

Item C2

Retrospective application for a Recycling Centre. Unit J1C, Channel Road, Westwood Industrial Estate, Margate – TH/06/729

A report by Head of Planning Applications Group to Planning Applications Committee on 12 September 2006.

TH/06/729 - Application by MPL Recycling for a waste recycling centre (retrospective) at Unit J1C, Channel Road, Westwood Industrial Estate, Margate.

Recommendation: Permission be granted subject to conditions

Local Member: Mr. C. Hart and Mr. C. Wells

Unrestricted

Site description

1. The Westwood Industrial Estate is located east of Ramsgate Road (A254), approximately 2km south of central Margate, 3.2km west of Broadstairs, and 4km north west of Ramsgate. The A254 forms the main route between Ramsgate and Margate, linking in with the primary transport network serving the Isle of Thanet. Entry to the site is via the main access onto the industrial estate off Ramsgate Road, via Enterprise Road, and then along Channel Road, which services a number of units on the industrial estate.
2. The application site is located within a leased industrial unit that occupies part of a steel framed building on the southern boundary of the Westwood Industrial Estate. The existing building has a designated industrial land use as part of the estate. The application site consists of a unit and external space within the yard adjoining the building to the south east.
3. The nearest residential properties are located adjacent to the yard area, immediate beyond the south east boundary of the site, on Gordon Road. The façade of the nearest properties are located approximately 25 metres from the boundary of the yard. Please see attached site location plan.

Background

4. MPL Recycling began operating from the address in December 2004. An application to regularise the use of the site as a recycling centre/ transfer station was originally received by the Planning Applications Group in August 2005. However, there was insufficient information included within the application to allow the proposals to be formally considered. After further revisions the current application was received in May 2006 and forms a retrospective application for the use of the site.
5. The operator is registered with the Environment Agency as a waste carrier.

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The Proposal

6. Planning permission is being sought for the regularisation of use of an industrial unit as a waste recycling centre and transfer station, with the continued use of the facility for a further 3 years. The operation consists of the collection, manual segregation, compaction and baling of inert waste (including cardboard and paper, glass, plastics, aluminium and steel cans) for bulk collection by waste carriers for reprocessing/recycling.
7. The application site is located on the Westwood Industrial Estate and includes a unit housed within a metal-framed building and part of the external yard space adjoining the building; the site area totals 694 m². The external yard area is surfaced with unbroken tarmac with drainage to the estates sewage system. No new construction work would be required as part of the application.
8. The operation involves the collection of waste materials from businesses in the Thanet District by the operator, and the delivery of material to the site by members of the public. It is proposed that an average of 1,200 tonnes of material would be accepted at the site for processing per annum.
9. Access to the site is gained through the industrial estate from the A254 via Enterprise Road and Channel Road. The applicant estimates that there is an average of 140 vehicle movements into and out of the site per week. This equates to an average of 20 movements per day. The majority of these movements consist of private motor vehicles delivering waste. The applicant also operates a vehicle and trailer to collect waste from businesses around Thanet District. The application confirms that, in any one week, there is on average 2 Heavy Goods Vehicle movements to collect the baled material for transportation in bulk for recycling. These bulk collection vehicles have an approximate capacity of 25 tonnes, and collect individual types of material.
10. As the waste is received on site the material is deposited for segregation, compaction and baling within the building. Once processed and/or baled the material is then stored within the yard area for collection. The bales of material are stacked adjacent to the boundary fencing to a maximum height of 3.2 metres. The yard often contains storage cages and a large skip to store materials pending collection. The machinery used during the operation consists of a baler within the building and a forklift truck for movement of bulky materials into and out of the building.
11. The hours of operation proposed/ currently operated are 0730 to 2100 7 days a week for the segregation and processing of materials, and 0830 to 1700 weekdays, 0830 to 1300 on weekends and Public holidays for public access and collection. All bulk collections occur on weekdays between the hours of 0830 and 1700.

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Planning Policy & Other Material Planning Considerations

12. **National Planning Policy** – the most relevant National Planning Policies are set out in PPS1, PPS10 and Waste Strategy 2000.

13. **Regional Planning Policy** – the most relevant Regional Planning Policies are set out in RPG9.

14. **Kent and Medway Structure Plan (2006)** – the most relevant Structure Plan Policies include:

- Policy SP1 - Conservation and Enhancing Kent's Environment
- Policy NR1 - Development and the Prudent Use of Resources
- Policy NR5 - Pollution Impacts
- Policy NR8 - Water Quality
- Policy WM1 - Integrated Waste Management
- Policy WM2 - Assessment Criteria for Waste Proposals
- Policy WM3 - Securing Waste Reduction

15. **Kent Waste Local Plan (1998)** – the most relevant plan policies include:

- Policy W1 - Provision for Waste Processing
- Policy W2 - Protecting Environmental Resources
- Policy W3 - Locational Criteria
- Policy W9 - Waste Separation and Transfer
- Policy W18 - Environmental Control
- Policy W19 - Protection of Surface and Groundwater
- Policy W22 - Road Traffic and Access
- Policy W26 - Hours of Working

16. **Isle of Thanet Local Plan (1998)** – Proposals Map. – the most relevant Local Plan Policies include:

- Policy SG7 - Renewable Energy and Recycling

17. **Thanet District Local Plan: Revised Deposit Draft (2003)** – Proposals Map – the most relevant Draft Local Plan Policies include:

- Policy EC11 - Retention of Employment Sites
- Policy EP1 - Potentially Polluting Development
- Policy EP6 - General Noise Control
- Policy EP13 - Groundwater Protection

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Consultations

18. **Thanet District Council** – No comments received to date.

19. **Environment Agency** – No objection. Offers the following advise:

- The site overlies a major aquifer in terms of the Policy and Practice for the Protection of groundwater. Care should be taken to ensure that all fuels, oils and any other potentially contaminating materials should be stored so as to prevent accidental/unauthorised discharge to ground.
- All locations where waste is to be stored (including in skips, containers, etc.) or sorted should be sited on hard standing, impermeable areas that drain to foul sewer. All hard standing should be regularly maintained.

20. **Divisional Transportation Manager** – No objection. Comments as follows:

- Whilst the red line area is the subject of the application a significant part of the remainder of the yard area is used by the applicant and other traders to turn and manoeuvre vehicles. There is adequate room within the overall yard for this to take place. However, the outside storage is somewhat extensive and has the potential to grow and if not closely controlled might prevent large vehicles from turning.
- The traffic generation figures provided give no cause for concern.
- The current operation does not appear to be interfering with the public highway and is not causing any identified problems.

21. **Jacobs (Noise)** – No objection. Comments as follows:

- A noise survey was included as part of the application, this does not assess the impacts on nearest noise sensitive properties, but fulfils the employer's requirement under the Noise at Work Regulations 2005. For such a small-scale operation however, I do not think such a survey is entirely necessary. The site could work without affecting the amenity of the nearby residential properties with conditions in place to control noise emanating from the site.
- Should you wish to grant planning permission, I would like to see conditions attached to any permission granted that would:
 - Not allow evening working – or ensure the doors are kept closed during these hours;
 - Not allow work on Sundays or weekday night times;
 - Restrict times for vehicles arriving to collect/deliver waste; and
 - Restrict bottle recycling to undercover.

22. **Kent County Councils Waste Management Unit** – No objection. Comments as follows:

- 'The Waste Disposal Authority has a Statutory duty to seek provision for domestic waste disposal arising in Kent though clearly also has an interest in the provision by others for suitable facilities able to accommodate the local requirements of Small and Medium Sized Enterprises (SMEs). These organisations contribute a key component to of the Kent waste stream and the provision of a more integrated infrastructure able

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to accommodate their requirements is clearly required.

In principle therefore, the Waste Disposal Authority would welcome any additional handling or processing capacity for this category of waste, that would provide an increased choice, together with operational flexibility, a reduction in waste haulage in Kent, and the export of waste from Kent.'

Representations

23. The application has been publicised by a site notice and newspaper advertisement. 24 neighbouring properties were notified. A petition including approximately 22 signatures has been received. The objections raised relate to the following issues:-

- The proximity of the site to residential properties;
- The noise generated by the site, including vehicle movements and the smashing of glass;
- The timing of operations on site;
- Concern that the storage of paper on site will encourage vermin;
- The need for the site, given the area already has existing recycling facilities at the local Civic Amenity site, and three local recycling centres within the car parks of local B&Q, Tesco and Sainsbury stores.
- The retrospective nature of the application;

Local Members

24. The local County Members for Margate & Cliftonville Mr. C. Hart and Mr. C. Wells were notified of the application on 12 June 2006.

Discussion

25. In considering this proposal regard must be had to National guidance and the Development Plan, the most relevant policies are outlined in paragraphs 12 - 17 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.

26. Prior to the publication of PPS 10 'Planning for Sustainable Waste Management' and associated changes to Waste Strategy 2000 in July 2005, Government advice (PPG10) required planning authorities to consider whether waste management proposals constituted the Best Practicable Environmental Option (BPEO). The approach was designed to assist in establishing the optimum and most sustainable form of waste management for any given waste stream. PPS10 no longer requires such assessments and, instead, relies on locations and criteria included in Waste Development Frameworks being subjected to sustainability appraisals. However, since the existing Kent Waste Local Plan was not subject to a sustainability appraisal, I am of the opinion that consideration is still required as to whether applications for waste management development accord with the principles of BPEO

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27. The guiding principles of BPEO are the concept of the waste hierarchy, the proximity principle and the objective of self-sufficiency. In addition, BPEO seeks the right form and scale of waste management for the given waste stream at the right time and location. Although the BPEO concept as it applies to strategic policy development is supported by guidance and is relatively well understood, its role in the assessment of specific locations for waste management facilities is less clear and is open to debate.
28. Recent case law (i.e. Derbyshire Waste Ltd) has established that a proposal does not have to be the BPEO (i.e. BPEO is not an overriding factor), however, whether or not the proposal is the BPEO has to be given “substantial weight” or be regarded as an “important consideration” in the decision-making process. The relative “weight” or “importance” to be attached will depend on the nature of other considerations.
29. Accordance with Development Plan policy and demonstration of BPEO can be assessed in relation to the following issues: need for the facilities; sources of waste and proximity principle; location; environmental and amenity impacts; access and routing; and the scale and intensity of the proposed development; amongst other matters.

Need for the Facilities

30. The comments set out in the views of the County’s Waste Management Unit above, recognise the impact of SMEs as waste producers, and their impact on the local waste streams. Whilst not responsible for the processing of waste materials produced commercially, the Waste Management Unit acknowledges the need to provide operations that are able to assist in the management of local waste streams produced by businesses. The operation accords with the principles of the waste hierarchy, actively encouraging the recycling of material.
31. The objections received from local residents, set out above, raise the question of the need for such a facility in the locality given the provision offered by the local Civic Amenity site and other various local collection points. I would advise that the primary operation proposed at the site is for the recycling and transfer of material collected from local business, a facility not offered by the Civic Amenity site. In my view the operation offers additional processing capacity for this category of waste, which would provide an increased choice, together with operational flexibility, and a reduction in waste haulage in this part of Kent.

Sources of Waste and Proximity Principle

32. The principle of recycling material receives strong support at national, regional and local levels as this allows the reuse of material that would otherwise take up capacity in landfill sites. Recycling material also reduces the pressure for the supply of new materials, in accordance with a sustainable approach to waste management. The practice of locally collecting and sorting waste for transfer to recycling facilities accords with the waste hierarchy and assists towards the objective of regional self-sufficiency.
33. The application documentation confirms that waste imported to the site is collected from local businesses, the majority of which are Small and Medium Size Enterprises (SMEs), the recyclable waste being intercepted at the point where the material would potentially be sent to landfill. The waste sources handled by the application site are all collected from Thanet District, within a 6-mile radius of the facility, or delivered to the site by the

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general public. The location of the Westwood Industrial Estate on the A254 centrally between Margate and Ramsgate means the distance travelled to the site is kept to a minimum. The bulk collections that occur, as required on a weekly basis, transfer the segregated materials to the appropriate recycling facility, the majority of which being located within the County. As such, in principle, I would advise that in my opinion the proposal accords with the objectives of the proximity principle, catering for local waste, and in doing so reducing the mileage traveled per tonne of material. Subject to consideration of location; environmental and amenity impacts; access and transport; scale and intensity below, I would advise the proposal accords with Kent Structure Plan Policies WM1 and WM2, and Kent Waste Local Plan Policy W1.

Location

34. Where recycling and waste transfer operations are proposed to be located in an urban area careful consideration of the proximity of any site to other uses needs to be considered. The Development Plan policies seek to protect the local environment from any potential adverse impacts of a use or development. The Kent Waste Local Plan Policies W3 and W9 set out that proposals which involve waste transfer at locations outside those identified on the proposals map will not be permitted unless they can gain ready access to primary and secondary access routes, and are either, located within an existing waste management facility or within an area of industrial use.
35. The application site is designated in the Thanet District Local Plan Deposit Draft (2003) Proposal Map as land allocated for employment uses. The proposal being located within an existing industrial estate, utilising an existing building and the infrastructure in place to service the estate. There are no other land designations in association with the site.
36. The location is bounded by residential properties, with the rear gardens of property on Gordon Road located directly adjacent to the south east boundary of the industrial estate, please see attached plan. Consequently careful consideration needs to be given to the activity proposed, within the context of the existing industrial uses at the site, to ensure that appropriate protection is afforded to the amenities of nearby residential property and other land uses. The key environmental and amenity points are considered below in paragraphs 38 to 57.
37. Although the site is designated for employment uses in the Thanet Local Plan, I would advise that I consider the proposed use accords with provisions of the Draft Thanet Local Policy EC11 in retaining an employment use on the site. Given that the site is located within an urban area on an existing industrial site and is not subject to any specific land designations, nor is it proximate to any sites of natural or historic interest, in principle, the use would not be considered inappropriate. Therefore, subject to the consideration of environmental and amenity impacts, access, scale and intensity below, I would advise the use proposed would accord with Kent Structure Plan Policy SP1, Kent Waste Local Plan Policies W2, W3, W9, and Draft Thanet Local Plan Policy EC11.

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

Noise

38. The key consideration in relation to the use of the site as a waste transfer station would appear to be its proximity to neighbouring property and the potential for the use to impact of local amenities through noise, dust, odour and visual impact. Kent Structure Plan Policy NR5, Kent Waste Local Plan Policy W18, and Draft Thanet Local Plan Policies EP1 and EP6 seek to safeguard neighbouring land uses and amenity from potential environmental impacts, including noise.
39. Currently the site is operated under fairly lengthy hours of operation with segregation and baling activity taking place inside the building between the hours of 0730 and 2100 seven days a week. I would advise that carefully weighted consideration will need to be given to this issue, balancing, the noise generated by the proposed use in the context of the site, the surrounding uses comprise residential and light industrial, including a transportation company.
40. I would draw members attention to the objections raised by nearby residents on noise grounds detailed above, along with the comments from the County Councils noise consultants. The nearby residents raise concern over the noise generated day and night, specifically referencing lorry movements and shattering glass as potentially impacting on residential amenity.
41. Whilst it should be accepted that the noise of glass breaking is likely to be solely associated with the proposed waste transfer use. I would advise that the movement of lorries allied with the proposal is unlikely to cause a concern to nearby residents, given that the operation only generates on average 2 heavy goods vehicle movements per week, with these collections occurring between the hours of 0830 and 1700 weekdays only. The application details an average of 20 vehicle movements into/ out of the yard area per day. The majority of these are attributed to members of the public delivering materials to the site in private motor vehicles. Public access to the site for this purpose is restricted to 0830 to 1700 weekdays and 0830 to 1300 at the weekends.
42. Given the figures set out above, I would advise that the lorry movements referenced by residents are more likely to be in association with the adjoining land uses, and in particular a transportation company that occupies an adjacent industrial unit and parks vehicles in the yard. I would advise that this use comes under the authority of Thanet District Council, as the Local Planning Authority, and as such is beyond the scope of this proposal.
43. The application details the machinery used in association with the proposed activities as being an Orwak Baler used to compact segregated materials into bales 1200x900x800 mm in size within the industrial unit, and a forklift truck to move the bales into the yard for storage. Beyond this machinery and the vehicles accessing the site all other segregation is carried out by hand.
44. The County Councils noise consultants have advised on the potential impact of the operation on noise grounds given the scale and type of activity (please see comments above). They are advising that subject to conditions, including the control of operating hours, vehicle movements, and the operation of glass recycling on site, due to the small

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scale of the operation the site could continue to function without affecting the amenity of the nearby residential properties.

45. Overall I can appreciate the concerns raised by local residents in relation to the noise generated by the site, particularly with regard to the handling of glass. However, I would advise that the location forms part of an established industrial estate that generates a certain level of noise irrespective of the outcome of this application, and that were the proposal to be refused and the waste transfer operation removed from the site, there would be no restriction on the land owner to operate an appropriate industrial use in its place.
46. The baling machinery operated from within the industrial unit does not generate sufficient noise to cause concern to residential property. It would appear that it is the operations within the yard area and the movement of vehicles that have the most potential to cause concern. Given the comments of the County Councils noise consultants, I would recommend that conditions placing tighter operational controls on the site would safeguard against unacceptable noise levels.
47. Kent Waste Local Plan Policy W26 sets out standard hours of operation for waste management facilities, being between 0700 to 1800 Monday to Friday and 0700 to 1300 on Saturdays, advising that work outside these hours will be considered where operation factors justify greater flexibility.
48. The application sets out proposed hours of operation for collection and deposit of material as 0830 to 1700 weekdays and 0830 to 1300 on the weekend. In order to manage the level of material processed on site with the resources available the application proposes segregation activities are carried out between 0730 to 2100 weekdays and weekends as appropriate.
49. I would recommend that were the Committee minded to approve the scheme that the hours of operation for deliveries, collections and all work within the external yard space be restricted to 0830 to 1800 Monday to Friday and 0830 to 1300 on weekends. With operations to segregate materials outside the above hours, between 0730 to 0830 and 1800 to 2100 Monday to Friday and 1300 to 1800 on Saturday, continued within the industrial unit with the roller doors closed to insulate any noise generated by this activity, with no additional working on Sunday beyond the hours 0830 to 1300 referenced above. I acknowledge the comments set out by our noise consultants, however, in my opinion given the scale of operations at the site, Sunday operation between 0830 to 1300 is not likely to have an unacceptable impact on local amenities.
50. In addition to the above, I would advise the restriction of the delivery and all segregation of material, including material brought on site by the members of the public, to within the industrial unit. Glass segregation should be required to occur within the building as far from the doors as possible.

Dust and Litter

51. Dust can arise from stockpiles of materials, traffic movements and from the handling of waste. Being located within part of an industrial estate that cumulatively involves a large number of vehicle movements and activity, a certain amount of background dust and atmosphere emissions is to be expected. However, due to the nature of the materials

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received on site and the type of processing undertaken, the proposed activities would not give rise to any additional dust generation beyond that to be expected in association with the use of the site as part of the industrial estate.

52. The proposed use has the potential to generate litter as a result of operations on site. The application documentation proposes the control of this through the use of enclosed cages and through regular house keeping. Whilst there is the potential to generate some litter in association with the use, I would advise that with careful site management it is not anticipated that this would be a problem.

Odour

53. The petition received pursuant to the application states a concern that the proposed operation has the potential to attract vermin to the area. Given that the only material accepted onto the site is semi inert including cardboard and paper, glass, plastics, aluminium and steel cans, I would advise that the proposal is unlikely to generate a problem in terms of odour generated or the attraction of vermin. No evidence of a problem was apparent during various officer visits to the site. This issue can be managed through the control of materials accepted on to the site to those detailed in the application. The materials being stored are not anticipated to give rise to an odour problem.

Visual Impact

54. The application proposes a change of use of an existing building within the Westwood Industrial Estate; the building at present is afforded planning permission for industrial use as part of the estate. No additional development work is being applied for as part of the application.
55. Material imported on to the site for processing is stored within the building. The only potential visual impact of the proposed use over the permitted industrial use of the site is the storage of processed materials in the yard pending collection. The application includes the provision of a container and cages for waste storage, along with the stacking of baled materials within the yard. The proposal states that this would not exceed 3.2 metres in height and is subject to continual through flow as the site is not of sufficient scale to allow the long term storage of materials.
56. The proposed use results in material being stored directly to the rear of the gardens of property on Gordon Road. However, I would advise that the boundary between the industrial estate and the residential property is substantial enough to screen the majority of the material.
57. As observed on various officer visits to the site, the material stored, has, at various times appeared to spread and build up. However, this I am sure is as a result of seasonal variations in the level of waste received and could be controlled through careful management and operation of the site. Should the Committee be minded to grant planning approval for the proposed use the operation of the outdoor space included in the application could be carefully controlled through conditions limiting type and height of operations taking place to the area specified in the application. I consider that given the existing industrial use of the site and the boundary treatment the potential for the proposal to have a detrimental impact on residential amenity in visual terms is limited.

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Access and Routeing

58. The proposed site enjoys access to the primary transport network via the A254, and is located within an industrial estate. The Divisional Transportation Manager has raised no objection to the scheme (please see the comments received above). The Divisional Transportation Manager advises that the traffic figures generated by the proposed use are not a cause for concern and that the operation does not appear to interfere with the use of the public highway.
59. The objections raised by nearby residents would appear to be in association with the potential noise generated by vehicle movements rather than the numbers associated with the use. I would therefore advise that the vehicle movements proposed are not considered to be significant, and that subject to the restriction of vehicle movements to the hours specified above I would not raise objection to this aspect of the proposal.

Scale and Intensity

60. The proposed use as a waste transfer station is on a relatively small scale, the average through put per annum being estimated at 1200 tonnes. The scale of operations at the site is controlled by the size of industrial unit and external space available. I would advise that whilst I do not consider the scale or intensity of use proposed to be out of keeping with the existing uses or the location, subject to the various conditions as advised, I would suggest the limitation of the overall through put for the site to prevent activities from exceeding capacity and potentially causing undue amenity impact.

Protection of Water Resources

61. The site over lies a major aquifer and as such the Environment Agency has advised that care should be taken to prevent accidental/ unauthorised discharge to ground. As advised by the Agency, I would confirm that the site is located on an existing hard standing drained to the estates foul sewer. Only semi inert waste is processed on site and there are no liquids, or other potential ground contaminates stored on site. Therefore, I would not raise an objection to this element of the proposed use.

Conclusion

62. The proposal is consistent with the strategy set out in the Kent Waste Local Plan under which land used or allocated for industrial purposes is a preferred location for waste transfer activities. The proposed use would provide increased local capacity for the processing of waste streams, being in accordance with the provisions of the waste hierarchy and the proximity principle. The continued use of the site as a waste transfer station is not considered to give rise to an unacceptable impact on residential property, subject to tighter controls on operations at the site. The use proposed is for a temporary period allowing the opportunity to review the situation over time. I am satisfied that, on balance, the application accords with National Waste Policies and the relevant Local Development Plan policies referred to in paragraphs 13 to 17 above. On this basis, and for the reasons set out above, I consider that the application represents the best practicable environmental option (BPEO) in this case, within the qualifications laid down within paragraphs 25 to 28.

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63. I therefore consider that, subject to the imposition of appropriate conditions controlling operations on site, the sustainable benefits from the use outweigh any detrimental impacts the proposal may have and that planning permission should be granted.

Recommendation

64. I RECOMMEND that, SUBJECT TO any material and adverse comments received from Thanet District Council prior to the Committee meeting, PERMISSION BE GRANTED SUBJECT TO the imposition of conditions including: temporary change of use for a period of 3 years, the use being carried out in accordance with the submitted documents and plans, hours of operation, limitation of waste delivery and segregation to inside the industrial unit, no operations within the externally marked areas for storage and the roller doors to be closed outside specified hours, limitation of annual through put, limitation of the storage and height of waste within the redlined area, type of materials accepted, removal of all machinery and stored waste on the cessation of use.

Case Officer: James Bickle

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Background Documents: see section heading.
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