

Item C2

Application for Change of Use from use in connection with plant hire business to use ancillary or incidental to, the adjoining Waste Recycling Facility. SH/07/589

A report by Head of Planning Applications Group to Planning Applications Committee on 19th June 2007.

SH/07/589 – Application by Hythe Plant Services for a change of use of land from use in connection with plant hire business to use ancillary or incidental to the operation of a waste recycling facility. Rear of Century House, Park Farm Road, Folkestone.

Recommendation: Permission be granted.

Local Members: Mr Robert Bliss

Classification: Unrestricted

Site Description

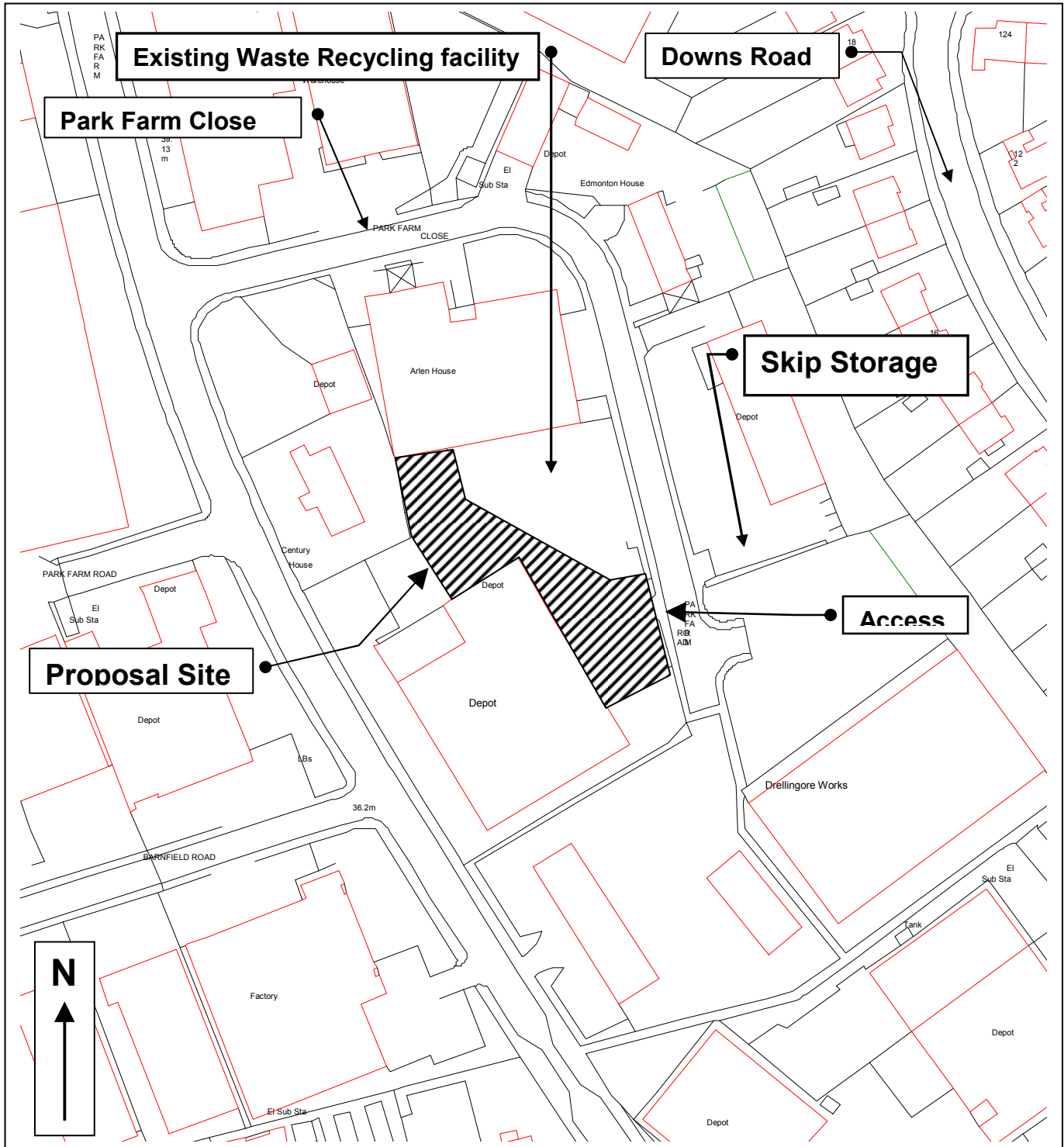
1. The 0.1-hectare application site is located in Park Farm Road, Folkestone. The site is located within Park Farm Industrial Estate, which has good access to the primary and secondary road network within the area particularly the M20, A20 and A259. Park Farm Close is in a shallow valley at the base of Sugarloaf Hill. Residential properties in Downs Road are the nearest sensitive receptors occupying rising ground 70 metres east of the site, in between which is a skip storage yard also operated by the applicant.
2. The site is set on land sloping down to Park Farm Close with the highest ground being in the north west corner of the site. It is set on a western slope of a shallow valley. The eastern slope of the valley begins on the eastern boundary of the Park Farm Industrial Estate. The rear gardens of Downs Road rise up to the elevated level of the road itself and the land continues to rise to the east. The land to the east is entirely residential in nature.
3. Hythe Plant Services is accessed from Park Farm Close on the periphery of the Industrial Estate. The immediate neighbours are mixed industrial, storage, distribution and construction companies.
4. There are no designations in the local plan on the land that comprises the application site. A site location plan is attached.

Background and History

5. Hythe Plant Services were originally granted planning permission for waste transfer and recycling on the 8th of April 1998 (Ref.SH/98/9). The permission related to a 10m by 17m site within the greater area of Hythe Plant services operating site.
6. A subsequent application (Ref. SH/01/50) was permitted on the 9th of March 2001 to extend the existing waste transfer and recycling area to conform with that covered by the Waste Management Licence. This approval did not change the nature of the permitted operations which included waste separation and bulking by hand sorting and mechanical screening using specified equipment.

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Hythe Plant Services - Site Location Plan



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7. In 2005 a further planning permission was granted (SH/05/274) to improve the existing working practices including the installation of a more efficient plant for increased waste recovery and/or recycling. This permission effectively tightened up controls on site, with regard to vehicle movements, hours of operation, mitigation measures against noise, dust odour and landscaping requirements.

Proposal

8. Planning permission is sought for a change of use of land adjacent to the existing waste transfer and recycling facility for use ancillary or incidental to these operations including a vehicle loading and manoeuvring area together with additional storage. Currently the land is in use in connection with Hythe Plant Services (HPS) plant hire business. The proposal does not seek to increase or intensify activities on site, solely to change the use of the land.
9. The 0.1 hectare parcel of land is proposed as being used as a vehicle loading and manoeuvring area along with 2 additional sleeper walled storage bays and space for 3 containers or skips awaiting export.
10. The applicant states that the sleeper walled storage bays are required due to economies of scale in recycling. At present HPS export loads of low bulk density materials such as wood and non-ferrous metals as they arise. However the applicants claim that this is uneconomical and undermines the principles of recycling, despite the specific market they supply. Therefore in this application HPS are requesting additional storage bays to allow for collection of economic payloads of such materials before they are bulked up and exported for re-use. It is also proposed that space be provided for up to 3 containers awaiting export.
11. The facility would operate between the existing operating hours of the site between 0730 and 1800 Mondays to Fridays and 0730 to 1300 on Saturdays, with no loading or unloading of vehicles occurring on Saturdays, Sundays or Bank Holidays only essential maintenance. The change of use will encompass all of the controls set out in the latest permission (Ref. SH/05/274) in respect of the existing waste transfer and recycling facility.
12. A landscaping scheme has been implemented under the 2005 application, and the applicant considers as no further obtrusive development would occur as a result of this latest application no further landscaping is justified.

Development Plan Policies**National Planning Policy**

13. The most relevant policies are set out in PPG10 (Planning for Sustainable Waste Management), Waste Strategy 2000 (as amended in July 2005) and PPS23 (Planning and Pollution Control).

Regional Planning Policy

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14. The most relevant policies are set out in RPG9 (as amended) and the emerging South East Plan. These include RPG9 Policies E7 (Pollution Control and Air Quality), W3 (Regional Self-sufficiency), W4 (Sub-regional Self-sufficiency), W5 (Targets for Diversion of from Landfill), W6 (Recycling and Composting), W7 (Waste Management capacity requirements) and W17 (Location of Waste Management Facilities). Emerging South East Plan Policies NRM (Air Quality), W3 (Regional Self-sufficiency), W4 (Sub-regional Self-sufficiency), W5 (Targets for Diversion from Landfill), W6 (Recycling and Composting Targets), W7 (Waste Management Capacity requirements) and W17 (Location of Waste Management Facilities).

- (i) The relevant policies in the adopted 2006 Kent and Medway Structure Plan are summarised as follows ;

Policy SP1	Seeks sustainable patterns and form of development.
Policy NR5	Development should be planned and designed to avoid or adequately mitigate pollution impacts.
Policy NR7	Protection of water quality
Policy TP15	Development, which generates significant increases in traffic, especially heavy goods vehicles, will not be permitted if it is not well related to the primary or secondary road network or if it would result in increased risk of crashes or significant traffic delays.
Policy QL1	Development should be well designed, be of high quality and respect its setting.
Policy WM1	Makes provision for the integrated management of waste reflecting BPEO, the national waste hierarchy and national targets for waste management.
Policy WM2	Proposals for the treatment, storage, transfer, processing or disposal of waste will be required to show that they represent the most efficient and environmentally sustainable method of managing a specific type of waste.
Policy WM4	The Kent and Medway Waste Local Development Frameworks will make provision for, and maintain, integrated waste management capacity sufficient for 15 years ahead.

- (ii) The adopted 1998 Kent Waste Local Plan:

Policy W1	Sets a hierarchy of waste managements methods based on principles of sustainable development for wastes arising in Kent, with in order of desirability: reduction; re-use; recovery - (a) recycling, (b) composting and (c) recovering energy and finally disposal.
Policy W3	Proposals only involving waste separation and transfer at locations outside those identified on the proposals map will not

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	be permitted unless they can avoid the need for road access, or can gain ready access to the primary and secondary route network and preferably have potential for a rail or water transport link and are located within or adjacent to an existing waste management operation or within an area of established or proposed general industrial use.
Policy W6	In cases where demonstrable harm would be caused to an interest of acknowledged importance, need will be a material consideration in the decision.
Policy W7	Identifies locations considered to be suitable in principle for proposals to prepare category a waste for re-use together with generic site criteria.
Policy W9	Identifies locations considered suitable in principle for waste separation and recycling and sets out criteria against which other proposals not identified should be assessed.
Policy W16	When considering applications for waste management facilities, the planning authority will have regard to the industry's past record in respect of the environmental management of comparable operations.
Policy W18	Requires effective controls over noise, dust, odours and other emissions.
Policy W19	General protection of surface and groundwater interests.
Policy W22	Presumption against if the proposed access or necessary off-site highway improvements or the vehicles travelling to and from the site would affect in a materially adverse way safety of the highway network, the character of historic rural lanes of the local environment, including dwellings.
Policy W23	Prevention of mud and debris being deposited on the public highway.
Policy W25	Consideration of details relating to siting, design and external appearance of processing plant, hard surfacing, buildings and lighting.
Policy W26	The hours of operation of facilities will normally conditioned to between the hours of 0700 to 1800 Monday to Friday and 0700 to 1300 on Saturday. Any proposals to work outside these hours will be considered where operational factors justify greater flexibility.

(iii) The adopted 2006 Shepway Local Plan:

Policy SD1	Seeks for all development to take into account the broad aim of sustainable development.
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Policy BE1	Seeks for new development to be well designed and to respect its setting.
Policy E1	Seeks to allow Industrial or Commercial development or redevelopment in existing employment sites.
Policy U4	Seeks to protect surface and ground water resources.
Policy U7	In appropriate locations planning permission will normally be granted for development required as part of the process of recycling materials.
Policy TR3	Seeks to apply policies T18 and T19 of the Kent Structure Plan outside the urban areas.

15. Consultations

Shepway District Council: No comments received to date

Jacobs (Noise, Dust and Odour): Is of the opinion that there should be no detriment to residential amenity from the current proposal and therefore raise no objection to the proposal.

The Area Transportation Manager: No objection to the proposal. However condition requested to ensure that the area for vehicle manoeuvring is kept for that purpose.

Environment Agency: No objection. However requesting informative that adjustment of current Waste Management License will be recovered to cover new area.

Local Member(s)

16. The Local County Member for Folkestone, Mr Bliss was notified of the application on 26 April 2007. No comments have been received to date.

Publicity

17. The application was publicised by the posting of one site notice, advertisement in a local paper and the notification of 176 neighbouring properties.

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Representations

18. 5 letters of representation have been received to date. 4 Letters in Objection to the proposal and 1 in favour. The main points raised are as follows;

Objections

- Noise – concerns with banging of skips early in the morning and general operation of existing site.
- Dust – Problems with current activities emitting dust which is carried over to residential properties.
- Odour from materials being brought onto site.
- Increase in traffic
- Increase in activities

In Support

- In favour of recycling

Discussion**Introduction**

19. Section 36(b) 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 addition there is a requirement to consider relevant national and regional policy.
20. Prior to the publication of PPS10 and revisions to Waste Strategy 2000 in July 2005, former advice required planning authorities to consider whether waste planning applications constituted the Best Practicable Environmental Option (BPEO). Case law established that consideration of BPEO against individual applications should be afforded substantial weight in the decision making process.
21. The new advice in PPS10 moves the consideration of BPEO principles to the Plan making stage where it is to be considered as part of the Sustainability Appraisal (SA)/Strategic Environmental Assessment (SEA) process applied to the Plan. However, where planning authorities' current waste policies have not been subject to the SA/SEA process (as is the case with the Kent Waste Local Plan), it is appropriate to consider planning applications against the principle of BPEO.
22. Until such time as the Kent Waste Development Framework (WDF) reaches a more advanced stage, applications will be considered against Policy WM2 of the Kent & Medway Structure Plan to ensure that they deliver facilities that are "*of the right type, in the right location at the right time*". This is fully consistent with the approach Local Planning Authorities are advised to adopt as set out in PPS10. This approach is also consistent with the underlying principles of the emerging South East Plan.
23. The adopted Kent and Medway Structure Plan (2006) is based on the principles of sustainable development. Policy SP1 seeks to achieve a sustainable pattern and form of development, which reduce the need to travel. Policies WM1, WM2 and TP15 set out the broad strategic objectives against which applications for waste management facilities will be considered.

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24. Similarly Policy W1 of the adopted Kent Waste Local Plan supports the objective of making provision for Kent's waste arisings in a sustainable manner. Policies W2, W3, W6 W7 and W9 identify the locational criteria against which individual proposals will be considered, whilst policies W16 to W26 set out the operational criteria.

Key Issues

25. Accordance with Development Plan policy and demonstration as to whether the proposal is of the right type in the right location at the right time can be assessed in relation to the following issues: need for waste transfer facilities generally and for this particular facility; sources of waste and proximity principle; location (available alternatives); environmental and amenity impacts; access and routeing; the scale and intensity of the proposed development; the track record of the industry; and the proposed level of environmental safeguarding given the current available control regimes.

Need

26. This application seeks approval for change of use of land to a use ancillary to the existing adjoining permitted waste recycling operations. This application does not seek to increase or intensify activities on site, only to allow additional space for storage and vehicle maneuvering. The existing site is extremely compact in nature, the application can therefore be seen to potentially help with the practicalities of day to day operations and also help improve their economic viability with regards to storage and exportation of low bulk density materials.
27. The case of need put forward by the applicant for the proposed use of the application site in conjunction with the existing waste recycling side of the business is that it will enable a more defined loading and manoeuvring area. The applicants claim that giving improved site circulation whilst not intensifying the overall use in terms of the existing site capacity as stated in the supporting statement.

Sources of Waste and Proximity PrincipleLocation and Size of Site*Location*

28. Policy W17 of the 'Proposed alterations to Regional Planning Guidance, South East – Regional Waste Management Strategy' states that development plans should in identifying locations for Waste Management Facilities, give priority to safeguarding and expanding suitable sites with an existing waste management use and good transport connections. It also sets out criteria to guide the location of waste management facilities to other sites. Policy W1 of the Kent Waste Local Plan refers to the waste hierarchy and states that permission will be given (amongst other options) to proposals to reduce, re-use, or recover waste materials at locations identified and under circumstances specified in the plan. Policy W9 identifies 21 locations across Kent, which are considered to be suitable in principle for proposals for waste separation and transfer. The application site is not one of those locations.

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29. For proposals, which are outside of the identified locations in Policy W9, it is stated that they should be considered against whether they:
- (a) Seek to minimise impacts on local and natural environments (in particular major concentrations of population and important wildlife sites) consistent with the principles of environmental sustainability.
 - (b) Have, or could secure in an acceptable way, ready access to the main road network, or to a rail or water link provided that there is acceptable access also to an appropriate road network.
 - (c) Are within or adjacent to existing waste management facilities or is part of a location within an established or committed general industrial type area (that is those with a significant proportion of B2 to B8 uses, or with major industrial type development such as power stations).
30. Additionally Policy W3 of the Waste Local Plan seeks for proposals which involve waste processing and transfer at locations outside those identified on the proposals map to not be permitted unless they (i) 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.
31. In terms of concordance with policies W3 and W9, the site is located on the edge of the Park Farm Industrial Estate in Folkestone. Whilst the nearest sensitive receptors are some 70 metres away from the application site, in between which there are nevertheless other industrial type developments including the applicants' skip storage yard. Additionally measures are required by condition under the latest permission (Ref. SH/05/274) in respect of their existing Waste Transfer and Recycling facility, to mitigate its potential impacts from noise, dust and odour and which therefore remain enforceable. As previously stated the current proposal is not intending to expand operations on site to the extent that they would result in any increased disturbance to the locality.
32. The site is within easy access of the main transport links of the M20, A20 and A259. Furthermore, being adjacent to an existing waste processing facility in my view the proposal is also consistent with the requirements of Policy W17 of the Draft South East Plan and Policy W9 of the Kent Waste Local Plan.

Size of site

33. The existing Waste Management facility is extremely compact which in the past has led to operational difficulties. Therefore the expansion of the site into the application area is intended to relieve this confinement by providing greater room for storage and manoeuvring and loading of vehicles. The applicants claim this will also offer the benefit of allowing safer working practices.

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Amenity Impacts (noise, dust, odour and visual impact)

38. Policies W9 and W18 of the Kent Waste Local Plan require the Planning Authority to be satisfied as to the means of control of noise, dust, odour and other emissions, particularly in respect of the potential impact on neighbouring land uses and amenity. Given that it is not intended to intensify the existing operations by way of increased site capacity, I am satisfied that provided appropriate conditions are imposed on any future similar to those which apply to the existing operations to control such matters, the proposed development would not result in any adverse impacts.

Noise

39. A number of residents have raised objection on the grounds that the site currently causes noise disturbance through banging of skips in the early hours of the morning. Activities are currently permitted from 0730 hours until 1800 Monday to Friday with no waste processing or loading occurring on Saturdays, Sundays or Bank Holidays. The current application does not involve waste processing and would not result in any increase in operations to the existing site. On previous monitoring undertaken by the County Council at the site following the receipt of complaints about noise, the source of the complaints were found to be attributable to the applicants skip storage facility across the road abutting the residential properties of Downs Road.

Dust

40. It is proposed that steps would be taken to ensure that dust would not leave the boundaries of the site. This would include the dampening down of the access and all concreted areas to settle any dust, the removal of any deposits as required and the height of the stockpiles of waste being kept to a minimum. A road sweeper would also be utilised. There is a dust suppression system (i.e. mist air system) installed and currently in operation. Its use is currently conditioned through permission SH/05/274. In the event that Members are minded to grant permission I would recommend that a condition be imposed requiring the deployment of a similar system in respect of the application site.

Odour

41. With regard to odour, the applicant has stated that in view of the nature of the wastes received at the site, which excludes any putrescible materials, it is unlikely that any odours would arise. However should any such wastes be found, then it is proposed to place it within a residue bin and take it off site to the nearest available suitable licensed facility within 24 hours of it being found. Additionally green waste, which has the potential to become odorous, will be conditioned to be taken off site to a licensed composting facility within 48 hours of its arrival, or before the end of work on a Saturday morning.

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Traffic, Access and Routeing

42. Policy T18 of the Kent & Medway Structure Plan and policies W3, W9 and W22 of the Kent Waste Local Plan seek to ensure that the proposed development is well related to the local highway network as well as having adequate access to the site itself. The application would not result in any additional traffic above that already permitted, and would allow the creation of an additional area for vehicle to park and manoeuvre within the site.
43. This application proposes to access the site using the entrance to the existing waste management facility off Park Farm Road Close. There has been previous concerns raised by members of the public over vehicles associated with HPS parking on the footpath along this route. In my opinion this application would help alleviate this problem through the creation of additional space to allow for vehicles to park within the site as well as increasing the manoeuvring and loading/unloading area.

Landscape and Visual impact

44. A landscaping condition was imposed and a scheme subsequently implemented under the terms of the latest permission in respect of the existing Waste Management Facility. No further landscaping is proposed in this application on the basis that the applicant considers the development would not result in any additional visual impacts.
45. Given the location of the site in relation to the surroundings which is of a general industrial type area, in my view provided the height of any stockpiled materials are restricted to the same height as those on the adjoining site, I agree additional landscaping to that already undertaken is not warranted.

Other Issues*Hours of Operation*

46. Proposed hours of operation are between 0730 and 1800 Mondays to Fridays excluding Bank and Public Holidays. No waste processing activities, loading or unloading of Heavy Goods Vehicles or depositing or emptying of skips would take place outside of these hours. In addition only essential plant and vehicle maintenance would take place outside of these hours from 0730 and 1300 on Saturdays excluding public Holidays. These are the standard working hours for waste facilities as set out in the development plan and would in my opinion be appropriate for this site.

Conclusion

47. There is general support for applications for waste reuse and recycling within European, National and Regional Policy, subject to certain criteria being met. This support is also reflected in the development plan policies, which need to be applied in determining the application.

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48. As a general point notwithstanding objections I have received to the proposal on the grounds of noise and disturbance caused by the existing Waste Transfer and Recycling operations which adjoins the site, I would remind Members that the application is not for any increase in waste processing activities, vehicle movements or extension of hours. It has been submitted purely on the basis that by allowing the expansion of what is currently a very constrained existing waste facility into a larger adjoining area, it will help improve overall the operational aspects of the facility and ease pressure including the need for vehicles to park immediately outside the site.
49. Secondly, I would wish to point out that HPS also operate a skip storage business opposite their existing site which backs onto the residential properties of Downs road and which is the subject of a separate permission granted by Shepway District Council (Ref. Y04/1419/SH). As referred to in paragraph 39. above, following my investigations into previous noise complaints at the site, the disturbance was found to be attributable to this activity as opposed to the waste recycling facility. Whilst the objections raised by local residents in relation to the disturbance caused by the applicants existing permitted activities are not directly material to the determination of the current application, I am currently pursuing these with HPS separately.
50. Notwithstanding objections raised to the application, particularly regarding noise, dust, odour and traffic, having regard to the views of statutory consultees, I am satisfied that with the imposition of appropriate conditions, operations could take place at the site without having any adverse impact on the locality. In my view what is proposed is likely to lead to an overall improvement to the operational aspects of the facility. I therefore recommend accordingly.

Recommendation

51. I RECOMMEND that PERMISSION BE GRANTED, subject to conditions covering amongst other matters limitations on stockpile & container heights, hours of operation, vehicle movements, noise, dust, odour and windblown litter.

Case officer – Shaun Whyman	01622 221055
Background documents - See section heading	