

SECTION C
MINERALS AND WASTE DISPOSAL

Background Documents - the deposited documents, views and representations received as referred to in the reports and included in the development proposals dossier for each case and also as might be additionally indicated.

Item C1

CA/10/285 – Section 73 application to amend condition 18 of planning permission CA/09/607 to vary the opening hours at Units D and E, Lakesview Business Park, Hersden, Canterbury, Kent

A report by Head of Planning Applications Group to Planning Applications Committee on 27 July 2010.

CA/10/285 – Variation of condition 18 of planning permission CA/09/607 to allow the acceptance of recovered abandoned vehicles anytime, the acceptance of waste types already permitted to the site from CA sites and the acceptance of electrical/recyclable waste brought to the site by members of the public on Bank Holidays only. With the exception of the delivery of abandoned vehicles no waste deliveries are proposed on Saturday afternoons or on Sundays at Units D and E, Lakesview Business Park, Sturry Road, Hersden, Canterbury (MR. TR213618)

Recommendation: Permission with conditions.

Local Members: Mr A Marsh (adj Member Mr M Northey and Mr G Gibbens)

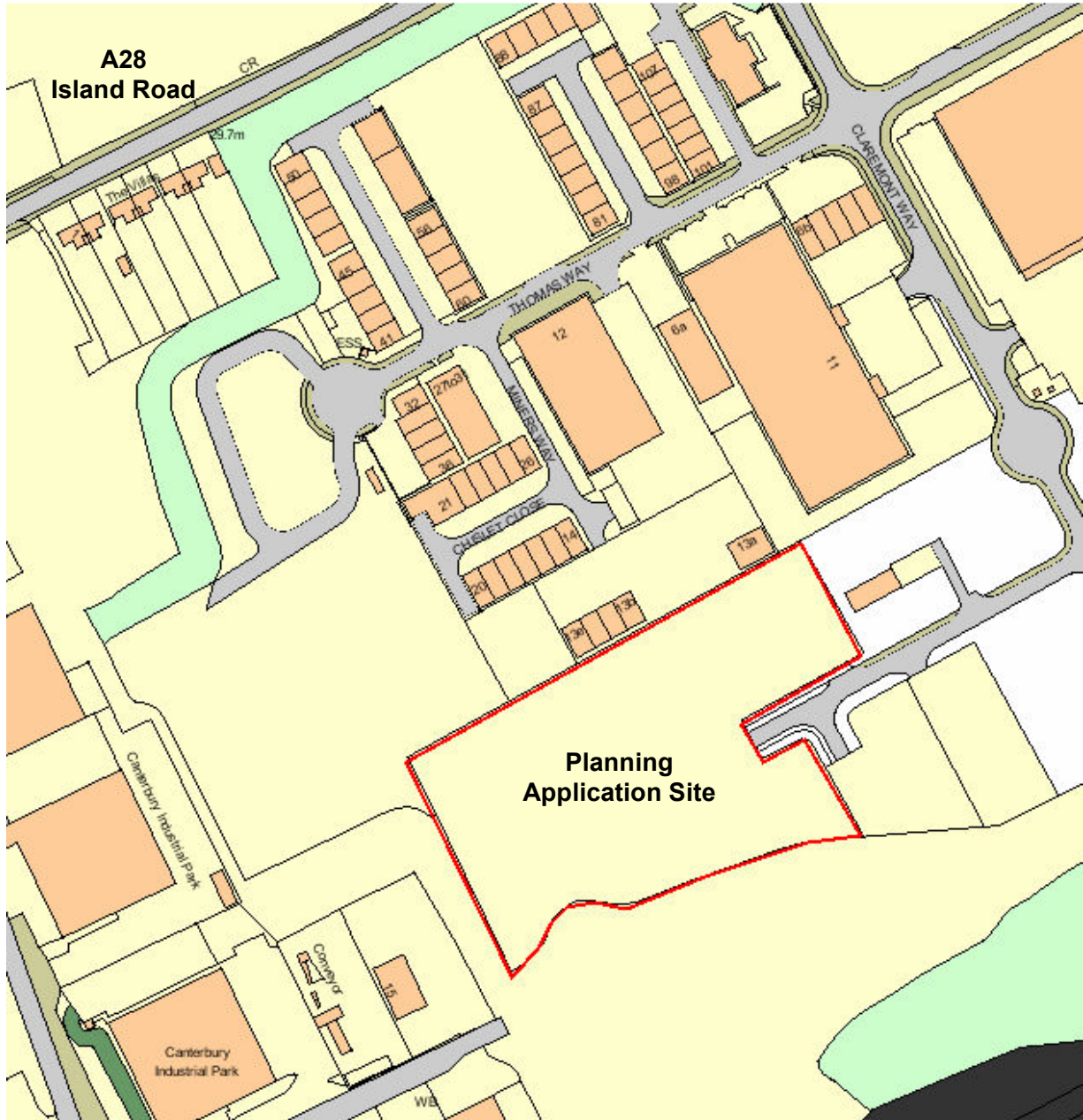
Classification: Unrestricted

Site Description and Background

1. The Lakesview Business Park is a dedicated business park located some 5 kms to the north east of Canterbury City Centre adjacent to the southern side of the A28. This 1.47 hectare application site is bounded to the north by the Business Park and to the east by arable farmland. The western boundary of the site adjoins the Canterbury Industrial Park and the southern boundary lies close to the Canterbury to Ramsgate Railway Line. The site lies approximately 200m north of the River Stour which flows through the Stour Valley along with the nearby Stodmarsh SSSI, SAC SPA and Ramsar. A site location plan is attached.
2. At the November 2009 Planning Applications Committee meeting Members resolved to grant planning permission (Ref. CA/09/607) for Ling Metals to relocate their scrap metal business from their site at Parham Road in Canterbury to Units D and E of the Lakesview Business Park, Sturry Road, Hersden. Whilst the operator sought to relocate their existing business the permission also provided for the expansion of their operations to incorporate dry commercial and industrial recyclable wastes (for example sorted card, bottles and plastic) from the Canterbury area. Overall the development currently permitted will be capable of processing up to 82,000 tonnes of waste per year. In general, waste will be brought to the site from within the Canterbury District for sorting and processing ready for onward transportation to appropriate recycling facilities. Whilst the sorting of the industrial recyclable wastes which will be processed within a Materials Recycling Facility Building (MRF) is permitted to operate on a 24 hour basis, all other

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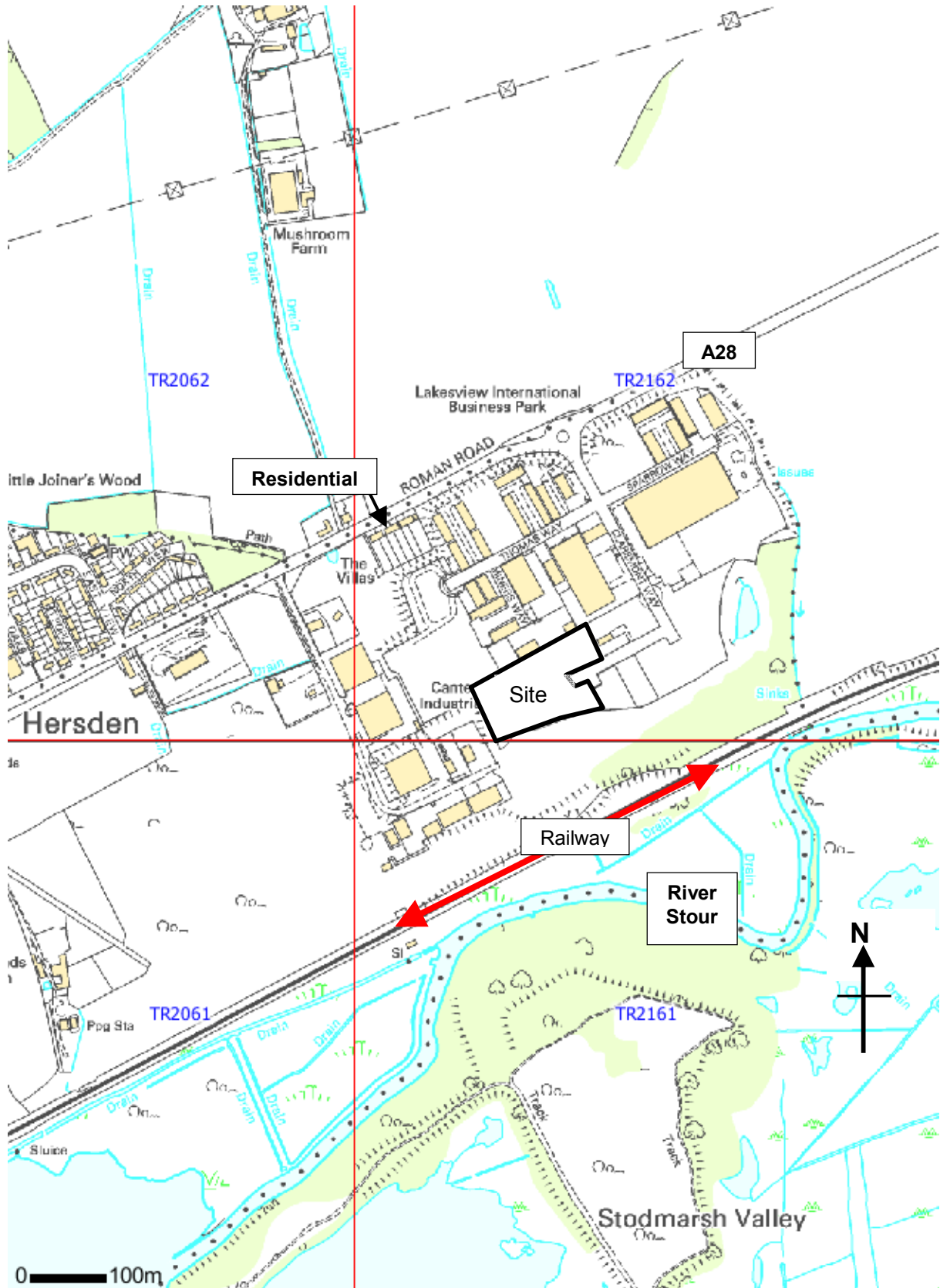
CA/10/285 – Section 73 application to amend condition 18 of planning permission CA/09/607 to vary the opening hours at Units D and E, Lakesview Business Park, Hersden, Canterbury, Kent



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Not to Scale

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external operations are restricted to taking place between 0700 and 1800 Monday to Friday and 0700 and 1300 on Saturdays with no working on Saturday afternoons (post 1300 hours), Sundays or Public Holidays. This was deemed an acceptable time restriction having regard to the applicants' noise assessment which accompanied the original application and which included details of the existing background noise levels measured at the site.

Proposal

3. In support of the proposal the application states that the operator is required to collect waste from Civic Amenity sites on Bank Holidays whereas the site is currently permitted to accept such waste only during normal working hours. The applicant therefore wishes to accept such waste on Bank Holidays and also offer members of the public the opportunity to deliver waste for recycling on Bank Holidays. The applicant is also required as part of the existing business to accept the delivery of recovered abandoned vehicles at any time (of the day or night) and therefore seeks to vary the permitted hours set out in condition 18 of permission reference CA/09/607 to allow this. Condition 18 currently reads as follows:

“With the exception of waste sorting activities permitted within the Materials Recycling Facility (MRF) no external activities shall take place on the site, nor shall there be any movement of any vehicles transporting waste to or from the site, except between the following times:

*0700 to 1800 hours Monday to Friday
0700 to 1300 hours Saturdays*

No work shall be undertaken at any time on Saturday afternoon, Sunday or Bank Holidays;”

4. In order to allow for Bank Holiday public access and acceptance of CA site waste on Bank Holidays, along with being able to accept the delivery of abandoned vehicles at any time of the day or night, the applicant is seeking to formally vary the condition to read as follows:

“With the exception of waste sorting activities permitted within the Materials Recycling Facility (MRF) and the delivery to the site of recovered abandoned vehicles, no activities shall take place on the site, nor shall there be any movement of any vehicles transporting waste to and from the site, except between the following times:

*0700 to 1800 hours Monday to Friday
0700 to 1300 hours Saturday*

No work with the exception of that identified above in connection with the operation of the Materials Recycling Facility and the delivery of abandoned vehicles together with the delivery of waste materials collected from Civic Amenity sites and from members of the public visiting the site shall take place on Bank Holidays”

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The applicant states that no other changes are proposed as a result of the proposed variation including vehicle movements, annual waste throughput, waste types and MRF operations would remain the same as currently permitted under permission reference CA/09/607.

Planning Policy Context

5. The National and Development Plan Policies summarised below are relevant to the consideration of the application:

National Planning Policy – National Planning Policies are set out in PPS10, PPS23 and Waste Strategy 2000 (as amended in July 2005).

Kent Waste Local Plan (Adopted March 1998)

Policy W9: Identifies the site as suitable in principle for proposals for waste separation and transfer.

Policy W18: Before granting permission for a waste management operation the planning authority will require to be satisfied as to the means of control of:-

- (i) noise
- (ii) dust, odours and other emissions
- (iii) landfill gas

Particularly in respect of its potential impact on neighbouring land uses and amenity.

Policy W21: Before granting permission for a waste management proposal the planning authority will need to be satisfied that the earth science and ecological interests of the site and its surroundings have been established and provisions made for the safeguarding of irreplaceable and other important geological and geomorphological features, habitats, or species of wildlife importance. Where an overriding need requires some direct loss or indirect harm to such features, habitats or species, where practicable suitable compensatory mitigation measures should be provided.

Policy W22: When considering applications for waste management facilities the planning authority will:-

- (i) normally refuse permission if it is considered that the proposed access, or necessary off-site highway improvements or the effects of vehicles travelling to and from the site, would affect in a materially adverse way:-

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- (a) the safety (or would exceed the capacity) of the highway network
 - (b) the character of historic rural lanes
 - (c) the local environment including dwellings, conservation areas and listed buildings.
- (ii) ensure that any off-site highway improvements considered to be necessary to secure acceptable access are completed, if necessary in stages related to the development of the site, before specified operations on site commence and provided at the development's expense.

6. Consultations

Canterbury City Council: State " Having considered the matter in detail it is noted that none of the other permissions relating to this business park include specific restrictions on the hours of operation. The site is served directly from the main A28, an A-road subject to significant 24 hour use, whilst it is also recognised that there are no users within the business park that would be unacceptably inconvenienced by 24 hour access to these premises. However some of the operations carried out outside within the site, for instance the loading and unloading of lorries etc could be a source of noise and at night this could be particularly invasive further afield. As would appear to be the case there should be no relaxation of the condition in respect of external activities outside of the permitted hours. I note that nearby residents have raised concerns regarding noise disturbance. The surrounding countryside would also be similarly affected by any significant night time noise emanating from the site.

In view of these comments I would suggest that the relaxation to the hours of use that would allow abandoned vehicles to be delivered to the site over night is simply to allow delivery for secure storage and nothing further. In respect of public use on Saturdays and bank holidays there is no objection to this use but it is suggested that this should be limited to 1800 at the latest and in winter limited to the hours of daylight ".

Wickambreaux Parish Council: No comments received.

Westbere Parish Council: Object to an increase in hours over and above the times stated for normal office hours, but would agree to these normal hours being extended to include Bank Holidays. Concern has been expressed by a number of residents in Hersden at the potential impact of noise at the site at unsociable times.

Hoath Parish Council: No comments received.

Chislet Parish Council: No comments received.

The Ickham, Littlebourne and Wickhambreaux Conservation Society: Objects to the facility receiving abandoned vehicles at any hour of the night due to noise implications and disturbance in the late hours. However, they indicate that receiving vehicles between the hours

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of 0700 and 2300 would be an acceptable compromise. They further state:

“we do not understand the variation to allow the acceptance of waste from CA sites and electrical/recyclable waste from members of the public on Bank Holidays only. Does this mean that these activities would not be permitted at any other time? With regard to the facility receiving recyclable waste from the public, this should surely be encouraged and a more convenient time for this would be Saturday mornings. There would be no need to allow this activity on a Bank Holiday. The initial reason for excluding such external activities and the transporting of waste to or from the site on Bank Holidays was ... “to ensure minimum disturbance and avoidance of nuisance to the local community, pursuant to Kent Waste Local Plan Policy W18” and this reason is just as valid now”.

Environment Agency: No comments to make.

Natural England: No comments to make on this planning proposal.

Biodiversity projects Officer: No comments received.

Jacobs (Noise, Dust, Odour): In considering the location of the nearest sensitive premises and the relatively small increase of yearly usage proposed, Jacobs consider that the proposed variation is unlikely to cause detriment in terms of noise. However, concerns are raised over the acceptance of abandoned vehicles at night as this activity has the potential to be audible to the nearest residential properties. Jacobs therefore request either restrictions on deliveries to between the hours of 0700 and 2300 hours or the applicant should provide details of how noise from deliveries would be managed to avoid nuisance.

Divisional Transport Manager (Kent Highways): No objection raised.

Local Member

7. The Local County Member, Mr A Marsh, along with the adjoining Local Member(s), Mr M Northey and Mr G Gibbens, were notified of the application on 23 April 2009.

Publicity

8. The application was publicised by the posting of a site notice, advertisement in the local newspaper and individual notification of 126 neighbouring properties.

Representations

9. A total of 3 letters of representation have been received objecting to the proposal and who have raised the following concerns:

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- Noise impact of recovered/abandoned vehicles being brought to the site at any time on nearby local residents;
- Objection to the site being operational outside of the 'normal working hours';
- Objection to Bank Holiday deliveries of waste; and
- Increased traffic on the surrounding roads

Discussion

10. 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.
11. Support in principle for the establishment of alternative waste management facilities including waste transfer/ waste recycling exists at both the national and regional level, where waste should be considered as a resource with the aim of reducing the amount of waste going direct to landfill. Similarly Policy W9 of the adopted Kent Waste Local Plan supports the separation and transfer of waste and identifies the site at Hersden as a location considered to be suitable in principle for such activity. The operational criteria as set out under Policy W18 in respect of the control of noise is considered most relevant to this proposal.
12. The principle for this existing site has already been established as being suitable having regard to Policy W9 of the Kent Waste Local Plan. The Plan reflects the objectives of the Waste Framework Directive which gives particular weight to locations which “*are within or adjacent to existing waste management facilities or are part of a location within an established or proposed general industrial-type area*” and which can gain ready access to the main road network by avoiding as far as possible major residential areas. It was considered at the November 2009 Planning Applications Committee that given this sites' location and close proximity to the A28, it met the general requirements of Policy W9 for waste separation and transfer activity. Planning permission was granted subject to a number of conditions covering amongst other matters, HGV movements, hours of working, waste throughputs, noise, dust, lighting and landscaping.
13. Whilst the main building works under the existing planning permission have yet to commence on site, prior to being fully operational the applicant wishes to seek a variation to the current working hours in order to allow for the delivery of abandoned vehicles to the site at any time of the day or night and to allow the site to accept waste from nearby CA sites and from members of the public on Bank Holiday between the hours of 0800 and 1600.
14. Notwithstanding the sites location within the existing Lakesview Industrial Estate which operates largely on a 24 hour basis, a number of concerns have been raised by local residents and consultees in relation to the proposed variation. Of particular concern is the potential noise disturbance associated with 'anytime' delivery of abandoned vehicles and

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the increasing number of vehicles using the local road network.

Noise Impact

15. Local residents have raised concerns over the potential for the proposal to cause noise nuisance, particularly during the evenings and at weekends. Whilst they raise concerns that Bank Holiday opening would generate an increase in traffic related noise, they are particularly concerned that the noise disturbance associated with 'anytime' deliveries of abandoned vehicles to the site would be unacceptable during unsociable hours. These concerns are also reflected in responses from Canterbury City Council, Westbere Parish Council and the Ickham, Littlebourne and Wickambreaux Conservation Society (ILWCS).

Bank Holidays

16. The applicant proposes public access and delivery of waste from CA sites on bank Holidays only, between the hours of 0800 and 1600. With the exception of the delivery of abandoned vehicles to the site at anytime No changes to the sites opening hours or external waste processing arrangements on Saturday afternoons (post 1300 hours) or Sundays is proposed as part of this application. Having regard to the location of the site and the surrounding uses, which are in the main permitted to operate on a 24 hour basis, Jacobs, our noise advisors consider that given waste would solely be delivered to the site on Bank Holidays and not processed, which would typically require the use of noisy equipment on site, the proposed variation would be unlikely to cause a detriment in terms of noise. Given no waste would be processed on site on Bank Holidays, I am satisfied that noise would be minimal and be unlikely to cause nuisance to the nearest sensitive receptors. Should Members be minded to support the proposed variation I would advise that a suitable condition be imposed on any planning consent restricting Bank Holiday access and deliveries to the site between 0800 and 1600 hours.

Delivery of Abandoned Vehicles

17. However in considering the matter of accepting abandoned vehicles anytime of the day or night, this activity was not included as part of the initial noise assessment accompanying the previous planning application (Ref CA/09/607) and therefore not identified as a possible noise source. Notwithstanding the existing 24 hour uses on the surrounding industrial estate, I agree with Jacobs that in the absence of a further assessment on whether the noise levels generated by the delivery and offloading of vehicles would lead to any significant increase to the existing background levels particularly at night, this activity could result in an unacceptable impact on nearby local residents.
18. In the absence of any details demonstrating how the operator would manage noise from such deliveries, Jacobs advise that a restriction on deliveries of abandoned vehicles to between 0700 and 2300 hours would be appropriate to avoid noise nuisance during unsociable hours. The applicant has been invited to provide further information in support of this activity and responded only by pointing out that the existing industrial estate operates

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on a 24 hour basis, with no restrictions on hours of operation and therefore in their view no further information was required in support of the variation. Whilst night time deliveries of abandoned vehicles is likely to be infrequent, having regard to the advice from Jacobs in my opinion there is no evidence to support the applicant's assertion that there would be no adverse impact on the amenity of local residents from noise. I therefore cannot therefore make an assessment as to the potential impacts from noise on local residents during unsocial hours. However, I do consider that a delivery time restriction on this activity as advised by Jacobs would be a suitable compromise and that deliveries of abandoned vehicles should be restricted to between the hours of 0700 and 2300 to avoid unnecessary disturbance during the night. This could be controlled by way of a suitably worded planning condition in the event that planning permission is granted.

Highway Impacts

19. The current planning permission restricts the number of vehicle movements to and from the site to 324 (162 in/162 out) per day. The annual waste throughput on site is to remain at 82,000 tonnes per annum. The suitability of this site and its location has received full consideration in terms of highway access and traffic capacity. The applicant states that there would be no change to those restrictions as a result of this proposed variation. On the basis that there would be no increase in vehicle movements to or from the site, the DTM has raised no objection to the proposed variation on highway grounds. I would therefore advise that the proposal remains consistent with the requirements of Policy W22 of the Kent Waste Local Plan in so far as there would be no adverse effects on the local highway network.

Conclusion

19. In conclusion, I am of the opinion that provided the recommended time restrictions on the deliveries of abandoned vehicles to the site are supported and imposed by way of a suitable planning condition and no other changes are proposed in relation to waste throughputs and HGV movements, the proposal continues to meet the relevant development plan policy requirements as set out in Kent Waste Local Plan policies W18, W21 and W22 in relation to noise, traffic and ecological interests and therefore would not result in any adverse impacts on the local amenity. I therefore recommend accordingly.

Recommendation

20. I RECOMMEND that PERMISSION BE GRANTED, to vary condition 18 of Planning Permission CA/09/607, subject to additional conditions restricting the hours during which abandoned vehicles may be delivered and off loaded at the site to between 0700 and 2300 hours together with a restriction on Bank Holiday working to only allow public access and delivery of C.A. waste to the site between 0800 and 1600 hours.

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Case Officer: Angela Watts

01622 221059

Background Documents: See Section Heading