

Item C2

Change of use from storage of empty skips and associated plant to storage and processing of waste within an existing barn at Cleve Hill Farm, Cleve Hill, Graveney - SW/21/503467 (KCC/SW/0081/2021)

A report by Head of Planning Applications Group to Planning Applications Committee on 13 October 2021.

Application by K & S Services South East Limited for a change of use from storage of empty skips and associated plant to storage and processing of waste on site within an existing barn at Cleve Hill Farm, Cleve Hill, Graveney, Kent, ME13 9EE - SW/21/503467 (KCC/SW/0081/2021).

Recommendation: Permission be granted, subject to conditions.

Local Member: Mr R. Lehmann

Classification: Unrestricted

Site

1. The application site comprises a modern farm building (barn) located on the western edge of a complex of buildings that forms part of Cleve Hill Farm, a small area of hardstanding in front of the barn and an associated private access road. Cleve Hill Farm is in a remote location within open flat countryside, surrounded by marshland / farmland. The site is 3 km northeast of Faversham, 3.2km west of Seasalter and 1km northwest of Graveney village. East of the farmyard is the London Array Electrical Substation, which sits within a large secure compound associated with the windfarm in the Thames Estuary. The substation and farmyard benefit from a purpose-built access road that connects both to the public highway (Seasalter Road). The access road replaces the older and narrow access via Cleve Hill Lane to the south. A small number of residential properties are located to the southeast along Cleve Hill Lane, the closest of which is 130m from the application site on the far side of the farmyard buildings. Large areas of the surrounding farmland (to the north and west) form part of the yet to be developed Cleve Hill Solar Park, which was permitted as a National Significant Infrastructure Project (NSIP) by Central Government on 28th May 2020.
2. The building proposed to be used is a large agricultural barn, measuring 30m x 30m x 8m to the eaves, with 900m² of floorspace. It is finished in grey metal sheeting and is one of a matching pair of buildings erected as agricultural stores. The application building has a temporary planning permission for a change from agricultural to a storage use. Until recently this building was used by another waste operator to store skips, plant and equipment. The adjoining building appears to remain in agricultural use. These form part of a complex of agricultural / industrial type buildings in the surrounding farmyard, the majority of which benefit from planning permissions for B1 (industrial) or B8 (storage) uses (see the Background section below).
3. The public highway east of the site access (Seasalter Road) leads to Seasalter and Whitstable. This road passes under a rail bridge just before Seasalter. The public highway narrows to single lane under the bridge and is subject to a 3.5m (11ft 6) height restriction. The public highway south of the access road (Seasalter Road / Head Hill Road) passes through the villages of Graveney and Goodnestone before connecting with the Thanet Way (A229) 3km to the south. Seasalter Road / Head Hill

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Road are small two-lane country roads with occasional pinch points where they pass through the villages. Graveney Primary School is positioned along this route. Seasalter Road / Head Hill Road are a bus route and form part of National Cycle Route 1. Monkshill Road is narrow country lane that connects Seasalter Road (south of the application site) with a further junction with Thanet Way 2.5km to the east. Seasalter Road / Head Hill Road and Monkshill Road are designated in the Swale Local Plan as Rural Lanes (Policy DM26).

4. The application site and existing farm building lie immediately adjacent to a Flood Zone 3a¹ and partly with a Flood Zone 2² at increased risk of tidal flooding. The site and surrounding area benefit from existing flood defences. The Swale Local Plan Proposals Map identifies that the site lies within a Coastal Change Area (Policy DM23) and an Area of High Landscape Value (Policy DM24). The Swale Special Protection Area (SPA), Ramsar and SSSI are located to the north, east and west of the site, approximately 670m from the farm buildings at the closest point. The existing private access road passes south of the above designated sites. Overhead power lines pass north of the site east to west.
5. Other relevant planning policies and designations are identified in the Policy section below.

Background / Recent Site History

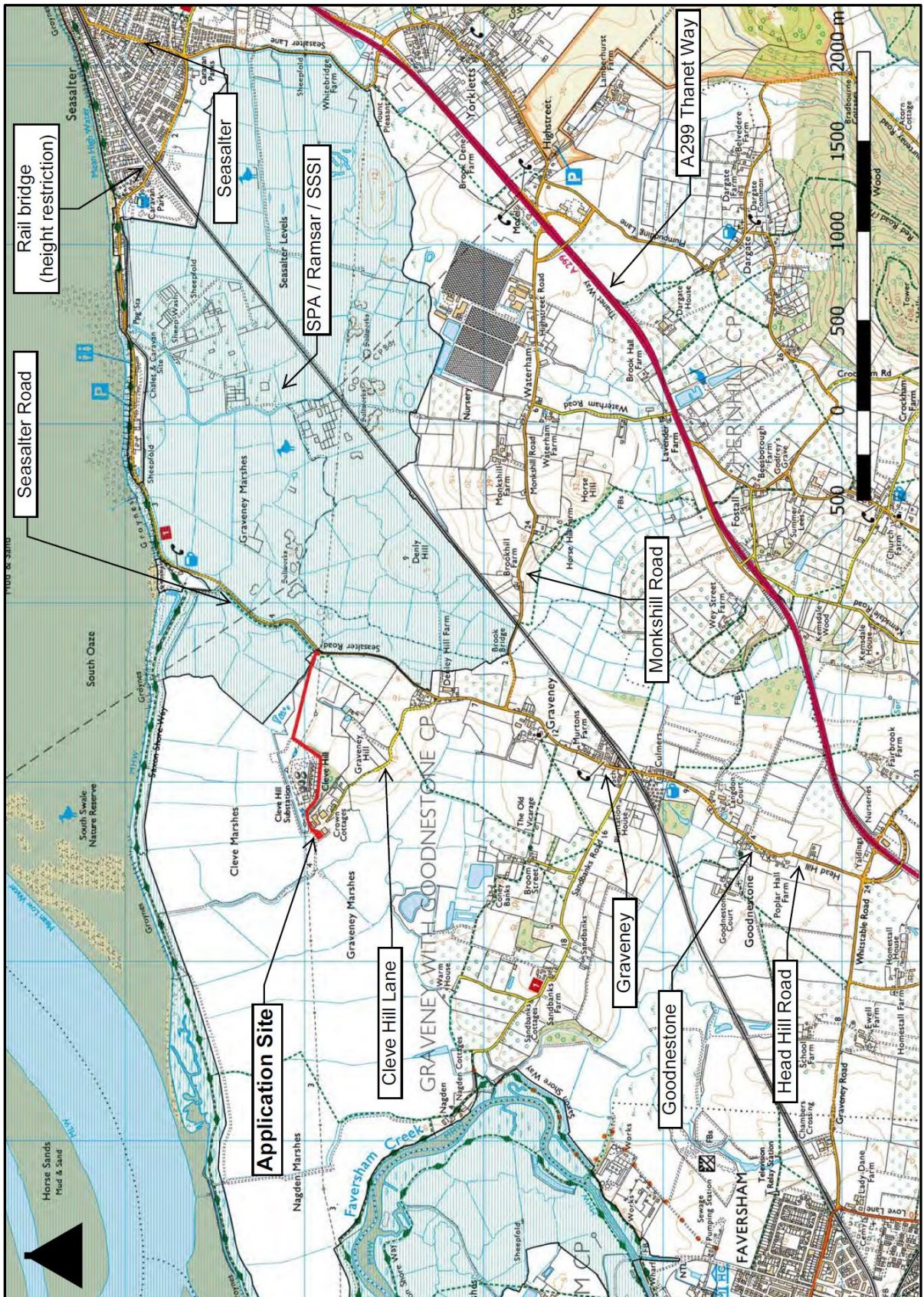
6. Planning permission SW/05/1007, granted by Swale Borough Council on 22 September 2005, allowed the development of two straw storage barns in association with the agricultural use of Cleve Hill Farm. The northern of the two buildings is the subject of this application.
7. More recently, under reference 19/503442/FULL, Swale Borough Council granted retrospective planning permission for a temporary change of use of the building from an agricultural use to a B8 storage use. This temporary permission was sought by the previous tenant (a local recycling company) specifically for the storage of empty skips, plant and equipment. This permission remains extant, with the use due to cease on 10th October 2022. Planning permission was granted subject to several conditions including:
 - the above timeframe (following which the use would revert to agricultural);
 - no use other than for storage (B8) or agricultural;
 - no access via Cleve Hill Lane;
 - operating hours between 9:00 and 18:00 hours weekdays only;
 - no external floodlighting or security lighting;
 - no external storage;
 - no more than 20 Heavy Goods Vehicle (HGV) movements on any day (10 in / 10 out); and
 - all loading and unloading to take place inside the building

¹ Flood Zone 3a - Land having a 1 in 100 or greater annual probability of river flooding; or Land having a 1 in 200 or greater annual probability of sea flooding.

² Flood Zone 2 - and having between a 1 in 100 and 1 in 1,000 annual probability of river flooding; or land having between a 1 in 200 and 1 in 1,000 annual probability of sea flooding.

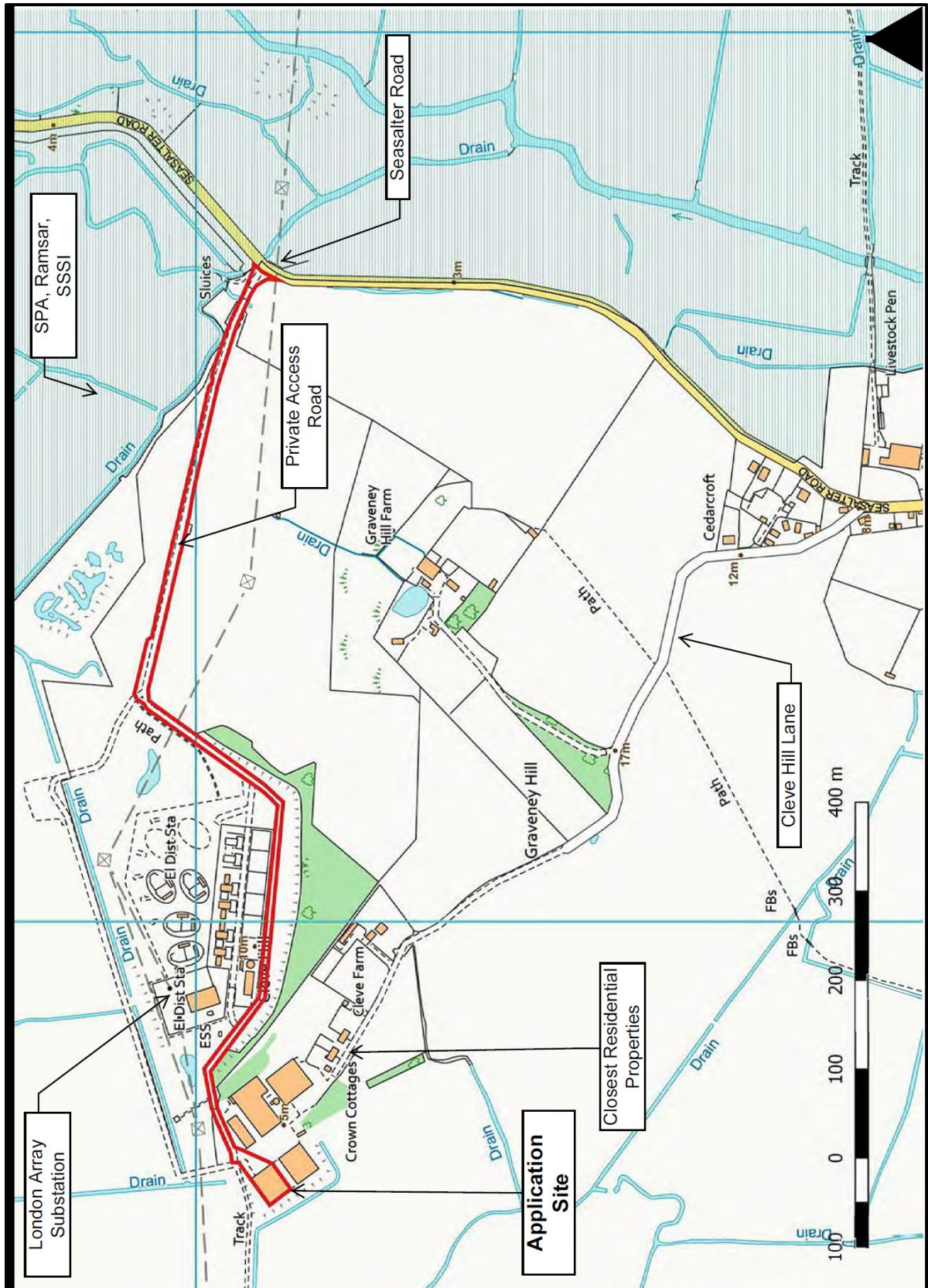
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General Location Plan



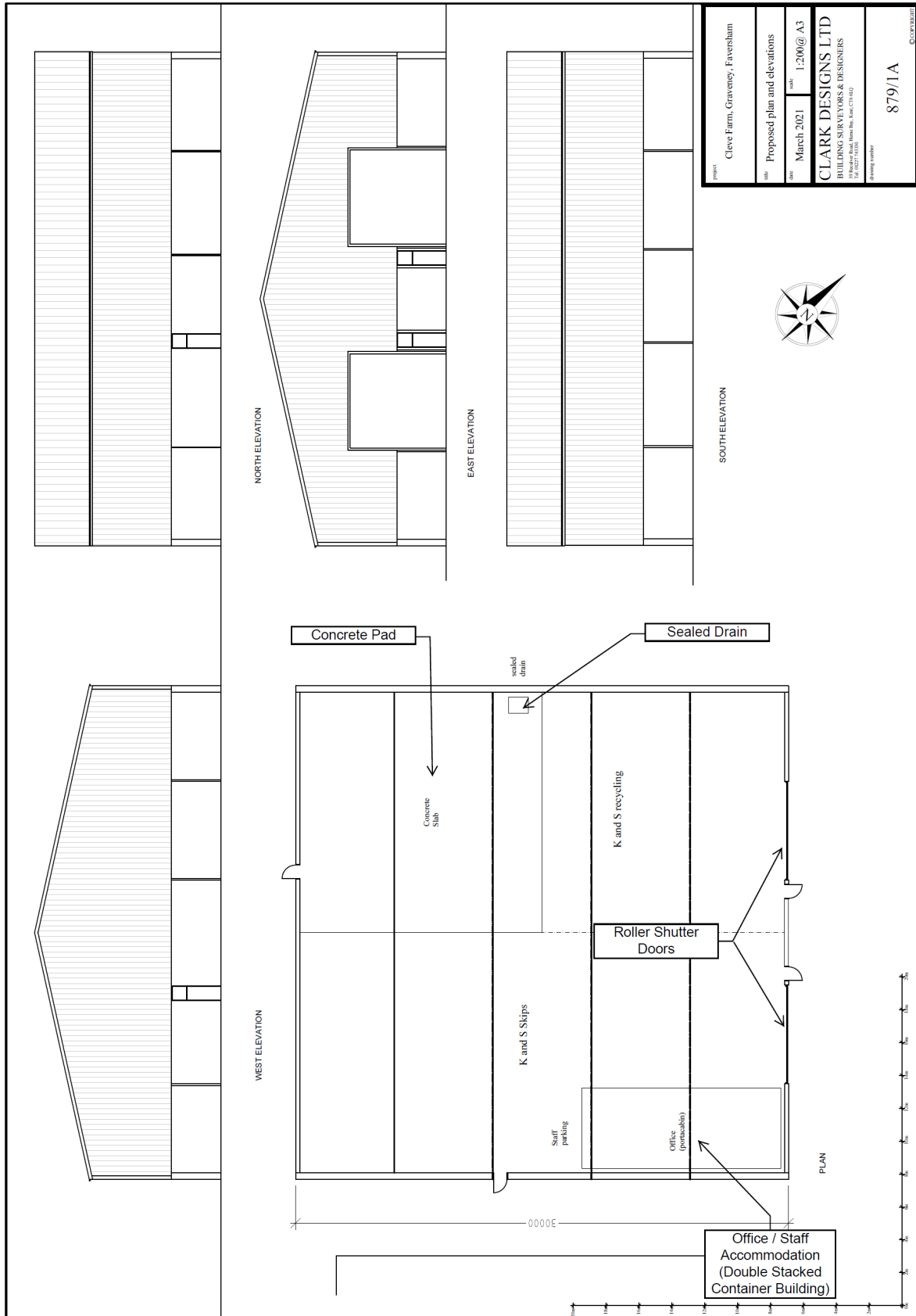
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Site Location Plan



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Site (Internal Building) Layout Plan



Project	Cleve Farm, Graveney, Faversham
Title	Proposed plan and elevations
Date	March 2021
Scale	1:200 @ A3
CLARK DESIGNS LTD BUILDING SURVEYORS & DESIGNERS <small>17 The Old Rectory, High Street, Faversham, Kent, CT16 3JG</small> <small>01795 546474</small>	
Drawing Number	879/1A
Client	Graveney

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8. The previous tenant has since vacated the building and the applicant K&S Services has taken up the lease. K&S Services can operate the skip hire element of its business within the building under the above permission provided it accords with the relevant conditions and no waste is imported to site. Works within the building on the concrete pad and drainage to prepare the site for the proposed use were underway when officers visited the site and are now largely complete
9. Within the surrounding farmyard, planning permission SW/12/1585, granted by Swale Borough Council on 15 March 2013, provided for a change of use and the conversion of existing farm buildings (opposite the application building) to four 100sq m industrial units (Use Class B1 and B8) with associated parking. The permission was granted subject to conditions including:
 - measures to manage any existing contamination (including asbestos)
 - details of foul and surface water drainage;
 - hard and soft landscaping;
 - use of the buildings restricted to B1 (industrial) and B8 (storage);
 - no access via Cleve Hill Lane;
 - operating hours restricted to 07:00 to 18:00 hours Monday to Friday and 08:00 to 16:00 hours Saturdays;
 - no floodlighting;
 - no external storage; and
 - retention of parking provision.
10. Permission SW/12/1585 is not subject to any specific controls on the number of highway movements associated with the use(s). The application indicated that the existing agricultural use had the potential to generate approximately 8 vehicle movements a day (including tractors and trailers), with the proposed (now permitted) use(s) expected to generate approximately 25 movements per day.
11. Prior Approval 15/502904/PNMCLA was issued by Swale Borough Council on 29 May 2015 for a change of use of another agricultural building to provide three more B1 - business units. This approval is subject to no access via Cleve Hill Lane and the use restricted to 07:00 to 18:00 hours Monday to Friday and 08:00 to 16:00 hours Saturdays. No other restrictions are imposed on this use.
12. Planning permission SW/05/0762 was granted on appeal by the Secretary of State on 21 August 2005 for the nearby London Array Substation (Appeal reference APPN2255/ A/06/2024515/NWF). The permission allowed for the construction of: (a) a substation at Cleve Hill and associated construction facilities; (b) associated earthworks; (c) access road; and (d) laying up to 6 cables from the substation to the limits of Swale Borough Council's jurisdiction in The Swale. This facility was constructed to serve the London Array offshore wind farm. The development comprises a large secure compound immediately to the east of the application site and farmyard, and consists of a control building, transformers, substation, and other associated infrastructure connecting the wind farm to the national grid. The development included the above-mentioned purpose-built private access road out to Seasalter Road. This route also serves the farmyard, which retains a right of access along the route.
13. A Development Consent Order (Statutory Instrument 2020 No. 547 Infrastructure Planning The Cleve Hill Solar Park Order 2020) was made by the Secretary of State

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on 28 May 2020 for a nationally significant infrastructure project on 491.2ha of open farmland (surrounding the application site). This was subsequently corrected by the Cleve Hill Solar Park (Correction) Order 2021. The Order allows the development of a solar farm consisting of a ground mounted solar photovoltaic generating station with a gross electrical output capacity of over 50 megawatts, an energy storage facility with a capacity of over 50 megawatts, flood defences and associated development and infrastructure works. If implemented the development would take most of the farmland surrounding the application site. The Order requires various development details to be submitted to Swale Borough Council for approval prior to commencement of the development, including, amongst other matters, a construction traffic management plan. An outline scheme was submitted with the application, which anticipated a 24-month construction phase with an average of 62 HGV movements and 90 LGV movements per day during this initial period. Once complete operational traffic is anticipated to reduce to minimal levels associated with operational maintenance. At the time of writing this report, Swale Borough Council has discharged the requirements for archaeological works under the Order; the other requirements have yet to be submitted.

Proposal

14. K&S Services South East Limited are seeking planning permission for a change of use of an existing barn from storage of empty skips associated plant and equipment to storage and processing of skip waste within the building. This change would enable K&S Services to move its small family run skip hire business based in Herne Bay to the application site. K&S Services plans to continue to operate in this way. The business involves the hiring out of skips to residential properties and other small businesses in the local area. The proposed use would allow the storage of skips and associated plant / vehicles within the building in a similar fashion to the extant permission (19/503442/FULL). At present the business transports the full skips to other licenced waste management facilities. The proposed use would allow mixed skip loads to be transported to site to be sorted into other skips, to be bulked up and transferred for recycling. A small quantity of residual waste would be sent for disposal.
15. The application proposes:
 - Operating hours between 08:00 and 17:30 hours on Monday to Fridays only.
 - A maximum waste throughput of 4,000 tonnes per year (the application as initially submitted indicated 2,500 – 3,500tpa).
 - A maximum of 30 HGV movements per day (i.e. 15 HGVs In / 15 HGVs Out).
 - Access to the site via the purpose-built private access road serving the nearby substation and surrounding farmyard and other industrial uses.
 - Only vehicles operated by K&S Services would be used to deliver and/or export material. No other companies or members of the public would transport waste material to or from site.
 - 3 or 4 HGVs would be based / operate out of the site. The applicant indicates it has no plans to expand this number. All HGVs would be parked within the building.
 - HGVs would avoid driving through Graveney at peak school travel times (8.30am to 9.30am and 2.45pm – 4.00pm weekdays during school term times).

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- All loaded HGVs entering or leaving the site shall be enclosed, covered, or sheeted.
 - The development would use an existing farm building (as described above). The building measures 900m² (30m x 30m x 8m to the eaves).
 - All activities would take place within the existing building, including storage of skips, plant and equipment, all loading, unloading, sorting and storage of waste prior to dispatch. No activities or uses are proposed outside of the building.
 - Waste would be sorted by hand with the assistance of mobile plant / machinery.
 - The type of waste received would be skip waste, including wood, metal, cardboard, soil, hardcore, UPVC and green waste.
 - The site would employ 5 members of staff.
 - A sealed concrete pad would be provided within the building. This would be designed to include suitable falls to ensure it drains to a sealed underground storage tank with adequate capacity to accommodate the anticipated runoff.
 - The storage tanks would be emptied as required on a regular basis for disposal at a licenced disposal facility. Records would be kept demonstrating the regular maintenance and upkeep of the surface water drainage system and storage tanks.
 - All incoming waste would be deposited on the concrete pad with no waste or sorted material to be deposited, sorted or stockpiled on any ground that does not form part of the sealed concrete surface.
 - All sorted waste / recyclables would be stored either on the concrete pad or kept in containers / skips.
 - A two storey portacabin providing office, storage and staff welfare facility would be positioned inside the building (please see attached layout plan).
 - Foul drainage from the office and toilet facilities would be connected to a new sealed underground cesspool / storage tank. This cesspool would be emptied and maintained on a regular basis.
 - Other than low-level external lighting proposed to entry and exits to the building and low-level security lighting, no changes, alterations, or improvements are proposed to the exterior of the building.
16. In response to comments from officers and consultees the applicant has provided the following additional / supporting information:
- Clarified that the building would be large enough for the lorries to drive in and out, to load / unload.
 - Confirmed the roller shutter doors would be kept closed and only opened to allow vehicles to enter / leave the building.
 - Confirmed that a dust suppression system is proposed inside the building to mitigate any dust generated.
 - All staff would wear suitable dust marks as necessary when working inside the building.
 - The total waste throughput would be 4,000 tonnes per annum. All heavy hardcore waste materials would be collected at source and transported direct to a different licenced waste recycling centre. Only lighter mixed recyclable materials would be returned to the application site to be sorted. The applicant states that experience suggests these skips generally weigh 1 tonne or less. Based on a maximum of 15 tonnes per day (15 loads) over 261 working days this would equate to approximately 3,915 tonnes per annum.

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- Confirms that the existing HGV fleet consists of 2no 18T lorries 3.2m in height and 1no 13T lorry 2.8m in height. Advising that all 3 lorries can pass under the 3.5m height restriction on Seasalter Road travelling to the north-east.
- All vehicles would access the site via the London Array access road, no vehicles would use Cleve Hill Lane.
- K&S Services preferred route for most lorry movements would be heading towards Seasalter, if traveling to Canterbury they would use Monkshill Road, and if travelling towards Faversham they would use Seasalter Road via Graveney. As confirmed above, drivers would endeavour to avoid school drop off / collection times.

Planning Policy

17. The Government Guidance and Development Plan Policies summarised below are relevant to the consideration of this application:
18. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (2021) (NPPF), the associated National Planning Practice Guidance (NPPG), the National Planning Policy for Waste (NPPW) and the Waste Management Plan for England (2021) (WMPE). National Planning Policies and Guidance are all material planning considerations.
19. **Kent Minerals and Waste Local Plan 2013-30 (2020) (KMWLP)** – Policies: CSW 1 (Sustainable Development), CSW 2 (Waste Hierarchy), CSW 4 (Strategy for Waste Management Capacity), CSW 6 Location of Built Waste Management Facilities), CSW 7 (Waste Management for Non-hazardous Waste), CSW 8 (Recovery Facilities for Non-hazardous Waste), DM 1 (Sustainable Design), DM 2 (Environmental and Landscape Sites of International, National and Local Importance), DM 3 (Ecological Impact Assessment), DM 10 (Water Environment), DM 11 (Health and Amenity), DM 12 (Cumulative Impact), DM 13 (Transportation of Minerals and Waste) and DM 16 (Information Required In Support of an Application).
20. **Bearing Fruits 2031: The Swale Borough Local Plan (2017) (SLP)** – Policies: ST1 (Delivering sustainable development in Swale), ST3 (The Swale settlement strategy), ST7 (The Faversham area and Kent Downs strategy), CP1 (Building a strong, competitive economy), CP5 (Health and wellbeing), CP7 (Conserving and enhancing the natural environment), DM3 (The rural economy), DM6 (Managing transport demand and impact), DM7 (Vehicle parking), DM14 (General development criteria), DM16 (Alterations and extensions), DM19 (Sustainable design and construction), DM21 (Water, flooding and drainage), DM23 (Coastal change management), DM24 (Conserving and enhancing valued landscapes), DM26 (Rural lanes), DM28 (Biodiversity and geological conservation) and DM31 (Agricultural land).

Consultations

21. **Swale Borough Council (SBC) – object to the application.** SBC's objections and comments are summarised below:
 - SBC consider that the key issues are the rural economy, residential amenity, and highway safety. It notes that re-use of an existing rural building is normally

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acceptable if there are no unacceptable environmental consequences, most commonly traffic levels and/or noise.

- As a use contained wholly within the building on a site separated from residential properties, noise should not be a problem, especially during the operating hours proposed.
- SBC note that traffic matters are most significant and ask that the County Council carefully considers the local knowledge imparted by the Parish Council.
- Routes to and from the site are designated as “rural lanes” under policy DM26 of SLP. The site is approximately two and a half miles from the A299 Thanet Way and over three miles from the A2 and M2. Routes along either Seasalter Road and Head Hill Road or Monkshill Road are much smaller, quieter, and narrower roads.
- SBC has concerns about highway safety and amenity from use of Monkshill Road by HGVs. However, it acknowledges that other larger vehicles use the road; mainly agricultural vehicles, and traffic is fairly limited in volume on this road.
- Seasalter Road and Head Hill Road is a wider (rural) route, with two-way traffic. It is the route used by the London Array for construction and the proposed Cleve Hill Solar Park construction traffic route. This has led to it being the subject of intense scrutiny and concern over recent years. It is not normally free of HGV movements, but the major construction projects above have been predicted to create significant extra HGV movements and this has raised significant local concern.
- Considers that up to 3,500 tonnes and 125 vehicle movements a day is a substantial increase on the current operation. The site, a remote location in the open countryside, is not a suitable location for waste processing on the scale proposed. The distance that HGVs would have to travel on rural lanes and the number of HGV movements required would have an adverse impact on this rural area.
- Notes the application documents are contradictory and contain errors.
- The reasons given against the need to undertake noise and dust assessments appear to be that the processing would take place entirely within the confines of the existing barn. Requests that careful consideration be given to the practicality of the intended operations being carried out wholly within the building. SBC has doubts given the intended scale of the operation that it could be able to take place within the single barn with the doors closed whilst maintaining reasonable working conditions. Notes that five staff would sort up to thirteen tonnes of waste per day by hand, including tipping of waste with the doors closed.
- If the County Council are not minded to refuse the application on highway grounds, SBC considers the best solution would be to ensure that the number of vehicle movements is strictly limited by a condition to limit any potential harm to an acceptable level including in relation to highway safety and amenity.
- All traffic should use the London Array access road and not the narrow and wholly unsuitable Cleve Hill Lane for access to the site.
- Requests that the conditions imposed on the extant permission are re-imposed to ensure that the impacts of the new use are contained within the building and to appropriate times of day.
- The granting of a temporary planning permission may also be a useful safeguard in this delicate situation.

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22. Graveney with Goodnestone Parish Council (GGPC) – object to the application.

GGPC's objections can be summarised as follows:

- GGPC recognise that recycling of waste materials is environmentally desirable, and that the applicants are a well-respected family business, however it considers the location is entirely unsuitable.
- Considers that the proposed throughput of 3,500tpa would be impossible to process within the confines of the barn, especially considering the 8-ton plant and delivery vehicles proposed. Considers it likely that activity would spill outside, causing increased dust, noise and nuisance to nearby residents.
- Considers a throughput of 3,500tpa appears to be an underestimate. Suggests that 30 movements per day (15 loads) at 3 tonnes per skip would generate an annual tonnage of around 11,700tpa, which could be higher with larger skips.
- GGPC has confirmed with the EA that the EA location screening referred to in the application is an automated screening carried out using an online application and can only determine if a location is suitable in principle (*in relation to the Environmental Permitting process*).
- With the imminent imposition of a large and highly opposed solar park in the immediate vicinity, residents feel that Graveney is becoming a 'dumping ground' for developments that have adverse environmental impacts and that they have been ignored in their protests. Considers that the smaller scale of the development in the context of the surrounding solar park, substation and other commercial activity at Cleve Hill Farm should not be a reason for justifying another unwanted development in the village.
- Raises concerns about contradictions in the application documents regarding the number of vehicle movements. Notes the amendment email submitted on 6 July states a maximum of 30 HGV movements per day. Based on an average 8-hour day, notes 30 movements would mean a vehicle roughly every 16 minutes. Considers this would have significant impacts on nearby residents and the village through immense noise and disruption.
- Notes the road out to the A229 is narrow in places, and without a pedestrian footpath for much of it, with sections where two HGVs are not able to pass. Considers an increase in large heavy vehicles would make walking through the village dangerous.
- Considers additional HGV traffic would exacerbate highway safety concerns along the access route.
- Notes that Seasalter Road is part of National Cycle Route 1. Given that Swale Borough Council has declared a Climate Emergency and is actively looking at ways to encourage less car use and more trips by bicycle, considers permitting a development which would make the road much more hazardous for bike users seems to directly oppose this policy.
- Raises concerns that the application claims there is no known risk of flooding and that it is not considered relevant to carry out a detailed flood risk exercise. Notes that local residents have been flooded on numerous occasions.
- Notes the surrounding land has significant value for nature conservation. Considers it is nonsensical to suggest that additional HGV movements and the inevitable overspill outside of the barn would have no adverse impact on the landscape and the wildlife.

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- Raises concern that the application references vehicle access via the London Array access road and also via Cleve Hill. Notes that Cleve Hill is totally unsuitable and would cause amenity impacts to properties adjacent to the road.
- Raises concern that the development has the potential to eventually expand and considers the assessment based on current levels of operation are inaccurate and irrelevant and the supporting statements are inconsistent and contradictory.
- Concerns about adverse impacts from the noise, dirt or traffic generated.
- Considers the application represents an industrial use in open countryside that would be better suited to a site with better road access and where the impact on wildlife and residents would be lower.
- Should the County Council be minded to approve the application despite the objections raised, GGPC request that certain conditions are imposed. The recommended conditions are:
 - No use of Monkshill Road by the operator's vehicles – this single-track road has few passing places, and is already hazardous, being frequently used as an alternative route whenever the A299 has closures in this area.
 - GGPC note the operator has now undertaken to avoid vehicle movements during peak school hours in the morning and afternoon. It suggests that there should be no vehicle movements earlier than 8am or later than 5.30pm to reduce noise impact on nearby properties.
 - GGPC requests that consideration be given by the applicant and/or KCC Highways to the creation of a safe footpath through the areas of the village where none currently exists.

23. Environment Agency (EA) – no objection, subject to the following comments:

Flood Risk – the EA has no objections on flood risk grounds.

Groundwater and Contaminated Land – given the scale and setting of the proposed operations and the fact the site, if granted permission, would be subject to an Environmental Permit covering drainage, surfacing, materials management and environmental monitoring, the EA has no detailed comment to make at the planning stage with regards to groundwater protection. The EA note that foul drainage arrangements would need to connect to a sewer or meet the General Binding Rules for non-mains drainage or have a permit to discharge.

Environmental Permit – the development would require an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12. The applicant has received pre-application advice as to which permit may be suitable to undertake the waste activity proposed within the planning application. The required permit must be in place prior to commencing the waste activities.

24. Natural England (NE) – raises no comments.

NE state that the lack of comment does not imply that there are no impacts on the natural environment, only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. NE advise that it is for the county planning authority to determine whether this application is consistent with national and local policies on the natural environment.

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25. **Kent Ecological Advice Service (EAS) – no objection.**

The proposed development is within 1km of the Swale SPA, Ramsar and SSSI and directly adjacent to functionally linked habitat associated with the designated sites. *(Functionally linked land is land which is not within the designated sites but is used by species associated with the designation.)*

The EAS has considered if the proposal is likely to have a significant effect on the designated site. As the proposal would be carried out completely within the confines of an existing building, within an existing industrial estate and the proposal would not result in a significant increase in vehicle movements, the EAS are satisfied that the proposal would be unlikely to have a significant impact on the designated sites.

The EAS are satisfied that no ecological information is required to assess the impact of the proposal on the designated sites. The EAS advise that as no mitigation is required to avoid an impact on the designated sites a Habitat Regulations Assessment (HRA) is not required.

26. **Kent County Council Highways and Transportation (KCC H&T) – no objection, subject to conditions.** KCC H&T's comments as follows:

Further supporting detail and calculations have been provided to demonstrate that the volume of material expected to be processed on the site would generate the proposed 30 HGV vehicle movements per day, and KCC H&T are satisfied that the methodology used to estimate the trip attraction is appropriate. This would generate a further 5 arrivals and 5 departures per day over the 20 HGV movements per day restriction that the Borough Council has already permitted on the application site.

The applicant has confirmed that the maximum height of any vehicle it uses is 3.2m, so the entire fleet would be able to route north under the 3.5m height restricted railway bridge via Seasalter. Consequently, the additional movements would be expected to distribute either north or south of the site along Seasalter Road, depending upon the origin or destination of the journey, and would therefore not all be concentrated along the same stretch of Seasalter Road.

KCC H&T does not consider that the additional 10 movements per day distributed across the highway network could be deemed as severe under the appropriate test detailed within the National Planning Policy Framework and note that clarification has been given that access to the site would be taken via the London Array service road, rather than using Cleve Hill.

As per the previous approval, it would be appropriate to secure the access arrangements and vehicle numbers to reflect what has been suggested by the applicant within their supporting information. Consequently, the Highway Authority raise no objection to the proposals provided that the following requirements are secured by planning condition or legal agreement:

- Maximum throughput 4,000 tonnes per year;
- Premise not to be used other than for the purposes of applied for;
- A total of 30 heavy goods vehicle movements per day (15in / 15out);
- Records of all HGV movements to be maintained;

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- Access to the site limited to the road serving the London Array Substation only (i.e. not via Cleve Hill);
- As set out in the application, all HGVs should avoid driving through Graveney at peak school travel times (i.e. 8.30am to 9.30am and 2.45pm – 4.00pm weekdays during school term times); and
- No waste shall be delivered to site by members of the general public.

27. **National Grid** – no response received.

Local Member

28. The local County Member for Swale East, Mr R. Lehmann was notified of the application on 21 June 2021.

29. Mr Lehmann responded raising **an objection to the application** on the following grounds:

“I am pleased to see that a clarifying document has been added to this application which has clarified some of the discrepancies in the various application statements, but I still have some strong reservations about the numbers given which I think are grounds enough for the application to be turned down.

Number of vehicle movements

At various points in the application, the number of vehicle movements is stated to be 25 per week, between 25 and 125 per day and finally in the additional supporting document of 6 July, up to 30 HGV movements per day (15 in/15 out).

I am pleased to see that the supporting document states that they would avoid driving through Graveney during peak school traffic times, but still have concerns about this level of HGV traffic on a country road which has a couple of sections too narrow for cars to pass each other and many areas too narrow for two lorries to comfortably pass.

In my councillor role I have received correspondence from residents in Graveney who feel that there is already too much traffic on the Seasalter Road, which gets busier with each passing year as a result of the high level of housebuilding in the area. I fully support the sorting of waste to increase the levels of materials sent for recycling but feel a site closer to a primary road would be a far more suitable location for this type of business both to avoid additional miles of HGV traffic and to avoid negatively impacting on a quiet village, most of which is adjacent to the Seasalter Road.

Practicalities of the waste processing as described in the application

The reasons given against the need to undertake noise and dust assessments appear to be that the processing will take place entirely within confines of the existing barn (with Item 9 on the supporting statement stating 'enclosed building' suggesting that the doors will be closed while any work is undertaken).

Based on figures given across in the application, this suggests that five members of staff will be able to sort up to thirteen tonnes of waste per day by hand, only working while the barn doors are closed. And that the tipping of wood, metal, cardboard, soil and hardcore will take place within the barn while the doors are closed.

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Having worked in the waste industry for a period in the mid-2000s, I feel that this description is an unrealistic and would either not be viable to achieve or would not be a humane working environment for the staff.”

Publicity

30. The application was publicised by the posting of a site notice and an advertisement in a local newspaper.

Representations

31. In response to the publicity, 1 letter of objection and 1 letter commenting on the application have been received from the local community.

The key points raised can be summarised as follows:

- Requests that consideration be given to new signage on Seasalter Road indicating there is no access to Cleve Hill Farm from Cleve Hill Lane. Residents advise that HGVs try to use Cleve Hill and are getting stuck unable to access the farm or to turn around.
- Supports diversification of redundant farm buildings, however, in this case feels the change would not help enhance the vicinity and would be detrimental to a large area.
- Raises concern that the application is unclear about the numbers of HGV movements and the route vehicles would travel to access the site.
- Objects to the application on highway safety grounds. Notes that the villages of Graveney and Goodnestone are ribbon developments along a narrow road and there are several sections with insufficient room for two large vehicles to pass and few footpaths along the route through the villages.
- Considers that there is only one practical route to the site via Seasalter Road / Head Hill Road through the villages. Considers that the height restriction on rail bridge on Seasalter Road would limit HGVs travelling from the site toward Seasalter. Notes that Monkshill Lane is only wide enough for one car in places so is not a suitable option either.
- Notes that the Graveney Primary School is on the access route and that additional HGV movements would increase the danger to pedestrians walking on the highway to school, particularly where there are no footways along the highway.
- Notes that Seasalter Road forms part of the National Cycle Route 1, which is not suitable for frequent HGV movements.
- Suggests that, should the Council be minded to approve the application, some form of s106 agreement be put in place to optimise the footpath network through the village to help ensure the safety of all residents and visitors to the marshes.
- Concerns about the potential for future expansion of any permitted waste use resulting in increased development and disruption to the surrounding environment.

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Discussion

32. In considering this proposal, regard must be had to the Development Plan Policies outlined in the Planning Policy section above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, the proposal needs to be considered in the context of the Development Plan Policies, Government Policy and Guidance and any other material planning considerations.
33. In my opinion, the key material planning considerations in this case can be summarised by the following headings:
- Need / Principle of the Development;
 - Highways and access;
 - Water resources and flood risk;
 - Nature conservation;
 - Local amenity considerations (including air emissions, dust, noise, litter); and
 - Landscape and visual impacts.

Need / Principle of the Development

34. The National Planning Policy Framework (NPPF) sets out national policy on achieving sustainable development, including the three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways. The presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay. It states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development. The presumption in favour of sustainable development only exists where the development would not have significant effects on European Designated Habitats.
35. The National Planning Policy for Waste (NPPW) states that positive planning plays a pivotal role in delivering the country's waste ambitions through delivery of sustainable development and resource efficiency, including driving waste management up the waste hierarchy; recognising the positive contribution that waste management can make to the development of sustainable communities; enabling waste to be disposed of in line with the proximity principle; helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment, amongst other matters. The NPPW seeks planning authorities to consider a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together and with complementary activities. It also encourages giving priority to the re-use of previously developed land, sites identified for employment uses, and redundant agricultural and forestry buildings and their curtilages. Paragraph 7 requires the suitability of waste sites to be assessed against criteria set out in Appendix B of the policy document (these criteria are considered in more detail in the sections below).

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36. The Waste Management Plan for England (2021) sets out Government's objectives to move towards a zero-waste economy as part of the transition towards a sustainable economy. It also promotes the waste hierarchy as a guide for sustainable waste management. The hierarchy gives top priority to waste prevention, followed by preparing for re-use, then recycling, other types of recovery and last of all disposal (landfill).
37. Policy CSW1, CSW2 and CSW4 of the Kent Mineral and Waste Local Plan (KMWLP) reflect the national requirements on sustainable waste development, including driving waste management up the waste hierarchy, and providing sufficient capacity to meet waste arising in Kent, plus some residual non-hazardous waste from London. Policy CSW7 (and the associated preamble) make it clear that in terms of additional waste management capacity there is no intention to restrict the amount of new capacity for recycling or preparation of waste for reuse or recycling provided it moves waste up the hierarchy and recovery of by-products and residues is maximised. The KMWLP indicates this approach will reduce the amount of Kent waste going to landfill and so conserve existing non-hazardous landfill capacity for any waste that cannot be reused, recycled, composted or recovered. Policy CSW6 of the KMWLP, subject to other environmental criteria (considered in more detail in the Sections below), provides support for the location of waste development within existing industrial estates, other previously developed, contaminated or derelict land not allocated, and redundant agricultural and forestry buildings and their curtilages.
38. Policies ST1, ST3 and ST7 of the Swale LP seek development that accords with the Borough Council's settlement strategy, which seeks to restrict development outside the built-up area boundaries, unless supported by national planning policy and where it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings, and the vitality of rural communities. Policies ST7, CP1 and DM3 seeks to support a strong, competitive economy, including the sustainable growth and expansion of business in rural areas. These policies seek to guide development towards existing employment sites, industrial areas or re-use of existing buildings or other previously developed land. Where suitable sites at the above locations are not available, provided the development plan policies are not significantly compromised, Policy CP1 guides development towards extensions to existing employment sites and sites well related to the primary road network. Policy DM3 seeks the design and layout of development to be sympathetic to the rural location and appropriate to their context, result in no significant harm to the historical, architectural, biodiversity, landscape or rural character of the area; and avoid scales of traffic generation incompatible with the rural character. Policy DM31 seeks to protect agricultural holdings.
39. Despite raising objections to the application, Swale Borough Council comments confirm that the re-use of an existing rural building is normally acceptable if it has no unacceptable environmental consequences. These consequences commonly relate to traffic levels or noise. Comments received from the Parish Council, and the local County Member, recognise that recycling of waste materials is environmentally desirable, however they consider the location unsuitable and feel it should be located closer to the primary road network.
40. The development would involve the reuse of a former agricultural building which already has a Borough Council permission for a commercial use. The building has not

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been used recently for agricultural purposes and the recent Secretary of State decision on a surrounding solar farm further reduces its potential value in supporting local agriculture. Other buildings within the farmyard have diversified into industrial / commercial uses. I am content that Government and Development Plan policies provide 'in principle' support for the waste use, on the basis that the proposals would add to the county's capacity to manage waste by diverting material that would otherwise end up in landfill and adding to recycling rates by preparing the waste and in so doing helping it to be moved up the waste hierarchy. The development would be small in scale and would allow an existing family run business to continue to manage local skip waste streams, whilst supporting the rural economy. The 'in principle' support is subject to the application according with other development plan policies, which are considered in more detail within the sections below, including consideration of the impact on the highway network and other environmental and amenity matters.

Highways and access

41. Government Policy, including within the NPPF and NPPW, seeks development that: promotes sustainable transport modes, taking account of the type of development and its location; ensures safe and suitable access; and requires that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be mitigated to an acceptable degree. It states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In terms of rural businesses, it seeks development that is sensitive to its surroundings; that does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.
42. Policies CSW6, DM13 and DM15 of the KMWLP require waste development that (amongst other things) is well located to Kent's Key Arterial Routes, avoids giving rise to significant numbers of lorry movements through villages or on unacceptable stretches of road, benefits from safe access, and where the highway network has capacity to accommodate the traffic flows without unacceptable adverse impact on highway safety, the environment or local amenity. Policies DM6, DM7 and DM14 of the SLP seek to ensure that the cumulative impact of development on traffic generation would be acceptable in terms of the capacity of the highway network and/or would not lead to a decrease in safety
43. The application has attracted objections from the Borough and Parish Councils, residents and the local County Member on highways grounds, with particular emphasis on the suitability of the local rural roads to accommodate changes in the number of HGVs using these routes. They state that this is of particular concern where these routes pass through local villages, where there are no pedestrian footways along parts of the route, where there are established highway concerns like blind junctions and pinch points and given the designation of Seasalter Road as part of a national cycle route. It should be noted that the Borough Council's objections incorrectly refer to 125 movements per day; the applicant has clarified the proposals confirming a maximum of 30 HGV movements per day (15 In / 15 Out).
44. Having driven all three routes to the site, I consider that all have their limitations, and I can appreciate the concerns raised by the community. The proposed site is relatively

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remote from the primary road network, being 2 miles from the A229 Thanet Way. The western end of Monkshill Road in particular is a narrow single lane rural road; however, the route has passing places and reasonable visibility along its length. Sealsalter Road benefits from marked carriageways in both directions. The routes are narrow in places, passing through local communities and residential areas and under a 3.5m height restriction in the Sealsalter direction, which limits capacity to accommodate larger HGVs.

45. The proposed location would be unlikely to be considered acceptable for a large-scale waste management operation due to the number, size and frequency of the HGV movements required to support such a use. This has been made clear to the applicant during the processing of the application. Notwithstanding this, the application should be considered on its own merits, in the context of the scale of the development proposed and the extant planning permissions that already allow for existing small scale industrial and storage uses within the farm buildings, including the application site and associated traffic generation. The use being proposed is similarly small in scale, being a small family run skip hire business, employing 5 members of staff and operating up to 4 HGVs. The proposal is to bring relatively small amounts of waste back to the building for sorting into recyclable waste streams. Whilst there was some confusion in the original application documents, the applicant has confirmed that the maximum throughput applied for would be 4,000 tonnes per annum with a maximum of 30 HGV movements per day (15 In / 15 Out). No waste would be delivered to site by members of the public.
46. The Parish Council raised concerns that the throughput proposed (initially 3,500tpa) appears to be an underestimate. The applicant has responded to this advising that heavier loads that consist of mostly hardcore and soils would be transported direct to other licenced waste treatment facilities that have the equipment / capacity to deal with this waste stream (not the application site). Waste materials returned to the application site would be mixed loads of recyclables that tend to be lighter. The applicant states that experience from the existing skip business indicates these would be on average 1 tonne or less. As such the applicant has clarified the throughput to a maximum of 4,000 tonnes per annum. I am content that if permission is granted a condition could be imposed to limit the throughput to the volumes indicated. This could be monitored by requiring the operator to maintain quarterly records of the waste received to be made available to the Waste Planning Authority on request
47. Whilst the Borough Council raises concerns about highway impacts, it advises that if the County Council are not minded to refuse the application on highway grounds the best solution would be to ensure that the number of vehicle movements is strictly limited by a condition to limit any potential harm to an acceptable level, including in relation to highway safety and amenity. The applicant has confirmed that it would be prepared to accept suitably worded conditions limiting any permitted use to the level proposed and that it has no aspirations to expand the business beyond this point. The throughput proposed is relatively small when compared to more traditional waste transfer operations which are normally permitted around 30,000 – 75,000tpa. The extant planning permission granted by Swale Borough Council already allows for 20 HGV movements per day (10 In / 10 Out) in association with the site. In granting that permission the officers report acknowledges that the use of the barn for agricultural purposes could reasonably generate similar numbers of vehicle movements if it were to revert to the original permission. Other industrial uses in the surrounding buildings

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are not subject to limits on vehicle numbers, with the number of movements only limited by the use or the capacity of the space available to generate a need for deliveries / exports. The in-combination effect of the existing permitted use with the other permitted industrial uses in the surrounding buildings has been accommodated on the local highway network without significant highway impact. The changes proposed by this application would not significantly change the impact of the permitted use on the highway network and would only generate a further 5 arrivals and 5 departures each day.

48. Concern has been raised by the local community about the potential use of Cleve Hill Lane to access the application site. The applicant has confirmed that it does not propose to use this route as the site benefits from the purpose-built private access road that serves the London Array substation and the farmyard. A similar condition to that imposed on the extant storage permission, restricting access to the purpose-built road only, could be imposed on any permission. The application states that only vehicles operated by K&S Services would import or export material from site (no other companies or members of the public would be involved). This would allow the applicant to exert tighter controls on drivers within its employ, including the timing, direction of travel, the type and speed of vehicles. Accordingly, the applicant has proposed that all HGV drivers based on site would avoid driving through Graveney at peak school travel times in the mornings and afternoons.
49. The Parish Council's comments acknowledge the proposals to avoid vehicle movements during peak school hours in the morning and afternoon and further requests no vehicle movements should take place earlier than 08:00 or later than 17:30 hours to reduce noise impact on nearby properties. I note that the application proposes hours of use between 08:00 and 17:30 hours on Monday to Fridays only. Given that the HGVs would be based on site and that the above hours could be conditioned, I see no reason why HGVs associated with the proposed site would be travelling outside the hours suggested by the Parish Council. It should be noted that other permitted uses in the surrounding buildings may not be subject to the same level of control.
50. In terms of the local roads that would be used by vehicles based on site, the applicant states that due to the smaller size of the skip lorries operated by the company, these vehicles are able to travel under the height restriction on the road towards Seasalter. This would enable vehicles to travel in both directions spreading the activity across the local network of roads and reducing the frequency along specific routes. The applicant has further indicated that the company's drivers would avoid Monkshill Road (where possible) as this is seen as the less preferable of the routes available.
51. The representations received from the Parish Council and residents ask that consideration be given to securing highway improvements as part of the development. One request sought improvements to the signage on Seasalter Road confirming no access to the Cleve Hill Farm via Cleve Hill Lane. The applicant has confirmed that the proposed development would not use this route and a condition could be placed on any permission ensuring vehicles do not enter the site from this direction. Drivers based in the area that know the roads would not choose to use Cleve Hill Lane. Given the above there are no grounds to secure this improvement as part of the application. The Parish Council have requested that consideration be given to creation of a safe footpath through the areas of the village where none currently exist. Whilst I

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understand the concerns and aspiration, this would be a significant undertaking and one that could not be justified other than in connection with a significant new development that would have a severe impact on the highway network. The proposed development falls well below this scale and as such the provision of the footway as sought would not meet the planning tests necessary for a planning obligation. In this case, it effectively proposes an increase of 10 HGV movements per day (5 In / 5 out) over the permitted arrangements at the site. These movements would be split in both directions along Seasalter Road. It is not possible to justify highway improvements in connection with an application of this scale. The conditions set out above would control the use to levels proposed, as recommended by the Borough Council. These controls would also serve to limit any future changes to any permitted use that could impact on the highway without a further planning application allowing the matter to be considered afresh.

52. Kent Highways and Transportation as the local Highway Authority has commented on the application raising no objections, subject to conditions covering a throughput of 4,000tpa, restricting the use to that applied for, a total of 30 HGV movements per day (15in / 15out), records of all HGV movements to be maintained, access limited to the road serving the London Array Substation only, HGVs to avoid Graveney at peak school travel times, and no deliveries by the general public. In making this recommendation, the Highway Authority note that the application only proposes an additional 5 HGV arrivals and 5 departures over the 20 HGV movements per day restriction that Swale Borough Council has already permitted at the application site in connection with the existing use of the building. It notes that the smaller HGVs proposed would be able to travel in both along Seasalter Road (under the 3.5m height restricted railway bridge via Seasalter). This would allow the additional 10 HGV movements per day to be distributed across the highway network and would avoid any concentration of traffic along the same stretch of Seasalter Road. The comments confirm that the additional 10 movements per day distributed across the highway network could not be deemed as severe under the appropriate test detailed within the NPPF and consequently the Highway Authority raise no objections.
53. The application has also attracted objections from the Borough Council, Parish Council, residents, and the local County Member regarding the potential for the proposed increase in HGV movements to impact on the character and amenity of Seasalter Road / Head Hill Road and Monkshill Road. As indicated above, these routes are designated as 'rural lanes' under SLP Policy DM26. This policy states that permission will not be granted where development or associated traffic would significantly harm the character of rural lanes, with regard to landscape, amenity, biodiversity and historic importance. Swale Borough Council's comments acknowledge that the routes are infrequently used by HGVs to access existing sites, including those industrial uses previously permitted by the Borough Council. In granting permission for these uses, including the 20 HGV movements already afforded permission to attend the application site, the Borough Council must have been satisfied that this level of activity was acceptable. The diversification of buildings within farmyard into small-scale commercial and industrial uses sets this precedent. The changes proposed by this application would not significantly alter the number of HGV movements already afforded permission under the extant planning permission nor over that likely to relate to the former agricultural use.

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54. Subject to the conditions recommended by the Highway Authority set out above (including limiting HGV movements to a maximum of 30 per day (15 in / 15 out)), I am content that the development would not significantly harm the character of nearby rural lanes or significantly change the highways impact in terms of capacity or safety for other road users. The development would therefore be considered acceptable in the context of Government and Development Plan Policies.

Water resources and flood risk

55. Government Policy in the NPPF and NPPW seek to steer development away from areas at increased risk of flooding, ensure new development does not increase flood risk elsewhere, incorporates sustainable drainage systems and protects water quality and ground conditions. Government Policy also indicates that waste planning authorities should concern themselves with implementing the planning strategy and not with the control of processes which are a matter for the pollution control authorities.
56. Policies CSW6, DM1 and DM10 of the KMWLP and policies ST1, ST5, DM21 and DM23 of the SLP seek development that does not result in the deterioration of the physical state, water quality or ecological status of any waterbody; have an unacceptable impact on groundwater, Source Protection Zones; or exacerbate flood risk in areas prone to flooding or elsewhere.
57. In terms of flood risk, the farm building that forms the application site falls immediately adjacent to a Flood Zone 3a and partly within a Flood Zone 2 at increased risk of tidal flooding (having between a 1 in 200 and 1 in 1,000 annual probability of sea flooding). As indicated above the area benefits from existing coastal flood defences. The Parish Council's comments indicated that residents in the surrounding area have experienced flood events in the past. Due to the site's location within a flood zone, it is necessary to consider the acceptability of the proposed use in this location.
58. The NPPF and associated guidance makes it clear that the Sequential Test (i.e. steering new development to areas with the lowest probability of flooding) does not need to be applied for individual developments on sites which have been allocated in development plans or for applications for minor development or change of use. The farm building proposed already exists in the flood zones and its impact on these would have been considered when permission for construction of the building was granted. Waste treatment (except landfill and hazardous waste facilities) is classified by the NPPF as 'less vulnerable' in terms of flood risk. The guidance states that a 'less vulnerable' use in either flood zones 2 or 3a would be acceptable and does not need to be subject to the Exceptions Test. Being a change to an established use the proposals would not result in an increased risk to life, nor a significant increase in risk to property.
59. The Environment Agency has considered the application in terms of flood risk and confirmed it has no objections. Given the EA's recommendation, I am content that the proposed use would be acceptable in terms of Government and Development Plan Policies relating to flood risk.
60. It is also necessary to consider the scope for the development to result in any unacceptable discharges to ground that could result in pollution of ground and water resources. The importation of waste, even within a building, has the potential to result

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in contaminated runoff depending on the where the waste is deposited and the nature of the material. The application proposes receipt of skip waste from domestic and commercial sources within the building. This is unlikely to include significant quantities of putrescible waste and would largely consist of wood, metal, plastic, cardboard, soil, hardcore, UPVC and green waste. In accordance with EA guidance, the application includes provision of a sealed concrete pad designed to include suitable falls to ensure it drains to a sealed underground storage tank. All incoming waste would be deposited on the concrete pad with no waste or sorted material being deposited, sorted or stockpiled on ground that does not form part of the sealed concrete surface.

61. The EA's response to the application confirms that it has no concerns given the scale and setting of the proposed operations and the fact the site, if granted permission, would be subject to an Environmental Permit covering drainage, surfacing, materials management and environmental monitoring. The EA notes that foul drainage arrangements would need to connect to a sewer or meet the General Binding Rules for non-mains drainage or have a permit to discharge.
62. Government guidance is clear that planning decisions should focus on implementing the strategy in the local plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. Given the EA confirms the need for an Environmental Permit subject to suitably worded conditions controlling the development to the measures proposed, including the maintenance of the concrete pad and associated drainage, I am content that the development is acceptable in terms of Government and Development Plan policies relating to water resources and flood risk.

Nature conservation

63. The NPPF states that planning decisions should contribute to and enhance the natural environment by (amongst other things) protecting and enhancing sites of biodiversity value, whilst minimising impacts on, and providing net gains for, biodiversity. The presumption in favour of sustainable development set out in the NPPF does not apply where a project is likely to have a significant effect on a habitats site (including SPA and Ramsar) unless it is concluded that the project will not adversely affect the integrity of these habitat sites. The NPPW reinforces this stating that considerations should include any adverse effect on a site of international importance for nature conservation (SPA, SAC and RAMSAR sites), and nationally recognised designation (SSSIs, National Nature Reserves), nature improvement areas, ecological networks and/or protected species.
64. The proposed development is relatively close (670m) to the Swale SPA, Ramsar and SSSI with functional linked habitats within the intervening land to the north, east and west. The application proposes a change in use which, except for underground storage tanks, would involve no new built development beyond the confines of the existing barn and no additional land take. The application confirms that all operations associated with the use would be retained within the confines of the building with the roller shutter doors closed and a dust suppression system installed within the building.
65. The Parish Council has raised concern about the potential for HGV movements and operations spilling out of the barn to impact on the surrounding designations. Natural

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England and KCC EAS have confirmed that the proposed development is not likely to result in significant impacts on the designated nature conservation sites or landscapes. The small scale of the operations, their containment within the building and the provision of a sealed drained surface to process waste on would serve to limit the potential for discharges to the environment, including from noise and dust or to the ground. The proposal would also not result in a significant change in the number of vehicle movements already associated with the site that would warrant concerns about air quality (considered further in the Amenity section below). As indicated above the EA has raised no objections to the application, confirming that if permission is granted the site would be subject to an Environmental Permit allowing further management and control over emissions.

66. Considering the nature of the application and weighing the concerns in the context of the views received from the statutory / technical consultees, I am satisfied that the development would be acceptable in terms of biodiversity and ecological considerations, including the designated sites. The imposition of conditions including limits on throughput and HGV numbers discussed above, would serve to limit the scale of operations to an acceptable level. Further conditions could be imposed to ensure that the use is always contained within the building, limit the waste processing activities to exclude shredding, crushing and screening and minimise external lighting. I am content that the proposal is acceptable in the context of Government and Development Plan Policies in relation to nature conservation and biodiversity.

Local amenity considerations (including air quality, dust, noise, odour, litter)

67. The NPPF requires new development that is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. The NPPW states that proximity of sensitive receptors, including ecological as well as human receptors, and the extent to which adverse emissions can be controlled using appropriate and well-maintained and managed equipment and vehicles, should form part of the decision process.
68. Policies CSW6, DM11, DM12 and DM13 of the KMWLP seeks development that does not generate unacceptable adverse impacts from noise, dust, emissions, odour, traffic or exposure to health risks and associated damage to the amenity and wellbeing of local communities and the environment. This includes avoiding sites on or near existing land uses that may prove to be incompatible with the proposed waste management uses. Policies CP5, DM6, DM14 and DM16 of the Swale Local Plan seek, amongst other matters, development that safeguards the health and wellbeing and the residential amenities of local communities.
69. The application is being promoted on the basis that all operations on site would be contained within the existing building, including delivery, sorting, storage and dispatch of waste / recycled material, and that this enclosure would reasonably mitigate potential impacts on local amenity and the environment. Representations received from Swale BC, Graveney with Goodnestone PC, residents and the County Member raise concerns / objections about the potential for a waste operation to cause disruption to the surrounding community, including from noise and dust. These concerns question whether the throughput proposed is realistic or potentially a low estimate. This matter is considered in the Highway section above and could reasonably be covered by way of a condition limiting the throughput to the 4,000tpa

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proposed. The above concerns also question whether the building is of sufficient size to accommodate the proposed use without activity overflowing outside. Concerns have also been expressed about whether the use can reasonably be carried out within the building with the roller shutter doors closed without creating an unsafe working environment for staff in terms of dust and air quality.

70. In this instance there are no Air Quality Management Areas (AQMA) at or close to the site, nor along the main access routes. Notwithstanding this it is appropriate to consider the air quality implications of the development on local amenity and the local wildlife designations. As stated above, the application does not propose a significant number of HGV movements nor a material change to the number that already exists on the highway network in association with the applicant's skip hire business. Institute of Air Quality Management (IAQM) Guidance "Land-Use Planning & Development Control: Planning for Air Quality" (January 2017) states that, for changes to the annual average daily traffic (AADT) flow of Heavy-Duty Vehicles (i.e. HGVs) below 100 not within an AQMA or below 25 movements for development within or adjacent to (within 200m) of an AQMA, an air quality assessment is not necessary. The guidance indicates that changes below these levels should be considered as having an insignificant effect in terms of impacts on air quality. There are no material grounds to raise concerns about emissions from HGV movements in this instance.
71. The building proposed to accommodate the waste management use is a reasonable size with 900m² of floorspace (30m x 30m) with a height to the eaves of 8m. The height is sufficient to allow operation of mobile plant and the unloading of skip lorries within the building. The existing floorspace would be more than adequate to accommodate the small-scale operations being proposed in this instance. By way of example, the county council has permitted waste transfer operations with a throughput of around 100,000tpa in a building with 2,000m² of floorspace. A floorspace of 900m² would reasonably accommodate the waste sorting area, skip and vehicle storage, circulation areas and the office / staff accommodation proposed. The applicant has further advised that its current lease arrangement with the landowner prohibits any operations or storage outside of the building. A condition ensuring that, except for staff and visitor parking, no activity associated with the development shall take place outside of the building would secure this arrangement.
72. In terms of controlling emissions from the operations, the building would provide suitable containment to prevent issues of dust or litter. The use of the roller shutter doors, which are proposed to be closed when vehicles are not moving into or out of the building would further contain the operations. The applicant has confirmed that the development would include a dust suppression system within the building and staff would be issued with appropriate personal protection equipment (PPE) whilst working in the building. Should planning permission be granted details of the dust suppression system would be a matter for the Environmental Permit.
73. In terms of noise, the building would mitigate noise generated by the use. The proposed operations would be small in scale with waste sorting activities carried out by hand and assisted by mobile plant. There would be little difference between this mobile plant and the type of machinery regularly used on a farm, albeit that it would be entirely contained by the building and would not operate in the yard or on surrounding land. There are a small number of cottages in the local area, the closest of which is 130m to the south-east on the far side of the other farmyard buildings and associated

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commercial / agricultural uses. The noise from the development is unlikely to impact on local amenities at the scale proposed. The imposition of conditions on any permission could reasonably restrict the development to the nature and scale of development proposed. These could include those conditions discussed above relating to throughput, HGV numbers, operations being contained within building, closure of the roller shutter doors alongside hours of use limited to 08:00 and 17:30 hours Monday to Friday, a limitation on mobile plant to a 360 Excavator and/or Loading Shovel or similar as proposed, no crushing, mechanical screening or shredding, and all vehicles, plant and machinery being operated and regularly serviced in accordance with the manufacturer's instructions, with engine covers closed and efficient silencers fitted to exhausts.

74. Swale BC comment that as a use contained wholly within the building on a site separated from residential properties, noise should not be a problem, especially during the operating hours proposed. Subject to the conditions recommended I would agree with this conclusion.
75. In terms of odour, the application proposes receipt of skip waste which traditionally does not include large volumes of food or putrescible waste that are likely to cause odour problems. The applicant has confirmed that he advises clients that the skips are not to be used to dispose of food, however there is always a chance that small contaminant quantities of putrescible waste could reach the site. A condition requiring any putrescible waste (including food waste) or waste releasing malodour detectable outside the building to be removed from site to an authorised waste disposal facility within 48 hours would ensure this does not become a problem given the location and surrounding land uses.
76. The EA's comments confirm that, if permission were to be granted, the development would require an environmental permit and that this must be in place prior to any waste being received on site. A waste permit would include further technical controls on emissions from the development including in terms of drainage, surfacing, materials management and environmental monitoring (dust and odour).
77. Considering the EA's response, alongside the nature of use, the small scale of the development and its location in relation to surrounding land uses, subject to the conditions set out above and below, I am content that the development could be controlled to a level where there would be no unacceptable impacts on local amenities. The further controls that would be imposed through the Environmental Permitting regime would serve to manage from the site to acceptable levels in the context of the surrounding environment. I am satisfied that the development proposed would accord with Government and Development Plan policies in relation to local amenity considerations.

Landscape and visual impact

78. The NPPF states that planning decisions should contribute to and enhance the natural and local environment by (amongst other things) protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. The NPPW states that when determining applications Waste Planning Authorities should consider the likely impacts on the local environment and local amenity against various

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locational criteria and other matters, including the need to protect landscapes or designated areas of national importance.

79. Policies CSW6, DM1, DM2, DM11 and DM12 of the KMWLP seek development that is appropriate to the character and qualities of its location. Policies ST1, ST7, DM14, DM16 and DM24 of the SLP all seek to deliver sustainable development, through the protection, and where possible, enhancement, of the intrinsic character, beauty and tranquillity of the landscape and local character. The Swale Local Plan Proposals Map identifies the land surrounding the application site as an Area of High Landscape Value. Policy DM24 states that development decisions should protect, enhance and manage landscape areas in accordance with the significance of the landscape value.
80. In this instance, whilst the proposed location is set on the edge of flat open agricultural land, where the building in question is visible from a wider area, the change of use proposed does not seek to change the external appearance of the building or introduce any new above ground development outside. The barn structure has already been accepted in the landscape and is viewed in the context of the surrounding farmyard and nearby substation. Subject to controls restricting all associated operations and storage to within the building and limits on the erection of external lighting to low level security lighting only, the development at the site would not have a significant visual impact.
81. The question of the impact of an additional 10 HGV movements per day on the designated 'rural lanes' that lead to the site (Policy DM26 of the SLP) is covered in the Highway section above. As indicated above, the relatively small change in vehicle numbers and the spread of these additional movements across the local network (i.e. both toward Seasalter and toward Graveney) is unlikely to change the character of the routes, which already accommodate a limited number of HGV movements accessing the application site and other uses in the area.
82. Provided the proposed use is restricted in its overall scale to that applied for, including in relation to the numbers of HGV movements (i.e. 15 in / 15 out per day) and with no operations taking place outside the building, I am content that the development would not significantly harm the character of the landscape or the rural lanes. I am therefore satisfied that the proposed development would accord with Government and Development Plan policies relating to landscape and visual impacts.

Other considerations

83. Swale BC's comments suggest that consideration be given to granting a temporary permission to allow the development / use to be reviewed at a future date in a similar way to the extant storage permission (19/503442/FULL). The planning authority is required to consider the application submitted, which in this instance seeks full planning permission for the use proposed. The proposed use is not significantly different in terms of scale and numbers of HGV movements from the arrangements already accepted under permission 19/503442/FULL. Swale BC officers have indicated that the extant use has not generated any complaints or specific concerns since the permission was granted. Other industrial uses within the surrounding buildings already benefit from permanent consents under Borough Council permissions. As set out above, subject to the imposition of conditions limiting the scale of the development, I am content that the impact of the proposed use could be

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contained to acceptable levels and that there are no material considerations that suggest a temporary permission would be needed in this instance.

Conclusion

84. The application proposes a change of use of a former farm building from a storage use (granted by Swale Borough Council) to a storage and a small scale waste management use allowing the sorting of skip waste into recyclable waste streams. This would enable a local skip hire business (K & S Services) to move into the property, process up to 4,000 tonnes of waste material per annum, generating up to 30 HGV movements per day (15 In / 15 Out). The proposal would involve no significant changes to the existing building nor any external development or operations. It would include the provision of a new concrete pad, associated drainage and a double stacked containerised office building within the barn. Whilst it would provide additional waste capacity, which is supported by national and local plan policy, the scale of the development would be significantly smaller than most of the waste operations the County Council normally considers.
85. The application has attracted objections and concerns from the local community, including the Borough Council, Parish Council, two residents and the local County Member. Whilst I can appreciate the concerns raised about the suitability of the site for a large scale waste operation, the application needs to be considered on its own merits and in the context of the precedent set by existing uses. The proposed use as a base for an existing family run skip hire business and associated small scale waste transfer operation that handles local waste streams would not, subject to suitable controls, be considered a significant development and would be similar in scale to existing uses in the locality. The key concerns raised by consultees could reasonably be managed and mitigated by way of the conditions recommended above and below.
86. The proposed development would enable the re-use of an existing building, supporting the rural economy and helping to drive the management of waste up the waste hierarchy by assisting the preparation of waste for recycling. There are no objections to the application from the other technical consultees, including the EA and Highways and Transportation, subject to the conditions indicated. The EA has confirmed that if planning permission is granted, the proposed waste use would also be subject to further controls under the Environmental Permitting regime. Provided the use were not to extend beyond the size and scale proposed in the application it would be difficult to sustain an objection to the proposed use.
87. As discussed above, subject to a number of conditions intended to limit the operations to acceptable levels and prevent further expansion of the use without the need to apply for a fresh planning permission, I recommend that the application would accord with Government and Development Plan Policies in place and there are no material considerations that outweigh these or suggest that planning permission be refused. I therefore recommend accordingly.

Change of use from storage of empty skips and associated plant to storage and processing of waste within an existing barn at Cleve Hill Farm, Cleve Hill, Graveney – SW/21/503467 (KCC/SW/0081/2021)**Recommendation**

88. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

- The development to be implemented within 3 years;
- Maximum throughput 4,000 tonnes per year;
- Use of the building restricted to the purpose applied for;
- Use of the building and the movement of commercial vehicles limited to 08:00 and 17:30 hours Monday to Friday with no operations on Saturday or Sundays or bank holidays;
- No more than 30 heavy goods vehicle movements per day (15 in / 15 out);
- Records of all HGV movements to be maintained and made available on request to the Waste Planning Authority;
- Access limited to the road serving the London Array Substation only (i.e. not via Cleve Hill);
- HGVs based on site should avoid driving through Graveney at peak school travel times (i.e. 08:30 to 09:30 and 14:45 to 16:00 hours weekdays during school term times);
- All loaded, open backed HGVs to be sheeted, netted or otherwise covered;
- No waste shall be delivered to site by members of the general public.
- No activity associated with the development to take place outside of the building;
- Only skip waste shall be received;
- Roller shutter doors to be kept closed unless vehicles are entering or leaving the building;
- Any incidental putrescible waste (including food waste) to be removed from site to an authorised waste disposal facility within 48 hours
- No crushing, mechanical screening or shredding of waste shall take place;
- No fires or burning of materials;
- No waste shall be imported until the concrete pad and associated sealed drainage system are installed;
- All imported waste shall be deposited on the sealed concrete pad within the building;
- Drainage from the concrete pad shall be captured within an underground storage tank, which shall be emptied and maintained on a regular basis;
- All vehicles, plant and machinery to be regularly serviced, with engine covers closed and efficient silencers fitted to exhausts.
- All fuel, oil or chemicals shall be stored in accordance with Government Guidance;
- Except for low-level security lighting, no external lighting or floodlighting shall be installed; and
- Restrictions on permitted development rights.

Case Officer: Mr James Bickle	Tel. no: 03000 413334
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Background Documents: see section heading
