

SECTION C
MINERALS AND WASTE DISPOSAL

Background Documents - the deposited documents, views and representations received are referred to in the reports and included in the development proposals dossier for each case and also as might be additionally indicated.

Item C1

Variation of Condition (5) of permission TW/93/1250 to extend the hours of operation – Household Waste & Recycling Centre, North Farm, Tunbridge Wells – TW/06/502

A report by Head of Planning Applications Unit to Planning Applications Committee on 07 November 2006.

Application by SITA UK Limited for the variation of condition (5) of permission TW/93/1250 to extend the hours of operation at the Household Waste and Recycling Centre, North Farm, Dowding Way, Tunbridge Wells.

Recommendation: Permission be part granted and part refused.

Local Member(s): Kevin Lynes & James Scholes

Classification: Unrestricted

Site

1. This existing Waste Transfer Station and Household Waste Recycling Centre, which occupies some 0.6 hectares, is located along Dowding way, within the North Farm Industrial Estate on the north eastern outskirts of Tunbridge Wells approximate 2.5Km from the Town Centre. The site forms part of an established industrial centre. New light industrial units are present to the south of the site, with open land located to the north. The route to the site is accessed via the A21 trunk road located 1km to the east of the site. A site plan is attached.
2. The site lies approximately 500 metres from the nearest concentration of housing and no traffic movements associated with activities on site pass through these locations. However, two properties at the entrance of the industrial estate, where the A21 meets Longfield Road, are located along the route for HGVs, although set back from the road (see plan on page C1.3).
3. The facility comprises two separate elements with the western section open to the public, consisting of the Household Waste Recycling facility, whilst the commercial processing area lies within the eastern section.
4. The commercial operations currently undertaken comprise the delivery of waste in commercial vehicles, processing to remove recyclable materials (wood, metal, cardboard, soil and hardcore) and subsequent transfer of remaining material to landfill sites located in Essex. All material is deposited into the covered building located in the central area of the site, before being processed by use of a power shovel, which operates both internally and externally over concrete hardstanding. The recyclable material is deposited into large bays, with separate bays for each type of material. Commercial vehicles are weighed on entry and exit from the site.

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Background

5. Planning permission was granted in February 2004 (ref: TW/93/1250) for the redevelopment of the original waste recycling centre to provide a covered waste management facility together with the retention of an existing workshop and compound area. Conditions (5) and (6) of the permission state:
 - (5) “no operations shall take place upon the site, nor shall there be any movement of waste transporting vehicles to and from the site, other than that in accordance with the provisions of condition (6), except between the following times: 0700 to 1800 hours Monday to Saturdays; no such work or activities shall be undertaken at any time on Sundays, Bank Holidays or other Public Holidays other than those detailed in Condition (6) below, without the prior written approval of the County Planning Authority;”
 - (6) “notwithstanding the provisions of condition(5) above, the householders waste recycling area shall not be open to the public except between 0700 to 1800 hours Monday to Saturdays, and 0900 to 1800 hours Sundays without the prior written approval of the County Planning Authority”.

Proposal

6. As part of the drive to reduce reliance on landfill and to deal with more of Kent’s waste arisings within the County Waste is due to be transferred to Allington Waste to Energy Plant rather than to landfill in Essex as currently occurs.
7. SITA UK Limited has submitted an application to vary condition (5) of permission TW/93/1250. The variation relates to an extension of current working hours in order to facilitate the supply of waste material to the Allington Plant.
8. The proposal is to dispatch waste from the site within the extended hours of 0530 to 0700 and 1800 to 2300 (Monday to Sunday).
9. The number of vehicle movements within the extended hours is anticipated as being between 7 and 10 vehicle movements per hour in the morning period and a further 7 to 10 per hour in the evening. It is anticipated that overall there would be between 200 and 220 vehicle movements per day.
10. With the exception of HGVs transporting waste, the only external plant operating on site within the proposed extended hours would be the existing wheeled loader (currently – 120E Volvo Waste Eater).
11. In support of the proposal the application included a noise assessment, which has been supplemented by further information in the light of concerns raised by consultees regarding potential noise impacts. This included an additional background noise survey undertaken at the site during the early morning at noise sensitive receptors. An assessment of the noise levels generated by vehicles and plant using the site during the proposed extended hours has also been undertaken.

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Planning Policy

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

(i) **The Kent & Medway Structure Plan, 2006:**

Policy SP1 - Conserving and enhancing Kent's environment and ensuring a sustainable pattern of development.

Policy TP15 – Development that generates significant increases in traffic, especially HGVs will not be permitted if it is not well related to primary and secondary road networks.

Policy NR5 – The quality of Kent's environment will be conserved and enhanced.

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) **Kent Waste Local Plan, 1998:**

Policy W1 – The Local Planning Authority will make provision in accordance with the principles of sustainable development for wastes arising in Kent to be dealt with in Kent.

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 noise, dust, odour and other emissions and landfill gas, particularly in respect of its potential impact on neighbouring land uses and amenity.

Policy W22 – The planning Authority would normally refuse permission if it is considered that the proposed necessary highway improvements or the effects of vehicles travelling to and from the site, would adversely affect the safety of the highway network, the character of the area and the local environment.

Policy W26 – The Planning Authority will normally grant permission for waste management facilities conditioned to operate between the hours of 0700 to 1800 Monday to Friday and 0700 to 1300 on Saturday. Any proposals to work outside of these hours will be considered where operational factors justify greater flexibility.

Consultations

13. **Tunbridge Wells Borough Council:** raises objection to the proposal pending consideration of further details required to assess the impact of road traffic and to ensure that the application will not result in a detrimental impact on amenities of

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surrounding residential properties.

Southern Water: No comment.

Environment Agency: No objection.

Divisional Transportation Manager: No objection.

Jacobs Noise: Comments as follows:

Noise from Site

I would have liked to see some reference in the Noise Assessment to MPS 2 Annex 2 Noise. However, in following the guidance in MPS 2, the correct methodology to use is that given in BS 5228.

No calculations have been included within the submission so it has not been possible to check the prediction of 29dB(A) at the nearest noise sensitive property, nor whether the assumptions made within the calculation are appropriate. I have however undertaken a very simple calculation based on the distance and screening involved and if the plant were on 100% of the time, noise levels would be way below the existing levels experienced during the early morning/evening periods. It should not therefore be noticed amongst the other noise sources in the area.

Following receipt of the additional noise report submitted for the proposed extension of hours, Jacobs Noise consider that this now clarifies what was said in the Applicant's earlier report, that the area is already noisy in the early morning period and that the additional noise from 10 vehicle movements in an hour will not make significant impact to existing noise levels.

Traffic Noise

All HGVs leaving the site (in the proposed extension of hours) are stated to be going towards the A21 for the journey to Allington, and not therefore travelling through residential areas.

The assessment undertaken for traffic noise has used the assumption of all HGVs in the proposed extension of hours passing the closest noise sensitive receiver, which should never occur in reality. Even in this scenario, noise levels are not predicted to make a significant impact on existing noise levels, which are already stated to be high.

KCC Waste Management: "The Waste Disposal Authority welcomes the proposal. The existing facility is integral to current and future arrangements for the Tunbridge Wells area. Under the provision of existing contractual arrangements there is the option to divert material away from final disposal to landfill and to feed into the imminently operational Allington EfW facility".

"Operationally the request to extend the hours of working would be a particularly welcome outlet for treating this category of material".

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Local Member

14. The local County Member(s), Mr K. Lynes and Mr J. Scholes were notified of the application on the 18 April 2006.

Publicity

15. The application was publicised by the posting of a Site Notice, advertisement in the local newspaper and individual notification of 8 neighbouring properties.

Representations

16. No letters of representation have been received to date.

Discussion

17. 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.
18. The proposed variation of the existing planning conditions relates solely to the extension of current working hours associated with the commercial operations at the site, in order to facilitate the supply of waste material to the soon to be operational Energy from Waste plant located at Allington. Members' attention is drawn to Policy W26 of the adopted Kent Waste Local Plan (KWLP). This sets operating hours consistent with the condition set in Condition (5) of permission TW/93/1250. Policy W26 requires the applicant to demonstrate that operational requirements require greater flexibility. KWLP Policy W18 requires the applicant to demonstrate no unacceptable impact by way of noise on neighbouring landuses and amenity.

Operational Flexibility

19. As required by Policy W26, I am satisfied that allowing an increased time period for the dispatch of vehicles from the site to Allington would increase operational efficiency and that this would be beneficial to the community as a whole by staggering the delivery of vehicles at the Allington facility, which is located in an area that suffers from traffic congestion during the morning and evening traffic peak hours.

Noise – From HGVs:

20. Policy W18 requires consideration of the potential impact of the proposed extension of hours on residential amenity, an issue that is of concern to the Borough Council.
21. The additional background noise surveys during the morning period have gone some way to address the initial concerns of the Borough Council, particularly in relation to the number of surveys undertaken and their location in relation to nearest noise sensitive properties (figure 1 on page C1.3). However, the Borough Council remains concerned with regards to increased levels of traffic movements in the early mornings and late at night, making specific reference to the potential occurrence of sleep disturbance.

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22. The additional monitoring included 3 weekdays (Wednesday to Friday). No weekend monitoring has been undertaken, which in my opinion is the time when people look forward to a “lie in” and when other premises on the industrial estate are more likely to be closed. Consequently background noise levels are reduced resulting in a greater influence from external noise sources. I do not therefore consider the potential impact from extended hours during the weekend has been satisfactorily addressed. I would therefore advise that if Member’s are minded to permit, that this be restricted to the extended hours proposed for Monday’s to Friday’s only.
23. I am mindful however, having regard to the advice from Jacobs that nearby residential properties are likely to already experience existing high levels of road traffic noise from the use of the A21 (attached plan) to the east as well as from traffic using Longfield Road itself even in the early hours of the morning, including during the weekends. Therefore, should permission be granted restricted to weekdays only I would recommend that the applicant be invited to provide further supporting information should they wish to operate extended hours at weekends, which can then be considered separately on its merits.
24. With regards to the nearest concentration of housing, I consider that at 500m distance, with an industrial estate being located between the housing and the site, it is unlikely that noise as a result of the extension of hours would increase above those levels already experienced. Jacobs Noise consultants are also of this view.

Noise – From Site

25. Tunbridge Wells Borough Council has also raised objection based on potential increase in noise disturbance from the site on nearby properties. Jacobs noise consultants have stated that, although residents in Hornbeam Avenue have line of the site and of the top of the structure, this structure should be providing a barrier effect on any noise generated from within the building. The application does not include any activity taking place above this structure.
26. The applicant has confirmed that only one wheeled loader would be used on site during the extended hours, and not “dozers, dump trucks and loaders” as Tunbridge Wells Borough Council implies. I consider that the use of this item of plant (or no noisier plant) only during extended hours can be restricted by condition.
27. The application to vary an existing condition on planning consent TW/93/1250 does not involve changes permitted operations but rather an increase in despatch hours in order to supply waste materials to the Waste to Energy Plant at Allington. On the basis of advice from Jacobs, I do not therefore consider there would be any material increase in noise levels generated from the site.

Traffic

28. The Borough Council does not consider that account has been taken of the route of the vehicles beyond the immediate area. With the exception of two properties HGVs would not travel past residential property, rather industrial units.

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29. The attached plan on page C1.2 shows the route for HGVs entering and exiting the site and industrial estate. This route is the approved route for all vehicles delivering waste from the site to the Allington Waste to Energy Plant. Tunbridge Wells Borough Council have stated that the proposed 10 HGV movements over the extended 1 ½ hour morning period would be a significant increase along these routes. However, given the nature of the area I do not consider this increase to have a significant impact on the established road system (Fig1).
30. The Divisional Transport Manager has not raised any objection to the proposed increase in hours. The Waste Recycling Centre is located within an established industrial estate, which has an existing satisfactory access and which is already generating significant levels of traffic. In my view there will not therefore be a detrimental impact on traffic flows or road networks as a result of this application.

Conclusion

31. I do not consider the concerns raised over the potential impacts on residential properties to be sufficient to warrant refusal of the proposal outright. I acknowledge, however, that insufficient information has been supplied by the applicant in respect of potential noise disturbance at weekends and as such recommend that this element be refused.
32. Given that the Waste Recycling Centre is located within an established industrial estate, with established road networks already used by HGVs visiting the site, I do not consider there to be a detrimental impact from the potential increase in noise and traffic as a result of the proposal during week days. I consider the proposed increase in working hours would have positive benefits in allowing the delivery of waste from the site to the Allington Energy from Waste Plant to be spread over a longer period, thus helping to stagger arrivals at the Allington facility.

Recommendation

33. I RECOMMEND that

- (A) PERMISSION BE GRANTED, to the proposed extended hours of working during weekdays only SUBJECT TO conditions including the standard time condition, restriction on plant and machinery to be used during the extended hours, with an informative that all other conditions attached to permission TW/93/1250 be strictly adhered to;
- (B) PERMISSION BE REFUSED for the proposed extended hours during the weekends on the grounds that insufficient detail has been provided including an appropriate noise assessment to demonstrate there would be no detrimental impacts on local amenity.
- (C) I FURTHER RECOMMEND that the applicant BE INFORMED that should extended hours of use during the weekends be required then further information should be submitted in support of a separate application, which can then be considered separately on its merits.

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Case officer – Helena Woodcock

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Background documents - See section heading
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