

Item C4

MA10/01931 – Change of use of land at unit 13 and 14 of Detling Aerodrome Estate to provide for skip hire depot including retention of existing portacabins for use as office, canteen and toilet (dual use with adjoining waste transfer facility – Unit 6).

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 for change of use of land to provide for a skip hire depot including retention of existing portacabins for use as office, canteen and toilet (dual use with adjoining waste transfer facility) at units 13 and 14, Detling Aerodrome Estate, Detling, Maidstone. This application should be read in conjunction with Item C3 on these papers, which proposes an enhanced and enclosed waste transfer use on the adjacent unit 6.

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 a 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 is 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 operating within B2 (General Industrial) or B8 (Warehouse & 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 area 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 (See Fig 2: Site Layout Plan).

7. The application site comprises units 13 and 14 on the estate and is located on the northern side of the estate, is set back from the internal ring road by a grass and gravel track. The site is bound by a combination of 2.5 metre high steel palisade security fencing and wire mesh fencing. Both units are contained within the perimeter fenced boundary, This further includes the adjoining unit 6, which is the subject of a companion report as Item C3 within these papers. The northern perimeter of the site is defined by a tree-line boundary.
8. Unit 13 is currently surfaced with a mixture of concrete and ballast. It is proposed that the vehicle parking area is fully concreted and drained to the existing sealed facility that serves unit 6. The operator believes that this is fully compliant with the need to eliminate any pollution through surface water run-off. Unit 13 is mainly used to store empty skips and also has a built in weigh bridge.
9. Unit 14 contains two single storey mobile buildings, which are located along the western boundary and occasionally used to store skips. The mobile buildings are used as a site office and staff canteen with toilet in connection with the waste operation on unit 6 (see fig 2 Site Layout Plan).
10. 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 ensures separation of residential and estate traffic flows.

Background and Planning History

11. The operator, D&D Waste Ltd leases Units 13 and 14 from EJ Mackeldon & Sons, who own the estate. Previously, all 3 units were separate entities with their own access points and benefited from separate planning 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.
12. Units 13 and 14 have been used, without the benefit of planning permission, within that time period, for purposes complementary and incidental to the adjoining waste transfer use (unit 6). The applicant is seeking to regularise the use of these units as a skip storage/hire depot including site office and canteen as part of the existing waste transfer operation. As part of the proposal it is also intended that as and when the need arises skips are hired out from the site commencing at 0600hrs. This is to ensure they arrive at their destination on site to meet the needs of customers.
13. In 1993, unit 13 was granted planning permission for open storage uses including the provision of a portacabin office and 7 car parking spaces. However, the former operator used this unit in conjunction with unit 6 for unauthorised storage of waste materials. A confirmed Enforcement Notice now applies, prohibiting this and related shared activities between the two sites.
14. 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.

Proposal

15. The application is for retrospective planning permission for the use of units 13 and 14 for a skip hire/storage depot including weighbridge (unit 13) and the retention of the existing single storey portacabins used as a site office and canteen/toilet facility, and car parking provision for staff and commercial vehicles (unit 14); all of which form part of a dual use with the existing waste transfer operation on unit 6 (item C3 on these papers).

Site layout

16. The current site layout of both units would not materially change and the current open storage of the metal skips, two single storey portacabins, weighbridge and parking provision would remain in situ (see fig 2). Both units are contained within a security fence, which varies in height, ranging from 2 metres to 2.5 metres.
17. The two single storey portacabins located in tandem along the western boundary of unit 14 are used for office and staff purposes. There is also a weighbridge located in the middle of unit 13 and set back from the front of the common access by approximately 8 metres. Metal skips are stored on both units. .

Proposed operating hours

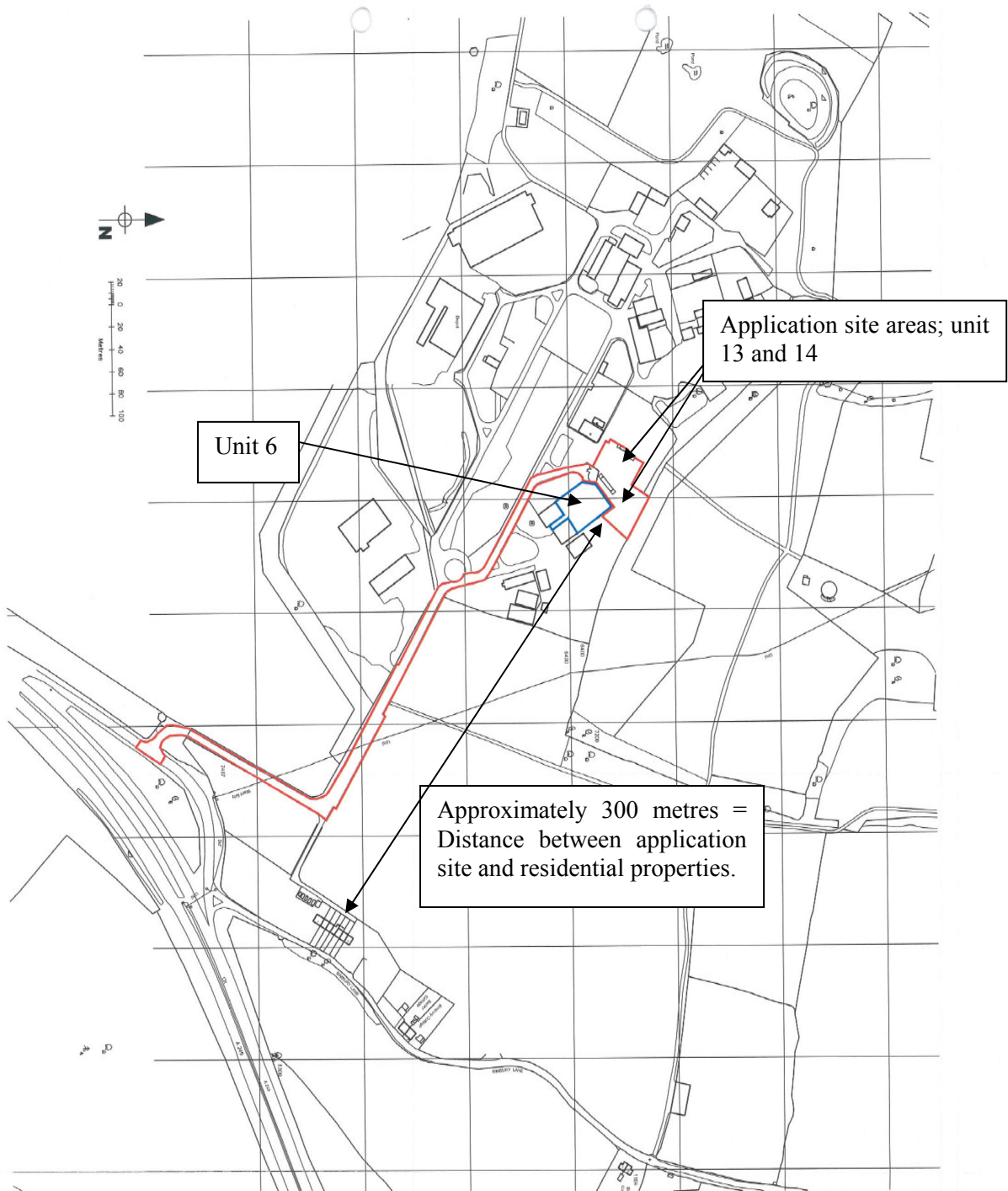
18. The application proposes hours of operation of the skip hire/storage use on unit 13 from those associated with previous uses of 07:00 to 18:00 Monday to Friday and from 07:30 to 13:00 on Saturdays to 06:00 to 18:00 Monday to Friday and from 07:00 to 17:00 on Saturdays. There is no proposal to operate on Sundays or Bank Holidays.

Dual use and ancillary function:

19. Although the proposal is for dual use with the waste transfer activity, no waste material from unit 6 would be stored or processed on units 13 or 14. Instead, they would play an ancillary role by being the location where the administration of the waste activity and staff quarters were located.
20. To place this application and its counterpart under Item C3 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 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."

Fig 1: Site Location Plan



client
D & D WASTE RECYCLING LTD

project
UNIT 6, 13 & 14 DETLING AERODROME,
DETLING, KENT

date
OCT 2010

rev
A

scale
1:2500

drawing
DHA/325/01

Site Location Plan

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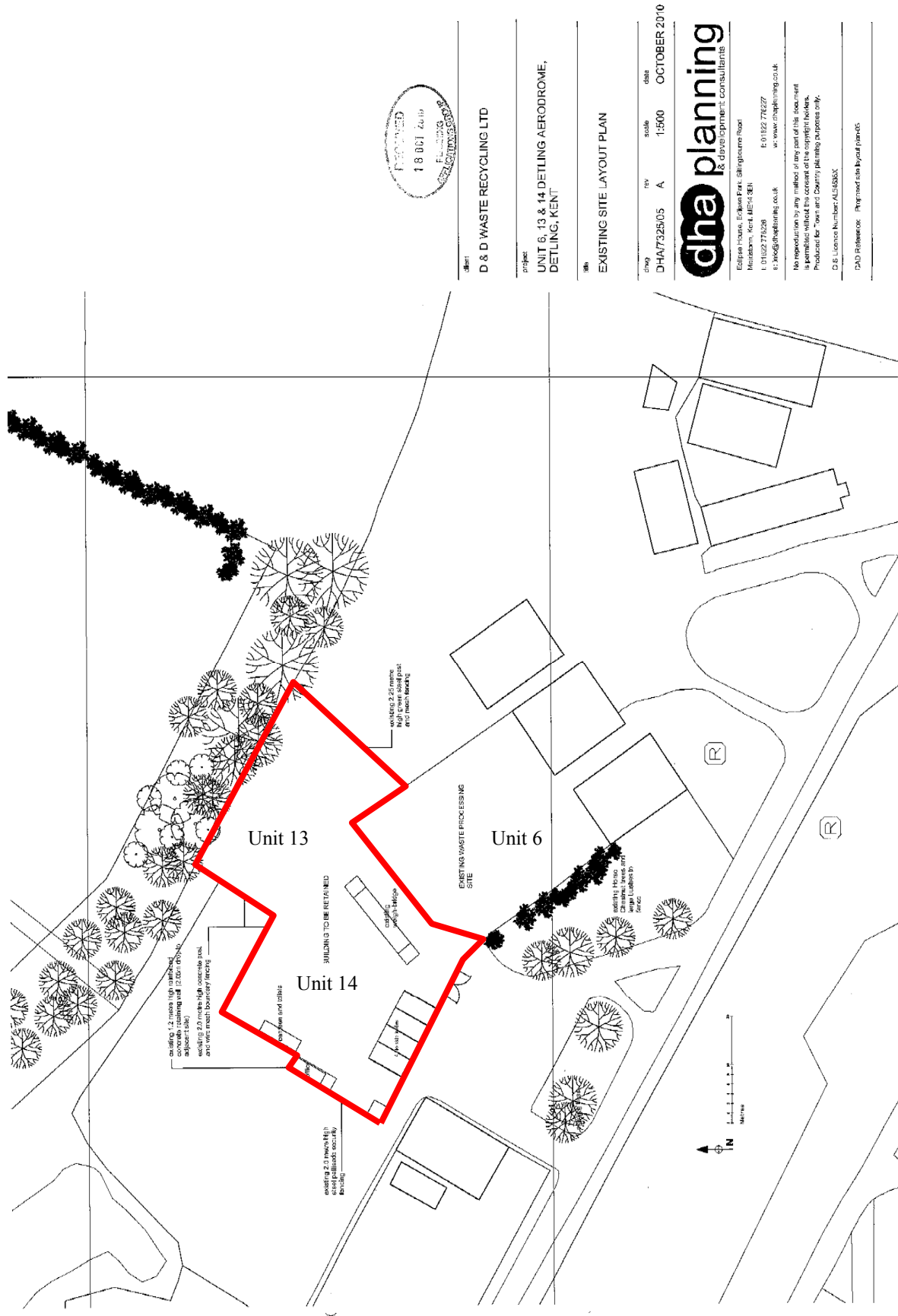
CAD Reference: Site Location Plan 01

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Fig 2: Site Layout Plan



client
D & D WASTE RECYCLING LTD

project
**UNIT 6, 13 & 14 DETLING AERODROME,
DETLING, KENT**

title
EXISTING SITE LAYOUT PLAN

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rev
A

scale
1:1500

date
OCTOBER 2010

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1/20 Reference: Prepared for layout plans.

Planning Policy Context

21. 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

22. **The Divisional Transport Manager** – DTM has raised no objections to the application in respect of highway matters.
23. **Maidstone Borough Council** – raises no objections to the development.
24. **Stockbury Parish Council** – raises objection: *“The proposed increase in the hours of work to 0600 – 1800 Monday to Friday and 0700 – 1700 on Saturdays is regarded as excessive and unacceptable. Vehicle movements commencing at 0600 hours would have a detrimental effect on properties in the area.*

Stockbury Parish Council recommends REFUSAL of this application.”
25. **Environment Agency** – No objection.
26. **Jacobs (Noise/Dust/Odour)** – has raised no objections to the application proposal regarding noise, dust and odour.

Representations

27. The application has been publicised by the displaying of a site notice and newspaper advert in the local press. Also notification letters were sent to those commercial properties within a 250 metre radius of the application site. As result of this consultation no comments have been received.

Local Member

28. The County Council Member Jenny Whittle was consulted and, to date, no comments have been received. However, Cllr John Horne (Member of Detling and Thurnham) has emailed his support to Stockbury Parish Council's objections.

Discussion

29. 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 (21) above are of greatest relevance.
30. This application is for retrospective change of use to run alongside a separate application for a proposed replacement building at the adjoining unit 6 (MA/10/1932). As this application received an objection and given the interdependency of the two submissions, I consider it proper for both applications to be considered by Members, in tandem.

Main issues:

31. 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

32. The general case of need for an increase in waste handling capacity (including skip hire) of the type proposed across units 6, 13 and 14, 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 for skip hire and associated waste transfer exists, which has been serviced to a degree 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 composite site and in particular the contribution that units 13 and 14 might play?

Suitability of the site for enhanced waste handling

33. 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

34. 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.
35. 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.
36. In terms of visual impact, there are no buildings within unit 13 or 14 that could be considered as having a detrimental impact to the amenity of the estate and setting of the AONB. Indeed, views into the site from north and from longer views are screened by an existing belt of trees and boundary planting.
37. The existing two single storey buildings, which are 2.5 metres in height, 9 metres in depth and 3.2 metres wide, are located against the western site boundary. Their location against the boundary fence precludes views of them from the estate road and from a wide setting. The buildings are coloured orange, which when viewed in the context of the surrounding use and character of the estate seem acceptable. However, an alternative grey colour would be available by planning condition.
38. The applicant claims that the proposed operational hours would provide flexibility for the skip hire/storage operation to be maintained and help to foster sustained economic growth of the business, which currently employs 10 operatives. The proposed hours would also give the opportunity for drivers to start earlier and finish earlier, so avoiding peak times and traffic flows. The pattern of demand for skips is dictated by the needs of local customers in the Maidstone / Mid-Kent areas. The working hours proposed are designed to synchronise sustainably with such local demand.
39. Aside from the above, consideration must also be given to the fact that the site is located within an active industrial estate where many of the operators either benefit from similar or unrestricted operation hours. In addition to this, the site is located adjacent to the A249 which is a dual carriageway and the main vehicular road link between Maidstone and Sittingbourne. In my opinion, the proposed operating hours are unlikely to have any significant impact on the area or adversely affect the amenity of surrounding residents.

40. In light of the above, the proposed extension to the operating hours is considered to be acceptable on the basis of the site location within the industrial estate and close proximity to the A249.

Ready Access to the Main Road Network

41. 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. Units 13 and 14, under their respective extant planning permissions (for open storage with site office, and telecoms contractor's depot, respectively), benefit from unrestricted traffic movements. The applicant advises that the proposed use of the units would not generate any additional vehicle movements over and above that which could be generated from the existing permitted uses of the units. The Divisional Transport Manager has subsequently raised no objection to the proposal on this basis.

Location within the context of other Waste or Industrial Uses

42. 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

43. In my view, the use of the site for ancillary office/canteen and skip storage purposes in connection with the waste use on unit 6 would be acceptable in planning terms. The enclosed site and boundary vegetation along the northern perimeter of the estate would safeguard any adverse visual impact on the ANOB and from the related Public Right of Way north of the site and also on residents along Bimbury Lane, south of the site.
44. In addition to the locational criteria under KWLP Policy 9, I am satisfied that the proposed development further meets the safeguarding requirements of KWLP Policy W18. That policy seeks to ensure that the planning authority is satisfied with the means of controlling noise, dust and odour before planning permission is granted. Jacobs (Noise, Dust and Odour) have raised no objection, which underlines compliance with that particular policy.

Conclusion

45. It has been necessary to consider this application in the context of the companion report under Item C3 of these papers. Units 13 and 14 offer complementary skip hire and support services to the core waste transfer use on the adjoining Unit 6. Planning permission has been recommended for an enhanced waste transfer use within that unit, in part-recognition of the interrelated support available through Units 13 and 14. The cases for both applications are in my opinion mutually supportive. The uses of Units 13 and 14 in this context would be comparable in my view in scale and amenity impact to the independent planning permissions already enjoyed within the two areas.
46. In conclusion and on balance, I can see no overriding planning objection to the complementary and incidental waste-related activities proposed for Units 13 and 14. These would form part of an overall scheme with Unit 6 and would be subject to

overarching planning and Environmental Permitting controls. I am satisfied in that context that the proposed uses could be adequately safeguarded and are in compliance with relevant development plan policies.

Recommendation

47. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO conditions including 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), for the interrelated uses of Units 13 and 14 with the adjoining Unit 6.
- Details of the external materials to be submitted and approved by the County Council
- Vehicle movements directed through the single and common site access for Units 6, 13 and 14 shall be restricted to 30 per day (15 in and 15 out)
- No processing or storage of waste shall be carried out on Units 13 and 14.
- Hours of operation to include 06:00 to 18:00 hrs Monday to Friday and 07:00 to 17:00 hrs on Saturdays.
- Operational safeguarding measures to control noise, dust, odour, vibration and mud and debris on the road.
- The skips that are stored on Unit13 shall not exceed a height of 3 metres from adjoining ground level.
- Unit 14 shall be used for no other purpose than to accommodate the existing site office, canteen facility and car parking area.
- The boundary palisade fencing shall be maintained throughout the use of the site.
- Landscaping along the rear boundary maintained and if necessary replaced.

Case Officer: Sav Patel

Tel. no. 01622 221053

Background Documents: see section heading.
