

Item C1

TM/06/2093 – Erection of a recycling building, office portacabin and weighbridge and proposed use as a recycling station at Any Waste Recycling Limited, Mid Kent Business Park, The Brook, Sortmill Road, Snodland

A report by Head of Planning Applications Group to Planning Applications Committee on 20 March 2007.

TM/06/2093 – Erection of a recycling building, office portacabin and weighbridge and proposed use as a recycling station at Any Waste Recycling Limited, Mid Kent Business Park, The Brook, Sortmill Road, Snodland, Kent (MR. 706 614)

Recommendation: Permission subject to conditions.

Local Member: Mrs S Hohler

Classification: Unrestricted

Background

1. Members may recall considering a similar planning application under reference TM/05/992 for a recycling station at Sortmill Road, Snodland at the November 2005 Committee meeting. At the time, although the site and proposed use was found to be acceptable in this location, the access was considered unacceptable/unsuitable to accommodate the number of HGVs proposed and that the development would compromise the safety of visitors to the neighbouring Leybourne Lakes Country Park who share part of the access along Brook Street and Brook Lane. The application was therefore refused on the ground that the proposal was contrary to Policy T18 of the Kent Structure Plan, Policy TP14 of the Deposit Kent and Medway Structure Plan and Policy W22 of the Kent Waste Local Plan. Following further discussions with officers of the County Council and the Divisional Transportation Officer, the applicant has now submitted a second planning application which seeks to address the previous reason for refusal, set out in full below¹.
2. A site location plan is attached.

Site Description and Current Proposal

3. The application site is located within the Mid Kent Business Park to the east of Snodland. The main Rochester railway line runs on an elevated section to the east of the site, whilst the nearest residential properties are situated some 100m to the west of the site, along the A228. The adjoining area to the east forms part of the designated Leybourne Lakes Site of Nature Conservation Interest (SNCI) and includes the Leybourne Lakes Country Park.

¹ Paragraph 28(1), page C1.9

Item C1

TM/06/2093 – Erection of a recycling building, office portacabin and weighbridge and proposed use as a recycling station at Any Waste Recycling Limited, Mid Kent Business Park, The Brook, Sortmill Road, Snodland

Item C1

TM/06/2093 – Erection of a recycling building, office portacabin and weighbridge and proposed use as a recycling station at Any Waste Recycling Limited, Mid Kent Business Park, The Brook, Sortmill Road, Snodland

4. The site itself is currently operating in conjunction with the adjoining yard as a skip/container depot together with associated lorry parking. Under the terms of the current planning consent (ref. TM/79/112), the operator has unrestricted use of the shared access along Brook Street/Brook Lane.
5. The site is fully contained insofar as it consists of a bunded concrete hardstanding, within which has been incorporated an underground drainage system and storage tank that would capture any contaminated surface water via an interceptor. The system would routinely discharge via an outfall into The Mill Stream under a separate consent of the Environment Agency.
6. As part of the proposal it is intended to erect a 'Recycling Building' within the western section of the site, within which there would be dedicated recycling bays. The building would measure some 22m x 17m and have an overall height of 8.5m measured to the top of its eaves. It would be clad in metal profile sheeting. There would also be a site office and weighbridge facility located within the site entrance.
7. With the exception of vehicles delivering waste to the site, all waste handling and sorting would take place within the 'Recycling Building'. Waste collected in skips/containers consisting of a mixture of inert soils/hardcore, metals, wood and plastics would be brought back to the site and tipped on the floor of the building where it would be separated and placed in the individual recycling bays. Any other waste other than these materials which the applicants estimate would comprise up to 30% of the total throughputs would be compacted and then sent to an authorised site for disposal.
8. Whilst it is not the intention to process any putrescible material at the site, it is proposed to employ the use of a 'Spray Mist System' should there be a need to control any odours or dust in order to prevent them escaping from the building.
9. The site would process some 20,000 tonnes of waste per year. Operating at this capacity it is estimated this would generate a maximum of some 78 movements per day. Access was originally proposed via Brook Street to the north of the site and along Brook Lane². This route which is currently used by the applicant is also shared with other users of the Business Park, including visitors to the Leybourne Lakes Country Park. It is this access that has been subject to detailed discussions between the applicants and the County Council following the refused application and which is covered in more detail below.
10. In summary, the application itself remains identical to that detailed (under reference TM/05/992) in the November 2005 Committee report, with the exception of the following:
 - A reduction in the annual waste throughput from 40,000 to 20,000 tonnes per annum;
 - A reduction in proposed vehicle movements from 132 to 78 movements per day; and
 - Revised access arrangements, now proposed via Sortmill Road incorporating an amended application boundary.

² See Appendix 1

Item C1

TM/06/2093 – Erection of a recycling building, office portacabin and weighbridge and proposed use as a recycling station at Any Waste Recycling Limited, Mid Kent Business Park, The Brook, Sortmill Road, Snodland

11. The proposed hours of working remain from 0700 to 1630 Monday to Friday and 0700 to 1230 on Saturdays, with no working on Saturday afternoon, Sundays or Bank Holidays.

Planning Policy Context

12. The National and Development Plan Policies summarised below are relevant to the consideration of the application:

National Planning Policy – National Planning Policies are set out in PPS10, PPS23 and Waste Strategy 2000 (as amended in July 2005).

Regional Planning Policy – the most relevant Regional Planning Policies are set out in RPG9 and the emerging South East Regional Waste Strategy. GOSE has published the changes to RPG9 in August 2005.

(i) The Kent & Medway Structure Plan: Adopted July 2006:

Policy SP1: Seeks to conserve and enhance Kent's environment and ensuring a sustainable pattern of development.

Policy NR5: Development should be planned and designed to avoid or adequately mitigate pollution impacts.

Policy WM1: Provision will be made for the integrated management of waste reflecting Best Practicable Environmental Option, 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 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 and secondary road network, or if it would result in an increase in risk of crashes or significant traffic delays.

(ii) Kent Waste Local Plan, 1998:

Policy W1 The local planning authority will make provision for waste arising in Kent to be dealt with in Kent, based on the following hierarchy: I) reduction, (ii) re-use, (iii) recovery (including composting) and (iv) disposal.

Item C1

TM/06/2093 – Erection of a recycling building, office portacabin and weighbridge and proposed use as a recycling station at Any Waste Recycling Limited, Mid Kent Business Park, The Brook, Sortmill Road, Snodland

- Policy W2:** Waste Management proposals will not be permitted if they would cause a significant adverse impact on groundwater resources and sites of nature conservation interest.
- 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 gain ready access to the primary or secondary route network and are located within or adjacent to an existing waste management or within an area of established or proposed general industrial use.
- Policy W6:** Where a planning application is submitted for waste management development, need will be a material consideration.
- Policy W7 & W9:** Identify sites considered suitable in principle for the transfer and recycling of category A, B and C waste and also set down criteria against which proposals at other locations would be considered against whether they seek to minimise impact on the local and natural environments, have or could secure adequate access and are within or adjacent to existing waste management facilities or are part of an established or committed general industrial-type area.
- Policies W16-W26:** Set out the operational criteria against which applications for management will be assessed including the need to ensure such as noise, dust and odour can be satisfactorily controlled.

iii) **Tonbridge and Malling Borough Local Plan 1998**

- Policy P5/9 (b):** Identifies the site as falling within an area of existing employment development where further General Industrial, Business and Distribution use are considered acceptable in principle subject to environmental standards.

13. **Consultations**

Tonbridge and Malling Borough Council: No objection subject to conditions requiring sorting and storage of waste to take place within the building, dust control measures, hours of operation and that no putrescible or hazardous waste to be handled on site.

Snodland Town Council: No objection raised to the proposal.

Divisional Transportation Manager: No objection raised.

Item C1

TM/06/2093 – Erection of a recycling building, office portacabin and weighbridge and proposed use as a recycling station at Any Waste Recycling Limited, Mid Kent Business Park, The Brook, Sortmill Road, Snodland

Environment Agency: No objection subject to their prior approval to undertake any works within the margin of the Snodland Mill Stream and should any strengthening works to the access be required they do not adversely affect the Mill Stream or the Siphon structure which runs under it.

Lower Medway Internal Drainage Board: No objection is raised.

Jacobs (Noise, Dust and Odour): No objections.

Natural England (Formerly English Nature): No objections are raised.

Kent Wildlife Trust: No objections raised.

Health and Safety Executive: No objections raised.

Highways Agency: No objections in principle subject to a condition restricting vehicle movements at peak times to 16.

Local Member

14. The Local County Member, Mrs S Hohler was notified of the application on 25 July 2006.

Publicity

15. The application was publicised by the posting of a site notice, advertisement in the local newspaper and individual notification of 28 neighbouring properties including those who made written representations on the previous planning application.

Representations

16. 3 letters of representation have been received to date objecting to the proposal. Those objections can be summarised as follows:

- the proposed use is inappropriate in this location and would attract vermin to the area;
- the proposed access road (The Brook) is too small to accommodate the proposed traffic;
- effects of heavy traffic on the stream adjoining The Brook;
- large vehicles would compromise the safety of visitors to the Leybourne Lakes Country Park;
- concerns at number of vehicle movements generated in the area;

TM/06/2093 – Erection of a recycling building, office portacabin and weighbridge and proposed use as a recycling station at Any Waste Recycling Limited, Mid Kent Business Park, The Brook, Sortmill Road, Snodland

Discussion

17. 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.
18. 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.
19. 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.
20. 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 Regional Waste Strategy/RSS for the South East.
21. Support in principle for the establishment of alternative waste management facilities including waste transfer/ waste recycling exists at both the national and regional level, where waste should be considered as a resource with the aim of reducing the amount of waste going direct to landfill. In this context the Draft South East Regional Waste Strategy includes policies which amongst other matters set specific targets for recycling.
22. 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.
23. 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.

TM/06/2093 – Erection of a recycling building, office portacabin and weighbridge and proposed use as a recycling station at Any Waste Recycling Limited, Mid Kent Business Park, The Brook, Sortmill Road, Snodland

Local Environmental Impacts

24. The nearest residential properties to the site are located some 100 metres to the west, in between which runs the A228 which carries large volumes of traffic, including a significant number of HGVs. As with the previous application, no objections were raised by consultees to the noise report and the dust and odour mitigation measures proposed.
25. With regard to the potential for the site to become infested with vermin, it is not intended to process any putrescible material, which could otherwise potentially create such a nuisance. Given the nature of the majority of the materials which would be handled at the site, I do not consider any unpleasant odours are likely to be created or that they would attract vermin. Consultees have again raised no objection, therefore I remain satisfied that provided appropriate conditions are imposed, in the event that planning is granted, the development would not have a detrimental impact on residential amenity.
26. Concerns were initially raised over the potential for pollution from the site and associated impacts on the adjoining nature conservation sites. Development Plan policies require development to be planned and designed to avoid or adequately mitigate pollution impacts on both groundwater resources and nature conservation. The site consists of a purpose built concrete hardstanding, incorporated into which is a surface water drainage system which is intended to prevent any pollution escaping from the site. The Environment Agency who are responsible for safeguarding the interests of the adjoining Mill Stream have raised no objection to the proposal. With regard to any discharges into the Mill Stream they have confirmed that this would require their separate consent under the Water Resources Act 1991. With regard to any potential impacts on nature conservation both English Nature and the Kent Wildlife Trust have raised no objection to the proposal subject to certain safeguards being put in place, all of which could be covered by condition. I remain satisfied therefore that there are no overriding objections on either of these issues.

Assessment Against the Principles of BPEO

27. The previous application was assessed against the principles of BPEO and was considered under the previous planning application (ref. TM/05/992). It was considered that the assessment provided was consistent with the principles to be applied in considering such applications until such times as the Kent Waste Development Framework reaches a more advanced stage (*i.e. is the proposal of the right type, in the right location at the right time*).
28. As referred to above, the main issues including location, noise, dust, odour, land drainage and nature conservation were already considered under the previous planning application (reference TM/05/992). However, whilst the proposal was considered to be acceptable in this location subject to appropriate conditions, a number of doubts still remained over traffic generation figures and highway safety aspects in relation to the shared access. Members will recall therefore, that the previous application, was refused on the following ground:

Item C1

TM/06/2093 – Erection of a recycling building, office portacabin and weighbridge and proposed use as a recycling station at Any Waste Recycling Limited, Mid Kent Business Park, The Brook, Sortmill Road, Snodland

- (1) The proposed site access is unacceptable contrary to policy T18 of the Kent Structure Plan, Policy TP14 of the Kent and Medway Structure Plan: Deposit 2003 and Policy W22 of the Kent Waste Local Plan, insofar as the design of the access is not suitable to accommodate the number of HGVs that would be generated by the proposal would also further compromise the safety of visitors to the Leybourne Lakes Country Park who share part of the access where conflict already exists between them and commercial vehicles who already use this route.
29. Therefore in order to be considered favourably, it is incumbent on the applicant to fully address the previous ground for refusal in their current planning application. In my view, in order to do so the following issues need to be satisfactorily resolved:
- ❑ *Highway safety* – restricted width of the access, particularly at its northern end where this part of the route is also shared with pedestrians and other users of the Leybourne Lakes Country Park; and
 - ❑ *Vehicle numbers* - Uncertainty over the figures provided in relation to current and future traffic generation.
30. As previously mentioned, under the terms of the current planning consent (ref. TM/79/112), for use of the site as a distribution depot, the operator has unrestricted use of the shared access along Brook Street/Brook Lane.

Highway Safety

31. Following the previous refusal, detailed discussions have taken place between the applicants, officers of the County Council and the Divisional Transportation Manager (DTM) in order to establish whether a possible solution could be secured to overcome the previous ground for refusal. The application was initially resubmitted with a view to proposing road improvements and segregation measures along Brook Lane in order to address the structural and segregation issue along the shared access. As part of the initial resubmission the applicant also proposed the implementation of a vehicle holding area. This holding area was to be located on the adjoining site, with access directly from Sortmill Road and would have effectively 'held' HGVs until such time as they were instructed to access the application site via Brook Lane to avoid HGVs meeting along the access route.
32. In order to take into account continuing concerns from occupiers of adjoining units the applicant entered into further negotiations with the adjoining landowner (to the west of the application site and the area already proposed for the holding area). The applicants' subsequently secured HGV access through the adjoining site directly via Sortmill Road³, a dedicated access for the business park, to the application site. In the applicants' view, this would avoid the need for HGVs to use the shared access altogether. Along with other

³ See Site Location Plan, page 2

Item C1

TM/06/2093 – Erection of a recycling building, office portacabin and weighbridge and proposed use as a recycling station at Any Waste Recycling Limited, Mid Kent Business Park, The Brook, Sortmill Road, Snodland

consultees, the DTM has been re-consulted on the revised access arrangements and welcomes the amendment stating that in his view using the Sortmill Road access “*will have environmental benefits to the locality*” as well as reducing the need for unnecessary physical HGV movements from the holding area to Brook Lane. In my view, these revised access arrangements address the remaining concerns in respect of any structural and highway safety concerns associated with vehicles using Brook Lane, the shared access. I agree with the DTM that the revised access would represent an improvement and am satisfied that in the event of permission being granted its future use could be stipulated by way of an appropriate planning condition requiring HGVs to access the site via Sortmill Road only.

Vehicle numbers

33. In terms of clarifying current and proposed HGV movements to and from the site, which was an issue raised under the previously refused application, a detailed traffic assessment has been submitted in support of this latest planning application. The site currently operates under a 1979 consent, which does not place any restrictions on vehicle movements to and from the site. Currently the site generates approximately 132 movements per day using the shared access along Brook Lane. The predicted HGV movements associated with the proposed recycling station, would be 78 movements per day (38 in/38 out), a reduction of 54 daily movements to and from the site. Given both the DTM and the Highways Agency have raised no objection to the proposal, should permission be granted, I would advise that it would present an opportunity to gain control over vehicle numbers by way of a planning condition. However, the Highways Agency, in considering any impacts of HGV movements associated with this proposal on the nearest motorway junctions, have requested a condition restricting HGV movements during the morning peak time (defined as between 0800 and 0900 hours) to 16 (8in/8 out), which I would fully support.

Conclusion

34. In view of the decrease in overall movements to and from the site, I am of the opinion that the reduction represents a significant improvement to that already generated to and from the site under the terms of the current consent. In addition, the access arrangements have been revised in order to avoid HGVs using the existing shared access to the north of the site (Brook Lane) altogether. I am of the view that with the imposition of appropriate planning conditions that restrict daily vehicle numbers to 78 per day, impose a peak hour restriction as recommended by the Highway Authority and by restricting heavy goods vehicles to using the Sortmill Road entrance only, the proposal is acceptable in highway terms. I am satisfied that the proposal overcomes the previous ground for refusal, meets development plan policy and in particular concurs with policies WM2 and TP15 of the adopted Kent and Medway Structure Plan.

35. I therefore recommend accordingly.

Item C1

TM/06/2093 – Erection of a recycling building, office portacabin and weighbridge and proposed use as a recycling station at Any Waste Recycling Limited, Mid Kent Business Park, The Brook, Sortmill Road, Snodland

Recommendation

36. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO CONDITIONS covering amongst other matters annual waste throughput, vehicle numbers along with a restriction of 16 movements during the morning peak hour, a condition restricting HGVs to using the Sortmill Road access only and dust and odour control measures.

Case Officer: Angela Watts

01622 221059

Background Documents: See Section Heading
