

**APPEAL BY LONDON CONCRETE LTD
FERME PARK, CRANFORD WAY, HORNSEY**

**PROOF OF EVIDENCE OF:
MICHAEL WOOLNER, BA, MRTPI**

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SUMMARY PROOF OF EVIDENCE OF:
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TOWN AND COUNTRY PLANNING ACT 1990

APPEAL AGAINST: The failure of Haringey Borough Council to determine a planning application for the erection of a concrete batching plant with associated hoppers, conveyors and ancillary facilities within the statutory time period.

APPELLANT: London Concrete Ltd

SITE LOCATION: Land known as Ferme Park Sidings, Cranford Way, Hornsey.

LPA REFERENCE: HGY/2005/0007

APPEAL REFERENCE: APP/ Y5420/A/05/1189822

FIRSTPLAN REFERENCE: 0305

DATE OF COMMENCEMENT OF INQUIRY: 13th December 2005

QUALIFICATIONS

Michael Woolner BA MRTPI will say:-

I hold a Bachelor of Arts Degree in Town Planning and I am a member of the Royal Town Planning Institute. I am a Director of Firstplan. Previously I was a Director of RPS, and I have been in Practice for over 30 years. During this time I have given advice on a wide range of planning matters to many clients including public authorities, major commercial and development companies, amenity societies and private individuals. I have considerable experience in dealing with issues concerning aggregates and the concreting industry.

I am familiar with the appeal site and the surrounding area. I have investigated the relevant matters with the local planning authority and I have made myself aware of the planning policy background.

1. INTRODUCTION

- 1.1 The appeal is against the failure of Haringey Borough Council to determine a planning application for the erection of a concrete batching plant with associated hoppers, conveyors and ancillary facilities within the statutory time period, at land known as Ferme Park Sidings, Cranford Way, Hornsey.
- 1.2 Subsequent to the lodging of the appeal the local planning authority have issued a resolution setting out the grounds on which they would have refused the application had the appeal not been lodged. My evidence deals with the planning issues arising from this appeal which includes the reasons for refusal.

2. THE PLANNING APPLICATION UNDER APPEAL

- 2.1 The application under appeal proposes the erection of a Lanton Park LP 2000 low level concrete batching plant. Lanton Park is a market leader in the design and manufacture of low level environmentally secure concrete batching plants. The LP 2000 is designed for semi-permanent and long term installations, and in particular is appropriate for sites such as the appeal site because the plant is visually unobtrusive and has sophisticated environmental controls.
- 2.2 It is proposed that aggregates will be transported to the appeal site by rail. Trains carrying aggregate will arrive up to three times per week. Cement will arrive in road tankers, although London Concrete anticipate that in the future cement will, like aggregates, be imported by rail. There is then a realistic prospect that all raw materials will be brought by rail, maximising the use of this rail head.
- 2.3 Trains will use the existing sidings, arriving from the south. 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 covered conveyor into the concrete batching plant itself. The application drawings identify the various elements of the appeal proposals.

2.4 In summary, the key elements comprise the following:

- i) Within the concrete batching plant, aggregate and cement are weighed and batched by computer. The materials are then discharged into truck mixers, which then leave the appeal site.
- ii) The cement will be discharged directly into the cement silo within the batching plant via a sealed system, using compressed air. Up to three deliveries of cement will be needed each day.
- iii) The plant will be served by up to five mixer trucks.
- iv) Measures will be implemented to limit dust generation as part of the batching operations.
- v) The concrete batching plant and aggregate bins will be entirely enclosed structures.
- vi) All traffic will enter and leave the appeal site by the site entrance via the existing access road onto the two-way eastern limb of Cranford Way, and then onto Tottenham Lane which forms part of the A103.
- vii) London Concrete are prepared to accept a working hours restriction from 0700-1900 hours Monday-Friday; 0700-1300 on Saturdays, with no working on Sundays and Bank Holidays.
- viii) London Concrete have also indicated to the local planning authority that they are prepared to accept a condition which precludes unloading of the aggregate deliveries by rail outside of the plants operating hours.

2.5 During the time the application was being considered by the local planning authority, amendments were made to the appeal application. These amendments were as a result of points raised at two planning forums attended by a number of local residents; points raised at 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. In summary the amendments proposed were as follows:

Amendments to Plant

- Plant rotated away from Chettle Court to result in loading area facing the railway line, away from nearest residential properties;
- An acoustic screen 8.5 m long by 5 m high with a 0.5 m cantilevered top set at 45 degrees provided to loading area;
- Height of plant reduced;
- Point at which main conveyor discharges into the internal shuttle conveyor of plant fully enclosed;
- Feature cladding and altered building profile, including curved roof detailing, provided for aesthetic styling purposes.

Amendments to Storage Bins

- Additional cladding provided to enclose lower section of storage bins;
- Point at which conveyor discharges into storage bins fully enclosed;
- Height of conveyor at point of discharge into bins reduced (overall height of bins maintained);
- Feature cladding and altered building profile, including curved roof detailing, provided for aesthetic styling purposes.

Other Amendments

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

2.6 The application was put to Committee on the 10th October, 2005, by which point it had been with the local planning authority for over ten months and had been subject to considerable discussion and consultation. The Committee Report recommended that a resolution should be issued confirming that the application would have been refused had it not been appealed on grounds of non-determination. The Committee followed the Officers' recommendation. The full reasons for refusal have been detailed in my main proof.

3. NATIONAL AND STRATEGIC POLICY CONSIDERATIONS

- 3.1 There are a number of key government and strategic policy documents which make reference to a number of objectives relevant to the consideration of this appeal. In particular, PPG13, MPG6, various SRA policy documents and the Mayor's London Plan, are relevant to the consideration of the appeal proposals.
- 3.2 These documents place an emphasis on: reducing vehicle movements; reducing the reliance on road vehicles; discouraging heavy freight movements from travelling through urban areas; the use of less polluting methods of transport; support for the transport of aggregates by rail; support for the suitability of aggregates to be bulk carried by rail and water; and support for the improvement of the sustainable movement of freight within and around London, making more use of water and rail.
- 3.3 In the context of these themes and objectives the provision of a rail served concrete batching plant on the appeal site is entirely consistent with relevant national and strategic policy. Furthermore, the ability of the appeal proposals to meet these objectives are supported by TfL and the Mayor of London.

4. LOCAL PLANNING POLICY

- 4.1 The Adopted UDP Proposals Map shows a part of the appeal site allocated as a “Defined Employment Area” (DEA) which comprises “DEA 5 – Cranford Way” and which extends across all of the Cranford Way Industrial Estate. The remainder of the appeal site has no specific allocation.
- 4.2 In the Review UDP part of the appeal site, similarly to the Adopted UDP, is allocated as a “Defined Employment Area” (DEA) and again referred to as “DEA 5 – Cranford Way”. The Review of the UDP has sought to set out a hierarchy of DEA’s comprising of “Strategic Employment Locations”, “Industrial Locations” and “Employment Locations”. Within this new hierarchy the Cranford Way Estate is designated as an “Industrial Location”.
- 4.3 There are a number of relevant policies both in the Adopted UDP and Emerging UDP which relate to employment matters, the retention and provision of additional freight facilities, highways and amenity considerations. My main proof of evidence considers the appeal proposals in the context of each of these policies and demonstrates the means in which the proposals comply.
- 4.4 In general terms, 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 and the appeal site’s allocation. Information submitted as part of the application, and for the purposes of this appeal, demonstrates that the development proposals will not have any adverse impact on the environment or amenity of the area, nor prejudice any of the objectives of the Development Plan.

5. PLANNING CONSIDERATIONS

- 5.1 The three reasons for refusal are fully detailed in my main proof of evidence. Before considering each it is important to note, and as is confirmed in the Committee Report and in my evidence, that the principle of the development proposed on the appeal site is accepted in land use terms.

i) The First Reason for Refusal

- 5.2 The first reason for refusal accepts that there are no “capacity” objections to the appeal proposals and no concern that that the highway network will be overloaded. As a result what is left is a somewhat vague statement which asserts that the additional traffic will result in disturbance to residents. The reason for refusal itself fails to elucidate further as to why any additional traffic could disturb residents.
- 5.3 However, the “Summary and Conclusions” section of the Committee Report does provide some element of additional insight by making reference to disturbance arising from: noise nuisance, vibration and the stirring up of additional dust as a result of the additional traffic.
- 5.4 In considering this reason for refusal I have in my evidence had regard to the characteristics of the nearby roads to which the local planning authority refer, specifically Tottenham Lane and Church Lane. Both these roads form part of the A103 and are typical of urban roads with traffic present throughout the day and night, and where there is an existing level of noise. In planning terms, I conclude that for noise nuisance to occur as a result of increased levels of traffic on roads such as these, there would need to be a very marked increase in traffic levels over the existing for there to be any perceptibly increase in noise. Mr Bellamy’s evidence confirms that the appeal proposals will not result in any material change or impact on ratios of flow to capacity. Mr Sharps in his evidence then considers the very marginal increases in traffic flows and shows that the resulting changes in noise in any public link would be very low
- 5.5 In terms of the potential for vibration to disturb local residents as a matter of common sense it should be evident that if the increase in traffic noise arising from additional traffic from the appeal proposal is only marginal, then the same must be true for vibration.
- 5.6 With regard to the “stirring up of dust”, it is relevant that in an urban area such as this dust on roads must be expected. One would also anticipate that any traffic on the road network has the potential to stir up dust. On this basis any use of the appeal site which, under its employment allocation could include a variety of general industrial or warehouse uses, would equally generate traffic which may well stir up dust on the

roads. I have assumed in my evidence that the local planning authority are not suggesting that they would be objecting to any development at the appeal site which generates additional traffic on the basis that there is potential to stir up dust.

5.7 Nonetheless, Mr Grant has considered the matter in his proof and confirms that the appeal proposals will have no discernable impact in this respect.

ii) The Second Reason for Refusal

5.8 Reason for refusal number two asserts that, as a result of additional traffic movements to and from the appeal site, and the nature of the traffic generated that there is the potential for noise and dust which would have a detrimental impact on properties in Cranford Way. It is further alleged that this could discourage new businesses from locating in Cranford Way and may lead to existing occupiers moving out, resulting in a net reduction in jobs in a Defined Employment Area.

5.9 In the context of this reason for refusal it is important to consider the character and designation of the Cranford Way Industrial Estate. The appeal site is allocated as a DEA which allows for general industrial, business and warehousing. In my judgement, it is inconsistent for the local planning authority to allocate a site for industrial and other employment purposes, which will generate traffic and then seek to refuse the appeal proposals which accord with the allocation, on the basis that it generates traffic.

5.10 Mr Sharps has in his evidence demonstrated that the change in noise levels as result of traffic generated by the appeal proposals will be well below the 3 dB level that PPG24 considers is the minimum perceptible change under normal circumstances.

5.11 Mr Grant in his evidence concludes that the enclosure of the proposed operation will result in almost complete containment of any dust emissions. On this basis the passage of HGVs to and from the appeal site will not be detrimental to current operating and working conditions of occupiers of the Cranford Way Estate.

5.12 Mr Stephenson's evidence has additionally assessed the credibility of the local planning authority's assertion that the appeal proposals may discourage new businesses from locating in the Estate or encourage existing occupiers to leave from a market perspective. He concludes that the appeal proposal will not have the alleged negative effects and that Cranford Way will continue to be a viable industrial estate.

iii) The Third Reason for Refusal

- 5.13 Reason for refusal number three asserts that it has not been adequately demonstrated that the appeal proposals will not be harmful to the amenity of nearby residents by reason of noise nuisance. This reason for refusal is principally dealt with by Mr Sharps who concludes that the appeal proposals are unobjectionable in terms of noise nuisance, irrespective of the methodology employed.
- 5.14 Referring to all of the reasons for refusal, the totality of the appellant's evidence demonstrates that the proposed concrete batching plant will have no adverse impacts either on residents in the surrounding area, or on occupiers, existing or future, of the industrial estate. The appeal proposals offer strategic benefits in terms of supplying Haringey with ready mixed concrete in a sustainable way, with the benefits associated with the rail-borne supply of aggregates.

6. TOLWORTH APPEAL DECISION

- 6.1 My evidence has made reference to a recent appeal decision which granted planning permission to London Concrete for a rail-served concrete batching plant at a site in Tolworth, within the London Borough of Kingston Upon Thames.
- 6.2 Reference is made to the surrounding land uses to the Tolworth site which include: Metropolitan Open Land, Tolworth Station, and residential uses. Reference is also made to the two key differences between the Tolworth appeal scheme and the Ferme Park scheme. First, that the area of sidings to which aggregate would be brought did not form part of the red-line application area. Secondly, that the Tolworth scheme proposed that aggregate would be unloaded from the train wagons by grab off-load into a series of open storage bays. Aggregate for the plant would then be transferred by 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 storage bins to the batching plant itself.

- 6.3 The Ferme Park proposals therefore offer clear advantages in environmental and amenity terms in using a bottom unloading system, and by proposing the storage of aggregate in enclosed bins.

7. PATTERN OF CONCRETE BATCHING PLANTS SERVING THE AREA

- 7.1 London Concrete's nearest concrete batching plants to the appeal site, at Wembley, Battersea and Bow are all rail served, but operate in different markets. 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.
- 7.2 The distribution of competitors' concrete batching plants currently serving the proposed market area is shown on plan ref: 0305/FP/02 (Document 10). Of the six plants identified four are road served and two are rail served. None of the road served plants 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.

8. SUPPORT FOR THE APPEAL PROPOSALS

- 8.1 There is support at a strategic level for the appeal proposals. Transport for London have confirmed their support on the grounds that the appeal proposals are in line with the Mayor's strategic transportation and environmental objectives. Correspondence from the GLA in the context of the support from TfL confirms that had this been a "strategic" application to which the Mayor could have responded formally that the Mayor would have reiterated the view of TfL. There is, therefore, implicit support for the appeal proposals from the Mayor.
- 8.2 The Rail Freight Group, Freight on Rail and EWS have all written in support of the proposals highlighting the fact that the proposals are in accordance with the London Plan and its encouragement of shifting freight from road to more sustainable modes, such as rail.

9. CONCLUSIONS

9.1 I conclude my evidence as follows:

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 under appeal proposes a rail served facility which will be sustainable and environmentally beneficial.
2. There is a need for ready mix concrete in the Hornsey/Haringey area, which is currently being served by plants located outside the Borough.
3. The appeal site comprises operational railway land and the proposed use is wholly in accordance with the stated aims of Government and the rail operators in terms of encouraging the movement of freight, including minerals, by rail, rather than by road.
4. The appeal proposals fully accord with the objectives of the London Plan with regard to the transference of freight from road to rail, and there is support for the proposals from TfL and the Mayor.
5. The appeal proposals also fully accord with the policies of the Adopted and Emerging UDP and are in keeping with the designation of the appeal site as part of the Cranford Way Industrial Estate.
6. My evidence, and that of other witnesses, which deals with traffic, noise, and dust matters, demonstrates that the appeal proposals will have no adverse environmental effects either on occupiers of the Cranford Way Industrial Estate or local residents.
7. The type of concrete batching plant proposed, together with the environmental safeguards to be incorporated, demonstrates the extent to which London Concrete has embraced modern technology. The appeal proposals cannot be compared with older batching plants, which may operate without the same degree of control proposed by London Concrete.
8. Ferme Park is one of only a small number of remaining rail connected sites in London which could accommodate a rail fed concrete batching plant
9. The appellants will accept reasonable and necessary conditions to ensure the implementation of environmental safeguards as part of the appeal proposals.

9.2 For these reasons, I therefore respectfully request that this appeal is allowed.