

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

Development of a Materials Recycling facility at SBS Recycling, Straw Mill Hill, Tovil, Maidstone, Kent – MA/10/167

A report by Head of Planning Applications Group to Planning Applications Committee on 2 November 2010.

Application by Pinden Ltd for proposed development of a Materials Recycling Facility at Straw Mill Hill, Tovil, Kent. - MA/10/167.

Recommendation: Permission be granted subject to conditions.

Local Member: Alan Chell

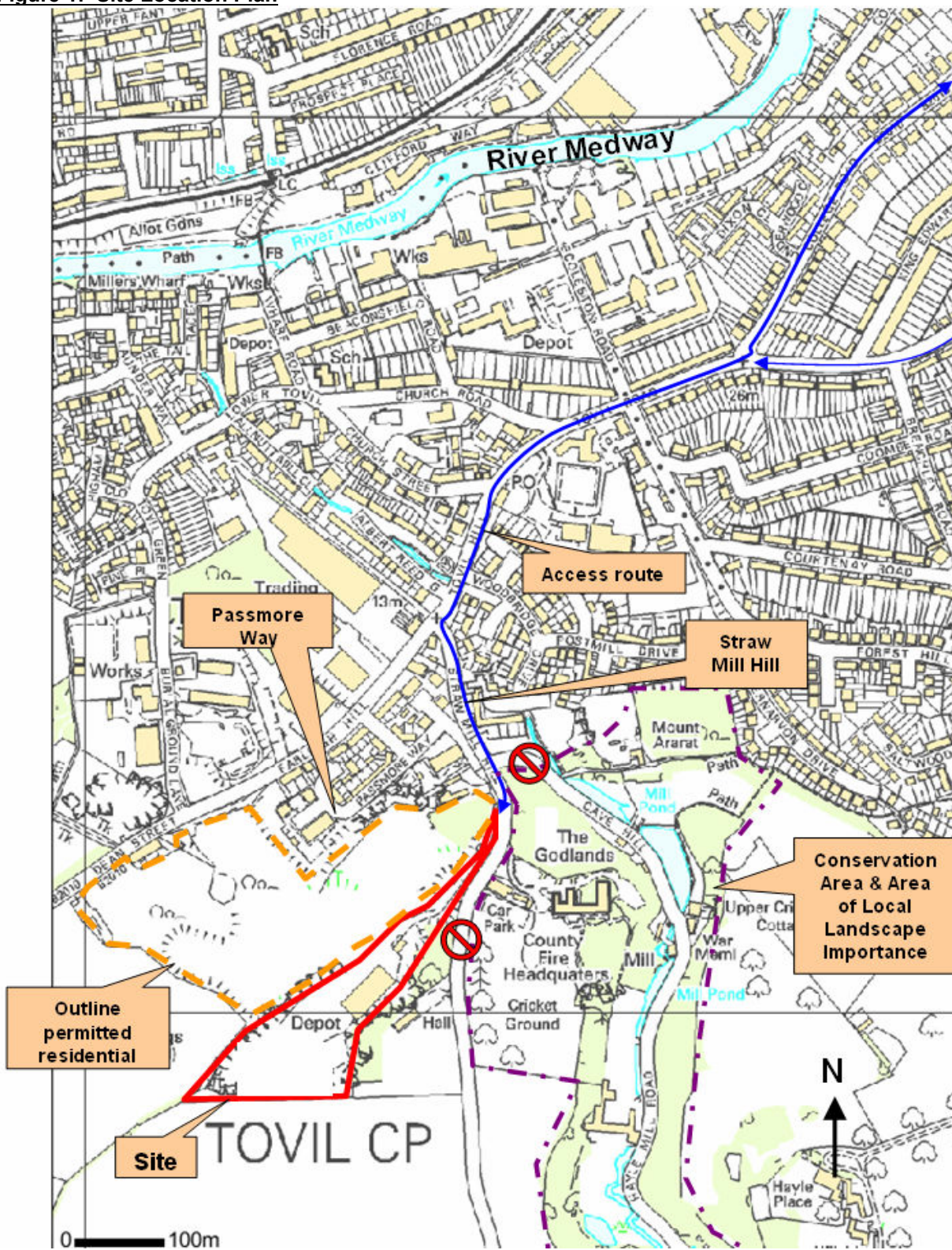
Classification: Unrestricted

Site description and background

1. The application site is located in the Parish of Tovil and lies approximately 1.6km south west of Maidstone Town Centre. The site is located on the former SBS Recycling site which is accessed directly off Straw Mill Hill via the B2010 at the bottom of Tovil Hill.
2. The site is an approximately triangular parcel land covering an area of 2.55 hectares. The site is set within a former ragstone quarry, set down approximately 6m to 8m from road level and is currently contained by banks around its perimeter. The applicant owns the freehold of the site.
3. The site is currently allocated within the Maidstone Borough Council Local Plan (2000) for unrestricted industrial use class B2 (industrial) or B8 (storage and distribution) and is also designated as employment land. The site was previously used and still has permission for unrestricted use as a waste paper recycling facility granted by Maidstone Borough Council in February 1987. The site consists of hardstanding with the burnt out remains of several former office and weighbridge buildings and a large steel portal framed warehouse building which remains in relatively good condition. The site is bounded to the south by open agricultural land, to the east is the Tovil Scout Group's Hall and grounds and east from this Stocketts Lane. The existing site entrance is shared with an adjacent garage door manufacturing company. To the north west of the site is the former Tovil refuse tip. However it is important to note that Maidstone Borough Council has previously granted outline permission for residential development of approximately 272 residential units adjacent to the north west boundary of the application site (MA/01/0686). This outline permission is currently subject to an application to Maidstone Borough Council to extend the time limit for implementing permission MA/01/0686 (MA/10/0256).

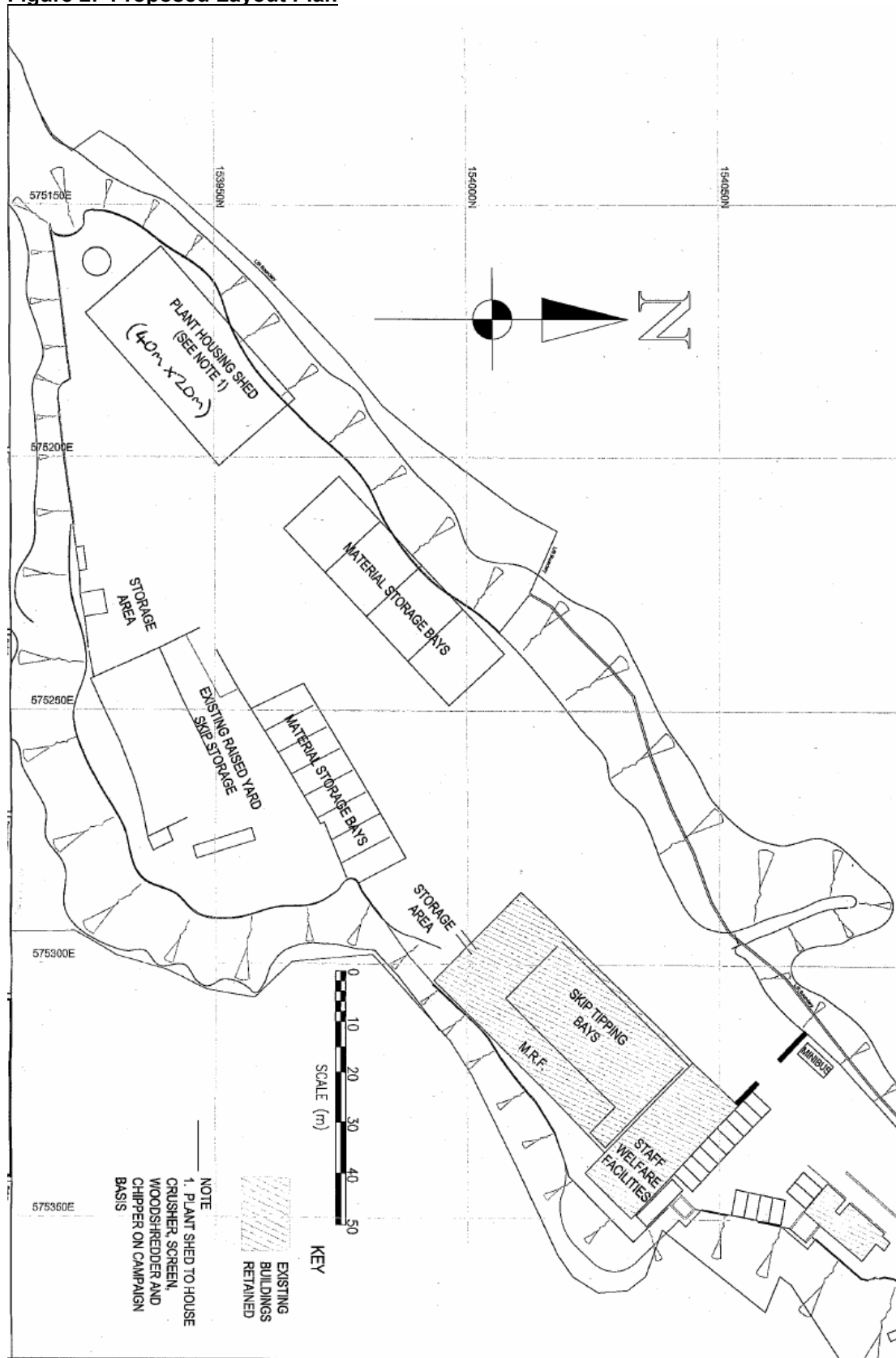
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Figure 1: Site Location Plan



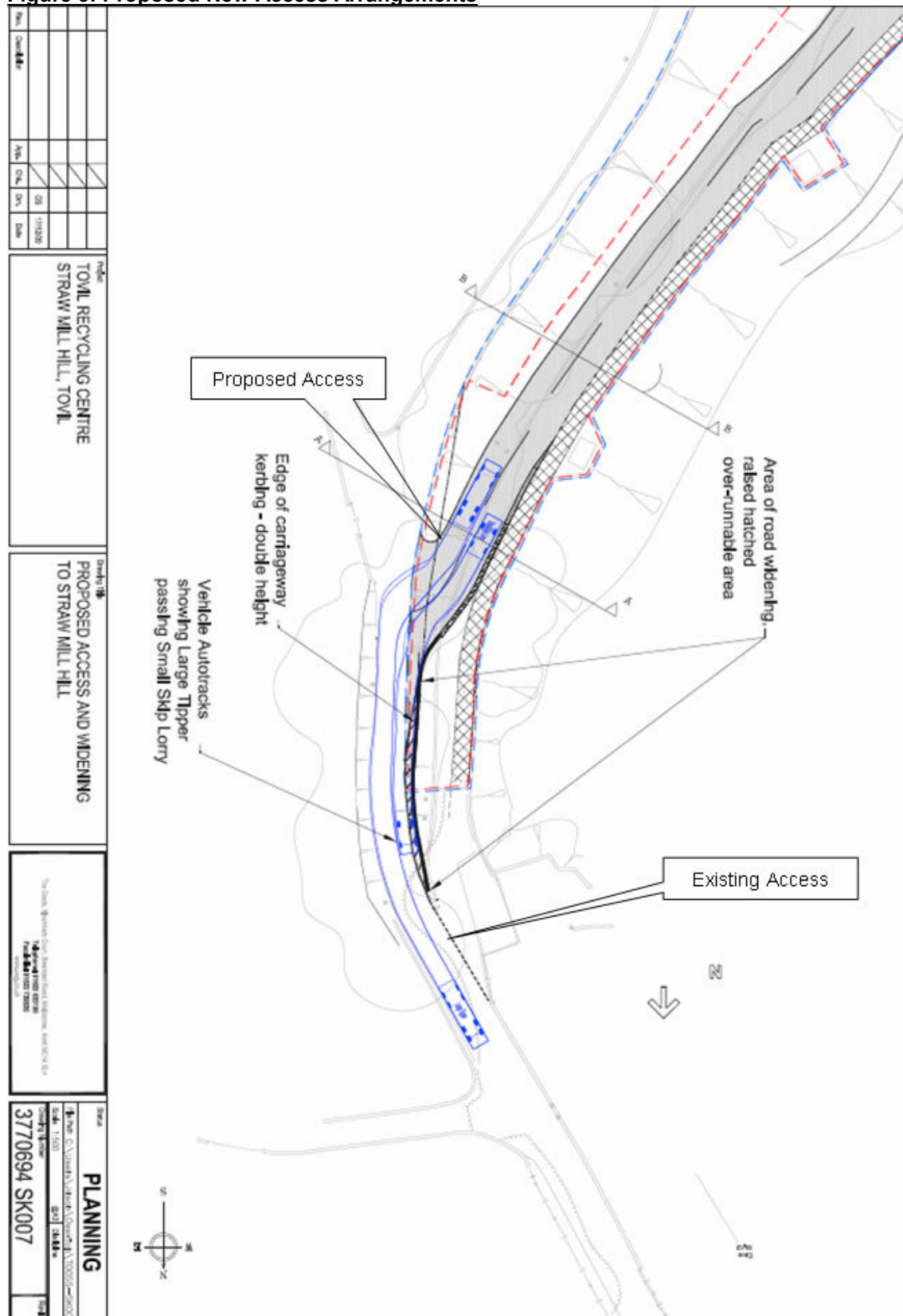
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Figure 2: Proposed Layout Plan



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Figure 3: Proposed New Access Arrangements



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4. Whilst the site itself does not lie within land designated for nature conservation, the land to the east of the site across Straw Mill Hill forms part of the Loose Valley Area of Local Landscape Importance. There are no public rights of way affected by the site, however the adjacent land owner to the north west has a right of access along part of the sites access road. The site is approximately 140m from the nearest residential property at Rockwell Court in Passmore Way. However as mentioned in paragraph 3 above an outline planning permission was granted in February 2005 for the development of residential properties on the adjoining land to the north west of the site. This planning permission, which has not been implemented to date, is subject to a further application to extend the time limits for implementation. At the time of writing this application has not yet been formally determined by the Borough Council.
5. A Planning Applications Committee Members' site visit was held on 13 April 2010. This was also attended by the applicant, representatives of Tovil Parish Council, local conservation groups and representatives from the local community. The site visit enabled Members to view the applicant's site and its relationship with the surrounding area and listen to the views of interested parties. Notes of the site visit are attached at [Appendix 1](#).

Proposal

6. The proposal is for the development of a materials recycling facility, which would process construction and demolition wastes to enable their recycling and reuse. The proposed maximum annual throughput of waste for the site would be 90,152 tonnes per annum. The site would be accessed from a new improved access road egressing further to the south of Straw Mill Hill. The new access road would have wider vision splays and an increased width to allow lorries to enter and egress more safely than the current access allows. The main warehouse building on site would be refurbished. This would then be used to house a materials recycling facility which would mechanically and physically sort incoming locally sourced construction and demolition wastes into individual waste streams.
7. The method by which the accepted waste types would be processed would vary depending on the type of the waste. Materials would enter the site through the main entrance via skip and road lorries. Waste carrying vehicles would pass over the weighbridge, have their load inspected and then deposit their load within the main warehouse building. The incoming waste load would then be processed through the materials recycling facility which would separate the load into different waste streams. Recyclable waste streams such as soils, hardcore, concrete, wood, metals, green waste and plasterboard would then be either separated into open storage bays to the south west of the main building to await export, or further processed on a campaign basis in a new processing building (labelled plant housing shed in figure 2) which would be located in the south west corner of the site. Processing would occur through concrete crushing and screening, wood shredding and chipping and a soil screener. Processed materials would then again be moved to storage bays to wait sufficient baulking up to be exported. These materials would then be finally loaded back onto lorries for exportation from the site.

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8. The new processing building located in the south western corner of the site would consist of a steel portal framed warehouse. This building would be approximately 40m (w) by 20m (d) by 12m (h). The building would be acoustically insulated and have PVC curtaining over shutter doors to reduce noise and dust emissions. The existing warehouse building and other associated buildings would be refurbished and re-used to house site operations, offices and a weighbridge.
9. The applicant is proposing to create a new site entrance further to the south along Straw Mill Hill (illustrated in figure 3). This new entrance would enable two HGVs to pass along the access road and enable passing at the pinch points along Straw Mill Hill. The applicant is proposing to address the pinch points by the widening of the site entrance and by including raised overrunnable kerbing. This would enable HGVs to pass but discourage car drivers to use the extra highway width. The new entrance would also include wider visibility splays and create a separate entrance to that currently shared with the adjacent garage door company. The new entrance would egress opposite the Kent Fire Service Headquarters. The proposed new access would also assist in segregating the proposed site movements from a proposed cycle and emergency vehicle access from the proposed adjacent housing development as approved in outline by Maidstone Borough Council.

Traffic Generation

10. The applicant states that the waste proposed to be processed at this facility would be largely sourced from within the Maidstone Borough; these waste sources are already in existence and are currently exported from the Borough for recycling. To assess transport impacts the applicant has included a Transport Statement and further Addendum to the Transport Statement within the application. Within these statements the applicant predicts that the proposal would generate a maximum of 138 vehicle movements per day (69 in, 69 out). Of these 138 movements the applicant predicts that there would be 92 HGV movements per day (46 in, 46 out). These vehicles would enter and egress the site via the industrial signed route along the B2010 and the A229 towards the M20 and beyond. The applicant has stated that the majority of HGV movement would consist of small to medium sized skip lorries solely under his control. The applicant has also stated that his drivers would be instructed and tracked via global positioning systems (GPS) to ensure that no other route would be used. The applicant in his application states that the majority of HGVs would leave the site between 0700 and 0730 hours and return throughout the day in an even distribution before the evening peak to both reduce traffic queuing and increase efficiency.
11. The applicant has made assurances that he is willing to accept controls which would cap the daily amount of HGV movements using the site to 92 movements (46 in, 46 out).

Hours of Operation

12. The site is proposed to operate between the following hours:

0700 – 1800 hours	Monday to Friday
0700 – 1300 hours	Saturdays (with no operation of Crusher/Shredder/Screeners)
Site Closed	Sundays and Bank Holidays

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Noise Generation

13. The proposal would have the potential to generate noise from both the operation of vehicles and machinery within the site and from the movement of vehicles entering and leaving the site.
14. The site is set down within a former quarry and is well screened from all sides. The south and east boundaries of the site are screened by trees, foliage and the cliff wall of the quarry. The north western site boundary is at present formed from an earth bund. This side however marks the boundary between the application site and the permitted but not yet implemented housing development. As a result of concerns raised at the Members' site visit relating to amenity impacts the applicant amended his proposal to create a new building in the south western corner of the site to house the further processing equipment (being the crusher, screener and shredder). The applicant has made assurances that the shredder, crusher, screener or any other high level noise generating piece of equipment would not operate on Saturdays.
15. The applicant has also submitted a noise assessment in relation to the potential impacts of the development with the application. This assesses potential noise from the proposed development when measured at the nearest residential receptors, and which also takes into account the potential development of the area which is subject to outline permission for housing development.

Air Quality and Dust

16. The applicant states that there would be no materials accepted onto site which would generate odour. The applicant has supplied an Air Quality Assessment with the application.
17. The applicant has proposed a Dust Management Plan which the applicant accepts would be enforceable via condition on any future consent. The applicant operates a site at Dartford which they are proposing to use as a model for the dust mitigation measures to be used on this site. These would include the use of dust suppression misting system and monitoring by on site management to ensure use when required.

Planning Policy Context

18. **National Planning:** Policies PPS1 (Delivering Sustainable Development), PPS9 (Biodiversity and Geological Conservation), PPS10 (Planning and Waste Management), PPS23 (Planning and Pollution Control) and PPG24 (Planning and Noise).
19. **Kent Waste Local Plan (Saved Policies) (March 1998):** W3 (Locational Criteria), Policy W6 (Need), Policy W7 (Re-use), W9 (Location of facilities), Policy W18 (Noise, Dust and Odour), Policy W19 (Surface and Groundwater), Policy W21 (Nature Conservation), W22 (Road Traffic and Access), W25 and 25A (Plant and Buildings) and W31 (Landscaping).
20. **Maidstone Borough Council Local Plan (2000):** Policy ENV 42 (protected verges), Policy ED2 (Retention of Employment Sites), ENV35 (Areas of Local Landscape

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Importance)

Consultations

21. **Maidstone Borough Council (MBC):** raises **objections** to the proposal on two principle grounds;
1. In the absence of evidence to the contrary, the noise generated by plant, machinery and general working on the site is likely to cause significant harm to the residential amenities of the occupants of the proposed dwellings to the north west of the site. The application is therefore contrary to South East Plan policies NRM10 and W17 and the Kent Waste Local Plan 1998 Policies W7, W9 and W18.
 2. The application documentation predicts a significant increase in the volume of goods vehicle traffic visiting the site. The Council is concerned that the local highway network (particularly at Straw Mill Hill and its junction with Tovil Hill) is not adequate to deal satisfactorily with this additional traffic to the detriment of highway safety. The application is therefore contrary to The South East Plan 2009 Policy W17 and the Kent Waste Local Plan 1998 Policies W3, W7, W9 and W22.
22. In response to supplementary information submitted in support of the Transport Addendum which included a reduction in vehicle movements the Borough Council stated: “This Council obtains advice on highways from Kent Highway Services and I assume that you will seek their advice on such matters. In the absence of ‘in house’ highways advice the Council maintains its previously expressed objections”
23. Maidstone Borough Council in response to revised noise assessment information including the housing of the noisiest processing equipment within a building state that in the opinion of their Environmental Health Officer (EHO) “the noise assessment fails to demonstrate that the proposed housing to the north west of the site would not be significantly affected. The EHO questions the methodology embodied in the noise report and the effectiveness of the mitigation measures proposed. Further to this the EHO states that little detail is given as to the scale and extent of bunding and fencing: it could be that such measures would need to be so extensive that they would themselves be harmful to the outlook of the potential outline residential properties and detrimental to the appearance of the area.
24. **Tovil Parish Council:** raise **objections** to the application on the following grounds:
1. The site is bounded on two sides with residential development, with further housing planned to the rear of the site.
 2. Harm to amenity from the proposed development in terms of Noise and Dust.
 3. Traffic issues - High level of vehicle movements proposed
 4. Highways Issues – unsuitable roads for HGVs due to narrow road widths (pinch points) and safety issues blind spots, no footpaths.
 5. Planning permission for housing adjacent to the site with cycle and emergency access using the same access as that of the proposed development.
 6. Operating hours of 0700 to 1800 unacceptable in residential area
 7. Lack of consultation by both applicant and local authority.
 8. Impact on Loose Valley Conservation Area.

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9. Raised kerbing is inappropriate for this area and also ineffective.
 10. Actual noise assessment of equipment operating at this site should be undertaken.
 11. Scepticism concerning how campaign processing will be monitored and ensured.
 12. Uncertainty concerning how the sealed nature of the building will be ensured
 13. Would like absolute certainty concerning noise mitigation measures before determination.
 14. Adequate measures required for dealing with dust and atmospheric conditions.
25. **Environment Agency (EA):** raise **no objection** to the proposals provided conditions are attached to any permission to investigate contaminated land and details of site drainage. The EA also provide various guidance and informatives concerning development on potentially contaminated land and drainage.
26. **Natural England:** raise **no objection** to the proposals in relation to protected species. Natural England welcomes the submission of the ecological survey with the application. Natural England recommends consulting KCC's Biodiversity Officer and Kent Wildlife Trust in relation to the Loose Valley Local Wildlife Site.
27. **KCC Biodiversity Officer:** raise **no objection** to the proposals subject to conditions which would ensure that biodiversity enhancements are secured including details of proposals for the installation of a bespoke bat roost and management and monitoring details, details of a lighting plan, details of tree clearance management plan taking into consideration breeding birds, a precautionary badger survey, habitat creation and management plan and a biodiversity management and monitoring plan.
28. **Kent Wildlife Trust:** raise **no objection**, in principle, to the development subject to planning conditions being used to secure the completion of avoidance, mitigation, compensation and enhancement measures as mentioned in the application. The Trust would also like to ensure that Natural England have been consulted on impacts to protected species.
29. **Divisional Transportation Manager (DTM):** raises **no objection** subject to conditions. The applicant produced both an initial Transport Statement and after consultation and the Members' site visit produced an Addendum to the Transport Statement. Within the addendum to the Transport Statement the applicant has suggested capping of the annual waste throughput of the site to 90,152 tonnes per annum (TPA). This would produce a total of 138 vehicle movements per day of which 92 would be from HGVs. The applicant has compared these figures with those which could be potentially created by the uptake of the site's current designation of B2 (industrial) or B8 (storage and distribution) use. The applicant estimates that uptake of these uses could potentially generate 258 vehicle trips per day of which 100 would be HGVs. The proposals would therefore generate less traffic and fewer HGV movements than that which could be created if the currently permitted B2 or B8 use of the site were to be taken up.
30. The Transport Addendum also addresses concerns relating to the width of Straw Mill Hill and its ability to accommodate large vehicles. An improved access arrangement has been proposed which would improve visibility and sight lines. Furthermore the improved access would allow for HGVs to pass along the site access road. The applicant is also proposing a traffic management system to control inbound and outbound vehicle movements to reduce the likelihood of two HGVs from the site

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passing along Straw Mill Hill. Vehicle swept path analysis has been provided to indicate that there is sufficient space for vehicles to enter, turn and leave the site in forward gear.

31. In conclusion the DTM states that there would be no highway objection to the proposals subject to conditions including a cap on annual site throughput; a limit to HGV movements; details of revised access arrangement in accordance with the principle set within drawing number 3770694 SK007 (as shown in figure 3 in paragraph 3); details of loading/unloading arrangements; details of parking arrangements; parking areas kept unobstructed and for this purpose only; details of paving and drainage; details of the traffic management system; and confirmation of visibility splays and future maintenance of site boundary foliage.
32. **KCC Noise (Jacobs):** Raise **no objection** to the proposals. Jacobs initially requested some further information concerning a number of issues. The applicant clarified these queries and produced a second noise assessment. The second noise assessment clarified that the site would only operate between 07:00 – 18:00 hours weekdays and between 0700 – 1300 hours on Saturdays but without the noisiest equipment i.e. Crusher/Shredder or Screener in operation. It further clarified that operations would be housed within the two buildings and noise breakout from these buildings was modelled. Further to this a series of calculations were provided using measured background data, known equipment noise levels and a calculated noise propagation model to predict worst case noise levels when measured at closest existing residential properties and those theoretical properties permitted on the land to the north west. This information illustrated that, with certain mitigation, under worst case scenario predicted noise levels at the nearest sensitive receptors would be at or below existing background levels. This is an indication that complaints from noise sources are unlikely in accordance with BS:4142.
33. Jacobs conclude that they are satisfied that provided a condition is placed upon any permission to ensure noise rating levels do not exceed background noise level at any sensitive receptor, no nuisance from noise would be caused.
34. **KCC Odour & Air Quality Consultant (Jacobs):** Raise **no objection** to the proposals. Jacobs are of the opinion that the proposed mitigation measures and the existing topographical and tree screening would keep dust nuisance to a minimum level. Best practice mitigation techniques and the proposed dust monitoring as detailed in the application would verify the effectiveness of the mitigation measures and should concerns arise over deposited dust levels in the future further consideration and mitigation could be provided.
35. In regards to air quality; the background air pollutant concentrations are currently low in the vicinity of the site. The proposals would result in some increase in vehicle movements; however the modelled emissions from this increase would be negligible. As such the development proposed would have a negligible impact on the overall air quality of the area, and therefore be unlikely to result in detriment to local air quality.
36. **KCC Landscape Consultant (Jacobs):** Raise **no objection** to the proposals subject to conditions which require details for approval of the exact line of the root protection hazard tape; details of the security fencing including form, colour, and positioning; details of the proposed bunding / acoustic fencing if required, details of boundary

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treatment landscaping scheme including gradients, full planting details identifying plant species, sizes and densities.

37. **Campaign to Protect Rural England:** In their comments to Maidstone Borough Council raise **objection** to the proposals due to the potential impacts from lorry traffic on local amenity. CPRE state that the nature of the Tovil area is now a residential area unsuitable for this type of development and associated impacts from lorry traffic, noise, dust and air pollution. CPRE consider that the proposals would have an adverse impact on sustainability as this development is not “in the right place at the right time” and would not be in the interests of the people of Tovil. CPRE also state the proposals would have a negative impact on both the Loose Valley Conservation Area and local wildlife and biodiversity.
38. **Valley Conservation Society:** raise **objection** to the proposals on the grounds of harm to residential amenity; HGV movements through the Loose Valley (Cave Hill and Hayle Mill Road); increase in HGV traffic on unsuitable local roads; detrimental impacts on the Loose Valley Conservation Area; and hours of operation.

Representations

39. The application was advertised in a local paper and a site notice was posted. 53 letters of objection from members of the public, 1 letter of objection from an adjacent business and 1 letter of objection from the solicitors of the adjacent land owner to the north west, an objection from the Tovil Scout Group located to the south east, a letter from the North Loose Valley Residents Association and 3 petitions, two organised by the Maidstone Liberal Democrats with a combined total of 233 signatures and another organised by a local resident with 398 signatures. A copy of the reasons for both petitions is set out in appendix 2 of this report. The main reasons for objection are as follows;
- Increase in HGV movements (with associated traffic noise, disturbance, vibration and dust).
 - Amenity issues (noise, dust, odour and air quality).
 - Safety issues both road users and pedestrians.
 - Highway issues due to unsuitable carriageways for HGV traffic, blind spots at junctions, pinch points where Lorries struggle to pass and general highway safety concerns.
 - Mud, dirt and debris on the highway.
 - Rubbish/litter generation.
 - Nature of area has now changed from an industrial to residential area. 300 residential properties near to the site with potentially more permitted to be built.
 - Too early to start at 7am.
 - Possible use of cut through roads through the Loose Valley Conservation Area.
 - Harm to verges.
 - Harm to the Loose Valley site of Local Landscape Importance.
40. I have also received an objection letter from the Kent Fire Service (based in Stocketts Lane). It raises objections principally on the same grounds as mentioned above.

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Local Members

41. The County Council Member for Maidstone South, Mr **Alan Chell**, was notified of the application on 30 November 2006. No comments have been received to date.
42. Mr **Ian Chittenden** County Council Member for Maidstone North East and Maidstone Borough Councillor for Maidstone South and Mr **John Wilson** the Maidstone Borough Council Member for the South Ward both **object** to the proposals principally on the same grounds as mentioned above under the representations of the local residents of Tovil and Loose.

Discussion

Introduction

43. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In the context of this application, the policies outlined in paragraphs (18 – 20) are of greatest relevance.
44. Until the Kent Minerals and Waste Development Framework has been adopted as a replacement for the Kent Waste Local Plan (1998), and any identified sites and locational criteria have been subjected to a Sustainability Appraisal and Strategic Environmental Assessment as part of that process, Planning Policy Statement 10 (PPS10) requires that planning authorities should ensure proposals are consistent with its policies.
45. PPS10 advocates a growth in waste management facilities reflecting the waste hierarchy, which priorities reduction, re-use, recycling and recovery (in that order). The Statement seeks to reduce waste that is directed to landfill and states that a substantial increase in recovery of waste and reduction in waste to landfill is required across the Country. If the proposed development is considered acceptable in my opinion it would help contribute towards the Statement's objectives of reducing the amount of waste to landfill and improve waste recovery.
46. Whilst the need for this type of facility is clearly recognised in order to divert waste from going to landfill this should be balanced against locational criteria and whether the proposed facility would result in harm to local amenity. There is policy protection for amenity in general and from waste operations specifically set out within Planning Policy Statement 10, the Maidstone Borough Local Plan and the Kent Waste Local Plan. Policy W9 of the Kent Waste Local Plan requires that proposals for waste development which fall outside of those locations considered to be suitable in principle for such development should be considered against whether the proposals seek to minimise impacts on local and natural environments, have ready access to an appropriate road network and whether the proposals are located on existing industrial type use classes B2 (industrial) or B8 (storage) sites. This site is located within a former quarry and on an existing designated B2/B8 Industrial site. Industrial type locations such as this usually have ready access to the primary route network. In this case whilst the site does not have ready access to the primary route network it is accessed from the A229

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via the B2010 and Straw Mill Hill, this route remains a signed industrial route suitable for HGVs from the A229. Whilst the site is located on industrial land, it has to be recognised that the nature of the Tovil area has evolved to a more residential area. The nearest existing residential receptor from the site entrance lies approximately 50 metres to the north. However the nearest existing residential receptor to the main site lies approximately 140 metres to the north west at Passmore Way. The site also lies adjacent to existing adjacent business premises immediately to the north of the site entrance. Taking this into account the acceptability of this development at this location should be considered having regard to the suitability of the site access and associated impacts on local amenity.

47. Given the above policy background and taking into account the responses received during the consultation process, in my view the main issues to be balanced against the need for additional recycling facilities relate to concerns over traffic, access and highway safety, residential amenity, noise, dust, odour and air quality, biodiversity and ecological impacts and landscape and visual impacts.

Traffic, Access and Highway Safety

48. Objections concerning traffic and access impacts from this proposal have been raised by Maidstone Borough Council, Tovil Parish Council, local Councillors, Kent Fire Service, local residents, business and land owners. These objections relate to the suitability of the site location in relation to access routes for HGV movements. The operator has submitted a transport statement with a later addendum as part of the planning application. The transport information supplied analyses the proposed impact of the development on the local highway network in detail. The applicant has stated within the application that they propose a cap on the total HGV movements from the proposed development. The applicant is suggesting a cap of 92 HGV movements per day (46 in, 46 out) with a total proposed traffic impact of 138 vehicle movements per day including all vehicles. The applicant's transport statement compares the proposed site use and associated traffic generation with the potential permitted site use. The site currently has an unrestricted permission for B2 (industrial) or B8 (storage) industrial type uses with no restrictions on vehicle movements. The previous use of the site was as a waste paper processing facility.
49. Transport policies within PPS 10 and the Kent Waste Local Plan aim to ensure that new development is appropriately located with ready access onto the primary route network, and does not cause detrimental impacts to highway safety and amenity. In this case the site is located on the site of a former quarry and waste paper processing facility which is serviced by minor non-primary routes, namely Straw Mill Hill and the B2010 to access the A229. Whilst the nature of the Tovil area has without doubt changed over the last 30 or so years, the roads which service the area have not. The site is accessed by a designated industrial route signposted as being suitable for HGV movements accessing the industrial area in Tovil. The applicant states that his vehicles would only use Straw Mill Hill and the B2010 to access the primary route network at the A229 from the site. The applicant has stated specifically that his vehicles would not use Cave Hill as a cut through as this route would not be suitable for HGVs due to its narrowness. The proposed route (as illustrated in figure 1) would take vehicles through Tovil which lies on the southern periphery of Maidstone. Tovil Parish Council has objected on the grounds that the Tovil area and its road network are no longer suitable for this kind of

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activity and the level of lorry movements proposed. Other highway related objections have been raised concerning the narrow width of Straw Mill Hill causing a pinch point where two lorries are not able to pass safely. Objectors have highlighted that there are schools nearby which access onto the B2010 and a children’s playground on the corner of Albert Reed Gardens and the B2010 towards Maidstone. Objectors feel that increasing lorry movements along these routes may cause highway safety impacts.

50. Despite these claims it must be stressed that this site is on land which is designated as suitable within the Maidstone Borough Council Local Plan as B2(Industrial) & B8 (Storage) employment land. Furthermore the site’s current planning permission does not have any restrictions or controls on access routes or vehicle movements. An objection has also been raised by the adjoining land owner to the north west of the site. This land currently lies vacant but has the benefit of an outline planning permission for the development of approximately 272 residential units granted by Maidstone Borough Council. This proposal includes the sharing of the existing access with the proposal site for emergency vehicle access and a proposed cycle path.
51. The Divisional Transport Manager (DTM) was initially consulted on the application and then in respect of the objections raised concerning traffic, access and highway safety impacts from the proposal. The DTM's comments have been made in response to the above highway objections received and based on the Transport Statement (TS) and Addendum to the TS supplied by the applicant. The TS and Addendum compare the potential highway impacts of the proposed development with the potential highway impacts of the existing permitted use. The TS uses traffic data collected locally in 2009 to assess what additional impact the proposals would have on the road network. Objectors have noted that this traffic data was collected during the school summer holiday period claiming the data to be misrepresentative. However the DTM has pointed out that this is not the case as the number of HGV movements on roads would not be affected by school term traffic.
52. The TS and Addendum demonstrates that over a 11 hour working day 138 vehicle movements (69 in, 69 out) would be generated, of these movements 92 would be HGV movements (46 in, 46 out) and the remaining 46 would consist of light vans and cars (23 in, 23 out). The TS goes on to compare this with the potential number of vehicle movements which could be generated if the existing B2 (industrial) or B8 (storage) permission were to be taken up. The TS uses TRICS traffic data to analyse the potential movements which could be generated if a typical B2 or B8 industrial use was in operation at this site. This data is shown for quick comparison in table 1 below.

Table 1. Potential totals of all vehicle traffic per day related to site use (with inclusive HGV movements in brackets)

Use	Arrivals	Departures	Totals
Potential B2 / B8 use	129 (50)	129 (50)	258 (100)
Proposed Waste use	69(46)	69(46)	138 (92)

53. Table 1 shows that the number of overall vehicle movements associated with the proposed waste use would be potentially lower than what could currently occur if the

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existing B2 (industrial) or B8 (storage) permission were to be taken up. The DTM when commenting on this application states that the potential permitted use of the site very much limits what restrictions could be reasonably justified in this case. The DTM states that the applicant's TS demonstrates that this proposal would create similar daily movements of HGV traffic to and from site as the currently permitted use with a significant decrease in overall traffic movements. In light of this information the DTM confirms that there can be no justifiable highway objection in terms of traffic generation. Furthermore it should be noted that currently there are no restrictions on HGV movements at the site, as such the site if occupied could potentially generate as many if not significantly more HGV movements than is proposed under this application.

54. The TS Addendum addresses objections in relation to the narrow width of Straw Mill Hill and a pinch point where the safe passing of two HGVs was questioned. The applicant, to address these concerns has included a redesigned site access. This new access would include a new entrance with increased width to allow two lorries to pass along the site access and increase visibility splays for drivers egressing the site. Objections have been made by the adjacent site owner who previously had the benefit of an outline permission for the development of 272 residential units (an application to extend the time limit for implementation has been submitted to Maidstone Borough Council). This site would share the existing access to the applicant's site for cyclists and emergency vehicles accessing his site. At present this emergency access and cycle access would be in direct conflict with vehicles accessing the application site, thus highlighting safety concerns. The applicant has addressed these concerns in the proposed redesigned new site access by increasing the road width and including a cycle refuge to create physical separation between the potential cyclists and HGVs.
55. Swept path and photographic evidence has been supplied by the applicant to demonstrate that two lorries and a cyclist are able to pass along the revised site access, and that two lorries can pass along Straw Mill Hill itself. The applicant is proposing to install raised kerbing at the site entrance which lorries could ride over in the event that they meet at the narrowest point on Straw Mill Hill which is located at the existing site entrance. Tovil Parish Council have objected to the proposal for using raised kerbing as being both inappropriate and ineffective. The DTM disagrees with this view and states that the revised access plans offer an improvement over the current access.
56. To further manage traffic from the site the applicant is proposing a traffic management plan. This would further reduce the probability of two large vehicles having to pass along Straw Mill Hill. The applicant would control vehicle movements by the use of a 'Geo-Manager' software system which would monitor live progress of his vehicles using both radio and GPS. This would then enable the controlled release of vehicles leaving the site via traffic lighting to ensure that they would not pass incoming vehicles along Straw Mill Hill.
57. The DTM concludes, in his opinion, that in light of the above information he has no objection to the application on highways grounds subject to conditions. On this basis, considering the existing permitted site use could generate over and above the vehicle movements proposed, I consider that with appropriate conditions limiting the hours of operation, number of vehicle movements and further details of the redesigned site access the proposals would provide an opportunity for greater restriction and controls over the site which may be beneficial in highways terms. Having regard to the views of the DTM and subject to appropriate conditions, I am satisfied that the proposed facility

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would be acceptable in terms of highway and traffic impacts and an overriding objection on highway grounds cannot be sustained.

Amenity Impacts

58. This site is roughly triangular in shape and is situated within a relatively well contained parcel of land; the site is set down approximately 6 to 8 metres from the road on 2 sides and is surrounded by an approximately 6m earth bund to the other side. There is dense well established foliage on the south eastern and southern site boundaries and an established bund to the northwest boundary. The site is situated at the closest point approximately 140m away from the nearest sensitive receptor. There is however potential for residential properties to be built along the northwest boundary of the site, which would bring residential development to the immediate north-western boundary of the site. The proximity of residential and potential residential receptor raises the need for consideration and examination of local amenity impacts which could potentially be caused by the proposal. These relate in particular to impacts from noise, dust, air pollution and odour, light pollution and visual and landscape impacts. The main policies in regards to the control of amenity impacts from waste operation are found within the Kent Waste Local Plan and within the principals set out within Planning Policy Statement 10 and Planning Policy Guidance 24: Planning and Noise (PPG24).

Noise Impacts

59. PPG 24 provides guidance on how the planning system should balance the adverse impacts of noise without placing unreasonable restriction on development. As a general principle, however noisy development should be sited away from noise sensitive land uses. In the decision making process the planning authority must consider whether it is practicable to control noise levels, or to mitigate the impact of noise through conditions. Policy W18 of the Kent Waste Local Plan requires development to satisfactorily address the means of controlling noise, dust odour and other emissions.
60. Objections have been raised concerning the proposals potential noise impact from Maidstone Borough Council, Tovil Parish Council, the County Member for Maidstone North East and Borough Councillor for Maidstone South and local residents. Considering the proximity of both existing and proposed residential development it is necessary to consider the noise impacts arising from the proposed development in the determination of this proposal.
61. The proposed facility would without doubt generate noise through its operations and associated vehicle movements. The facility would include noise generating activities such as the tipping and sorting of wastes and further processing of sorted wastes through crushing, shredding and screening equipment. However all of these noise generating activities would be housed within both the existing and new a purpose built building. These buildings would have appropriate sound insulation and attenuation measures to contain noise as far as practicably possible.
62. As part of the supplementary information submitted with the application two noise impact assessments were submitted. These were carried out in accordance with BS4142; (method for rating industrial noise affecting residential development), BS7445;

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(Description and measurement of noise) and other relevant standards and guidance. The first noise assessment was submitted with the planning application. Subsequently after consultation and the Members' site visit the proposals were amended and therefore required a revised assessment. The revised noise report sought to address noise concerns by housing the further processing of wastes within an insulated new building and with the operators commitment to not run the waste processing machinery (crusher/shredder /screener) on Saturdays.

63. To establish background noise levels noise monitoring surveys were carried. A long-term survey was undertaken at a location representative of the nearest potential property to the plant equipment (at the permitted outline housing site) and 4 sample surveys were undertaken at locations representative of the nearest existing residential properties. These surveys were undertaken during normal weather conditions whilst there were no operations at the proposal site. The noise assessments measured background levels ranging from 36 – 38 LA90 across the surveyed locations.
64. The assessment included data showing noise level surveys and manufacturer sound levels from similar equipment to that proposed in order to predict and assess the potential noise impact arising from the proposed facility. A noise propagation model using local data concerning the characteristics of the Tovil site was set up using computer software to calculate noise emissions from the proposed development. This enabled a modelled worst case noise scenario to be set up where the site would be at its busiest and noisiest in terms of operations and vehicle movements. This was modelled as being with the MRF running, the wood shredder running with an excavator feeding it, with 6 skip lorries arriving and tipping their loads within an hour and with a bulk collection vehicle on site. Using these predicted noise levels a scheme of mitigation measures was designed to ensure that the proposed development would not generate noise exceeding current background levels when measured at the sensitive receptors as requested by KCC's Noise Consultant Jacobs.
65. The applicant's scheme illustrated that noise level would not exceed background levels at any of the measured locations. The rating level at the nearest existing dwelling in Passmore Way would be 30dB being some 6dB below the measured background level. At the proposed dwellings at the adjacent site to the northwest the rating level would be 38dB being the same as the measured existing background level. This would indicate that in accordance with BS4142 complaints would be unlikely. Maidstone Borough Council has cast doubt over whether this scheme would be possible and whether the results would be achievable in relation to the outline housing site adjacent.
66. In the absence of the outline housing scheme being developed the noise assessment demonstrates that the mitigation measures proposed (i.e. the enclosure of the building and the site layout) would ensure that noise levels generated at the site would not be greater than the existing background levels when measured at the nearest residential receptor. Should the outline housing site be developed, then the nearest residential receptor would be closer to the proposed waste management development. The 2005 housing development outline permission incorporated a condition to address noise considerations by requiring an acoustic assessment to identify the noise exposure category of the housing site and then produce a scheme of acoustic mitigation to ensure that noise levels within potential future dwellings and their rear gardens conform to limits set by the Borough Council.

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67. Should further noise mitigation be necessary on the waste management site to ensure that background levels are not exceeded at the nearest residential receptors, the applicant has committed to providing additional mitigation measures in the form of further insulation of the buildings walls and roofs with acoustic lining and the covering of all but two of the roller shutter doors on the MRF building. These sound absorbent linings would reduce reverberation and provide sound attenuation. If necessary to meet noise requirements there would also be a bund (or possibly an acoustic fence) positioned along the north-west site boundary (tapering lower to the north of the existing building) and a 2.3m acoustic barrier along the access road.
68. Should Members be minded to grant permission, taking account of the above and having regard to the advice from Jacobs (Noise) and in the interests of protecting amenity, I would recommend a condition is imposed requiring that noise levels from operations when measured at any noise sensitive property do not exceed existing background levels. In addition I would also recommend that a condition is imposed requiring prior to commencement of development the submission and approval of a noise monitoring scheme. Such a scheme should make provision for a noise monitoring regime and should the adjacent site be developed for housing the submission, approval and implementation of appropriate additional noise mitigation measures to ensure background noise levels are not exceeded.
69. Having regard to this, the County Council's noise advisor considers that noise from the proposed operations would not cause detriment to amenity if permission were to be granted, subject to a condition that the noise rating levels do not exceed the existing background noise level when measured at any sensitive receptor. In my opinion the principle of industrial and storage development on this site has already been established and with the imposition of suitable conditions to control noise as set out in paragraph 68 above the proposal would offer an opportunity for planning control of operations at this site. On this basis I am satisfied that the proposals would accord with the above national and development plan policies and there are no overriding objections on noise grounds.

Air Quality, Dust and Odour Impacts

70. Air quality impacts from the development could potentially be caused through fugitive dust emissions from the proposed operations at site and from traffic using the site. Objections have been raised by Tovil Parish Council and local residents in regards to detrimental air quality impacts from the proposed development. No objections have been raised by the County Council's Dust and Air Quality Consultant.
71. The main policy guidance on air quality, dust and odour impacts is set out within PPS10 and Kent Waste Local Plan policy W18. In general, guidance and policies within these documents require the planning authority to be satisfied as to the means of controlling dust, odours and other emissions. This should be considered particularly with regard to the effect of potential emissions on nearby sensitive receptors. In this case the nearest existing residential receptor is approximately 140m from the site. However the potential outline permitted housing should be considered which as discussed above would be immediately adjacent to the north west boundary of the site.

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72. The applicant has submitted an Air Quality Assessment with the application to assess the impact of both traffic emissions and fugitive dust emissions that could arise from the operational elements of the proposed development. Dust and odour mitigation measures have also been proposed to reduce any adverse impact on surrounding sensitive receptors. In addition, future predicted road traffic flows have been used to model air pollution levels.
73. The assessment has been undertaken in accordance with specific international, national and local policy and guidance. The assessment considered the potential impacts on the main sensitive receptors as being residential areas and schools in the area.
74. In terms of traffic emissions, the assessment has calculated the concentration of NO₂ (Nitrogen Dioxide) and PM₁₀ (fine particles) levels at selected sensitive receptors for 'without development' and 'with' development scenarios. Potential increases in pollution would be mainly caused by the increases in traffic from the site. It should be noted that there are currently no sensitive receptors such as houses or schools within 140 metres of the site. The calculations also took into account the background pollutant levels. The assessment concludes that the properties of Tovil Hill and Woodbridge Drive (north of Straw Mill Hill) would be the worst affected receptors from traffic emissions. It is predicted these would experience increases in NO₂ of 5% and increases of PM₁₀ of 1.5% when compared to the vacant site levels. However, even with these increases at the worst affected properties the predicted levels are well within levels set within Maidstone Borough Council's Air Quality Strategy objectives of 40 µg/m³ for NO₂ and 40 µg/m³ for PM₁₀. The applicant has also investigated the impacts the development would have on Maidstone Borough Council's Town Centre Hotspots, and again concludes that the impact from this development is negligible compared with overall traffic levels. Furthermore I should point out that this represents a worst case scenario given that the site could become operational under the terms of the existing unrestricted permission.
75. The County Council's Air Quality and Dust Advisor concurs with the air quality assessments findings and concludes that the proposed development would not have any significant impact upon the nearby residential properties and the surrounding local network. The Air Quality Advisor justified this by reasoning that increases in traffic movements from and to the site would not have a significant impact as predicted potential pollutant concentrations would be well below the air quality objectives as set within Maidstone Borough Council's Air Quality Strategy. Since the Air quality assessment the applicant further revised the vehicle movements from 138 movements per day to 90 per day so the true impact would be less than the levels predicted in the air quality impact assessment.
76. In terms of any dust and odour nuisance, the assessment has considered the effects from the construction and operational aspects of the proposed development and proposed measures to mitigate any adverse effects on both existing and potential surrounding receptors. In this case it must be recognised that most operational activities would take place within the confines of a building which would have sealed entrances via PVC curtaining. The concrete crusher, screener and shredders would be fitted with in situ dust suppression units to control dust in buildings in accordance with Health and Safety regulations. Secondly the topography and surrounding perimeter

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vegetation of the site would not be conducive for the migration of fugitive dust from operations onto nearby residential properties. However, as with the traffic emissions assessment, the development has been assessed according to the location of sensitive receptors. The assessment advises that with the implementation of best practice and a Dust Management Plan as indicated within the application, dust nuisance arising from the operational development would be negligible. I would recommend that if members were minded to grant permission a dust management plan would be conditioned to include mitigation measures to control dust from the site linked to the nearest sensitive receptor. As such if the outline permission for housing were to go ahead the proposals for dust management would be adequate to ensure that dust would not be an issue for these residential properties.

77. The County Council's Air Quality and Dust Advisor is satisfied that with good site management any impacts from dust could be adequately mitigated. In terms of odour the applicant is proposing to collect solely construction and demolition wastes in skips which by the wastes nature would be unlikely to cause odour issues, however as a precautionary measure in accordance with best practice appropriate protocols for the swift handling of any odour producing wastes would be adopted at site. Having regards to this the County Council's air quality advisor is satisfied that the proposals are unlikely to cause detriment to amenity through odour.
78. In the context of the above views and advice I am satisfied, subject to appropriate conditions ensuring that the dust management plan and a mitigation system would be appropriately designed and implemented before the commencement of waste management operations and suitably maintained, and with appropriate restrictions on the types of waste imported to the site, that the proposals would not cause any significant detrimental impact in terms air quality, odour or dust.

Biodiversity and Ecology Impacts

79. Ecology and biodiversity issues in relation to built development are a material planning consideration. Paragraph 14 of PPS9 states that "development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. When considering proposals, the local planning authority should maximise such opportunities in and around developments..." In this case Natural England, Kent Wildlife Trust and the County Council's Biodiversity Officer were consulted on this application to consider the Phase 1 Habitat Survey supplied by the applicant as part of the supplementary information submitted in support of the planning application.
80. The applicant's initial Phase 1 Habitat Survey examined the potential for protected species on site (including bats, badgers, breeding birds, reptiles, amphibians and dormice). The habitat survey identified that the site has evidence of foraging bats, but low potential for bat roosts. Some buildings due to be demolished as part of the proposals show some evidence of bat activity and therefore the applicant proposes to include a new bespoke bat roost, details of which would be required for approved and installed prior to the demolition of buildings. To retain the site's potential for foraging bats low level lighting would be used, again details of which could be conditioned.
81. Whilst very little vegetation would be removed during the development there would be some tree clearance to create the new site access. The applicant proposes to submit a

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management plan for the removal of this habitat to ensure that best practice is followed and ensure breeding birds are not disturbed. The applicant aims to mitigate the loss of this habitat by a scheme of biodiversity enhancements including tree planting around the perimeter of the site. The details of this and a future management plan could be dealt with via condition to ensure that the level of mitigation is appropriate.

82. Natural England welcomed the inclusion of this information with the application and offered no objection subject to their standing advice concerning protected species. Kent Wildlife Trust offered no objection again subject to Natural England's standing advice and where necessary a planning condition on any future consent which would secure the completion of avoidance, mitigation, compensation measures mentioned in the applicant's report. The County Council's Biodiversity Officer in following Natural England's standing advice required an additional reptile survey to be undertaken by the applicant to establish presence of reptiles on site.
83. The reptile survey was conducted during between March and September 2010. The survey work concluded that the likely reptile population size was low and the amount and quality of reptile habitat within the site was very small and of low quality. Nevertheless the applicant recognises that it is an offence to intentionally kill or injure species protected under the 1981 Wildlife and Countryside Act. Considering this the applicant has proposed mitigation measures to protect any reptiles from harm that might arise during development work. Proposed mitigation measures follow the exclusion and capture method by the use of reptile fencing and then the trapping and relocation of reptiles to the adjacent buffer zone around the site during proposed ground works. The County Council's Biodiversity Officer considers the translocation approach suggested would be appropriate and is therefore satisfied that there would be no resultant harm to reptiles.
84. The County Council's Biodiversity Officer having regard to Natural England's standing advice is now satisfied that no harm to biodiversity would be caused by the proposed development subject to conditions which would ensure that biodiversity enhancements are secured including details of proposals for the installation of a bespoke bat roost, details of the site lighting plan; details of tree clearance management plan taking into consideration breeding birds; a precautionary badger survey; habitat creation and management plan and a biodiversity management and monitoring plan. On this basis subject to the imposition of conditions requested by the County Council's Biodiversity Officer I am satisfied that the proposed development would lead to no net loss of biodiversity at the site.

Landscape and Visual Amenity Impacts

85. The site is set at the base of a former ragstone quarry which was previously occupied by waste paper recycling activities and contains disused industrial buildings. The site is set down some 6 to 8 metres from road level and is currently well screened on two sides by dense established foliage and contained on the other side by an earth bund. Whilst the site is relatively well contained and would not have any significant visual impact on any existing residential properties or views, there is potential for views into the site from dwellings arising from the previous outline consent for housing on the adjacent land to the north west. The applicant accepts this and has suggested should the properties be built a scheme for mitigation of these views by way of either an earth

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bund or an acoustic barrier, and planting.

86. The applicant has highlighted that in their opinion the juxtaposition between the two sites has already been considered to be acceptable in the application to grant outline permission for residential development up to the boundary of an existing, albeit vacant industrial site. However despite this the applicant intends to provide some form of screening to ensure that the potential properties are adequately protected from noise and views into the site. In addition the expired outline housing scheme included the provision of a belt of vegetation including the planting of trees ranging from 2m to 12m in depth along the boundary line. An application to extend the time limit for the implementation of the outline permission is being considered by Maidstone Borough Council and currently remains undetermined. The applicant considers that given the current indeterminate nature of the adjacent housing application it is not possible to confirm the precise details of what landscape mitigation may be required. Whilst currently the site would have no visual impact on any of the surrounding land uses in recognition of the potential housing adjacent to the site the applicant has suggested that these details would be more effectively left for future consideration by way of condition relating to the stage of development of the adjacent land. With regard to comments by Maidstone Borough Council in relation to the visual impact of potential acoustic bunding in relation to the outline housing development, I am of the opinion that detail of this boundary treatment would be most appropriately left for consideration by condition on any future consent once the layout of the outline housing permission has been decided and development commenced.
87. The proposal site lies close to the Loose Valley Area of Local Landscape Importance and the Loose Valley Conservation Area. Objections to the proposals have been raised by Tovil Parish Council and the Valley Conservation Society on grounds of harm to the Loose Valley. The proposals would not use the road network through the Loose Valley along Cave Hill due to the narrow unsuitable nature of these roads for HGV traffic. Considering that there would be no additional traffic through this area, and that the site is set down from road level, well screened and that there is an unrestricted permission for B2 or B8 development at the site, in my opinion the proposals would not have any detrimental impacts on the Loose Valley over and above what could already occur at site. On this basis I do not consider there to be any negative impacts on the Loose Valley designated areas on landscape grounds.
88. The County Council's Landscape Advisor does not object to the proposals on visual impact grounds subject to conditions covering; pre-commencement of details of site security fencing including form, colour and location; details showing the exact line of tree hazard tape and details of boundary treatment including materials and gradients of bunding, proposed plant species, sizes and densities. On this basis and considering the above I do not consider that the proposals would cause any significant impact on landscape or visual amenity.

Hours of Operation

89. The proposal requests operating hours for 0700 – 1800 hours Monday to Friday and from 0700 to 1300 hours on Saturdays (with no operation of the noisiest equipment). The applicant is not proposing to work on Sundays, Bank Holidays or Public Holidays. These operating hours are standard operating hours for industrial uses. Local residents have objected to these operation hours for starting too early. These hours have been

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sought to ensure that the operator's drivers leave the site between 0700 and 0730 to ensure that they do not get held up during the morning peak traffic movements. The drivers would then return to the site after the morning peak in a steady distribution. The operator in his application has made a commitment that there would be no operation of the noisiest equipment on Saturdays being the Screener/Shredder or Crusher at weekend. Considering that noise restrictions would apply to operations at site ensuring that background noise levels are not exceeded I am satisfied that there would be no harm to amenity from the proposed hours of operation.

Conclusion

90. Whilst a significant number of objections have been raised against this proposal it is pertinent in my view to reiterate the surrounding nature of the proposal site and location. The site is set within a former quarry and is currently enclosed by vegetation and earth banking around its perimeter. The site is a brownfield industrial site which is designated as being suitable for industrial type development within the Maidstone Borough Local Plan. The site currently has the benefit of an unrestricted planning permission for waste paper recycling which could be taken up at any time. Whilst the nature of the area has changed to a mainly residential area; the site is accessed by a designated industrial route signposted as being suitable for HGV traffic and provides access to the main route network.
91. Objections have been raised concerning the suitability of this location for this type of development. Policy W9 of the Kent Waste Local plan sets out the criteria for locations suitable for waste separation and transfer. In this case the site does not fall within any of the listed locations and therefore is subject to being considered against appropriate criteria. The first of these is whether the proposals seek to minimise impact on the local and natural environment. This proposal offers considerable mitigation measures including the housing of equipment within buildings, noise mitigation measures, dust mitigation measures, ecological mitigation and allows for restriction and further control of site activities through the planning regime. On the whole the proposals would offer a positive benefit to the area over the existing permitted development at the site. Considering this I am of the opinion that the proposals seek to minimise the development impact on the local environment and are therefore in accordance with the first test.
92. The second criterion is that the proposals would seek to secure ready access to the main route network. In this case the proposal site is linked to the main route network at the A229 via Straw Mill Hill and the B2010, whilst this does bring vehicles through Tovil this route is designated as an industrial route as being suitable for HGV movements. The Divisional Transport Manager has been consulted on the suitability of this route for the level of HGV traffic proposed and is of the opinion that no highway objection could be sustained. The proposal again offers further restriction to the level of HGV movements from this site in future. Currently the site benefits from an unrestricted permission for B2 (Industrial) or B8 (Storage and Distribution). The applicant in their submission has demonstrated that if another use were to take up the existing permission it could potentially create more HGV movements than the proposals, and as the existing permission is unrestricted these movements could be well in excess of the levels proposed. On this basis I consider that the proposals would be in accordance

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with the second test.

93. The third test states that proposals for waste management facilities are within an established or committed general industrial type area (i.e. B2 or B8 use classes). As discussed above this site falls within an area designated as being suitable for industrial development and contains industrial buildings which would be re-used. In my opinion the site therefore fulfils this third test. Considering the above I am of the opinion that this proposal at this site is in accordance with policy W9 of the Kent Waste Local Plan as such this proposal for waste management facilities is suitable for this site at this location.
94. To summarise the proposal is for the re-use of existing site buildings together with the erection of a new building to provide a materials recycling facility enabling the recovery of construction and demolition waste which would help towards meeting diversion targets away from landfill. The facility would process some 90,152 tonnes of waste per annum. This would involve a capped number of 92 HGV movements per day (46 in, 46 out). The applicant has provided information to demonstrate that subject to appropriate conditions, noise, dust, odour and air quality concerns could be addressed to the satisfaction of the Divisional Transport Manager and the County Council's advisors on noise, dust, odour and air quality. Further information and mitigation strategies have been submitted by the applicant in respect of biodiversity and ecology interests. This information is in accordance with Natural England's Standing advice and to the satisfaction of Kent Wildlife Trust and The County Council's Biodiversity Officer. I am satisfied that all other matters raised within this report including details of boundary treatment, security fencing, lighting details & biodiversity mitigation strategies could be adequately addressed through the imposition of pre-commencement conditions if planning permission were to be granted.
95. Whilst I note the objections raised in respect of the site location, traffic, access and amenity issues, I am satisfied having regard to comments made by consultees that should permission be granted, provided appropriate conditions are imposed the proposed facility would not cause significantly more impact than what is currently permitted at this site. Furthermore the proposals offer an opportunity to place further restrictions and controls on the site. These further controls would enable the impact of the site on the local highway network to be limited in terms of vehicle movements, allow improvements to the existing access arrangements, and enable further control of the site in terms of noise, dust and odour and enable enhancements to site biodiversity.
96. In conclusion, I am satisfied that the proposed use of the site would be acceptable and that provided appropriate conditions are imposed to control any potential adverse impacts there are no overriding issues that would reasonably warrant this application to be refused. Accordingly I recommend that planning permission be granted subject to conditions.

Recommendation

97. I RECOMMEND that PERMISSION BE GRANTED for the proposed materials recycling facility Subject to conditions including standard time condition, hours of operation; limit to annual waste throughput, limits to vehicle movements; noise restrictions; a scheme of noise monitoring; requirement for compliance with noise restriction by submission and implementation of noise mitigation measures (including if necessary appropriate

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measures should the adjacent site be developed for housing); dust management plan including physical dust suppression and dust monitoring scheme; drainage, a contaminated land assessment; parking arrangements, site lighting, security fencing, acoustic fencing, boundary treatment, biodiversity improvements including bespoke bat roost, tree protection; landscaping; boundary treatment including materials and gradients of bunding including proposed plant species, sizes and densities; and other standard and operational conditions.

Case Officer: Shaun Whyman

Tel. No. 01622 221055

Background Documents: see section heading.
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APPENDIX 1 TO ITEM C1

APPLICATION MA/10/167 – DEVELOPMENT OF A MATERIALS RECYCLING FACILITY AND TRANSFER STATION FOR WASTE RECOVERY AT STRAW MILL HILL, TOVIL, MAIDSTONE.

NOTES of a Planning Applications Committee site meeting at Straw Mill Hill, Tovil on Tuesday, 13 April 2010.

MEMBERS PRESENT: Mr R E King (Chairman), Mr J F London (Vice-Chairman), Mr A R Chell, Mr C Hibberd, Mr J D Kirby, Mr R J Lees, Mr R A Pascoe, Mr M B Robertson, Mr C P Smith, Mr K Smith and Mr A T Willicombe.

OFFICERS: Mrs S Thompson, Mr M Clifton and Mr S Whyman (Planning); and Mr A Tait (Legal and Democratic Services).

MAIDSTONE BC: Cllrs I S Chittenden and J A Wilson.

TOVIL PC: Mr D Mortimer.

THE APPLICANTS: Mr G East (Pinden Ltd), Mr I Thompson (ESG Consultants).

ALSO PRESENT were Dr F F Simpson (CPRE Maidstone), Mr G Stead (Valley Conservation Society), North Loose Residents Association (Mrs M Tomlinson) and some 10 members of the public, including Mr P Aelen (dha Planning on behalf of Mr Burke).

(1) The Chairman opened the meeting by explaining that the purpose of the meeting was to enable Members of the Planning Applications Committee to gather the views of interested parties and to familiarise themselves with the site.

(2) Mr Whyman and Mr Clifton introduced the application. Mr Whyman said that the site covered an area of 2.55 hectares. Of this, 1.4 hectares consisted of usable hardstanding. The site was located within a former ragstone quarry.

(3) Mr Whyman pointed out the bund to the north west side of the site and explained that the land behind it was owned by Mr Burke. Maidstone BC had granted permission for the construction of 275 properties on this land. This permission had lapsed but a further application had now been received by the Borough.

(4) Mr Clifton said that construction and demolition waste would be brought on site and sorted into individual waste streams by a new Materials Recycling Facility located in the main warehouse building on the eastern side of the site. Examples of the waste materials were soils, hard core, wood, plastics and paper. Once sorted, the waste would be exported to the southern end of the site for screening, crushing and shredding before being taken off site. The maximum waste throughput would be 140,000 tonnes per annum. The proposed hours of operation were 7am to 6pm Mondays to Fridays and 7am to 1pm on Saturdays. The maximum number of HGV movements would be 163 per day (in and out).

(5) Mr Clifton then said that two of the main issues for consideration by the Committee Members were the proximity of the site to future housing and noise and dust impacts.

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(6) Mr Clifton said that Maidstone BC had objected had objected to the application on the grounds of amenity issues (particularly noise and dust), the impact on future housing, the proposed access to the site and traffic impacts. In response to the latter concern, the applicants now intended to widen the visibility splays and to set a designated route for vehicles exiting the site to travel down Straw Mill Hill and then follow the B2010 and the A229.

(7) Mr Clifton then turned to the representations from other consultees. Tovil PC had raised objections, including the consideration that vehicles exiting the site would use narrow lanes as rat runs. The Loose Valley Residents Association had objected due to its concerns over the impact of the eastern boundary on the AONB on the other side of Stocketts Lane (which travelled due south immediately past the site access point). Kent Highway Services had requested further information on the ability of two vehicles to pass one another along Straw Mill Hill and on peak hour movements. Jacobs (Noise, Dust and Odour) had required further information on noise due to concerns over the impact on housing.

(8) Mr Clifton concluded his presentation by saying that the site was currently allocated within the Maidstone Borough Local Plan as suitable for industrial and warehouse uses within classes B2 – B8. It was a designated industrial site and had previously been used by Reeds for waste recycling.

(9) Mr Thompson (ESG Consultants) agreed that the Planners' presentation had been accurate and comprehensive. He asked the Committee to note that the site already had permission for waste paper recycling. He added that the applicants were aiming to mitigate the concerns raised by Jacobs, including the construction of an earth bank. In respect of the concerns over traffic, Mr Thompson said that the applicants' advisers had the site would generate less overall traffic than a normal B2-B8 category site. He invited everyone to look at the photographs that were on display which showed how vehicles were able to pass one another at points along Straw Mill Hill.

(10) Mr Chittenden from Maidstone BC said that if (as was expected) Maidstone BC granted a new permission for the housing development to the north west of the site, there would be 270 new houses which would be built very close to the bund between the site and the new residences. He went on to say that Tovil had previously been an industrial area but that it had now become a residential area with houses to the north and east. He then pointed out the location of a public footpath to the south of the site.

(11) Mr Chittenden then turned to the question of lorry movements. He explained that Maidstone's recycling plant lay to the south east. It served all of Maidstone (including as far west as Larkfield). He said that this would encourage 6 to 10 tonne lorries to turn right in order to attempt to avoid the traffic build up on the A229 Loose Road (which occurred frequently). Those vehicles would very soon reach a pinch point where the road was about a car's width wide. The site entrance itself was protected by a retaining wall which led to a 7ft drop. Mr Chittenden said in conclusion that there were a whole series of problems relating to traffic movement and congestion.

(12) Mr Wilson (Maidstone BC) said that he concurred with Mr Chittenden's comments. He also said that he considered that pedestrians' lives could be put at risk by lorries exiting the site at what was effectively a blind turn.

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(13) Mr Thompson said that the applicants intended to ensure that housing was protected from any amenity impacts arising from the site. It was also intended to separate traffic so that emergency vehicles and cycles were directed along the narrow lanes whilst the commercial vehicles used the main road from the site.

(14) Mr Stead (Valley Conservation Society) said that his observations of the Pinden Quarry in Longfield had led him to conclude that there would be major problems arising from dust (which the applicants would find difficult to contain) and traffic. He asked how it was proposed to control the waste that that was brought on site. He was concerned that this might include asbestos. He also asked whether KCC had a vested interest in the site (the Chairman confirmed that this was not the case).

(15) Mr East (Pinden Ltd) asked the Committee to note that the quarry at Longfield, which Mr Stead had referred to, was a chalk quarry which had different conditions to the ragstone quarry under discussion.

(16) Mr Mortimer (Tovil PC) said that he was concerned about the health and safety risks posed by operations on site. Whilst he acknowledged that the staff on site would be provided with safety equipment, this would not be true for the neighbouring residents.

(17) Mr Clifton informed the meeting that if planning permission were granted, the site would still need an Environmental permit which would regulate the waste that could be brought and recycled on site. This would be enforced through an audit trail for each operator, who would need to possess a Waste Carrier's Licence.

(18) Mr Aelen from dha Planning informed the meeting that he was speaking on behalf of Mr Burke, who owned the neighbouring land which was the subject of a planning application for housing development. He explained that the site was in the process of being reclaimed at a cost of £3.5 million. This neighbouring land had previously been used for ragstone extraction and waste tipping. One of the conditions attached to the lapsed planning permission had therefore been that the site had to be completely reclaimed. He pointed out that the application under discussion provided for emergency access over land where Mr Burke had the right of way.

(19) Dr Simpson (CPRE) said that she supported the views of Tovil PC as the character the village had changed from industrial to residential. This meant that the quality of life for the residents had now become the vital factor. The proposal was flawed because it was in the wrong location and would be bound to have an adverse effect on the neighbourhood.

(20) Dr Simpson continued by saying that suppressing the dust regime would require an enormous volume of water and that (whilst it was true that two lorries would be able to pass one another at certain points along Straw Mill Hill) there would be traffic jams as a result of the length of time it would inevitably take for them to do so. She then said that although waste would be brought on site in small lorries, the end product would be taken out again in much larger ones. The local road network had not been constructed for this type of traffic. Whilst it was possible to engineer the entrance itself, it would not be possible to do so for Straw Mill Hill and the other local roads.

(21) Mr Willicombe asked which direction the prevailing came from. Mr Clifton replied that it usually came from a south westerly direction. Mr Chittenden said that it could also come from the opposite direction.

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(22) Mr Robertson said that the Maidstone Borough Local Plan was out of date. At one time, the Tovil area had been similar to the Black Country. This had now changed to residential. He believed that the question that the Committee Members would need to consider was whether the effects on a residential area could be mitigated. He then asked whether there was any information relating to the lorry routes during previous operations on site.

(23) Mr Clifton replied to Mr Robertson by saying that information on this question was still being gathered. The applicants took the view that the vehicles entering and exiting the site via Straw Mill Hill would not be as great as in the past. The applicants had submitted further proposals in respect of the entrance that they shared with the neighbouring garage.

(24) Mr Hibberd asked what measures would be put in place to mitigate the noise from the development. He was aware that concrete crushing was a very noisy process. He asked what process would be used to sort the waste. Mr Clifton replied that this issue had been picked up by Jacobs. They were working on the assumption that the proposed housing development would take place.

(26) In response to a question from Mr K Smith, Mr Thompson said that the entire site was currently visible (under the terms of the existing permission) from the proposed housing development. A bank was therefore proposed to separate the two.

(27) Mr Chell asked whether it was intended that most lorries would leave the site when it opened early in the morning. Mr East replied that there would be an initial out flux of some 5 to 6 vehicles. There would then be about 1 movement per hour. The vehicles using the site would be tracked and monitored through radio contact. They would be prevented from entering Straw Mill Hill from the right or from exiting the site to the right.

(28) Mr Thompson said that the access modifications would consist of raising the road level to the top of the wall and then widening it and providing wider visibility splays.

(29) Mr Morgan (Tovil PC) said that the site was designated in the Tovil Parish Plan as suitable for recreation. A petition against the application had so far gathered 900 signatures.

(30) Mr J Brown from the neighbouring JB Garage said that 5 to 6 large artics made deliveries to his site every day. There had been difficulties when the waste paper unit had been on the application site due to the narrow width of the road. He estimated that at that time the site had seen two lorry movements per hour. The greatest difficulties had been experienced when road works had taken place. All local traffic tended to use Straw Mill Hill as a rat run so that it became choc a bloc. This was exacerbated by the difficulty of pulling out of Straw Mill Hill.

(31) A local resident said that he lived behind the fence in Straw Mill Hill. The gardens in his and neighbouring properties (6 in total) were 2m below the footpath. All these local residents were concerned about the possibility of lorries tipping over into their gardens.

(32) Mr Stead asked the Committee members to note the facilities in the vicinity of the site. These included the local Scout hut and camping site to the south and three children's playgrounds within a radius of 200 metres. The local footpaths did not even have a passing

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area for cars, let alone pedestrians.

(33) Mr Clifton confirmed that all interested consultees would be re-consulted once the proposed improvements and information had been received.

(34) The Chairman thanked everyone for attending. The notes of the meeting would be appended to the Head of Planning Applications Group's report to the determining Committee meeting.

(35) Following the meeting, Members of the Committee inspected the plans, diagrams and photographs that the applicants had displayed on another part of the site. They also walked to the area to the northwest of the site where the housing development was proposed and viewed the site from that particular vantage point.

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APPENDIX 2 TO ITEM C1

Wording of local petitions

1.0 Liberal Democrats petition



17th March 2010

Dear Resident,

Planning application for a Waste Recycling Facility at Straw Mill Hill, Tovil

I am writing to you on behalf of myself and my colleague's councillor John Wilson and councillor Ian Chittenden concerning a planning application which has been submitted to Kent County Council.

As many residents will know, Tovil already suffers from considerable traffic problems due to the fact that the borough's only domestic waste collection facility is within the parish. We have been pushing for the provision of a second site in Maidstone for some years to relieve the pressure on local residents. Last year we succeeded in obtaining a commitment from Kent County Council that they seek a second site and they allocated some funding towards this. The County Council has now gone back on its promise and removed the funding from its budget for 2010/11.

We now face the probability of additional traffic problems due to the submission of an application for a Waste Recycling Facility (reference number MA/10/0167). Conservative-led Maidstone Council are also planning to axe the popular weekend freighter service – which, we believe, will inevitably lead to a big increase in vehicle numbers visiting Tovil Tip. **We do not believe that all the borough's recycling and domestic bring sites should be concentrated in the one small Tovil area.**

I, and my colleagues, will be doing all we can to oppose this application and we are asking for your assistance. It is very important that Kent County Council is made to feel the strength of local concern. It was that local strength of feeling that defeated a plan for a waste facility off Farleigh Hill in 1995, which would have had similar implications.

Please sign the petition below and return it to the address shown. Thank you for your help and co-operation. If you have any questions or comments please feel free to contact me at the above address.

Yours faithfully

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2.0 Local resident petition

12th FEBRUARY 2010

COMMENTS ON TOWN PLANNING APPLICATION No. MA//10/TEMP/0002.

for the DEVELOPMENT of a MATERIALS RECYCLING FACILITY and TRANSFER STATION for WASTE RECOVERY

at

SBS RECYCLING Ltd
Straw Mill Hill, ME15 6XD

Outlined below are our concerns which we have drawn up in the short time since being made aware of the above proposal.

We are preparing a more detailed letter of objections which we will be sending to you once we have more relevant details and information. With reference to our telephone conversation of the 9th February 2010, when I spoke to you, my understanding from what you said was that we would be able to lodge further concerns and objections up to 28 days from receipt of our letter.

This proposal has unleashed a great deal of indignation and very real concerns about the detrimental impact of the site and related traffic movement on the environment, infra structure and most importantly the community.

The possibly conservative figure of 200 HGV per day, i.e. 20 per hour, would put unbearable pressure on an area that has become increasingly residential in recent years. The access route to the area entails many small junctions and a main road that barely copes with the current volume of residential and commercial vehicles.

Constricted road widths e.g. at The Goachers Public House junction with Church Street already causes problems for private cars and oncoming large HGVs. Existing commercial enterprises cause a high volume of traffic using the B2010 both at peak and off peak times.

There is also constricted access into Straw Mill Hill where the existing road infra structure would not cope with the proposed HGVs. The location of the site would be inaccessible to large vehicles in its present condition.

The close proximity of Straw Mill Hill, Albert Reed Place and Woodbridge Drive onto Tovil Road, the B2010, and traffic passing through the area already creates pressure.

Access into and out of Cave Hill will be seriously impeded as would the emergency vehicles using Cave Hill and Straw Mill Hill.

The levels of pollution and damage to the environment will be incalculable and quality of life for the whole community destroyed.