A report by Head of Planning Applications Group to Planning Applications Committee on 18 March 2008.

Application by Kent County Council Waste Management for the weekend only temporary use of the site to provide an area for the stationing of one refuse freighter and one open back collection vehicle for the purpose of accepting bulky household waste, and the placing of recycling containers outside the boundary fence for collection by Shepway District Council at Land at Former Goods Yard, Station Road, Lydd - (Ref: SH/07/1655)

Recommendation: Planning permission be GRANTED subject to conditions.

Local Member(s): Mr F. Wood-Brignall

Classification: Unrestricted

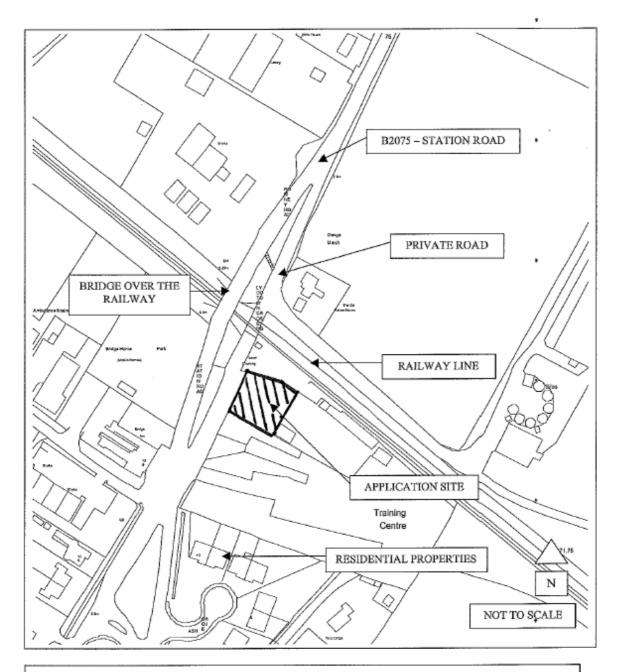
#### Site

1. The application site is located on the northern periphery of the town of Lydd. The site is located to the east of the B2075 (Station Road), and is accessed via a 'private road' which departs the B2075 prior to reaching a bridge which crosses a railway line, and rejoins the B Road to the south of the bridge. The 'private road' runs parallel to the B2075, and crosses the private railway line (which runs directly to Dungeness Power Station and is little used) via a level crossing. The application site lies to the immediate south of the railway line, to the east of the 'private road', and is a fenced open derelict area, formally used as a good yard. The site is bound by the railway line to the north, beyond which lies a residential property (formally the Station House), and open flat ground to the south and east. Residential properties back onto the area of open space to the south of the site, and are approximately 65 metres from the site. Further residential properties are located to the far side of the B2075 to the west of the site. The site is designated within the Shepway District Local Plan, adopted 2006, under Policy E1 (i) as an Established Employment Site, where use classes B1, B2 & B8 are specified. A site plan is attached.

### **Background**

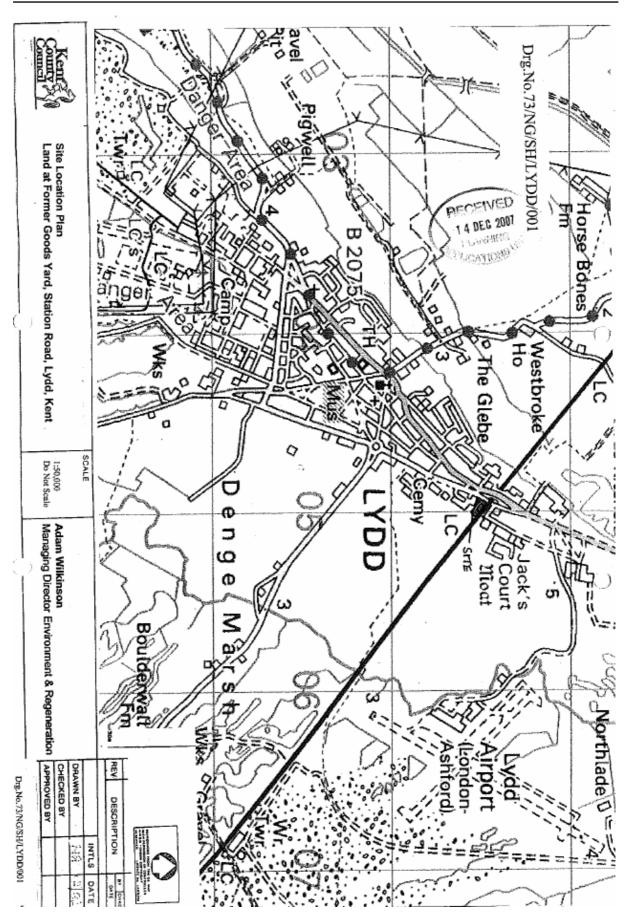
- 2. This application was originally submitted in October 2007, and met with objection on the grounds of inadequate access and highway safety, which subsequently led to the application being withdrawn. The application was withdrawn by the applicant in order that they could undertake further discussions with Kent Highway Services to determine what highway works could be undertaken to improve the safety and suitability of the site access. The application was re-submitted in December 2007.
- 3. The site is currently being operated for the use applied for in this planning application under the Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 4, Class B, which allows the site to be used for 28 days in a calendar year. Should planning permission be granted, this would allow for the site to be retained for a temporary period and used every weekend throughout the year as opposed to 28 days (14 weekends) allowed under permitted development rights.

# SITE LOCATION PLAN

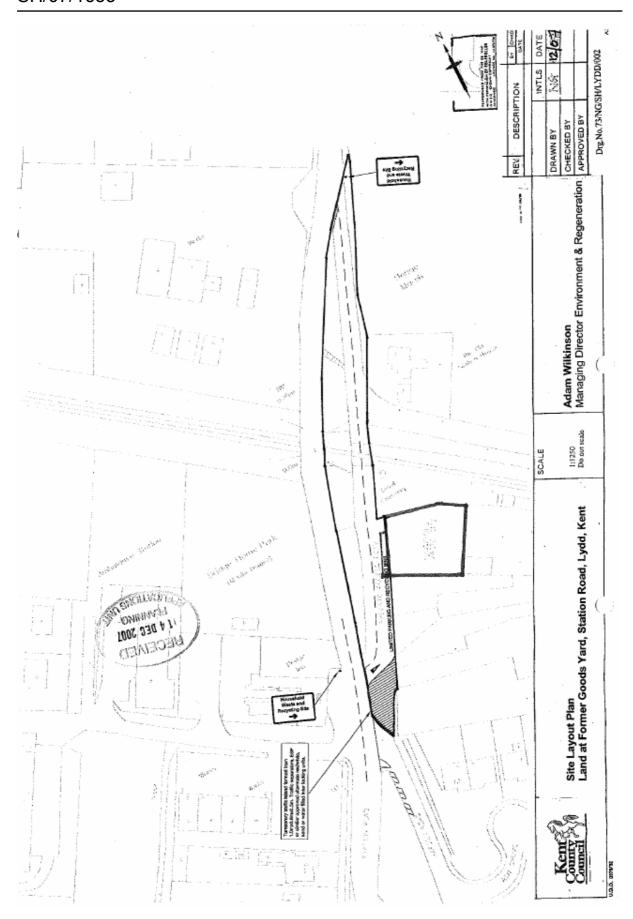


This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

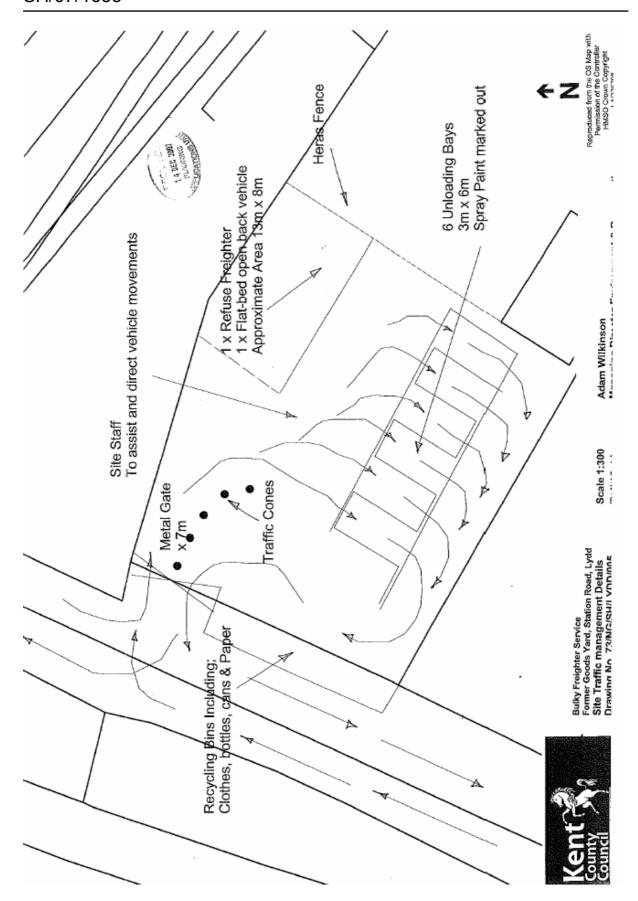
Item C2



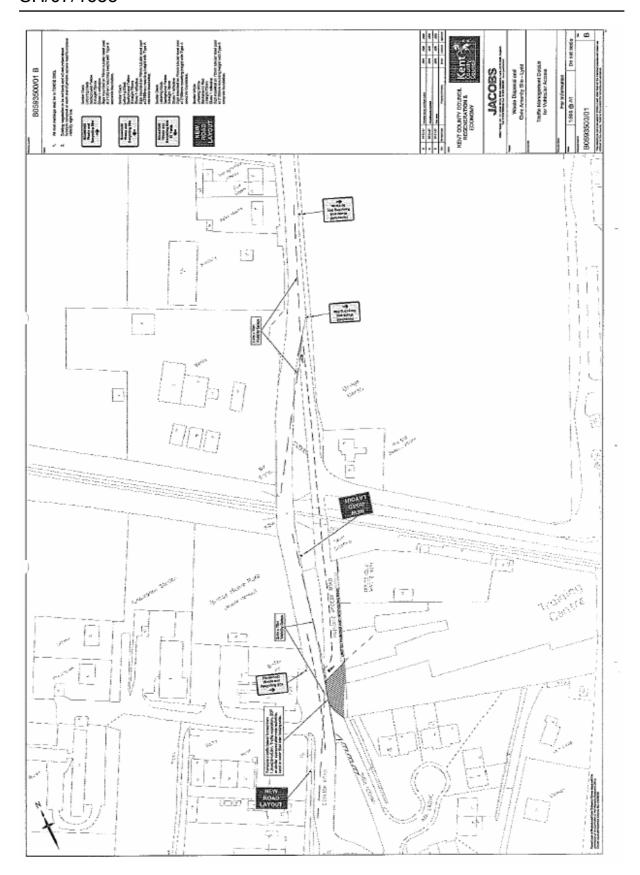
Item C2



Item C2



Item C2



#### **Proposal**

- 4. This application has been submitted by Kent County Council Waste Management and proposes the weekend only temporary use of the site to provide an area for the stationing of one refuse freighter and one open backed collection vehicle, for the purpose of accepting bulky household waste at land at the Former Goods Yard, Station Road, Lydd. The applicant is also proposing the placing of recycling containers outside the boundary fence for collection by Shepway District Council.
- 5. The facility being applied for is intended as a replacement facility for a site which used to operate from the Park Street Car Park in Lydd, and which is no longer available. A temporary replacement facility is therefore required for a period of up to three years whilst a new permanent Householders Waste and Recycling Centre (HWRC) is established. An initial twelve-month period is being applied for. In the event that a permanent HWRC replacement has not been completed within this time frame, a request to extend the period of operation for a further two years would be made. However, use of the site would cease as soon as a permanent HWRC is provided. It is intended that this temporary site would provide Lydd householders with continuity of service and a facility to dispose of their unwanted bulky and waste items, pending the establishment of a long term facility.
- 6. The applicant advises that this is a small-scale development, provided for the sole benefit of local householders. Trade or commercial type wastes would not be accepted. The proposed operation would provide householders with a convenient and accessible alternative for the disposal of unwanted bulky waste items, reducing vehicle movements and the need to drive to the next nearest HWRC, some 17 miles away in Chart Leacon, Ashford. The service would be provided through the stationing on site of one standard refuse freighter with a carrying capacity of 8-9 tonnes, and one open backed vehicle. The open back vehicle would only be used for accepting WEEE waste, which generally consists of fridges and freezers. In addition, the standard recycling bins previously used at Park Street have been relocated and are positioned alongside, but outside, of the site boundary fence. These are standard modular recycling bins, provided for the collection of paper, glass and textiles, and will continue to be serviced by Shepway District Council.
- 7. It is proposed that this service would be available on Saturdays and Sundays between 09.00 & 16.30 and 10.00 & 16.30 respectively. The applicant confirms that no equipment, vehicles or waste would be left or stored on site when not in use. Collected material would be taken initially to one of the Kent County Council Transfer Stations at either Hawkinge or Whitfield. Any additional freighter capacity would be provided on a shuttle basis to ensure that any vehicles parked on site are kept to an absolute operational minimum. The Kent County Council contractor would be responsible for ensuring the site is left in a neat and tidy state after it closes to householders at the weekends. In addition, Shepway District Councils and County Council Officers have been asked to be extra vigilant regarding any unauthorised deposits of waste, to ensure any dumped material is kept to an absolute minimum.
- 8. It is estimated that approximately 300 householders (600 vehicle movements) are likely on Saturdays, with this reducing to 200 householders (400 vehicle movements) on Sundays. The applicant advises that two thirds of the vehicles seeking to enter the site would be from the Lydd Town side. Householders wishing to park up outside the site to use the recycling bins are estimated at some 10 on a Saturday and approximately 5 on a Sunday.

- 9. Access to the site would be via Station Road and the junction with Harden Road, and then via the 'private road' from the Lydd town side. Alternatively, traffic wishing to access the site from the New Romney direction to the north would be expected to join the 'private road' from the northern end, then continue to the site via the level crossing. Egress would be via the same route as access. Vision Splays of 2.4m x 70m are provided at both ends of the 'private road' and signage and a traffic island would be provided to allow for improved traffic management.
- 10. Although the 'private road' is double yellow lined to prevent parking obstructions, Shepway District Council have confirmed that they would not enforce parking restrictions along the road unless vehicles were just parked and left unattended. Unloading, whether this be for the purpose of the bulky waste service or for using the recycling bins, would be permitted.
- 11. On site, site staff would encourage householders to park up and to observe site related protocols to ensure the smooth flow of vehicles entering and leaving the site. Since the facility began operating it is understood that these arrangements have so far ensured little or no queuing of vehicles. Householders would be responsible for parking their own vehicles on site and depositing their waste either in the refuse freighter or open backed vehicle as appropriate. The site is marked out and provides spaces for up to six vehicles to be parked to allow off loading. It is proposed to place a line of heras fencing across the part of the site to be used. Should a temporary planning approval be granted, then the owner of the site would replace this fencing with a more secure fence.
- 12. Although the proposed operation is of a temporary nature, a number of potential locations have been investigated over the last twelve months by both Shepway District Council and Kent County Council. Details of these alternative sites were submitted by the applicant, who advise that most had to be discounted as not meeting current operational requirements. The proposed site is therefore considered appropriate in terms of both location and access, and is considered to be able to fulfil the short term requirement for the provision of the waste service.
- 13. There are no proposals for installing any fixed plant or buildings. On vacating the site confirmation is given that it would be left in a neat and tidy condition.

Reduced copies of the submitted drawings showing the site layout are attached.

# **Planning Policy**

- 14. The Development Plan Policies summarised below are relevant to the consideration of the application:
  - (i) The Kent & Medway Structure Plan: Adopted 2006:
    - **Policy SP1** Seeks to conserve and enhance Kent's environment and ensure a sustainable pattern of development.
    - Policy QL1 Seeks to conserve and enhance the environment through the quality of development and design. Developments, individually or taken together, should respond positively to the scale, layout, pattern and character of their local surroundings.

- Policy QL12 Provision will be made to accommodate additional requirements for local community services. New community services will be located where they are accessible by walking and cycling and by public transport from the area they serve. Wherever practical they will be located in town, district or local centres.
- Policy TP15 Development which generates significant increases in traffic, especially heavy good vehicles, will not be permitted if it is not well related to the primary and secondary road network, or if it would result in a significant increased risk of crashes or traffic delays, unless appropriate measures to mitigate the effect of the development has been secured.
- **Policy NR5** The quality of Kent's environment will be conserved and enhanced. This will include the visual, ecological, geological, historic and water environments, air quality, noise and levels of tranquillity and light intrusion.
- Policy WM2 Proposals for the treatment, storage, transfer, processing or disposal of waste will be required to show that they represent the best balance between the most efficient and most environmentally sustainable method of managing a specific type of waste.

### (ii) Shepway District Local Plan: Adopted 2006

- Policy BE1 A high standard of layout, design and choice of materials will be expected for all new development. Development should accord with existing development in the locality, where the site and surrounding development are physically and visually interrelated in respect of building form, mass, height, and elevational details.
- Policy SD1 All development proposals should take account of the broad aim of sustainable development ensuring that development contributes towards ensuring a better quality of life for everyone, now and for generations to come. This involves meeting economic and social objectives and helping people meet their personal aspirations through accommodating the district's need for commercial and industrial development, new homes and other land uses and improving quality of life for all members of society whilst respecting specified environmental criteria
- Policy SC2 The District Planning Authority will grant planning permission for new or improved social and community facilities where the proposal meets set criteria relating to compatibility with surrounding land uses, access, access for disabled people and acceptability on highway, infrastructure and environmental terms.

- **Policy TR3** Development which would prejudice the reuse of Lydd Station as a rail transport interchange in the event of the railway line to Appledore being reopened for public use will not be permitted
- **Policy TR12** Proposals for new development will only be permitted if provision is made for off street parking in accordance with the current maximum vehicle parking standards.
- Policy E1 Planning permission for industrial and commercial development or redevelopment will be granted within the established employment sites shown on the Proposals Map for that purpose. The use classes B1, B2 & B8 will be permitted at the sites listed, subject to Policy E5.
- Policy U10 In appropriate locations the District Council will grant planning permission for development required as part of the process of recycling materials. Development proposals including commercial or residential uses should include provision for the storage of waste and recyclable materials awaiting collection.

## (iii) Kent Waste Local Plan: Adopted 1998

- **Policy W3** Proposals which involve only waste processing and transfer at locations outside those identified on the proposals map will not be permitted unless they;
  - can avoid the need for road access, or can gain ready access to the primary or secondary route network and preferably have potential for a rail or water transport link and;
  - (ii) are located within or adjacent to an existing waste management operation, or within an area of established or proposed general industrial use where the former is a temporary use, permission will only be granted for the duration of the primary use.
- Policy W9 Proposals for waste separation and transfer would be considered against whether they seek to minimise impact on the local and natural environments, have (or could secure) ready access to the main road network ........
- **Policy W18** Before granting permission for a waste management operation the Planning Authority will require to be satisfied as to the means of control of;
  - (i) noise,
  - (ii) dust, odours and other emissions,
  - (iii) landfill gas, particularly in respect of its potential impact on neighbouring land uses and amenity.
- **Policy W22** When considering proposals for waste management facilities the Planning Authority will;

- (i) normally refuse planning permission if it is considered that the proposed access, or necessary off-site highway improvements or the effects of vehicles travelling to and from the site, would affect in a materially adverse way:
  - (a) the safety of the highway network,
  - (b) that character of historic rural lanes,
  - (c) the local environment, including dwellings, Conservation Areas and Listed Buildings,
- (ii) ensure that any off site highway improvements considered to be necessary to secure acceptable access are completed, if necessary in stages, related to the development of the site before specified operations on site commence, and provided at the developments expense.

#### **Consultations**

15. Shepway District Council: raises no objection, but make the following comments:

"It is recommended that the proposed operations be restricted to within the red line boundary shown on the site layout plan with the application, and that conditions are imposed to control external storage of material and hours of operation, in the interests of local amenity."

**Lydd Town Council:** supports the application, and adds that they hope the County Council will continue to seek a permanent site in the parish of Lydd, preferably one that would enable a full recycling site to the provided.

**The Divisional Transportation Manager:** raises no objection to the proposal subject to conditions requiring the provision of 2.4m x 70m visibility splays, the provision and retention of parking and turning areas (as shown on the plans), and the provision of traffic management measures. The Transportation Manager also states:

"I confirm it would be acceptable for the necessary traffic management measures to be of a temporary nature for up to a year of operation of the waste site. The applicant should note that the temporary measures will need to be agreed with our Roadworks Coordination team and it will be the applicant's responsibility to inspect and maintain the measures for the period they are in place. If the waste site is required to be in operation for more than one year then the traffic management measures must be suitably amended to be of a permanent nature prior to the commencement of the second year of operation. As previously advised, this will require a Stage 1/Stage 2 submission for approval to KHS. The condition requiring provision of traffic management measures should reflect the need to provide permanent measures beyond the first year of operation."

The Environment Agency: no written comments received to date.

The County Councils Noise Advisor: states that operationally the site should generally not be a significant noise source, with the site only receiving household waste and not commercial or construction material. The only noise that might possibly be generated would be impact noise from the movement of white goods, such as fridges

and freezers, hitting the ground or lorry bed. In addition, it is considered that the local topography would assist in attenuating noise from the additional traffic generated by the proposal.

#### **Local Member**

16. The local County Member, Mr F. Wood-Brignall, was notified of the application on the 19 December 2007.

## **Publicity**

17. The application was publicised by the posting of a site notice, advertisement in a local newspaper, and the individual notification of 29 nearby properties.

## Representations

- 18.1 letter of representation has been received to date. The main planning comments/points of concern and objection can be summarised as follows:
  - concerned that the facility is already operating, prior to neighbour consultation;
  - objects most strongly to the siting of the waste collection point;
  - the private road has always been a problem with regards to access because of the dangerous road junction;
  - vehicles leaving the private road, at either end, cannot see traffic approaching over the bridge;
  - accidents will happen as a result of the siting of this facility;
  - alternative sites should be considered:

#### **Discussion**

- 19. In considering this proposal regard must be had to the Development Plan policies outlined in paragraph (14) above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. Issues of particular relevance include highway implications, site selection and impact upon local residential amenity.
- 20. Policies SP1 and QL1 of the Kent and Medway Structure Plan & SD1 and BE1 of the Shepway District Local Plan, seek to conserve and enhance the environment and require development to be well designed and respect its setting.

#### Site Selection

21. As detailed in paragraphs 4-13 above, this application proposes the weekend only temporary use of a site in Lydd to provide an area for the stationing of one refuse freighter and one open backed collection vehicle for the purpose of accepting bulky

household waste. In addition, the applicant is proposing to place recycling containers outside of the boundary fence for collection by Shepway District Council. As detailed in paragraph 5 of this report, the previous permanent site for the housing of this facility in Lydd, Park Street Car Park, was sold in September 2007 by Shepway District Council. The County Council is in the process of trying to find a permanent replacement site for the Householders Waste Recycling Centre (HWRC), but in the interim has been using the land at the Former Goods Yard, Station Road, Lydd, under permitted development rights. This application seeks to extend the use of the site beyond the 28 days given as permitted development, initially for a twelve-month period. Thereafter, should a permanent site not be found, a further extension of 2 years would be applied for, which would be subject to a new planning application. However, the appropriateness of the site has been questioned by a local resident, who suggests that an alternative should be found.

- 22. The applicant advises that the proposed site is the only site available, and fit for purpose, within Lydd. 11 sites were initially investigated by the applicant, and details of these have been submitted. Some of the sites were of insufficient size, others were still in use, too close to residential properties, had very poor access or would need to be prepared/surfaced. The applicant therefore considers the proposed site to be the most appropriate in terms of both location and access, bearing in mind the short-term need for the temporary site.
- 23. The site is a former Goods Yard and is derelict brownfield land, which is surfaced in part, and fenced. The site is allocated within the Shepway District Local Plan under Policy E1 (i) as an Established Employment Site, where Use Classes B1, B2 & B8 would be permitted. Although the use applied for does not fall within the specified Use Classes, Policy E1 (i) sets a precedent for the sites development, and establishes it as a potential employment site. The temporary use of the site for a use which falls outside of the specified Use Classes would not preclude the site from permanent future development, or set a precedent for future use of the site as a waste facility. The sites designation for development also suggests that the site is not sensitive in nature, and has acceptable access arrangements (this will be discussed in more detail below).
- 24. In principle, the use of this site is acceptable. It is previously developed land, which is surfaced in part, and is designated within the Local Plan for future development. The applicant has also demonstrated that the use of alternative sites has been explored, and has provided adequate explanation of why these other sites were discounted. However, the implications of the sites use in terms of access and highway safety, and impact upon local residential amenity, need to be assessed before the proposed development can be considered to be acceptable and in accordance with Development Plan Policy.

## Access and Highway Safety

25. As outlined within paragraphs 2 and 3 of this report, the first submission of this application was withdrawn due to objections from local residents and Kent Highway Services due to concerns over the suitability of the site access. Prior to resubmitting the application, the applicant liased with Kent Highway Services in an effort to overcome the concerns initially expressed. As a result, the applicant is now proposing to install signage and a traffic island, and has demonstrated that vision splays of 2.4m x 70m can be achieved. The routing of vehicles when accessing and exiting the site has been carefully considered, as have the internal site arrangements. As previously explained, the site is already in operation under Permitted Development Rights and, too date, I have not

received any complaints with regards to access or highway safety.

- 26. In addition, the site is accessed via a 'private road' and, therefore, should vehicles have to wait to enter the site, it is more than likely that all queuing would occur off of the main highway. This is an advantage of the sites location. In addition, although the 'private road' is double yellow lined, Shepway District Council have confirmed that they would not enforce parking restrictions along the road unless vehicles were left unattended. All waiting, and unloading, whether this be for the purpose of the bulky waste service or the use of the recycling bins, could be safely accommodated on the 'private road' without the risk of penalty. It is also worth noting that the site would not be in operation during the working week, and therefore peak traffic hours would not be affected.
- 27. As a result of the measures proposed by the applicant, detailed within paragraphs 9-11 of this report, Kent Highway Services have raised no objection to the proposed development, subject to the imposition of conditions. As this application proposes to use the site for a temporary period of 12 months, Kent Highway Services have accepted that temporary signage and a temporary traffic island can be used. However, should an application be submitted for a further two year retention, then the temporary measures would no longer be acceptable and permanent replacements would have to be installed. Should planning permission be granted this would be a condition of consent.
- 28. I light of the above, I consider that the site access is acceptable, and that subject to the imposition of conditions, the safety of the local highway network should not be detrimentally affected. I therefore see no reason to refuse this application on the grounds of access or highway safety.

# Residential amenity

- 29. The proposed site is located on the periphery of Lydd, but is still in close proximity to residential properties. The impact of the development upon the amenity of nearby residents therefore needs to be considered and addressed in the determination of this application. The application proposes use of the site at weekends only, between 9.00 and 16.30 on a Saturday, and 10.00 and 16.30 on a Sunday. I consider these hours to be reasonable given the nature of the development proposed and, should planning permission be granted, these hours would be specified by planning condition. However, use of the site has the potential to generate noise, and could attract unofficial dumping of household (or other) waste when the facility would be closed.
- 30. First, with regards to noise, it is considered that the highest noise generation would potentially come from the movement of 'white goods' and/or from vehicles waiting to enter the site. The applicant states that noise generation from the movement of white goods would be largely mitigated through appropriate on site assistance from site staff. In light of the temporary nature of the site, and the scale of the development, it would be unreasonable and inappropriate to expect mechanical aids for moving white goods to be available on site. Regardless of this, mechanical aids have the potential to generate more noise and disturbance than the movement of white goods by hand. The County Council's Noise Advisor considers that assistance from site staff when handling white goods would reduce noise generation and I therefore consider this to be an acceptable solution.
- 31. With regards to noise generated from vehicles waiting to enter the site, the applicant advises that site staff are mindful of the need to maximise householder 'turn around' to

ensure the smooth operation of the site and to reduce any potential nuisance or disturbance from queuing cars. In addition, the elevated nature of Station Road in comparison to the application site should be noted. The railway bridge and raised road would provide a significant noise barrier to any properties to the west of the site. The County Council's Noise Advisor considers that the smooth operation of the site, and the levels of the site in relation to the adjacent road, would assist in attenuating noise generated by the use of the site. In addition, it is worth noting that local residents have not objected to this proposal on the grounds of noise, and as the facility is currently operating, the assumption can be made that noise is not having a detrimental impact on local residential amenity. I therefore see no reason to refuse this application on the grounds of noise generation.

32. As the site would only be in operation at weekends, for the remainder of the week the site would be unattended, and could encourage unauthorised dumping of material. The applicant has confirmed that no equipment, vehicles or waste would be left or stored on site when not in use. This would discourage the unauthorised use of the site. In addition, the site would be secured with a locked gate and fencing, and both Shepway District Council and County Council Officers have been asked to be extra vigilant regarding any unauthorised deposits of waste. The applicant has made all reasonable efforts to ensure that the site is secured out of operating hours and has, as far as practicably possible, reduced the likelihood of the unauthorised dumping of waste.

#### **Summary**

33. The applicant has provided a case of need for this temporary facility, and is undertaking a search to find an appropriate site for a replacement permanent HWRC. The applicant has demonstrated that alterative sites have been considered and has provided reasoning as to why they were not acceptable and/or appropriate. The use of this site is therefore proposed for an initial period of a year and, subject to the imposition of conditions regarding hours of use, provision of signage and a traffic island and the securing and condition of the site out of operating hours, I do not consider that the proposed development would have a significantly adverse affect on the local highway network or the amenity of neighbouring residential amenities.

### **Conclusion**

34. Overall, I consider that the temporary use of this site is acceptable in terms of impact upon the landscape, local highway network and the amenity of neighbouring properties. Subject to the imposition of conditions, I am of the opinion that the proposed development would not give rise to any material harm and is otherwise in accordance with the general principles of the relevant Development Plan Policies. Therefore, I recommend that permission be granted subject to the imposition of appropriate conditions.

#### Recommendation

- 35. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT TO conditions, including conditions covering:
- use of the site to cease within a year of the date of the permission;
- details of site restoration upon vacating the site;

# Item C2

- the development to be carried out in accordance with the permitted details;
- hours of operation;
- the installation and maintenance of temporary signage and a traffic island;
- the installation of permanent signage and a traffic island should a second application be submitted for further retention of the site;
- securing the site and ensuring the site is cleared of all equipment, vehicles or waste outside of operating hours;

Case officer – Mary Green	01622 221066
Background documents - See section heading	