

## Item C3

### **MA10/01932 – Erection of a replacement building for waste processing on Unit 6 with provision of revised access and parking.**

A report by Head of Planning Applications Group to Planning Applications Committee on 15 March 2011.

This application has been submitted by DHA Planning on behalf of the operator D&D Waste Recycling Ltd for planning permission to erect a replacement building to house the waste processing and storage activity including revised access and parking provision at unit 6 Detling Aerodrome, Detling, Kent.

Recommendation: Permission be granted subject to conditions

Local Members: Jenny Whittle

Unrestricted

#### **Site description**

1. The application site is located within a well established industrial estate, formerly used as an airfield by the RAF. The estate is located north of the A249 between Maidstone and Sittingbourne and is isolated from the surrounding settlements of Detling and Stockbury. There is small group of houses approximately 300 metres south of the estate along Bimbury Lane.
2. The estate is also located within the North Downs Area of Natural Beauty and predominately surrounded by open countryside and areas of woodland. There is also a public footpath that is located north and running parallel with the estate. It is located approximately 100 metres from the estate boundary (See fig 1 Site Location Plan).
3. The estate has grown organically around, and on, the footprint and associated buildings of the former RAF airfield. The layout of the former airstrip acts as the main spine of the estate around which vehicles circulate. The estate consists of a variety of industrial uses within an emphasis on distribution and uses that are generally considered un-neighbourly such as road work contract depots and other similar uses operating within B2 (General Industrial) or B8 (Warehousing & Distribution) use classes.
4. The piecemeal way in which the estate has been developed has resulted in various styles and sizes of sites and warehouse/industrial buildings, many of which have areas of open storage within their individual compounds.
5. The internal ring road is in relatively good condition although there are areas that are in need of repair. The main link road between the A249 and industrial estate is in relatively good condition.
6. The estate boundary is defined by a combination of fence and landscaping. The estate also contains a variety of trees that are scattered around the estate, most of which are protected by a Tree Preservation Order (No.1 1992). The tree species include Birch, Horse and Sweet Chestnut, Sycamore, Oak, Ash and Holly. There is a row of protected Sycamores along the southern perimeter of the application site (See Fig 2: Site Layout

Plan).

7. The site is located in a central location and on the northern side of the estate. The site is also set back and separated from the internal ring road by a grass and gravelled area. Operational parking occurs informally on the open area of grass land in front of the access in addition to within the site.
8. The site is contained by a 2 metre high palisade security fence, which runs along the northern, eastern and southern boundary. The internal layout of the site comprises a concreted surface and no permanent structures. Access to the site is via a metal gate that was created following the unauthorised unification of units 6, 13 and 14. However, unit 6 does maintain a degree of separation from unit 13 by virtue of an existing 2 metre high concrete panel boundary against which waste material is stored.
9. There is a small group of residential properties located along Bimbury Lane, approximately 300 metres from the site. The properties are unable to access the estate as it is 'one-way' in the direction of traffic travelling along the A249. This allows for separation between residential and estate traffic flows.

### **Background / Planning History**

10. The application site of approximately 1000sqm is bound on three sides by other industrial units (including unit 13 northwest) and on the fourth (south-western boundary) by the site access point. The present permitted use of the application site is as a waste transfer facility. The operator, D&D Waste Ltd leases Unit 6 from EJ Mackeldon & Sons, who own the industrial estate. The operator also leases the two adjoining units 13 and 14. Previously, all 3 units were separate entities with their own access points and benefited from separate permissions and uses. However, in 2006/7 the units were seamlessly joined together and enclosed by a security fence and gate that created a common entrance point into the coalesced site.
11. Unit 6 was originally granted planning permission by the County Council in 1995 for use as a waste transfer facility under planning application ref: MA/95/0989 dated 7<sup>th</sup> November 1995. The permission included a covered building and ancillary waste storage containers including a concreted base.
12. Following the implementation of the waste use, the original operator began to breach the terms of the planning permission and expanded his operation onto the adjoining unit 13 which is outside the permitted waste use site boundary. As a result of this action, the County Council in 2004 served an Enforcement Notice (EN) to stop both sets of breaches. The Notice was upheld at appeal in December 2005.
13. The current operator and applicant came onto the site soon after. He reversed the breaches and drew the activity back to within its unit 6 boundary. However, periodic breaches have resumed. The use of unit 6 as a waste transfer facility remains active albeit without the provision of a covered building within which waste is required to be processed. That was demolished in 2009.
14. Units 13 and 14 have also been used by the operator, without the benefit of planning permission, for the complementary parking and hiring of skips and ancillary purposes incidental to the waste transfer use.
15. Unit 13 is currently used as a skip hire and storage area with a weighbridge. However prior to this, the unit was used to store surplus waste arising from unit 6. That breach

has ceased, in favour of the uses retrospectively applied for in the allied application, reported as Item C4 of these papers.

16. In 1993, unit 13 was granted planning permission for open storage uses including the provision of a portacabin office and 7 car parking spaces
17. The operator is currently using unit 14 to house two single storey portacabins used as his company office and staff canteen. There is also provision for vehicle parking. Previously, unit 14 was granted planning permission for use as a regional depot for telecommunications contractors under MA/97/0916 in December 1998. The permission included the erection of warehouse, office and secure store with security fencing and hardstanding.
18. Following extensive discussions with the operator and his agent, a planning solution has been proposed to the activities across the three units and endorsed in principle by the Regulation Committee at its 9<sup>th</sup> September 2010 Meeting. The scheme contained a commitment to comply with planning regulations and the confirmed Enforcement Notice. This has since been honoured, pending the outcome of this and the related (unit 13 and 14) application, reported as Item C4 of these papers.

## **Proposal**

19. The proposed development includes a continuation and enhancement of the current permitted waste transfer use, comprised of a new waste management building, increased throughput and revised operational arrangements.
20. The current waste operation processes two types of waste streams: construction, demolition and excavation, and Commercial and Industrial waste. The waste is brought onto site, tipped onto the concreted apron and sorted for recycling and transfer.
21. According to the operator the proposed building would facilitate the continued operation of an approved waste transfer facility with amenity impacts contained and no appreciable impact on the surrounding road network. Furthermore, the industrial estate contains industrial warehouse buildings of similar size and therefore would not appear unduly out of place.

### *Proposed new waste management building*

22. This part of the overall site development, is for a building within unit 6 to conclusively contain the current waste transfer use including revised parking and access provision.
23. The original covered building had a floor area of 150sqm and mono pitch roof design rising to a ridge height of 6 metres. The building was also open-fronted and located along the northern boundary with the opening elevation facing southward.
24. The proposed replacement building is of similar mono-pitch design but fully enclosed and would cover a much larger floor area, approximately 825sqm (33 metres wide and 25 metres in depth). This building would take up three quarters of the site leaving the final quarter for vehicle manoeuvring and ancillary waste processing operations. The proposed building is also larger in terms of its height at 6.5 metres to eaves rising to 8.75 metres to the full ridgeline (see Fig 3: Building Elevations). The operator is seeking to incorporate and contain all the waste processing activity within the proposed building.
25. The base of the proposed building would be made up of 3 metre high concrete panel

plinths on top of which would sit grey profiled plastisol sheeting. This would reinforce the structural integrity of the building and the colour would assist in softening its visual appearance. The roof covering would also contain a series of translucent roof lights to increase natural light entering the building. Other than the roller shutting door, no openings are proposed in any of the elevations.

26. The applicant's justification for proposing a large building is so that it is 'fit-for-purpose' in terms of being able to accommodate the entire waste processing operation and use of modern machinery under one roof. A full size roller shutter door is included within the design to ensure enclosure of the use. This size and design building would also overcome in his view the operational difficulties encountered with the previous building and assist in overcoming concerns arising from dust, odour and noise emissions
27. The proposed building would be located along the south-eastern boundary and be within close proximity to existing buildings located in the adjoining units. The front of the building would face northwest and would allow direct access for waste vehicle.

#### *Proposed increase in throughput*

28. An upgraded and better equipped site, would in the operator's view allow an increase in waste throughput, from 25,000 tonnes to 38,400 tonnes per annum. This would be made of 30,000 tonnes of C&D waste and 8,400 tonnes of C&I waste. None of the waste material processed on unit 6 would be stored or processed on units 13 or 14. However, units 13 and 14 would be used in concert with the waste processing use on unit 6.
29. The proposed increase in waste throughput would result in an additional 13,400 tonnes of waste being processed from the site. However, the operator is not proposing to increase daily vehicle movements for importing and exporting waste material to and from the site. A condition (9) was imposed on the original waste permission to restrict vehicle movements to 30 per day (15 in and 15 out). The operator is proposing to accept this restriction as part of the proposal.

#### *Proposed new operational arrangements*

30. Although this application proposes a replacement building for the waste use on unit 6, units 13 and 14 (which are considered in item C4 of these papers) would serve a complimentary function to the overall waste operation. By displacing the skip hire and storage use onto unit 13 and ancillary office and staff room onto unit 14, the applicant claims that it would enable the waste use to function more efficiently by freeing up more operational space and allowing dedicated waste processing within unit 6.
31. In addition to the proposed replacement building the application also seeks to regularise the existing common access, which was installed without the benefit of planning permission.

#### *Future Perspective*

32. To place this application and its counterpart under Item C4 of these papers in a forward and rolling perspective, I should inform Members that the operator's planning consultant has said that:

*"..... [it is]...our client's intention to submit a planning application for the whole site comprising Units 6, 13 and 14 for a composite use of waste transfer site and skip hire depot with an expanded capacity and new buildings. This would provide the necessary*

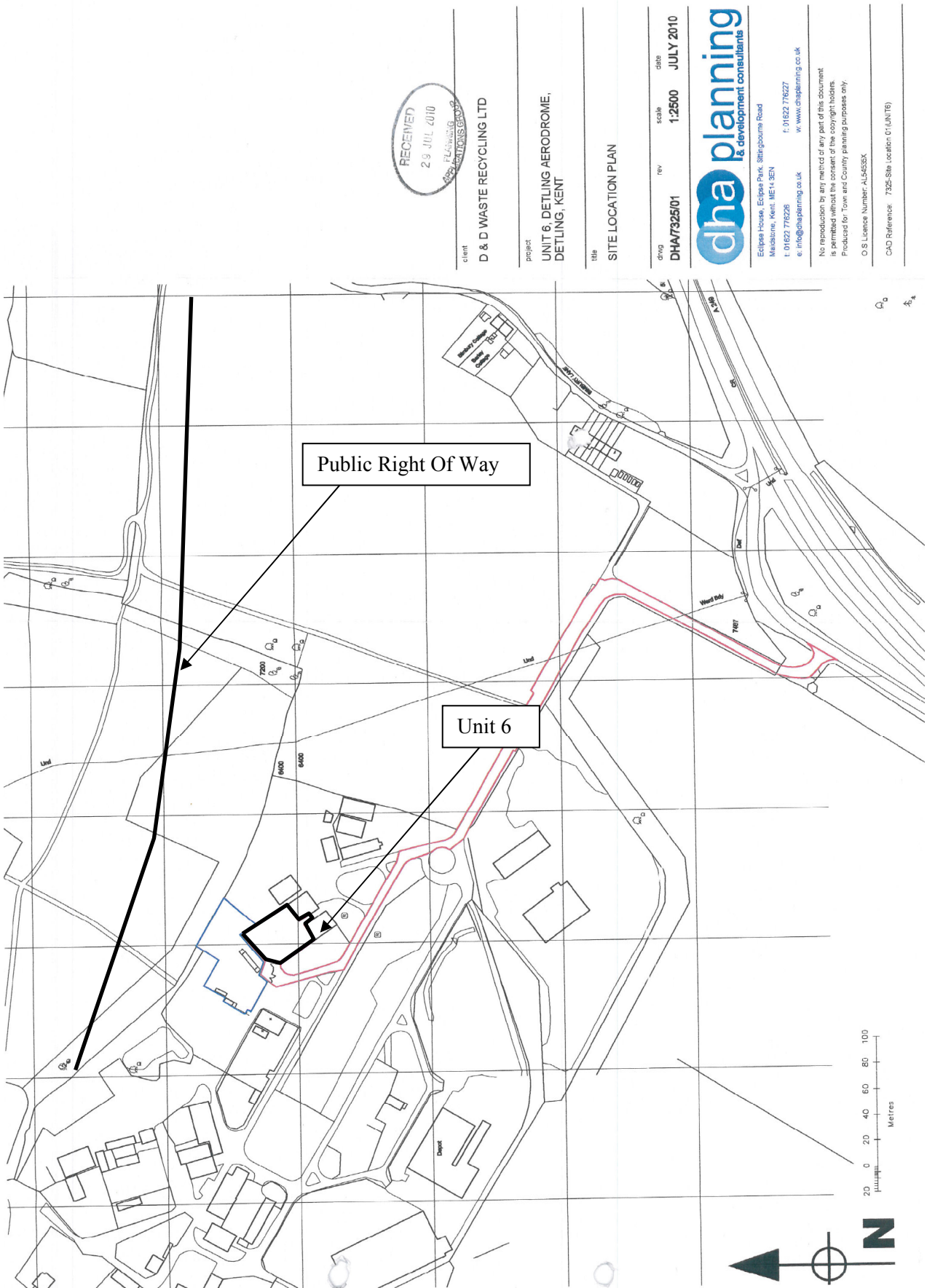
Fig

1:

Site

Location

Plan



RECEIVED  
29 JUL 2010  
PLANNING SOLUTIONS GROUP

client  
D & D WASTE RECYCLING LTD

project  
UNIT 6, DETLING AERODROME,  
DETLING, KENT

title  
SITE LOCATION PLAN

drawn  
DH47325/01

rev  
1:2500

date  
JULY 2010

**dha** planning  
& development consultants

Eclipse House, Eclipse Park, Sittingbourne Road  
Maidstone, Kent, ME14 3EN  
t: 01622 776228 f: 01622 776227  
e: info@dha-planning.co.uk w: www.dha-planning.co.uk

No reproduction by any method of any part of this document  
is permitted without the consent of the copyright holders.  
Produced for Town and County planning purposes only.

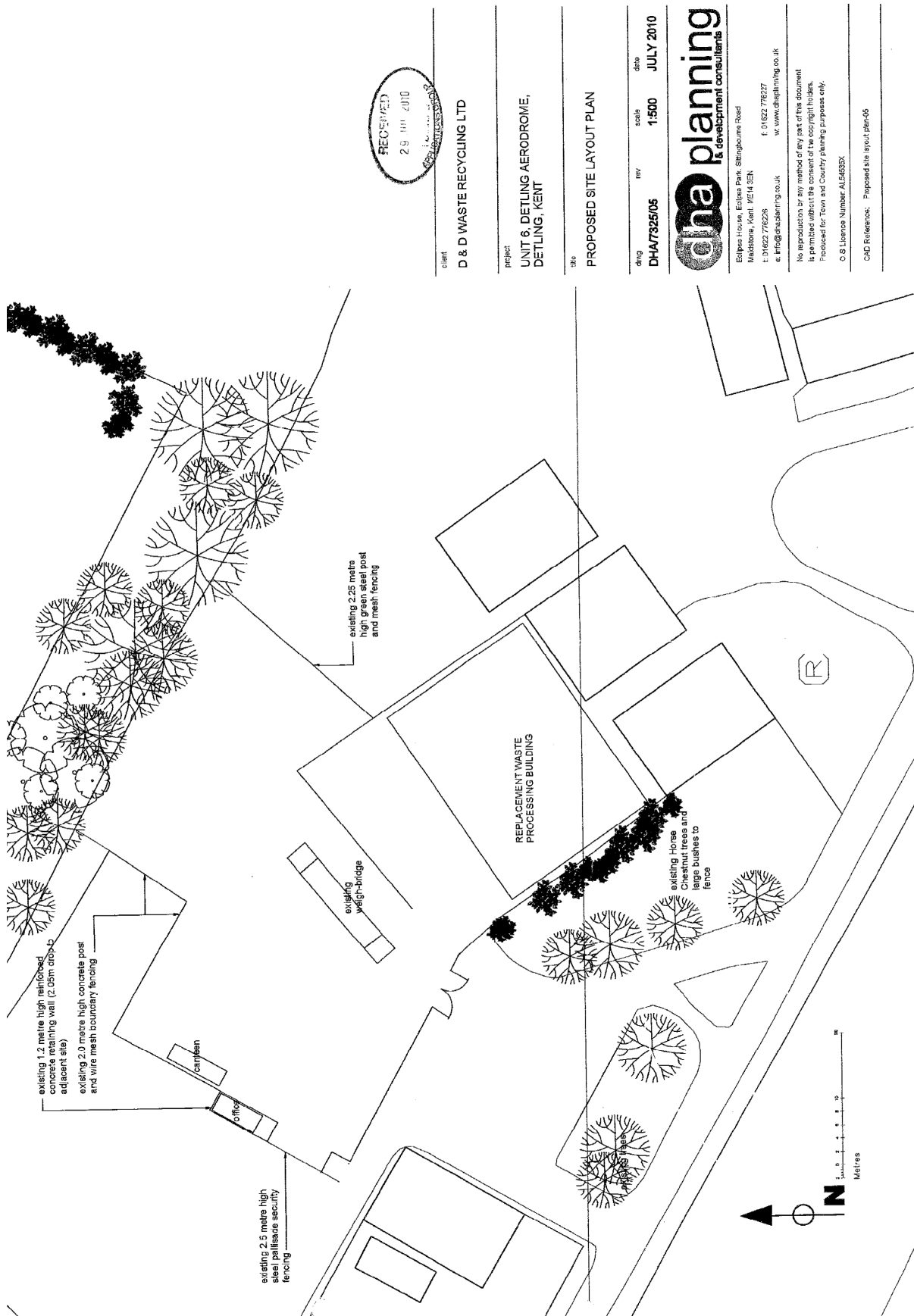
O.S. Licence Number: AL44553X  
CAO Reference: 7325-Site Location C1(UNIT6)

20 0 20 40 60 80 100  
Metres



C3.5

Fig 2: Site Layout Plan



client  
**D & D WASTE RECYCLING LTD**

project  
**UNIT 6, DETLING AERODROME,  
 DETLING, KENT**

title  
**PROPOSED SITE LAYOUT PLAN**

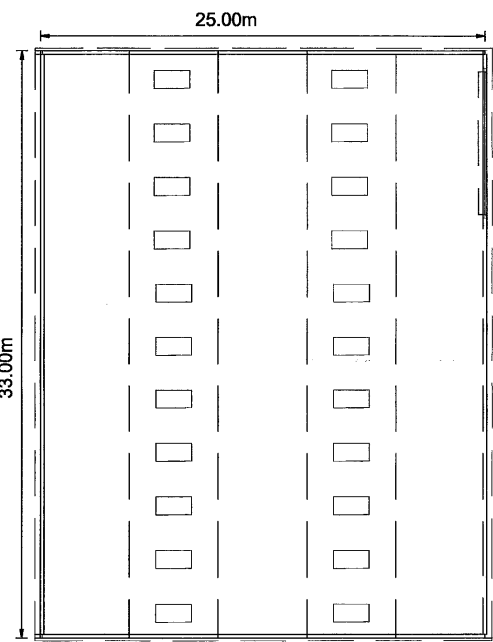
drawing  
**DHA/7325/05**

revision  
**1:500**

date  
**JULY 2010**

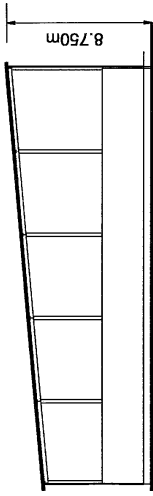
**dha** **planning & development consultants**  
 Edgemoor House, Edgemoor Park, Sillingbourne Road  
 Maidstone, Kent ME14 5EN  
 t: 01622 776226 e: info@dhaadvertising.co.uk w: www.dhaadvertising.co.uk  
 f: 01622 776227  
 No reproduction or any method of any part of this document  
 is permitted without the consent of the copyright holder.  
 Prepared for Town and Country planning purposes only.  
 O.S. Licence Number AL54935X  
 CAD Reference: Proposed site layout plan-05

Fig 3. Building Elevations



FLOOR PLAN

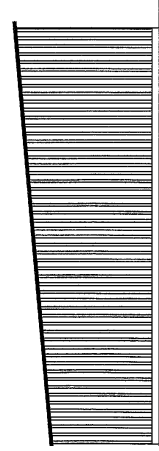
**DETAILS SPECIFICATION**  
 Detail framework to form enclosed mono-pitch bay  
 a. Concrete panel inner wall to a height of approx  
 eas to assist excavator shovelling. Walls and roof Upvc  
 elastisol sheeting...colour Albatross BS18B17 or  
 with optional rooflights.  
 jht 8.0metre wide electronic roller shutter door to  
 vation.



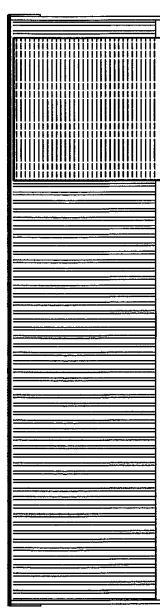
TYPICAL CROSS-SECTION



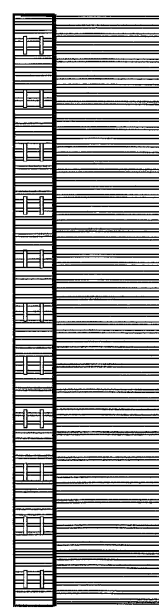
SOUTH-WEST ELEVATION



NORTH-EAST ELEVATION



NORTH-WEST ELEVATION



SOUTH-EAST ELEVATION



client:	D & D WASTE RECYCLING LTD		
project:	UNIT 6, DETLING AERODROME, DETLING, KENT		
file:	REPLACEMENT WASTE PROCESSING BUILDING, PLAN & ELEVATIONS		
dwg:	DHA7325/06	rev:	1,200
date:	JULY 2010		
Eclipse House, Eclipse Park, Sittingbourne Road Maidstone, Kent, ME14 3EN t: 01622 776226 e: info@dha-planning.co.uk f: 01622 776227 w: www.dha-planning.co.uk			
No reproduction by any method of any part of this document is permitted without the consent of the copyright holders. Produced for Town and Country planning purposes only. O.S. Licence Number AL5958X			
OAD Reference: 7205-Prop Waste Pro Bldg Plan & Elev DWG 06			A2

*investment basis to allow his business to expand in due course and will be derived from his business plan. The current proposals for the replacement building and the proposed application for the use of Units 13 and 14 can be regarded as the first phase of the scheme.”*

## **Planning Policy Context**

33. The Development Plan planning policies summarised below are relevant to consideration of the application:

**National Guidance** – The most relevant guidance to this application is set out in PPS10 (Planning for Sustainable Waste Management), PPS23 (Planning and Pollution Control) and PPG24 (Planning and Noise).

**South East Plan (2009)** – The most relevant policy is W7 (priority to safeguarding and expanding suitable sites within an existing waste management use).

### ***Important note regarding the South East Plan:***

*As a result of the judgement in the case brought by Cala Homes in the High Court, which held that the powers set out in section 79 [6] of the Local Democracy, Economic Development and Construction Act 2009 could not be used to revoke all Regional Strategies in their entirety, Regional Strategies (the South East Plan in the case of Kent) were re-affirmed as part of the Development Plan on 10 November 2010. Notwithstanding this, DCLG's Chief Planner Steve Quartermain advised Local Planning Authorities on 10 November 2010 that they should still have regard to the Secretary of State's letter to Local Planning Authorities and to the Planning Inspectorate dated 27 May 2010. In that letter he had informed them of the Government's intention to abolish Regional Strategies in the Localism Bill and that he expected them to have regard to this as a material consideration in any planning decisions. The 10th November 2010 Quartermain Letter has since been challenged in the High Court with the outcome, that the intention of the Secretary of State to dispense with the services of the South-East Regional Plan is a material planning consideration in its own right. Account must still be taken of the Plan as such but a judgment needs to be made by Planning Authorities as to the degree of weight to be attached to its provisions in the context of individual cases.*

That stands as the latest judgement on the matter, subject to the outcome of a further appeal, which has now been lodged within the Supreme Court. A hearing and further judgment is awaited.

**Kent Waste Local Plan (1998)** – The most relevant saved policies are W3 (Locational Criteria), W6 (Consideration of need), W9 (Locational criteria for waste transfer stations), W18 (Control of noise, dust & odour), W19 (Groundwater protection), W22 (Provision for adequate access arrangements including the need for any off-site highway improvements), W25 (Plant and Buildings), W27 (Safeguarding of Public Rights of Way) and W31 (Visual Impact and Landscaping).

**Maidstone Borough Council (2000)** – The most relevant saved policies are ENV28 (Countryside), ENV 31 (Strategic Gap), ENV33 (Kent Downs AONB), ENV34 (Special Landscape Area) and ED2 (Employment Land).



The industrial estate is designated as an 'employment area' for Class B1 and B2 uses under the adopted Maidstone Borough Council Local Plan (2000).

### **Consultations (final comments)**

34. **The Divisional Transport Manager** – has raised no objections to the application in respect of highway matters.
35. **Maidstone Borough Council** – has raised no objections to the development.
36. **Stockbury Parish Council** – has raised no objection and recommend approval.
37. **Environment Agency** – has raised no comments.
38. **Jacobs** – has raised no objection to the proposal regarding noise, dust and odour.

### **Representations**

39. The application has been publicised by site notice, newspaper advert in the local press and letters to all commercial properties within 250 metres of the application site. As a result of this consultation no comments were received.

### **Local Member**

40. The County Council Member Jenny Whittle was consulted and, to date, no comments have been received.

### **Discussion**

41. 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 paragraph (33) above are of greatest relevance.
42. It is important for Members to note that this proposal has attracted no objection from the consultation or neighbour notification process and therefore could have been determined under delegated authority. However, this application and the application for units 13 and 14 (MA/10/1931) on item C4 of these papers are interlinked. The latter proposal has attracted objection and must therefore be reported. Given the interdependency of the two submissions, I consider it is therefore appropriate for both applications to be considered by Members, in tandem.

### **Main issues:**

43. The main determining issues, in my view, are the:
  - Case of need for the proposed development; in general and for the use of this particular site.
  - Suitability of the location itself for the proposed use.
  - Likely amenity impacts and available safeguarding measures

### ***Case of need***

44. The general case of need for an increase in waste handling capacity of the type proposed is acknowledged. It is further noted that the Detling Airfield Industrial Estate is conveniently located between the urban areas of Sittingbourne, Maidstone and the Medway Towns. Access is readily available to the primary route network, via the A249. A definable catchment area exists, which has been serviced since 1995 by the current permitted waste transfer station. A pattern of need is apparent. The point now at issue is the degree to which that need may further be met at this particular site?

### ***Suitability of the site for enhanced waste handling***

45. Kent Waste Local Plan (KWLP) 'saved' Policy W9, sets general criteria for assessing the suitability of waste transfer stations within site contexts.

### ***Environmental and Amenity Impacts***

46. The first criterion is that any scheme should seek to minimise environmental and amenity impacts. Development that gives rise to unacceptable impacts should not be permitted.
47. In terms of the environmental issues arising from the use of the site the operator would be constrained and controlled by the terms of a waste permit issued by the Environment Agency.
48. The proposed building would exceed the size and scale of the originally permitted building. Nevertheless, there is a rationale for an increase in size and scale at the site. Unlike the originally approved and subsequently demolished building, the proposed covered building would be fully enclosed from all four sides and would enable the waste processing activity to be fully contained. The proposed size of the building would also afford modern waste plant and machinery sufficient clearance to operate and manoeuvre efficiently in and out of the building. I am therefore satisfied that waste processing within the proposed building would be acceptable and in accordance with development plan policies.
49. The operator has advised that the site would have a waste throughput of 38,400 tonnes per annum. If Members are minded to permit the overall scheme, this waste throughput rate could be conditioned.
50. The estate is characterised by large commercial buildings that are clad in metal sheeting and painted either dark green or, more recently grey colour. The height, bulk (itself reduced by the mono-pitch rising from back to front) and design of the proposed waste management building should also readily be absorbed within the context of similar size buildings within the industrial estate. In my opinion, the proposed building would not appear unduly out of place or dominant in the landscape. The impact upon the landscape and the AONB would be minimal. Furthermore, the boundary planting of the estate would soften the visual impact of the structure from the wider setting particularly from views into the site from the north.
51. With the displacement of the complimentary and ancillary waste uses onto units 13 and 14, the space in front of the proposed waste building would allow waste vehicles and machinery to manoeuvre within the unit more effectively with fewer obstructions. That would be reinforced by the separate statutory need to reduce the potential of any health

and safety issues arising. The revised layout would in my opinion result in a more efficient and enhanced waste management operation.

#### *Ready Access to the Main Road Network*

52. The second criterion is for ready access to the main road network. The industrial estate is accessed off the primary road network, the A249. That is available and KCC Highways further confirm that the proposed enhanced throughput may be accommodated within the existing site access arrangements and available road capacity.

#### *Location within the context of other Waste or Industrial Uses*

53. Location within or adjacent to existing waste management facilities, or within an industrial setting, is the third criterion within KWLP Policy W9. The site again qualifies on those grounds and indeed, all three criteria under the policy are in my opinion adequately met.

#### ***Amenity impacts and available safeguarding measures***

54. In my view, the proposed waste management building, would improve the condition of the site and the way in which waste is processed. Currently, the waste is brought onto the site and processed in the open. That is in part due to the unfortunate demolition of the site building but even with that in place, the advantages of a larger and properly appointed building would be self-evident. That would include in my opinion an enhanced ability to control and contain amenity impacts intrinsic to a mixed waste transfer activity.
55. Modern noise, dust, odour and related safeguarding measures, would also be possible within the proposed purpose-built structure. The building itself in my opinion would present no overriding visual impact, from vantage points within the adjoining AONB and related Public Rights of Way which is located 100 metres north of the site. The intrinsic design of the proposed building and 'cloaking' effect of surrounding industrial buildings of similar or even larger size and scale (see paragraph 50 above), should provide sufficient visual protection and is acceptable in planning policy terms.
56. In addition to KWLP Policy 9, I am satisfied that the proposed development further meets the safeguarding requirements of KWLP Policy W18, which seeks to ensure that the planning authority is satisfied with the means of controlling noise, dust and odour before planning permission is granted.

#### **Conclusion**

57. In conclusion, the proposed enhanced waste transfer facility at Unit 6 at Detling Industrial Estate, would be positioned to serve an existing catchment area but to a greater level of throughput. The size and scale of building required could be accommodated on site, given in part the proposed displacement of support facilities on to the adjoining Units 13 and 14. Subject to Members consideration of the companion report in item C4, the complementary skip hire and storage use would be regularised in the process. In my opinion, the dedicated waste building would be absorbed visually within the company of similar and even larger buildings nearby. Associated traffic flows would also be within highway capacity. A predominantly covered facility, with a central and fully enclosed building, offers the opportunity of modern waste management techniques being introduced to a current open-air use. Associated amenity safeguarding would also be possible. Furthermore, scheme provides the opportunity for modern

controls over the site which has a planning and enforcement history.

58. On balance, I conclude that given the general case of need for further waste transfer capacity, as it translates to this particular site and lack of any overriding amenity impacts, that the scheme is worthy of support. The control and containment advantages of a modern and enclosed facility, reinforces in my opinion the overall acceptability of the scheme.

### **Recommendation**

59. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO conditions including amongst others those to cover the following aspects:

- Development to be carried out within five years
- Development to be carried out in accordance with the scheme as submitted and approved plans
- Details of the external materials to be submitted and approved by the County Council
- Restriction of waste types
- Restriction of waste processing throughput to 38,400 per annum
- Vehicle movements shall be restricted to 30 per day (15 in and 15 out)
- No waste processing outside of the waste building
- No external storage of any waste materials
- Hours of operation
- Operational safeguarding measures to control noise, dust, odour, vibration and mud and debris on the road.

Case Officer: Sav Patel
-------------------------

Tel. no. 01622 221053
-----------------------

Background Documents: see section heading.
--