

Item C3

Variation of condition (8) of permission SE/87/1468 to extend operating hours for bagging plant for the period of 1800 to 2400 Monday to Friday, between 1 April and 30 September at Sevenoaks Quarry, Sevenoaks – SE/06/2415

A report by Head of Planning Applications Unit to Planning Applications Committee on 12 December 2006.

Application by Tarmac Limited to extend operating hours for bagging plant by varying condition (8) of planning permission SE/87/1468 for the period between 1800 to 2400 hours, Monday to Friday, during the months from 1 April to 30 September at Sevenoaks Quarry, Bat & Ball Road, Sevenoaks.

Recommendation: Permission be part granted and part refused.

Local Member(s): Mr N Chard

Classification: Unrestricted

Site description and background

1. Sevenoaks Quarry is a long established mineral working located within the metropolitan Green Belt. The sand quarry covers an extensive area which is being worked in a west to east direction towards Seal. An area previously worked for clay is currently being restored by landfilling to original levels. The majority of the sand quarry is worked to below the water table and is being restored at a lower level. The bagging plant, the subject of this application, is located within an area containing various processing plant and is approximately 40 metres from the closest housing to the north west on Watercress Drive.
2. Sevenoaks Quarry produces sand for building and concreting purposes. The processing plant at the quarry includes a bagging plant in which sands of various blends and mixes are bagged for sale as pre-packed items. This process takes place in a closed building with the bagged product being stored in the adjacent open stockyard.
3. The bagging plant was originally approved in 1987. In 1993, following noise assessment as to potential impact, temporary permission was granted to extend plant operation from 1800 to 2400 hours, Monday to Friday, during the period of April to September. A request to include Saturday in the extended hours was refused on amenity grounds. Since 1993 the extended hours permission has been renewed by a series of temporary permissions every 3 years, the last of which expired on 30 September 2006.

The Proposal

4. This application is to allow the same extended hours between the months of April and September (inclusive) on a permanent basis for the remaining life of the permitted sand reserves.
5. The applicant has advised that the bagging building is currently being altered using permitted development rights and that the building will have new front and back walls comprising doubled skinned insulated steel.

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Planning Policy

6. The adopted and emerging Development Plan Policies summarised below are relevant to the consideration of the renewal of planning permission:

The Kent & Medway Structure Plan (2006):

Policy SP1 – This seeks to conserve and enhancing Kent’s environment and ensure a sustainable pattern of development.

Policy SS2 – Within the Green Belt there is a general presumption against inappropriate development.

Policy TP15 – Development that generates significant increases in traffic, especially HGVs will not be permitted if it is not well related to primary and secondary road networks.

Policy MN3 – Proposals for minerals extraction and or/associated plant and buildings will be permitted only where they do not have an unacceptable adverse impact on agricultural, landscape, conservation or environmental interests of acknowledged importance, or on residential and business communities.

Kent Minerals Local Plan Construction Aggregates (1993):

Policy CA18 – Proposals are considered against potential impacts of noise, vibration and dust.

Sevenoaks District Local Plan (2000):

Policy GB2 – Within the Green Belt there is a general presumption against inappropriate development.

Kent Waste Development Framework Primary Mineral Development Control Policies Development Plan Document (Submission Document, November 2006):

(Draft) Policy MDC20 – sets out appropriate noise limits for mineral development during different times of the day, evening and night.

Consultations

7. **Sevenoaks District Council:** No objection.
8. **Sevenoaks Town Council:** Object to the proposal as there are strong local objections to the proposal, which is situated within metres of the end of Farm Road and Watercress Drive. Operations on site cause noise nuisance and loss of amenity through disturbance in Watercress Drive and Farm Road.
9. **Divisional Transport Manager:** No objection.
10. **KCC Noise / Dust Consultant (Jacobs):** No objection subject to imposition of an appropriate noise condition.

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Local Member

11. The local County Council Member, Nick Chard was notified of the application on the 29 September 2006.

Publicity

12. The application was publicised by the posting of 2 site notices, advertisement in the local newspaper and individual notification of 40 neighbouring properties.

Representations

13. Two letters of representation have been received to date. The main reasons for objection are as follows:
 - Traffic coming from the Sevenoaks Quarry will cause worse tailbacks at the Bat and Ball traffic junction.
 - Currently noise and pollution from this industrial area and the proposal would be a gross intrusion on the well being of local residents.
 - The impact of early alarms coming from the site at present, along with noise generated on site and by vehicles entering and leaving the site.
 - Reversing alarms from 0600 to 1800, noise from empty tippers, squeaks and squeals from the conveyer systems and noise from other mechanical devices.
 - Neighbours cannot enjoy their gardens in the summer months.

Discussion

14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the most significant adopted and emerging development plan policies are set out at paragraph 6. In determining this application, Members should consider the issues discussed under the following headings.

Metropolitan Green Belt

15. The site is located within the Metropolitan Green Belt and the development would normally constitute unacceptable development. However, the principle of the bagging plant located within an operating quarry has already been established and this application does seek to further develop the site. The application therefore will not adversely affect the openness of the Green Belt any further than current operations do. From this perspective I consider the proposal to be acceptable. The development, however, has the potential to cause an impact upon the amenity of surrounding residents by virtue of noise impact and therefore requires consideration against Policy MN3 of the Structure Plan, Policy CA18 of the adopted Construction Aggregates Plan and draft Policy MDC20 of the submitted Kent Waste Development Framework Primary Mineral Development Control Policies Development Plan Document.

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Impact on adjoining residents

16. The impact of the proposed continuation of extended hours is strongly opposed by the Town Council who refer to the potential loss of amenity to residents in Farm Road and Watercress Drive. In response to the consultation, one resident of Farm Road has also raised objection on noise grounds although it would appear that some of the noise referred to may originate from other activities within the quarry. Several residents from Watercress Drive have also raised noise concerns via the local newspaper.
17. It is clear that the local community has concerns relating to the potential impact of noise during the extended hours. The operators, however, claim not to have received complaints since the extended hours were first approved in 1993 and I have no records of complaints being received by my Group. It should also be noted that the Borough Council, which often comments on such issues, has raised no objection. Similarly, the County Council's noise consultant (Jacobs) has not objected subject to the imposition of an appropriate noise condition.
18. In considering the previous proposals for working the bagging plant after 1800 hours, the advice of the County Council's noise consultant was that a limit of 50dB (LAeq) (1 hour) free field at relevant noise sensitive properties was appropriate on the basis that this was 10dB above the measured background noise level of 40dB in the area during the evening period. As a result, this 50dB limit was imposed by condition on previous permissions. At that time, the relevant minerals policies (e.g. Policy CA18 of the Construction Aggregates Plan) contained no specific noise limits.
19. Since the previous application for extended hours, the County Council has published the first parts of its new Minerals Development Framework (MDF). When formally adopted, these will replace the old Minerals Local Plans. Draft Policy MDC20 of the MDF Primary Mineral Development Control Policies Development Plan Document states that the Mineral Planning Authority (MPA) will require noise associated with mineral development to comply with the following limits outside normal working hours (i.e. outside 0700 to 1800 hours):-
 - evening working (i.e. between 1800 and 2200 hours) not to exceed the background noise level by more than 10dB;
 - night time working (i.e. between 2200 and 0700 hours) not to exceed 42dB L_{Aeq} 1hour (free field).
20. Although not yet adopted as part of the development plan, draft Policy MDC20 is an important material consideration in this case, particularly as the limits are consistent with Government advice in Annex 2 (paragraph 2.19) of Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England. It is clear that a limit of 50dB L_{Aeq} 1hour (free field) would no longer be appropriate after 2200 hours and that a lower limit of 42dB L_{Aeq} 1hour (free field) should be applied if mineral development were to be allowed after this time.
21. Notwithstanding the fact that the applicant has recently carried out works to the building which should reduce the potential for noise leakage from it, in the absence of further detailed noise assessment there can be no guarantee that if a limit of 42dB

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were imposed after 2200 hours that this would be complied with. In this context it should also be noted that some operations take place outside the building.

22. As a result of the recent policy change, I consider that if the bagging plant is permitted to operate after 1800 hours it would only be appropriate to allow this up to 2200 hours with a limit of 50dB L_{Aeq} 1hour (free field) unless the applicant can demonstrate that the 42dB L_{Aeq} 1hour (free field) limit can be achieved during the period 2200 to 2400 hours. At this time, this has not been done.

Other issues

23. I have received one objection from a resident of Otford Road which raises issues relating to import of traffic from the quarry. As the proposal does not alter traffic movements from those currently permitted I do not consider this to be a material issue.

Conclusion

24. Provision already exists for mineral working at this site and the bagging plant has operated during extended hours for over 15 years through various temporary planning permissions, renewed every 3 years. Whilst it is clear that there are concerns from the Town Council and local residents concerning noise impact, given the imposition of appropriate conditions to control noise levels I would conclude that permission could be granted for extended hours for a period which coincides with the estimated life of the site (i.e. the end of 2018) without adversely affecting residential amenity. However, for the reasons set out in paragraphs 18 to 22 I do not consider that it would be appropriate to allow the bagging plant to operate after 2200 hours until such a time as it can be demonstrated that the new 42dB L_{Aeq} 1hour (free field) limit can be achieved during the period 2200 to 2400 hours. I therefore recommend accordingly.

Recommendation

21. I RECOMMEND that:-
 - (A) PERMISSION BE GRANTED to extend the operating hours for the bagging plant for the period between 1800 to 2200 hours, Monday to Friday, during the months from April to September (inclusive) SUBJECT TO conditions which (amongst other things) limit the use of the site for these hours up to 31 December 2018 and restrict noise between these hours to no more than 50dB L_{Aeq} 1hour (free field);
 - (B) PERMISSION BE REFUSED for the proposed extended operating hours for the bagging plant between 2200 and 2400 hours on the grounds that the applicant has not demonstrated that the required 42dB L_{Aeq} 1hour (free field) limit can be achieved between these hours; and
 - (C) that the applicant BE INFORMED that should it be able to satisfactorily demonstrate that the new 42dB L_{Aeq} 1hour (free field) limit can be achieved during the period 2200 to 2400 hours, the County Council may favourably view an application to extend the hours during this period on a similar basis subject to the imposition of such a limit.

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Background Documents: see section heading.