

7.6 The Plan continues:-

Paragraph 3.214: “The economy of London, and of the wider surrounding regional area, relies on an efficient system for the distribution of goods and services. Servicing facilities and the provision of storage, handling and modal transfer facilities to cater for road, rail and water-borne goods are an important part of the distribution chain”.

Paragraph 3.215: “This plan facilitates freight distribution and servicing in a way that minimises congestion and any adverse environmental impact. It aims to foster a progressive shift of freight from road to more sustainable modes such as rail and water, where this is economical and practicable...”

Paragraph 3.218: “The SRA’s Freight Strategy identifies a requirement for three or four large multi-modal freight facilities on or close to the periphery of London, with a number of smaller facilities within the urban area..... Any site promoted as a suitable location must meet operational and strategic planning objectives and should be located wholly or substantially on previously developed land.”

7.7 The application proposals are wholly consistent with the sustainability objectives as set out in the London Plan, and particularly with its encouragement towards a progressive shift of freight from road to more sustainable modes, such as rail, and to the use of previously developed land.

7.8 Policy 4A.5 of The Plan deals with matters related to the better use of aggregates. This requires, amongst other things, that UDP policies should:

“- Protect existing railhead capacity to handle and process aggregates

- minimise the movement of aggregates by road”

7.9 Supporting paragraph 4.11 confirms that:

“London needs a reliable supply of materials to support high levels of building and transport construction. These materials include land-won sand and gravel, crushed rock, marine sand and gravel and recycled and alternative materials. There are relatively small reserves of land –won sand and gravel in London. Most aggregates used in London come from outside including marine sand and gravel and land-won materials from other regions, including the South East and East.”

7.10 Paragraph 4.13 goes on to confirm that:

“The principle of this plan is to support the government’s Minerals Planning Guidance and the objective of achieving an essential level of supply in the most sustainable fashion. Aggregates are bulky materials and policy should maximise their use and re-use and minimise their movement, especially by road.”

7.11 Importation of aggregates to the application site will be consistent with these aims in that it will minimise their movement by road.

7.12 It is evident then that the application proposals are entirely consistent with the London Plan’s objectives with regard to the transfer of freight from road to rail and with regard to achieving a supply of minerals in the most sustainable fashion.

The Mayor’s Transport Strategy

7.13 The Mayor’s Transport Strategy confirms, at Proposal 4K.5, that Transport for London will work with the Strategic Rail Authority and the London Boroughs to help to ensure that suitable sites and facilities are made available to enable the transfer of freight to rail, both through the development of existing sites and the provision of new ones. In this context it is confirmed that Transport for London have written in support of the London Concrete application on the basis that it is in line with the Mayor’s strategic transportation and environmental objectives. The letter also notes that:

“The development will also see the use of railway infrastructure for rail freight, rather than other purposes.”

7.14 It is evident that the use of this particular site for rail related purposes, rather than for other purposes, is considered by Transport for London to be important. This provides clear support for an application proposal which will make best use of and existing rail head and will allow for the importation by rail of aggregates. A copy of Transport for London's letter is attached at Document 1.

DOCUMENT 1

7.15 EWS have also written in support of the appropriateness of the application proposals and made reference to the importance of bringing the rail sidings back into productive use. It is EWS's view as set out in their letter of support that the proposals are wholly consistent with the aims and objectives as set out in the London Plan, which encourages a shift of freight from road to more sustainable modes, such as rail. A copy of the EWS letter is attached at Document 2.

DOCUMENT 2

SECTION 8: LOCAL DEVELOPMENT PLAN POLICY

8.1 The Statutory Development Plan for the Borough is the Haringey Unitary Development Plan (UDP), which was adopted in March 1998. The Haringey UDP is currently under review. A First Deposit Consultation was issued in September 2003, and a Revised Deposit Draft was issued for consultation in September 2004. The UDP Inquiry commenced in April 2005.

a) **Adopted UDP (1998)**

8.2 The Adopted UDP Proposals Map shows a part of the site allocated as a "Defined Employment Area" (DEA) which comprises "DEA 5 - Cranford Way", with the remainder of the site unallocated. On the Proposals Map the embankment to the south of the application site, and separated by the existing access road, is allocated as an "Ecologically Valuable Site – Local Importance", and is locally known as the Stroud Green Railway Embankment. All of the railway line running from Wood Green in the North of the Borough down to Finsbury Park in the South of the Borough, and including that part which runs along side the application site is designated as an "Ecological Corridor".

8.3 The Adopted UDP includes three strategic policies, which seek to:

- i) **Protect the existing land and buildings in industrial and commercial use and to encourage investment and the development of a variety of new employment uses in appropriate locations;**
- ii) **To increase employment opportunities and to improve access to this employment;**
- iii) **To protect and improve the local environment by ensuring that development of economic activities does not adversely affect the local amenity of transportation network.**

8.4 The preamble to the Employment and Economic Activity Chapter at paragraph 1.15 explains that a major feature of the Haringey economy has been a disappearance of large private industries. There has also been a dramatic decline in manufacturing activities since the 1960's. At paragraph 1.16 the UDP confirms that the main priorities are to retain existing jobs and create new employment opportunities.

8.5 At paragraph 1.18, the UDP defines various types of employment areas of different character where employment generating activity should be located. These are:

- i) **Defined employment areas (DEA)**
- ii) **Mixed areas**
- iii) **Town centres**

8.6 At paragraph 1.18 the UDP explains that defined employment areas are areas consisting entirely of non-residential uses, where the infrastructure exists primarily to serve a range of business classes and related activities. The paragraph further explains that access to and from some DEAs is through residential areas, which, if uncontrolled, creates environmental problems.

8.7 In DEA's, a range of employment generating uses are considered to be acceptable. Policy EMP 1.3 relates to DEA's and states:

"The Council has designated areas as indicated in the Schedule 1 as Defined Employment Areas where the priority will be to sustain a special range of employment generating uses:

- 1. General industrial uses (Use Class B2),**
- 2. Business uses (Use Class B1) but generally excluding proposals for new large scale free standing non-ancillary office floorspace in locations which are not well served to public transport.**
- 3. Warehousing (Use class B8) but only in line with the Policy EMP 1.6 on warehousing."**

8.8 The application proposals do not prejudice the objectives of this policy in any way and in fact bring a part of the Cranford Way Industrial estate and defined employment area into more productive use.

8.9 In relation to new employment opportunities, Policy EMP 2.1 relates to the provision of community benefits.

"... the Council will seek provision of appropriate infrastructure and social, recreational and community facilities where the need for these arises from the development concerned..."

8.10 The explanatory text at Paragraph 5.55 confirms that the Council recognises the need for road access to commercial and industrial premises, but wishes to minimise the environmental damage which goods vehicles, especially HGVs can cause.

8.11 In this context, the Council's aims for freight are:

- i) **To site generators of heavy freight advantageously in relation to main roads and railways.**
- ii) **To provide facilities for the handling of freight to secure efficient distribution.**
- iii) **To reduce the movement of vehicles on roads, not suitable for them.**
- iv) **To encourage the use of rail and water to carry freight traffic.**

8.12 The application proposals are fully in accordance with the UDP's stated aims with regard to freight. The site is strategically located with an access onto the strategic road network and proposes a rail served facility.

8.13 Policy TSP 6.5 relates to rail freight and states that:

"The Council will seek to retain existing rail freight and the provision of additional rail freight facilities, provided that these do not give rise to undue local environmental disturbance."

8.14 The text of this Policy explains that rail freight is generally less environmentally intrusive than road freight and therefore the Council will generally seek to maintain existing facilities and encourage the development of new ones. The supporting text goes on to confirm that there may be situations where the provision of rail freight depots may give rise to increased local lorry movements as freight is transferred intermodally, so individual cases will need to be examined on their merits.

8.15 The proposals will result in the creation of a new rail served facility making best use of an existing rail head. The highways assessment submitted by Bellamy Roberts Partnership has considered the resulting generation of local lorry movements and has demonstrated that there will be no unacceptable or detrimental affect on the local road network.

8.16 As has already been confirmed, the embankment to the south of the application site, which is separated by the existing access road, is allocated as an 'Ecologically Valuable Site- Local Importance' and the railway lines adjacent to the site are allocated as an 'Ecological Corridor' Policy OP4.1 states:

“ The Council will not permit development on or adjacent to Sites of Special Scientific Interest (SSSI's), Statutory Local Nature Reserves, or other sites of nature conversation value or ecological importance unless there will be no adverse effect on the value of the site for nature conservation caused by the development and its subsequent land use..”

8.17 In relation to ecological corridors the policy explains that:

“Ecological corridors form important links between the nature conservation sites identified on the proposals map. Wherever possible the continuity of these corridors should be protected and their green nature enhanced so that they do not become fragmented and thereby diminish their ecological value...”

8.18 The supporting text to the policy explains that the Council will expect to see ecological surveys submitted with planning applications. In accordance with this requirement an ecological survey accompanied the planning application, and a further addendum report has considered the issues further. This confirms that the proposals will not prejudice in any way the objectives of the UDP with regard to either the ecological corridor nor the ecological valuable site to the south.

8.19 In relation to the ecological corridor, the UDP text explains at paragraph 4.91 that:

“Most of the Ecological Corridors are operational railway routes. When transport development is being considered within an ecological corridor the operational requirements of transport will be taken into account.”

8.20 Policy DES 1.1 requires new development to be of a good design and that design quality will be assessed in relation to (inter alia):

“...How the proposal relates to and fits in with the surrounding area....”

Development should relate to site character and its potentiality and should seek to improve the quality of the local environment....”

8.21 The amendments to the application proposals have now introduced a level of aesthetic styling and a more architectural approach, to incorporate a mix of cladding and a curved roof profile to the plant and the aggregate bins. Both the earlier and more recent design approaches are considered equally in keeping with the relevant policy considerations, particularly bearing in mind the surrounding land uses and the site's allocation.

ii) **Haringey Review UDP**

8.22 As has already been detailed the Review of the Haringey UDP is at a relatively advanced stage with a public inquiry currently in progress.

8.23 The Proposals Map accompanying the Revised Deposit Draft September 2004, similarly to the Adopted UDP Proposals Map, shows the site and particularly that section on which the Plant is to be constructed, allocated as a "Defined Employment Area" and referred to as "DEA 5 – Cranford Way". The remainder of the site is unallocated. To the south, and separated by the existing access road the Stroud Green Railway Embankment has been designated as an "Ecological Valuable Site – Borough Grade II". The railway lines, as in the Adopted UDP, are allocated as an "Ecological Corridor".

8.24 Paragraph 5.10 – 5.12 of the review UDP confirm a hierarchy of Defined Employment Areas comprising of Strategic Employment Locations; Industrial Locations; Employment Locations; and Regeneration Areas. The Cranford Way Employment Area is designated as an "Employment Location" under the hierarchy and the Review UDP confirms in this respect that:

"Employment Locations: These areas are listed in Schedule 3 and shown on the proposals map. The Council will take a more flexible approach in these areas and may allow employment generating uses wider than the B use class to locate here."

8.25 Policy EMP2 deals specifically with "Defined Employment Areas (DEAS) – Employment Locations" and confirms that:

"The Council will seek to protect the Employment Locations as identified in Schedule 3 on the Proposals Map for employment generating uses."

8.26 Supporting text to the policy confirms that

“...within the Employment DEAs, there is a recognition that a range of employment uses may be appropriate subject to other policies in this plan.”

8.27 The application proposal will provide 12 new jobs at the plant and will make more effective use of a part of the designated Cranford Way Estate which has previously been underused.

8.28 Within Chapter 7 of the UDP, entitled Movement, it is confirmed that:

“The safe, effective and convenient movement of people and goods in Haringey is the key to social inclusion, the viability and functionality of Haringey’s local town centres and the growth of the local economy.”

8.29 A number of the key objectives set out in this part of the UDP are relevant and seek to:

- **Improve freight movement, whilst minimising the environmental impact.**
- **To encourage developments which through their design reduce the need to travel especially by car.**

8.30 Policy M7 of the Review UDP deals with rail and waterborne transport and confirms that:

“The Council will seek to retain existing rail freight and water transport facilities, that are still needed for operational purposes, and the provision of additional facilities, provided they do not give rise to undue local environmental disturbance.”

8.31 Supporting text to this policy goes on to confirm that:

“Rail freight and water transport is generally less environmentally intrusive than other forms of transport and therefore the Council will seek to maintain existing facilities and encourage the development of new facilities.”

8.32 The application proposals are in keeping with each of these policies and objectives in that they will ensure that best use is made of an existing rail head to allow the transfer of aggregates to the site by rail rather than by road.

8.33 The policies relating to ecological matters relevant to the site are very similar to those in the Adopted UDP and the same conclusions can be drawn in terms of the proposals relationship to the ecological designations in its vicinity. In summary, the supporting ecological report and subsequent addendum report show that the proposals will have no detrimental affect either on the ecological corridor or on the Stroud Green Railway Embankment.

iii) **Representations Made to Review UDP**

8.34 In making representations to the first and second deposit draft of the UDP, and in advance of the UDP Inquiry, London Concrete have suggested that the application site should be indicated as land to be safeguarded for rail related uses. We have suggested on London Concrete's behalf that the following form of wording is proposed for this policy:

"The Ferme Park sidings as shown on the Proposals Map will be safeguarded for rail related uses. The Council will resist planning applications for uses which do not utilise the sidings for the transportation of freight by rail."

8.35 London Concrete have also supported Draft Policy M7 which seeks to retain existing rail freight facilities that are still needed for operational purposes and, in dealing with ecologically valuable sites and their corridors, London Concrete have suggested that Paragraph 4.91 of the Adopted Plan is brought forward into the subsequent version, to recognise that the ecological corridors are also operational railway routes where the requirements of transport will need to be taken into account. In essence, the representations seek, in general terms, to ensure rail served sites such as Ferme Park are safeguarded in accordance with National and strategic policy requirements.

8.36 London Concrete's proposals for a rail served concrete batching plant in this location are wholly in line with the adopted and emerging UDP policies. The additional information submitted as part of the application demonstrates that the development proposals will not have any adverse impact on the environment or amenity of the area.

SECTION 9: OTHER RELEVANT PLANNING CONSIDERATIONS

- 9.1 The previous sections of this report have considered the extent to which the proposals accord with strategic and local plan policies. This section addresses a range of additional planning considerations relevant to the determination of the application.
- 9.2 On the basis of extensive pre and post-application discussions with the local planning authority, a number of supporting statements have been submitted with the application which deal with the environmental considerations raised by the proposals: planning; noise; transport; airborne dust and ecology matters. Each of these reports have been reconsidered on the basis of the amendments which have been made to the application. Addendum statements in relation to all of these subjects have been submitted as part of the application.
- 9.3 The re-orientation of the plant will provide enhanced protection in terms of noise, dust, and visual containment to the loading bay, and the full enclosure of the conveyor discharge at the top of the plant, additional cladding at the base of the bins and at roof level of the conveyor discharge into the bins will reduce further the already low risk of dust emissions from the plant conveyor and the storage bins.
- 9.4 The principal views of the proposals from the nearest residential properties, will be from Chettle Court. There will also be some views of the proposals from a limited number of properties in Uplands Road. There is, however, a significant degree of separation between the application site and the properties at Chettle Court and Uplands Road. Indeed the nearest point from the façade of Chettle Court to the proposed plant is some 125m, and the distance between the closest rear garden boundary wall of the nearest property in Uplands Road to the plant is some 110 m. Moreover when viewed from Chettle Court the proposed plant will be seen against a backdrop of existing railway and warehouse development. When viewed from Uplands road the foreground view will be of warehouse development comprising the Cranford Way Industrial Estate.

9.5 The amendments which have been made to the scheme include the additional aesthetic styling of the plant and aggregate bins. A mix of cladding and detailing to the outside of the building, and the introduction of a curved profile to the roof of both the plant and the aggregate bins provide a design solution which is visually interesting yet understated. It is a design which has been specifically developed for this location, on operational railway land, and within part of a defined employment area, abutting existing warehouse units which themselves have little architectural merit.

9.6 As a consequence, the proposals will make a positive contribution to a location which is currently of limited visual appeal.

a) **Tolworth Appeal Decision**

9.7 It is relevant, and helpful, to consider a recent appeal decision which granted planning permission to London Concrete for a rail-served concrete batching plant at Tolworth, within the London Borough of Kingston Upon Thames. The appeal site in that instance comprised a former coal depot site, adjacent to Tolworth Station. The site is bounded by a recreational ground to the south, with Metropolitan Open Land beyond. To the east of the site, opposite the Kingston Road, is a sports ground, garden centre and nursery. Existing residential uses are located on the opposite side of the railway line.

9.8 The Inspector in his decision letter considered a number of the issues that have been considered in the preceding sections of this report with regard to the Ferme Park proposals, and these are detailed below. The decision itself, dated October 2004, is attached at Document 3.

DOCUMENT 3

9.9 Before considering the detail of the decision letter it is important to highlight two key differences between the Tolworth scheme and that proposed for the Ferme Park site. For the Tolworth proposals the sidings to which aggregate would be brought was not part of the red-line application area. Furthermore, the Tolworth scheme proposed that the railway wagons importing the aggregates would be unloaded by grab discharge into a series of storage bays. Aggregates for the concrete batching plant would then be transferred by a front end loader into a covered ground level aggregate receiving hopper. In contrast, the Ferme Park proposals have an enclosed bottom unloading system to transfer aggregate via covered conveyors to enclosed aggregate storage bins, and a further covered conveyor is proposed to transfer aggregate from the storage bins to the batching plant itself.

9.10 The Ferme Park proposals therefore offer clear advantages in environmental and amenity terms in using a bottom unloading system, and by storing aggregate in enclosed bins.

9.11 In the context of the principle of the Tolworth scheme, the Inspector, at paragraph 15 confirms that:

“As a matter of principle, there are strong sustainability arguments in favour of the appeal proposals that are supported by national, regional and local policies which seek to encourage the movement of freight, particularly aggregates by rail. This constitutes a strong planning argument in favour of the appeal proposal.”

9.12 With regard to issues of noise associated with additional freight movements the Inspector concluded at Paragraph 20 that:

“I do not accept that this minimal increase in the use of the track by passing freight trains would result in any material loss of amenity for the occupiers of dwellings which abut the railway line.”

9.13 The Inspector went on to note that:

“The predominant source of noise for this site is currently from the railway, and would continue to be so with the batching plant in operation.”

9.14 At paragraph 22 the Inspector concluded that:

“On the basis of the evidence presented I am satisfied that noise from the operation of the batching plant would not result in any loss of amenity for local residents, or for users of the nearby open space.”

9.15 The Inspector next considered the issue of dust, and noted at paragraph 24 that:

“With respect to the batching plant I am satisfied that the proposed plant, which is totally enclosed, has been designed to ensure high levels of control over the emission of dust during operations. My visit to the company’s similar plant at Wembley confirmed the effectiveness of the design, and it is to be noted that the company’s record at other sites in London is equally good. The plant will require an LAPPC permit, issued by the Council. Concrete batching is also subject of a PGN⁵ that sets out various standards and criteria that must be met. These include a requirement for no visible dust emissions from any inlet or outlets, or across the site boundary. I am satisfied that there would be no loss of amenity for occupiers of nearby dwellings as a result of dust from the batching plant.”

9.16 As with Tolworth, the Ferme Park proposal will require an LAPPC permit, which will further safeguard the amenities of nearby residents and other land users.

9.17 At paragraph 25 the Inspector noted that:

“There is far greater potential for dust generation during the delivery, handling and stockpiling of aggregates at the proposed depot. As with noise, as these activities can be undertaken as permitted development the Council’s powers of control are limited. The S.106 obligation contains provision for the implementation of a dust management scheme. The provisions include measures to ensure that delivered and stockpiled aggregates have an appropriate moisture content when handled, stockpiled bays are not overfilled, running areas of concrete or tarmac are cleaned and damped, and drop heights minimised.”

9.18 Notwithstanding the above the Inspector went on to conclude at paragraph 26 that:

“This combination of physical actions and management measures reflects current best practice for the mineral industry, and its inclusion within the S.106 agreement provides the Council with a significant degree of control over the activities of the proposed aggregates depot which it would not otherwise have. While I accept that the handling of aggregates here has the potential to cause a loss of amenity due to dust, I am satisfied

that that would be unlikely to occur if undertaken in accordance with the provisions of the dust management scheme”

9.19 Given that the Inspector considered there was no issue of dust in terms of amenity considerations at Tolworth, then the more comprehensive scheme now proposed at Ferme Park should not raise any concerns in this respect either.

9.20 With regard to traffic considerations the Inspector noted at paragraph 34 that:

“There will be a maximum of 5 mixer trucks based at the site and these will each make on average 5 deliveries per day. Combined with up to 3 deliveries of cement, HGV traffic generation would be 56 movements per day. Staff car movements would be up to 8 per day. These movements would of necessity be spread relatively evenly throughout the working day.”

9.21 As confirmed in the transport assessment submitted with the Ferme Park application it too would operate on the above basis.

9.22 The Inspector went on to conclude that:

“This level of additional traffic would not have a material impact on traffic flows...”

9.23 Overall the Inspector concluded that:

“For the reasons given above and having regard to all other matters raised, I conclude that the appeal proposal has been designed to minimise its visual impact and noise and other disturbance on MOL and residential properties in the vicinity of the appeal site. It accords with the criteria of Proposal PS50a and the emerging UDP and would not result in an unacceptable loss of residential amenity for the occupiers of the neighbouring residential properties sufficient to justify a refusal of planning permission. The appeal should be allowed.”

b) Summary

9.24 In summary it is demonstrated in this report and by the other supporting environmental and transport assessments that the proposals are entirely acceptable in this location and raise no concerns in terms of amenity considerations. Furthermore, the similar proposals by London Concrete on the Tolworth site was recently found to be entirely acceptable in terms of environmental considerations, notwithstanding that the aggregate handling facility did not incorporate the level of environmental safeguards now proposed at Ferme Park.

SECTION 10: PATTERN OF CONCRETE BATCHING PLANTS SERVING THE AREA

10.1 There is a strong demand for ready mixed concrete in the Hornsey/Haringey market, which London Concrete intends to serve from the application site.

10.2 London Concrete's nearest concrete batching plants, at Wembley, Battersea and Bow are rail served, but operate in substantially different markets, and given that ready mixed concrete cannot realistically be transported for more than 5 miles in London, these plants are not capable of serving the Haringey market. The Ferme Park site is ideally placed to fill the gap between the Company's existing plants.

10.3 In terms of competitors' plants, there are four road fed plants and two rail served plants as follows:

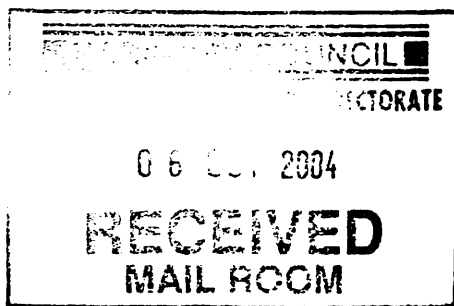
- Larfarge, Jeffery's Road, Edmonton, - Road Served
- RMC, Princes Road, Edmonton, - Road Served
- Hanson, Stacey Road, off First Avenue, Edmonton, - Road Served
- RMC, Randells Road, Kings Cross, - Road Served
- Tarmac, York Road, Kings Cross, - Rail Served
- Hanson, York Road, Kings Cross. - Rail Served

10.4 None of the Edmonton plants are located on sites which are capable of being linked to the rail network, so to the extent that London Concrete will compete with them, HGV movements in the Haringey area will be reduced. Currently the plants serving the Haringey market and lorries transporting concrete to the area travel a substantial distance to reach customers. The application proposals will clearly have environmental benefits in terms of improving the supply of ready mixed concrete in this part of north London. By increasing market competition, the proposals will generally be delivered during off peak times, and the importation of aggregates by rail will keep traffic associated with the development to a minimum.

SECTION 11: CONCLUSIONS

11.1 The following conclusions can be drawn from the previous sections.

1. London Concrete is committed to producing ready mixed concrete in a sustainable way. The company already operates rail served and mineral workings based plants and the application proposes a rail served facility which will be environmentally beneficial.
2. There is a need for ready mix concrete in the Hornsey area, which is currently being served by other plants located outside the Borough.
3. The site comprises part of operational railway land and the proposed use is wholly in accordance with the stated aims of the Government and the rail operators in terms of encouraging the movement of freight including minerals by rail, rather than by road.
4. The proposals fully accord with the objectives of the London Plan with regard to the transference of freight from road to rail.
5. The proposals fully accord with the policies of the Adopted and Emerging UDP and are in keeping with the designation of the site as part of the Cranford Way Employment Area.
5. Other reports submitted in support of the application deal with traffic, noise, ecology and dust, and demonstrate that the proposals will have no adverse environmental effects.
6. The type of concrete batching plan proposed together with the environmental safeguards to be incorporated, demonstrates the extent to which London Concrete has embraced modern technology. The proposals cannot be compared with older batching plants, which may operate without the same degree of control proposed by London Concrete.
7. The applicants will accept reasonable and necessary conditions to ensure the implementation of environmental safeguards as part of the application proposals.



Your ref:
Our ref:

Mr Paul Tompkins
London Borough of Haringey
Planning and Environmental Services
639 High Road
Tottenham
London N17 8DB

London Rail

2nd Floor
1 Butler Place
London SW1H 0PT

Phone 020 7941 7691
Fax 020 7941 7751
www.tfl.gov.uk

30 September 2004

Dear Mr Tompkins,

**PLANNING APPLICATION BY LONDON CONCRETE, FERME PARK
DEPOT, CRANFORD WAY, HORNSEY: REFERENCE HGY/2004/1265**

I understand that the London Borough of Haringey will shortly be considering this Planning Application by London Concrete for a rail-served concrete batching plant at Ferme Park railway depot.

Transport for London – as part of the London Sustainable Distribution Partnership – supports in principle proposals for moving freight in London (including aggregates and concrete) by more sustainable means and for encouraging a modal shift from road to rail. The Mayor's Transport Strategy also seeks to foster a move towards more sustainable forms of goods transportation such as rail.

Therefore, although we have not yet been able to access specific planning details of the application, we would support this application by London Concrete on the grounds that it is in line with the Mayor's strategic transportation and environmental objectives. We understand that some local residents have expressed concern about the level of road traffic that will be generated by activities at the site. However, the total number of lorry movements (approximately 30 into and 30 out of the depot per day) is, we believe, unlikely to have a major effect on local road congestion. The development will also see the use of the railway infrastructure for rail freight, rather than other, purposes.

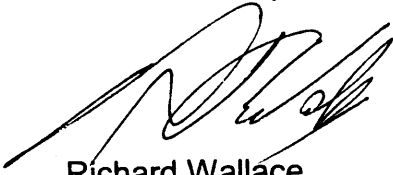
MAYOR OF LONDON



A division of Transport for London
whose principal place of business is
Windsor House
42-50 Victoria Street
London SW1H 0TL.
VAT number 756 2769 90

We hope that the London Borough of Haringey will consider this application favourably.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Richard Wallace', written over a horizontal line.

Richard Wallace
Head of Rail Industry Liaison
Email: richardwallace@tfl.gov.uk
Direct line: 020-7941 7687

Copy to: Paul Ross, File

Haringey Council
Environmental Services Directorate
Planning, Environmental Policy & Performance
639 High Road
Tottenham
London
N17 8BD

Gordon Cox
Account Manager, ConPet

3rd March 2005

Tel: 01302 766684
Fax: 01302 766426

Dear Sir

**Application by London Concrete, Land at Ferme Park Sidings
App Ref: HGY / 2005 / 0007**

Support for the Proposal

I am writing to confirm English Welsh and Scottish Railway (EWS) support for London Concrete Limited's proposal for the erection of a concrete batching plant and associated hoppers and conveyors at the Ferme Park Depot Site, Cranford Way Hornsey (Ref HGY / 2005 / 0007). The importance of bringing rail sidings back into productive use and the opportunity to increase rail-borne tonnages is in line with Government guidance and should not be underestimated.

The Ferme Park proposal offers a unique opportunity for the Local Authority and EWS to provide a rail fed terminal within the Borough that will greatly assist the amount of materials transported by rail. The proposals are also wholly consistent with the aims and objectives as set out in the London Plan, which encourages a shift of freight from road to more sustainable modes, such as rail.

Limited Number of Sites within London Available for Rail Freight Development

The number of rail served sites within London that can provide good road/rail access and which have a sufficient area of land available for rail development are extremely limited. There are possibly as few as half a dozen, which are available for rail freight development. There are a number of additional sites within London with frontage onto a railway but they do not have any rail sidings suitable for use by the freight business and the cost of providing them would be prohibitive.

Operational Use Rights

I would note, as a point of clarification, that in terms of the delivery of aggregates to the application site, or indeed the use of the site for rail freight deliveries generally, that this could be undertaken under operational use rights, and without the need for planning permission. The London Concrete application, however, includes that element of the scheme within the application proposals and provides the LPA with an opportunity to apply a level of control over the way in which the depot is operated that they would not otherwise have.

Existing and Proposed Train Movements

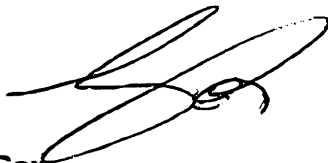
In terms of any activity generated by the proposals, particularly in terms of number of train movements, it is imperative that this is put in the context of what is already an established and busy area in terms of train movements. I would emphasise that there are in the region of 240 trains passing the site per day. It is anticipated that 3 trains per week will feed the plant. The effect of which, in terms of noise and activity, will be negligible considering the existing level of train movements on that line.

The existing freight pathways published by Network Rail allow for the 3 trains per week, as mentioned above, to serve the site running to and from Acton Yard. These freight pathways are protected inside the Network Rail timetable.

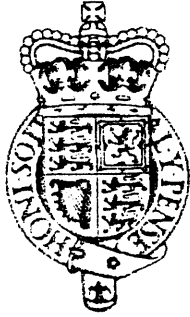
Conclusion

In conclusion, EWS therefore strongly urge Haringey to give serious consideration to the above points when determining the application.

Yours sincerely



Gordon Cox



Appeal Decision

Inquiry opened on 28 September 2004

Site visits made on 01 October 2004

by **E A Simpson BA(Hons) MRTPI**

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date

25 OCT 2004

***Appeal Ref: APP/Z5630/A/03/1136175**

Tolworth Station Road, Kingston Road, Tolworth, Surrey KT3 9NU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by London Concrete Ltd against the decision of the Royal Borough of Kingston-upon-Thames.
- The application (Ref.01/02169/FUL), dated 17th July 2001, was refused by notice dated 2nd July 2003.
- The development proposed is the erection of a concrete batching plant with associated hoppers, conveyor and ancillary facilities.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Procedural Matters

1. A statement of common ground (SCG) between the Council and the appellant was submitted. This included a description of the site and its surroundings, the planning history of the site, and development plan policies. It also set out agreements on the lawful use of the site, the acceptability of the proposed access, and the acceptability of the proposed parking arrangements.
2. The appellant submitted a unilateral undertaking under S.106 of the 1990 Act relating to the management of dust and noise from an aggregates depot to be established by EWS on land adjoining the appeal site.

Main Issues

3. The main issues in this case are:
 - (a) whether the proposals would result in an unacceptable loss of amenity for occupiers, and future occupiers of nearby properties, and users of the surrounding open spaces, as a result of noise, dust or visual intrusion, and;
 - (b) whether the failure to include details of the rail based aggregates depot to serve the proposed development would be likely to prevent the adequate safeguarding of the amenities of occupiers, and future occupiers of nearby properties, and users of the surrounding open spaces.

Planning Policy

4. The development plan comprises the London Plan (the spatial development strategy (SDS) adopted Feb.2004) and the Royal Borough of Kingston upon Thames UDP (adopted March 1998). The statement of common ground (SCG) set out policies that the Council and the

Reasons

Background

12. It is the policy and practice of the appellant company to operate rail-fed concrete production facilities. Aggregate for the proposed concrete batching plant would be supplied directly from an adjoining aggregates depot to be established by EWS¹ as permitted development under Class A of Part 17 of the GPDO 1995. It was no part of the Council's case that such a depot required express planning permission. It was accepted by the appellant that in the event of those activities causing a statutory nuisance they would be subject to the Council's powers of enforcement under Part III of the EPA² 1990. In the first instance, cement would be supplied by road tanker.
13. The proposals are not justified on the basis of a need for more concrete capacity in south-west London. The area is currently supplied by road fed capacity; the nearest batching plant being at Leatherhead. There are no existing facilities within the Borough. It is the appellant's case that a modern rail-fed facility on the appeal site would serve the locality more effectively and in a more sustainable way.
14. The appellant company is not seeking to 'grow' the concrete market in SW London. Production and consumption of concrete is a direct response to the needs of the development industry; any growth or decline being a matter more directly related to wider economic forces. As a result, aggregates brought to this site by rail would in the main displace aggregates that would otherwise be delivered to batching plants by road. The exception to this general conclusion relates to those plants that are quarry based. The nearest of those is at West Molesey and beyond the 15 minute off-peak drive-time isochrone of the appeal site.
15. The level of road transport displacement would be significant. On the basis of an annual production capacity of 55,000m³ this would amount to some 11,000 HGV aggregates movements, many of which would be long distance trips. In addition, concrete delivery trips in this part of SW London would generally be shorter. As a matter of principle, there are strong sustainability arguments in favour of the appeal proposals that are supported by national, regional and local policies which seek to encourage the movement of freight, particularly aggregates, by rail. This constitutes a strong planning argument in favour of the appeal proposal.
16. Proposal PS50a of the emerging FAUDP indicates that appropriate uses for the former aggregates depot will be rail related, and that any development should make effective use of the rail head. The appeal proposal, unlike the recent permissions for use of part of the former depot for bus storage and parking, is clearly rail related. I place little weight on the Council's argument that its identification as a strategic freight site by the SRA³ is not a planning designation. Policy 3C.25 of the SDS states that 'boroughs should support the provision of strategic rail-based intermodal freight facilities', and para.3.218 clearly indicates that this section of the SDS takes into account the needs of the SRA.
17. In its letter of 19th July 2004, EWS notes that the rail freight site at Tolworth is of extreme strategic importance as it is one of the few sites that has all of the infrastructure in place to

¹ English Welsh & Scottish Railway Limited

² Environmental Protection Act

³ Strategic Rail Authority

currently falling within NEC category B, and where PPG24 indicates that appropriate conditions should be imposed to ensure an adequate level of protection against noise. Operation of the batching plant would result in only a 1-2dB increase in noise; a level that would be readily accommodated by protective measures that would be required here in any event. This appears to be acknowledged by the Council who indicated that there was no inherent conflict between the uses associated with Proposal PS42 and making effective use of the rail head under the terms of Proposals PS50a.

23. On the basis of the evidence presented I am satisfied that noise from the operation of the batching plant would not result in any loss of amenity for local residents, or for users of the nearby open space. At the relevant sensitive properties, noise from the plant would be well below day-time background noise levels, and complaints would not normally be anticipated. Within the playing fields, increased noise levels would vary from 1-3dB to the west of the appeal, and from 3-7dB to the south of the appeal site; the higher figure occurring during train unloading. While this higher figure would clearly be audible against the fluctuations in ambient noise levels from 58-62dB based on $L_{Aeq}(1hr)$ it is also to be noted that land to the east of this area of open space is used as an outdoor motor cycle circuit. I conclude that there are unlikely to be complaints from users of the area of open space to the south of the appeal site as a result of noise generated by the appeal proposals.

Dust

24. As with the issue of noise, the issue of potential dust generation can be divided between that associated with the batching plant and that associated with the deliveries to and handling at the depot. With respect to the batching plant I am satisfied that the proposed plant, which is totally enclosed, has been designed to ensure high levels of control over the emission of dust during operation. My visit to the company's similar plant at Wembley confirmed the effectiveness of the design, and it is to be noted that the company's record at other sites in London is equally good. The plant will require an LAPPC permit, issued by the Council. Concrete batching is also subject of a PGN⁵ that sets out various standards and criteria that must be met. These include a requirement for no visible dust emissions from any inlet or outlets, or across the site boundary. I am satisfied that there would be no loss of amenity for occupiers of nearby dwellings as a result of dust from the batching plant.
25. There is far greater potential for dust generation during the delivery, handling and stockpiling of aggregates at the proposed depot. As with noise, as these activities can be undertaken as permitted development the Council's powers of control are limited. The S.106 obligation contains provision for the implementation of a dust management scheme. The provisions include measures to ensure that delivered and stockpiled aggregates have an appropriate moisture content when handled, stockpile bays are not overfilled, running areas of concrete or tarmac are cleaned and damped, and drop heights are minimised.
26. This combination of physical actions and management measures reflects current best practice for the minerals industry, and its inclusion within the S.106 agreement provides the Council with a significant degree of control over the activities of the proposed aggregates depot which it would not otherwise have. While I accept that the handling of aggregates here has the potential to cause a loss of amenity due to dust, I am satisfied that that would

⁵ Process Guidance Note 3/1(04)

this undertaking will provide a significant benefit to the local community by ensuring that the problems associated with the previous relatively unmanaged use of the site as an aggregates depot are not repeated.

32. I have noted the Council's argument that bottom discharge facilities for the unloading of railway wagons should be being proposed as a means of reducing unloading noise and controlling dust. However, I am satisfied from what I saw at the plant installed at the Wembley aggregates depot that there is insufficient space to build a similar type of facility here. In arriving at this conclusion I have taken account of the fact that the Wembley depot has a larger through-put than is required by the appeal proposal. It is also clear that a modern conveyor system required to serve such an integrated facility would need to be housed in a structure far taller, and far more prominent than the proposed batching plant.
33. While I have placed only limited weight on the fact that rail infrastructure grants for the provision of bottom discharge facilities are no longer available, and that their provision here is no longer considered viable, these are factors which weigh in favour of the appellant's case.

Other matters

34. There will be a maximum of 5 mixer trucks based at the site and these will each make on average 5 deliveries per day. Combined with up to 3 deliveries of cement, HGV traffic generation would be 56 movements per day. Staff car movements would be up to 8 per day. These movements would of necessity be spread relatively evenly throughout the working day. This level of increase would be insignificant when compared with total 12 hour flows on the A240 of almost 48,600, and HGV flows of almost 2,700. This level of additional traffic would not have a material impact on traffic flows on the A240. The appeal site access is a short distance from the junction of the A240 with the A3. From here lorries have convenient access to the wider highway network within the borough and surrounding area.
35. A number of drivers turn off the A240 to undertake U-turns in Old Kingston Road to take advantage of the right turn facility at Jubilee Way traffic lights. I note the concerns raised by local residents that the mixer truck drivers would also undertake this manoeuvre. However, I consider this to be unlikely. From the appellant's survey it is apparent that most of these manoeuvres are undertaken by car drivers. More importantly, the junction of A240 with the B284, a short distance to the south-east, has a U-turn facility and any HGV driver with local knowledge would seek to use that junction facility. As the mixer trucks would be based at the appeal site the drivers would all have local knowledge. Moreover, the site management could require drivers to use the appropriate U-turn facility and the appellant has undertaken to do so.
36. Similar concerns were raised with respect to the possibility of drivers using Hunters Road, Cox Lane and Jubilee Way to avoid negotiating Tolworth Junction. The Hunters Road/Cox Lane section of this route passes through a neighbouring residential area. However, as HGV access to these roads from the A243 Hook Road is already restricted by the recent installation of bollards and associated road narrowing, I am satisfied that mixer trucks returning to the site would not take this route.
37. In arriving at my conclusions I have taken into account the strongly held views of local residents that this locality is now essentially residential, is becoming more so, and that a concrete batching plant is an inherently inappropriate use. However, such an approach

43. The issues of principle raised in relation to condition 22 also apply to condition 23. While the generation of noise and dust at the aggregates depot needs to be controlled this would be effected by the terms of the unilateral undertaking. I shall not impose suggested condition 23.
44. Condition 25 relating to lorry routing is in my view unnecessary, and as worded would prevent concrete being delivered to customers locally in the Chessington area. The purpose of the condition is to prevent concrete lorries leaving the A3 at Hook Junction and then travelling from the A243 through the neighbouring residential areas to the west of the railway line. However, as I have already noted, lorry access to Hunters Road is constrained by recently erected bollards at its junction with the A243.
45. Condition 27 should be amended to refer to plan revision B. Elements of duplication in condition 31 are removed. Condition 32 controls the number of mixer lorries operating from the site, and the number of lorry deliveries of cement on any one day. These figures are amended to reflect the scale of activity assumed in the evidence on the likely impacts of the development. Condition 33 is amended to take account of a revision to the model number of the proposed concrete batching plant; now an LP2000.
46. The appellant company suggested an additional condition requiring the audible over-fill alarm to the cement silo in the batching plant to be of the 'white noise' type. This was welcomed by the Council and I support its inclusion.

Conclusions

47. For the reasons given above and having regard to all other matters raised, I conclude that the appeal proposal has been designed to minimise its visual impact and noise and other disturbance on MOL and residential properties in the vicinity of the appeal site. It accords with the criteria of Proposal PS50a of the emerging UDP and would not result in an unacceptable loss of residential amenity for the occupiers of neighbouring residential properties sufficient to justify a refusal of planning permission. The appeal should be allowed.

Formal Decision

48. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for the erection of concrete batching plant with associated hoppers, conveyor and ancillary facilities at Tolworth Station Road, Tolworth, Surrey in accordance with the terms of the application Ref.01/12169/FUL dated 17th July 2001, and the plans submitted therewith, subject to the following conditions:
- 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
 - 2) The parking, servicing and manoeuvring areas shown on the approved drawing shall be surfaced with tar-macadam or concrete and drained in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before the development is occupied for the purpose hereby permitted. The respective areas shall be kept free from obstruction at all times, and shall not thereafter be used for any purposes other than those shown on the approved drawing.
 - 3) By the time the development hereby permitted is substantially complete, visibility sight-line splays shall be provided in each direction at the access to the application

- 12) Site and building works required to implement the development shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays, and between 08.00 and 13.00 on Saturdays. No such works shall be undertaken on Sundays, Bank or Public Holidays.
- 13) The concrete batching plant shall only operate between 07.00 hours and 19.00 hours Mondays to Fridays, 07.00 hours and 13.00 hours on Saturdays. No machinery or plant shall operate at any time on Sundays or Bank Holidays.
- 14) No raw materials, finished or unfinished products, crates, packing materials or parts thereof or waste or any other materials shall be stacked or stored on the site except within the buildings or storage areas hereby approved or such other areas as shall have been approved in writing by the Local Authority
- 15) No broadcasting or amplifying equipment shall be installed or used on the site.
- 16) No development shall commence until a landscaping scheme including where applicable the retention of the existing trees shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within the first planting season following completion of the development and the tree planting and landscaping shall thereafter be maintained for five years. Any trees or shrubs which die or are removed during this period shall be replaced in the first available planting season. The area shown to be landscaped shall be permanently retained for that purpose only.
- 17) The office and mess room accommodation shall be used only for purposes ancillary to the operation of the concrete batching plant.
- 18) Details of measures to control and contain dust within the application site boundary shall be submitted to and approved in writing by the Local Planning Authority before the plant hereby approved is brought into operation. The approved measures shall be implemented and thereafter maintained in accordance with the approved details.
- 19) Vehicles operating within the enclosed yard as defined on Plan No.2379/02Rev.C, and vehicles supplying the plant with aggregates, shall have 'white noise' reversing sounders fitted and these shall be used at all times.
- 20) All aggregates to be used in the production of concrete at the plant hereby permitted, other than cement, shall have first been delivered to the adjoining proposed aggregates depot by rail.
- 21) Highway markings shall be provided at the exit from the site in accordance with details submitted to and approved in writing by the Local Planning Authority.
- 22) The construction of the surface drainage system shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before the development commences.
- 23) No development approved by this permission shall be occupied or brought into use until a scheme for the future maintenance of the surface water system, particularly the settlement pits indicated on drawing no.2379/02Rev.B, has been submitted to and approved in writing by the Local Planning Authority.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

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| Simon Randle of counsel | instructed by the Borough Solicitor, Royal Borough of Kingston upon Thames, The Guildhall, Kingston upon Thames, Surrey KT1 1EU |
| He called | |
| Cllr.V Harris | |
| Cllr.P Bamford | |
| Mr C J Newport Dip.EH | Assistant Borough Environmental Health Officer |
| Dip.AP&PC | RBKuT |
| Ms P M Loxton BSc Dip.TP | Planning Projects Manager, RBKuT |
| MRTPI | |

FOR THE APPELLANT:

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| Keith Lindblom QC | instructed by Mr M Woolner, Firstplan Ltd, 25 Floral Street, London WC2E 9DS |
| He called | |
| Mr D Casey | Managing Director, London Concrete Ltd. |
| Mr G D Bellamy BSc | Partner, Bellamy Roberts, Highways and Transportation Consultants. |
| CEng MICE | |
| Mr N Jarman BSc(Hons) | Director, Cole Jarman Associates, Acoustics Consultants |
| CEng MCIBSE MIOA | |
| Mr A D Grant BSc(Hons) | Partner, Smith Grant LLP, Environmental Consultants. |
| MSc MIMMM FIQ CEng | |
| Mr M Woolner BA MRTPI | Director, Firstplan Ltd, Planning Consultants |

INTERESTED PERSONS:

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|-----------------|---|
| Edward Davey MP | House of Commons, London SW1A 0AA |
| Ms I Mortimer | Chair, Drayton Court Resident Association, 15 Drayton Court, Toby Way, Surbiton KT5 9PA |
| Mrs A Davies | 40 Hook Rise North, Surbiton KT6 7JZ |

DOCUMENTS

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| Document 1 | List of persons present at the inquiry |
| Document 2 | Notification of inquiry dated 18 th August 2004 and lists of addressees |
| Document 3 | Folder of letters received |
| Document 4 | Additional letter received at inquiry |
| Document 5 | Statement of Common Ground |
| Document 6 | Volume of 12 Appendices submitted on behalf of RBKuT |
| Document 7 | Appendix 13 – RBKuT UDP Proposed Mods Version 2004 |
| Document 8 | Volume of 5 Appendices to proof of Mr Casey |
| Document 9 | Volume of 3 Appendices to proof of Mr Bellamy |
| Document 10 | Volume of Annexes A – E to proof of Mr Jarman |
| Document 11 | Volume of 13 Appendices to proof of Mr Grant |
| Document 12 | Volume of 18 Appendices to proof of Mr Woolner |