

SECTION C
MINERALS AND WASTE DISPOSAL

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

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Change of use of land to undertake Waste Electrical and Electronic Equipment (WEEE) recycling activities, construction of storage facilities and variation to previously permitted hours at SWEEEP Kuusakoski Ltd, Gas Road, Sittingbourne – SW/11/1227 (KCC/SW/0419/2011)

A report by Head of Planning Applications Group to Planning Applications Committee on 13 March 2012.

Application by SWEEEP Kuusakoski Limited for a change of use of land to undertake Waste Electrical and Electronic Equipment (WEEE) recycling activities, construction of storage facilities and the variation to previously permitted hours to allow for an extended period of time in which waste transporting vehicles can enter/leave the site at SWEEEP Kuusakoski Ltd, Gas Road, Sittingbourne, SW/11/1227 (KCC/SW/0419/2011).

Recommendation: Planning permission be granted, subject to conditions.

Local Member(s): Mr. M. Whiting and Mr. A. Willicombe Classification: Unrestricted

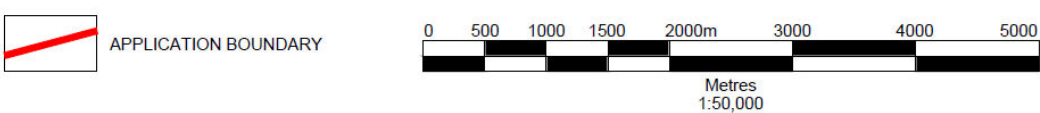
Site Description and Background

1. The application site is located in an industrial area on the northern side of Sittingbourne Town Centre. Access to the site is via the A2 and B2005 (Mill Way), with a vehicular access directly off Gas Road. Gas Road provides the principal road access for a number of industrial developments, including the County Council's Church Marshes Household Waste Recycling Centre and Waste Transfer Station, Milton Pipes Limited, Kent Auto Salvage and Sittingbourne Wastewater Treatment Works. The application site is broadly speaking a rectangular shape, measuring a total area of 1.85 hectares. It forms a frontage of some 200 metres with Gas Road and is generally 80 metres deep to the northern bank of Milton Creek, a tributary of the Swale Estuary. Milton Creek is designated as a Local Wildlife Site. The application site is generally flat (at approximately 4.5 to 5 metres AOD) and is bounded on all sides by existing industrial land uses.
2. The closest residential development is located at The High Street, Milton (approximately 260 metres to the west) and at Musgrave Road (approximately 250 metres to the north). To the south east, Milton Creek separates the application site from Sittingbourne Retail Park, which comprises commercial retail units such as Halfords, Homebase and Currys. Further industrial and commercial development exists off Mill Way to the south-west, including Ingesoll Rand Architectural Hardware, Tops Tiles and St. Michaels Service Centre (car servicing and repairs).
3. The application site itself consists of a number of existing buildings and hardstandings comprising of three distinct separate areas ("Area A", "Area B" and "Area C" as identified on page C1.4). Each area has its own direct access from Gas Road. A description of each area and a discussion of their existing uses is provided below:

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General Location Plan

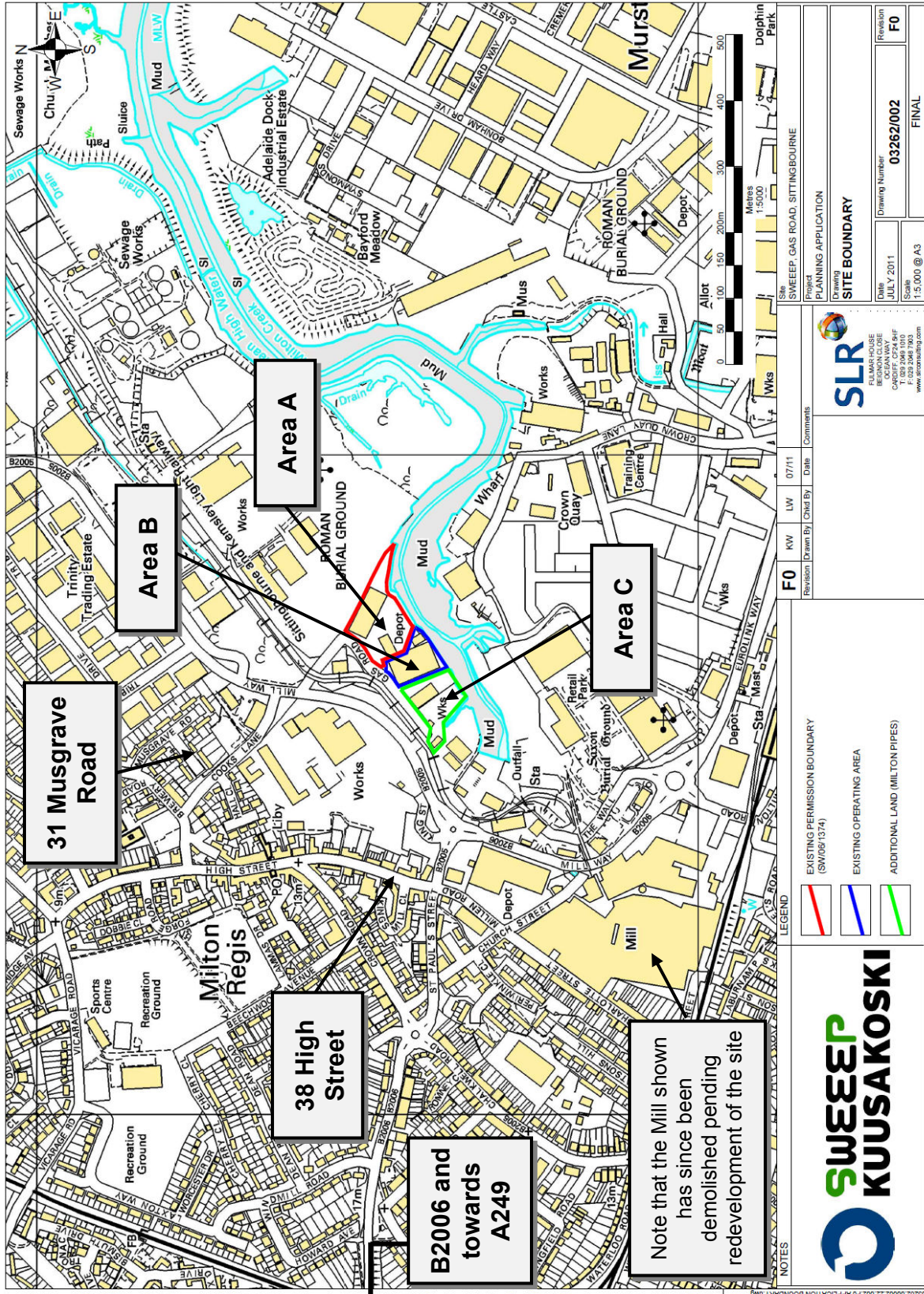


03262.00002.22.001.F0 SITE LOCATION PLAN.dwg

| | | | | | |
|---|----------|---------|-------|----------|--|
| F0 | KW | LW | 09/11 | | Site SWEEP, GAS ROAD, SITTINGBOURNE |
| Revision | Drawn By | Chkd By | Date | Comments | Project PLANNING APPLICATION |
|   <p>FULMAR HOUSE BEIGNON CLOSE OCEAN WAY CARDIFF, CF24 5HF T: 029 2049 1010 F: 029 2048 7903 www.slrconsulting.com</p> | | | | | Drawing SITE LOCATION PLAN |
| | | | | | Date SEPTEMBER 2011 |
| | | | | | Scale 1:50,000 @ A4 |
| | | | | | FINAL |

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Application Areas



Area A

| | |
|--|---|
| <p>SLR ELMAR HOUSE BECKON CLIFFE CARDIFF, CF24 9HF T: 033 348 1010 www.slrconsulting.com</p> | |
| <p>Project: SWEEP, GAS ROAD, SITTINGBOURNE</p> <p>Planning Application: SITE BOUNDARY</p> <p>Date: JULY 2011</p> <p>Drawing Number: 03262/002</p> <p>Scale: 1:5,000 @ A3</p> <p>Revision: FO</p> | <p>Revision: F0</p> <p>Drawn By: LW</p> <p>Checked By: LW</p> <p>Date: 07/11</p> <p>Comments:</p> |
| <p>LEGEND</p> <ul style="list-style-type: none"> EXISTING PERMISSION BOUNDARY (SW/06/1374) EXISTING OPERATING AREA ADDITIONAL LAND (MILTON PIPES) | |
| <p>NOTES</p> <p>Note that the Mill shown has since been demolished pending redevelopment of the site</p> | |

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The larger, eastern part of the facility (as denoted by “Area A” on page C1.4) benefits from a 2007 planning permission (reference SW/06/1374) granted by the County Planning Authority for the reprocessing and recycling of Waste Electrical and Electronic Equipment (WEEE). The area of 0.83 hectares is predominantly surfaced with concrete hardstandings and forms the core part of the existing operational area, including the main process building, several lean-to structures, temporary buildings and a site weighbridge.

WEEE inputs are temporarily stockpiled on a triangular concreted area on the south eastern boundary of the site. They are then moved by loading shovel into the main building which comprises of block and steel construction with concrete flooring, and houses plant used for the deconstruction of WEEE. Processes in the building dismantle the WEEE via mechanical means, and separate waste streams (e.g. ferrous and non-ferrous metal, glass, plastic, etc.) are then removed by ancillary processes or by hand picking stations and loaded into skips and other containers immediately outside the main processing building, ready to be transported off site.

Cathode ray tubes (CRTs) are stored in covered bunkers situated along the southern boundary of the site. They are then transported to a dedicated dismantling building on the western boundary of this area, where they are manually dismantled, various components separated and collected into skips and other containers. The glass tube is carried by conveyor to a glass plant housed in the same building where they are crushed and sorted by X-ray separation into leaded and unleaded output streams.

After processing, the separated components are stored in various locations around the “Area A” (mainly in skips and industrial bags) pending off-site re-use.

Area B

The central part of the site (as denoted by “Area B” on page C1.4) measures some 0.5 hectares and fronts onto Gas Road with a concrete parking area in front. The majority of this area is occupied by a large building that houses the office, welfare facilities and secure storage area associated with the current facility. A separate building on the southern boundary of this area is used for light engineering purposes and as a workshop.

Area C

The western parcel of land (as denoted by “Area C” on page C1.4) measures some 0.52 hectares and is currently being acquired by the applicant from Milton Pipes Limited. This area has most recently been used for light engineering works (such as the production of fibre-glass moulds for concrete products) and maintenance of plant. A single storey steel framed building occupies the centre of Area C. Area C is predominantly hard surfaced, however this is in a poor state of repair in places and absent in others, such as along the western boundary of the site.

4. SWEEEP Kuusakoski was recently awarded “UK Recycling Business of the Year” and is one of the largest and most respected WEEE recyclers in the UK, leading a new industry in innovation and best practice. The facility at Gas Road enables compliance with the European Union legislative requirements to recycle WEEE by providing a complete collection and processing service, where WEEE is dismantled and separated into commodities which are then sold for refining back to raw material.

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5. The Gas Road site has provided recycling solutions for more than five years and is responsible for recycling most of the municipal WEEE collected in London and the South-East at local civic amenity sites, as well as providing a service to collect and recycle business WEEE. The services offered at Gas Road include:
 - the collection and processing of domestic WEEE deposited at local civic amenity sites;
 - the collection and processing of business WEEE;
 - the secure tracking and destruction of IT and sensitive WEEE;
 - the collection of commodities (ferrous, copper, aluminium, silver, gold, other precious metals, plastics and glass) created from dismantling and processing of WEEE); and
 - the sale of commodities for onward refining back to raw material.
6. SWEEEP Kuusakoski currently process approximately 35,000 tonnes of WEEE recyclable material per annum (note that their existing planning permission, reference SW/06/1374, allows the processing of up to 46,000 tonnes per annum). This planning application seeks to consolidate the existing planning permission and enable the rationalisation of the existing activities at the site by securing a change of use on part of the existing site and additional development on adjoining land formally occupied by Milton Pipes. It does not however seek an increase in either the processing throughput of the facility or an increase in HGV movements.
7. The application details that SWEEEP Kuusakoski is an important facility for Sittingbourne and the waste management industry in general. The facility is responsible for diverting waste from landfill, producing valuable raw materials and directly employing around 150 people, giving Sittingbourne what the applicant considers is a much needed boost to its industrial heritage and economy. Under the terms of the existing planning consent, the facility is operational 24 hours a day over a 6 day working week, with Sundays utilised solely for plant maintenance, as required. The facility operates a 3 shift pattern over the 24 hour working day for its 150 employees.
8. The site generates some 35-40 HGV movements per day over the six day working week, with movements restricted to between 06:00 and 18:00 hours Monday to Saturday by condition attached to planning permission SW/06/1374. That application detailed that a maximum of 50 HGV movements per day would arise from the facility, based upon the maximum operating capacity of 46,000 tonnes per annum. Neither the number of HGV movements or the operating throughput of the facility were secured by planning condition as part of the 2007 base permission.

Proposal

9. The proposal seeks permission for a change of use of land to undertake Waste Electrical and Electronic Equipment (WEEE) recycling activities. The change of use relates to the land covered by "Area B" and "Area C" (as identified on page C1.4). The land covered by "Area A" has the benefit of a planning permission granted by the County Planning Authority in February 2007 under delegated powers (reference SW/06/1374). The proposal also seeks the construction of external storage facilities in the form of bunkers, which would be used to store process outputs such as stainless steel, CRTs, sand and unleaded glass.

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10. The applicant's intention is to acquire the land marked as "Area C" such that it can become an operational part of the SWEEEP Kuusakoski site. This land would be used for a combination of staff and visitor car parking, containing 40 new spaces, and for the construction of new storage bunkers. Car parking would be provided "off-road" and would displace the existing parking arrangements which operate at the front of the current facility with Gas Road on a strip of land within the applicants control immediately adjacent to the highway. The proposed storage bunkers would be of a similar scale to the existing steel clad buildings across the SWEEEP Kuusakoski site and would be located adjacent to Milton Creek. The structure would comprise of a steel frame and steel profile cladding coloured grey, measuring some 30 metres in length, 4 metres in height and 7 metres deep. An unleaded glass bunker is proposed on the western side of "Area C" consisting of a similar steel frame and profile cladding structure measuring some 15 metres in length, 4 metres in height and 6 metres in depth. A sand bunker would be installed within "Area A", again of a similar structure, measuring 18 metres in length, 6 metres in height and 12 metres in depth. No processing would take place within the land marked as "Area C" as this area would be solely for additional operational land which would be ancillary to the previously consented SWEEEP Kuusakoski operations.
11. Since the application was first submitted to the County Planning Authority in October 2011, it has been brought to my attention following the receipt of a complaint that the operator was accepting HGV deliveries at the site beyond the 18:00 cut off stipulated by the existing planning consent (reference: SW/06/1374). This matter was reported to Members of the County Council's Regulation Committee as an alleged breach of planning control on 24 January 2012. Following the complaint the applicant sought an amendment to their current planning application to formally vary the previously permitted hours in which waste transporting vehicles can enter/leave the site. This application therefore includes that variation of hours, proposing that waste transporting vehicles be allowed to enter/leave the site between the hours of 06:00 to 23:00 Monday to Friday and 06:00 and 18:00 on Saturday, with no movements of waste transporting vehicles outside of these times. It should be noted that with the exception of HGV movements the site currently operates 24 hours a day, six days a week (excluding Sundays which are solely used for plant maintenance, if required) under the terms of the existing planning consent. The reason expressed by the applicant for seeking a formal variation to their vehicle movement hours is such that it would allow the successful implementation of the requirements of a recently awarded WEEE contract.
12. As part of the change of use application a new vehicular access is proposed into "Area C" from Gas Road in order to enable cars to park in the new 40 space car park. As part of the creation of this access, new boundary fencing and gates would be installed to secure this part of the site. Appropriate visibility splays in both directions would be provided to allow for the safe movement of cars out of "Area C" onto Gas Road. Whilst creating a new vehicular access to "Area C" the applicant has also proposed to review and reorganise the existing vehicle entrance/exit points to "Area A" and "Area B". A site wide fencing and gate strategy along Gas Road could be secured by planning condition in the event that planning permission is granted.

Planning Policy Context

13. The key National and Development Plan Policies most relevant to the proposal are summarised below:

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- (i) **National Planning Policies** – the most relevant National Planning Policies are set out in PPS1 (Delivering Sustainable Development), PPS9 (Biodiversity and Geological Conservation), PPS10 (Planning for Sustainable Waste Management), PPS23 (Planning and Pollution Control), PPS24 (Planning and Noise) and PPS25 (Development and Flood Risk). Also relevant for consideration is the Waste Strategy for England 2007.
- (ii) **South East Plan (2009)** – the most relevant policies are: W3 (regional self sufficiency), W4 (sub-regional self sufficiency), W5 (targets for diversion from landfill), W6 (recycling and composting), W9 (new markets for recycled and recovered materials and products), W10 (sub-regional electrical and electronic equipment facilities), W17 (location of waste management facilities), NRM4 (sustainable flood risk management), NRM5 (conservation and improvement of biodiversity), NRM9 (air quality) and NRM10 (noise).

Important note regarding the South East Plan:

Members will already be aware of the relevant South East Plan (SEP) policy considerations in relation to the proposed development, in that The Plan was revoked and later reinstated pending the enactment of the Localism Bill. Members will also be aware that they have to have regard to the policies in the SEP and the Government's intention to abolish the Regional Spatial Strategies (RSS) as material considerations. However the weight to be accorded is a matter for the decision makers. Members will note that the Localism Bill has now been enacted; however the SEP remains in effect until such time as the Government complete the formal process of revoking the Plan.

- (iii) **Kent Waste Local Plan (1998)** – the most relevant saved policies are: W3 (waste processing at locations outside those identified in the Plan), W9 (waste separation and transfer), W18 (noise, dust and odour), W19 (groundwater protection), W20 (drainage, flood control and rainwater infiltration), W21 (nature conservation), W22 (provision of adequate access arrangements, W25 (siting, design and external appearance of hard surfacing, buildings and lighting) and W25a (reuse of existing buildings).
- (iv) The **Swale Borough Local Plan (2008)** – the most relevant policies are: SP1 (protection and enhancement of special features of visual, aural, ecological, historic, atmospheric and hydrological environment), E1 (general development criteria), E2 (pollution impacts), E4 (flood risk assessment), E12 (biodiversity and geological conservation), E19 (design), T3 (vehicle parking) and B2 (employment).

Consultations

- 14. **Swale Borough Council:** raises no objections to the proposed development (note that these views were made about the proposal prior to the applicant's change to vehicle delivery hours. Any additional views received from the Borough Council prior to the Committee Meeting will be reported to Members verbally at the Committee Meeting), making the following comments and subject to the imposition of the following conditions:

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“Members of Swale Borough Council’s Planning Committee were unanimous in expressing great concern regarding the noise emanating from the existing site. It is appreciated that the existing site benefits from planning permission SW/06/1374, however, in the interests of the amenities of nearby residents, please can you raise this issue formally with the applicant and ensure that every reasonable step is taken to reduce the noise coming from the site. Members would like to see the applicant working with KCC and this Council in order to produce a noise mitigation strategy for the entire site.

The Planning Committee have, however, resolved to raise no objection to the proposed development, subject to the following conditions:

- appropriate conditions as recommended by the Environment Agency, namely in respect of a buffer zone alongside Milton Creek, hazardous waste storage and previously unidentified contaminated land;
- “Area C” shall only be used for the purposes of car parking and storage, and no processing shall take place on the land in accordance with the details stated in the planning application, unless otherwise agreed in writing by the County Planning Authority;
- a condition to ensure that the parking spaces are to be permanently reserved;
- hours of operation condition to prevent operations between 06:00 hours on Sunday and 06:00 hours on Monday and to prevent movement of waste transporting vehicles during that period. For the avoidance of doubt, the skip storage, proposed bunkers and unleaded glass bunkers on “Area C” shall not be used between these hours; and
- a condition requiring the submission and approval of a scheme for the disposal of surface waters”.

Any additional views received from the Borough Council prior to the Committee Meeting in respect of the extended hours in which deliveries can be accepted at the site will be reported verbally to Members at the Committee Meeting itself.

15. **KCC Highways and Transportation:** raises no objections to the proposed development making the following comments and subject to the imposition of the following conditions:

It is noted that the proposed application does not increase the volume of waste materials to be processed at the facility each year. The current 35,000 tonnes per annum throughput is still lower than the 46,000 tonnes assumption that was used in the transport assessment when the site was originally granted approval. It is also appreciated that the expansion of this site is facilitated by the use of adjacent land that is already used for industrial/commercial purposes. This area currently generates its own associated traffic movements, and these are effectively being removed from the highway network through this change of use application to consolidate this land within the WEEE recycling operation;

Conditions should be attached to any permission to secure the following matters:

- the area shown for vehicle parking and turning (within “Area C”) shall be retained for the occupiers of, and visitors to, the premises, and no permanent development shall be carried out on that area of land to preclude vehicular access to this reserved parking space;

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- the new access from “Area C” shall not be brought into use until visibility splays (as agreed with this Highway Authority) are provided. Thereafter, these visibility splays shall be maintained free of obstruction at all times; and
- measures taken to avoid the transfer of mud and/or other debris by vehicles connected with the proposed development onto the public highway.

16. **Environment Agency:** raises no objections to the proposed development subject to the imposition of the following conditions:

- prior to the commencement of the development a Scheme for the provision and management of a buffer zone alongside Milton Creek shall be submitted to and agreed in writing by the County Planning Authority. Thereafter the development shall be carried out only in accordance with the approved Scheme;
- hazardous waste shall only be stored with the areas of the site identified to be at the lowest risk of flooding;
- if during development, contamination not previously identified is found to be present then no further development shall take place until the applicant has obtained written approval from the County Planning Authority on a remediation strategy detailing how this unsuspected contamination shall be dealt with; and
- the submission and approval of a Flood Evacuation Plan, including appropriate flood resilience measures, prior to the commencement of the development;

The Agency is satisfied that the submitted Flood Risk Assessment has assessed the actual and residual risks to the site and subsequently proposed adequate mitigation measures. They advise that an Evacuation Plan should be produced, agreed in writing and implemented upon receipt of a flood warning.

The Agency note that land alongside Milton Creek is particularly valuable for wildlife and it is essential that this is protected. Article 10 of the European Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change. There is an existing area of wildlife habitat that will be important to the continuity of the Creek along the current site boundary. The Agency would like to see this area retained which is why a Scheme shall be agreed to protect the buffer zone along the site boundary to Milton Creek.

17. **County Council’s Noise, Dust & Odour Consultant:** makes the following comments as set out under the following sub-headings:

Noise

The applicant has provided noise level predictions which demonstrate rating noise levels emanating from the site in excess of existing background noise levels during the day at 38 High Street (+2.5 dB) and during the night at 31 Musgrave Road (+2.8 dB). The applicant has indicated that the exceedence stated considers a worst case period when the background noise levels are lowest during daytime periods (i.e. 22:00 to 23:00 hours). The applicant also states that should the doors of the main process building containing the majority of the plant (Granulator, Glass Crusher, Forklift and Shovel) remain closed the noise rating level falls below the background noise level of 42.4 dB. Should this be the case, given the rounding technique applied by BS4142, this would result in the rating noise level not exceeding the day-time background noise level (i.e. rating noise level of 42 dB versus worst case day-time background noise level of 42 dB). Given that the control of noise to achieve the desirable day-time noise level is a general

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site management issues, I consider it reasonable to suggest controlling noise during the day by condition. Thus, this places emphasis on the operator to close the doors to minimise the possibility of noise disturbance, particularly during evening periods.

In addition, World Health Organisation Guidelines (updated in 2009) provide guidance relating to impulsive noise levels to prevent sleep disturbance, with an internal noise level limit of 42 dB LAmax (relates to an external free-field noise level of 55 dB LAmax). Given the character of the site and the nature of the complaints received from local residents to the existing use of this site, I consider it appropriate to also control impulsive noise emanating from the site at night.

In summary, taking account of the above comments and residential concerns expressed, and subject to the imposition of the following conditions, noise emanating from the site would not result in adverse impact:

- i) *At no time during the operation of the site shall the noise rating level $L_{Ar,T}$ (free field), calculated in accordance with the method provided in BS4142:1997, attributable to the operation of all fixed and mobile plant and machinery installed or otherwise used at the premises exceed the background noise level $L_{A90,T}$ at any residential property. This shall be subject to a lower limit noise rating level $L_{Ar,T}$ (free field), of 35 dB during day-time hours (07:00 to 23:00 hours), and lower limit noise rating level $L_{Aeq,T}$ (free field), of 40 dB at night.*
- ii) *Noise attributable to the operation of all fixed and mobile plant and machinery installed or otherwise used at the premises at night shall not exceed 55 dB LAmax (free field) at any residential property.*

Dust and Odour

Considers that the WEEE waste stream is not dusty by nature prior to processing, therefore dust generation during loading and unloading would be minimal. The sorting and bulking bays are covered, further minimising dust emissions. Provided that management and dust mitigation measures are implemented the potential for overall dust emission from the site is minimal.

I confirm that the proposed additional hours of use of HGV movements would not alter the above comments in relating to noise, dust and odour.

18. **Sittingbourne & Kemsley Light Railway Limited:** raises no objections to the proposed development.

Local Member

19. The local County Members, Mr. M. Whiting and Mr. A. Willicombe, were notified of the original application on the 28 October 2011. Mr. M. Whiting and Mr. A. Willicombe were notified of the amendment to the application to vary the hours in which waste transporting vehicles can enter/leave the site on the 13 January 2012.

Publicity

20. The application was publicised by the posting of a site notice at the site entrance with Gas Road, a newspaper advertisement in the Kent on Sunday (Mid and West Kent

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Edition), and the individual notification of 176 business premises and residential properties.

21. As a result of the amendment to the application to vary the hours in which waste transporting vehicles can enter/leave the site the application was re-publicised by the posting of a further site notice at the site entrance with Gas Road, a fresh newspaper advertisement in the Kent on Sunday (Mid and West Kent Edition), and the individual notification of the same business premises and residential properties within 250 metres that were originally notified of the application. Notification letters advising of the amendment to the application were also sent to all parties who had signed the residents petition letter, as discussed in paragraph (23) below.

Representations

22. I have received one letter of representation from a nearby business, expressing the following key concerns:

- Access to all of the industrial premises and the Sittingbourne [Church Marshes] Household Waste Recycling Centre and Waste Transfer Station is along Gas Road. This road is in constant use by heavy lorries. My premises [located directly opposite the SWEEEP site] has an access slip road opposite the existing access to the SWEEEP site and use of this slip road is constantly restricted by lorries visiting the application site;
- Lorries waiting to enter the SWEEEP site park on Gas Road causing problems to all other users of this road – I would like to see some form of “off-road” lorry parking on the application site for visiting vehicles included with the planning approval;
- High volume skip lorries have to de-mount their skips, drag them under the restricted height access bridge (under the Sittingbourne & Kemsley Light Railway line located immediate adjacent to the entrance into Gas Road from the B2005 Gas Way) and re-mount them, both when entering and leaving Gas Road. This process is considerably inconvenient and a danger to other vehicles using the restricted road at this point. It is also causing considerable damage to the road surface itself. A suitable access to the site is a fundamental need and must be resolved before planning consent is granted;
- In summary, I am not against the expansion plans, but we are all being inconvenienced on a daily basis by the operator and expansion, without addressing these major problems, would only result in an escalation of these problems.

23. I have also received a resident’s petition against the proposed development from ‘The Residents of Musgrave Road’. The petition is signed by 63 residents from properties in Musgrave Road, Hall Close, Cooks Lane and Langley Road, and contains the following statement:

“We strongly oppose expansion of the use of this land as the company SWEEEP are now running their crushing machine for twenty four hours of the day with the noise disturbing our peace and quiet continuously. We are already disturbed by the noise from Milton Pipes we find this all too much, so yes we do oppose this expansion”.

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Discussion

Introduction

24. The application seeks planning permission for a change of use of land to undertake Waste Electrical and Electronic (WEEE) recycling activities, the construction of storage facilities and the variation to previously permitted hours to allow for an extended period of time in which waste transporting vehicles can enter/leave the SWEEEP Kuusakoski site. The change of use element relates to “Area B” which is occupied in the main by the site offices and “Area C” which is proposed to be used for ancillary staff car parking and bunker storage facilities. The application is being reported to the Planning Applications Committee as a result of the objections received to the proposal, specifically from an adjoining business premises (see paragraph 22) and a group of resident’s who have sent in a petition (see paragraph 23). In considering this proposal, regard must be had to the key National and Development Plan Policies outlined in paragraph (13).
25. 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. Therefore the 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. In my opinion, having regard to the policy considerations and the issues raised above, the key material planning considerations in this particular case can be categorised under the following headings:
- Principle of the Development
 - Noise, Dust and Odour;
 - Highway Issues;
 - Flood Risk and Ground Contamination;
 - Design and external appearance of Bunker Storage Facilities;
 - Employment; and
 - Any other issues arising from consultation/publicity

Principle of the Development

27. It should be borne in mind that the principle of the development has already been established through the grant of planning permission by this Authority for WEEE recycling activities at the site, under consent reference SW/06/1374. That permission gave consent for “Area A” (as identified on page C1.4) to be used as a WEEE recycling facility, operating 24 hours a day six days a week, with the exception of Sundays (between the hours of 06:00 Sunday morning and 06:00 Monday morning only maintenance work can be undertaken at the facility, as so required). That existing consent allows the operator to process up to 46,000 tonnes of WEEE per annum at the site, for which the applicant is currently processing in the region of 35,000 tonnes per year. The original application was predicated on the basis that the facility would generate a maximum of 50 HGV movements per day, although owing to the current operating throughput at the site the numbers of HGV movements arising from the facility are in the region of 35-40 movements per day. There are no specific restrictions on vehicle movement numbers at the site, although the maximum number of 50 movements per day was the number relied upon in the applicants original transport assessment. The existing planning consent places a restriction on the applicant, controlling the times

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when HGVs can enter and leave the facility. To this effect a planning condition stipulates that HGV movements can only take place between the hours of 06:00 and 18:00 Monday to Saturday, with no HGV movements outside of these times.

28. The change of use proposed under this current application to existing offices and a store/workshop within “Area B”, and the land within “Area C” to be used to create an ancillary staff car park and construct new storage bunkers for process outputs. The additional land within “Area C” would not be used for the processing of WEEE material and this could be conditioned as such should planning permission be granted. I consider that the principle of the development was established through the grant of the original planning permission (consent SW/06/1374) in 2007, and that the change of use of Areas B and C hereby sought is principally to provide additional operational land which would be used ancillary to the main consented operation. I also consider that the principle of an industrial use within Areas B and C has already been established through past industrial use in these locations. I therefore have no objection to the principle of the development in this case.

Noise, Dust and Odour

29. The assessment of noise impacts arising from the WEEE recycling facility was considered as part of the original planning application in 2007. An acoustic assessment submitted with the original application predicted that assuming a worst case scenario of the processing building having poor sound installation qualities, noise levels breaking out from the facility would be low enough at the nearest noise sensitive receptors to be of no significance. A noise level of 35 dB(A) was calculated at the nearest noise sensitive receptor arising from the WEEE processing operations. That noise level did not exceed the noise limit advised in the World Health Organisation Guidelines if negative effects on sleep are to be avoided. Consequently, the County Council’s Noise Consultant at the time of assessing the original planning application did not raise any concerns on noise grounds.
30. The change of use application is accompanied by up-to-date studies which specifically consider noise and dust, both relating to the existing facility and the extended operational areas. It should be noted however that the existing WEEE recycling facility already has the benefit of planning consent and would not change in terms of its method of operation, management or processing techniques used as a result of this application. The development under consideration here instead relates to the rationalisation of existing offices and a workshop/store room within “Area B” and the use of an additional parcel of operational land within “Area C” to be used for the storage of process outputs within bunkers and the creation of a new staff and visitor car parking area.
31. That said, the issue of noise emanating from the current facility has been reconsidered both by the applicant, the County Council’s Noise Consultant and the Borough Council Environmental Health Officer as part of this application and in light of the concerns received from nearby residents in the form of a petition letter, as outlined in paragraph (23) above. Based on the advice received from my Noise Consultant subject to the imposition of the two noise control conditions, as set out in paragraph (17) above, it is anticipated that noise emanating from the site would not result in an adverse impact on surrounding noise sensitive receptors in the locality. I am therefore minded to recommend that these conditions be attached to any new planning consent and note that this places an onus on the operator to close the doors of the main recycling building during day-time periods (07:00 and 23:00 hours) in order to achieve noise rating levels

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which do not exceed background levels. A new noise condition would also control impulsive noise emanating from the site at night, a principle concern raised by the local community.

32. I note that the applicant is keen to work with the local community to ensure that they are a good neighbour. I understand that the operator has recently held an open session at the facility where local residents were able to view the processes undertaken at the facility, with a view to improving public relations. Based on the imposition of the two noise control conditions, as recommended by my Noise Consultant, I am satisfied that the development is acceptable in land use terms and would not lead to any undue harm on residential amenity in terms of noise. It must however, be borne in mind that the existing operations were previously consented and at that time no specific noise controls were secured by condition. The control of noise by planning condition is therefore considered to be of overall benefit for the wider local community.
33. In assessing dust generation from the proposed additional land subject to the change of use the County Council's Dust Consultant is satisfied that the potential for overall dust emission from the site is minimal. I therefore do not have any concerns with the proposed development in respect of dust issues.

Highway Issues

34. Members should again note that the main WEEE recycling operation already benefits from a planning permission granted by the County Planning Authority in 2007. The proposed development in fact would improve the local highway situation on the basis of two factors. Firstly, the application proposes a new off-road staff and visitors car park consisting of 40 spaces. This would displace staff cars which currently occupy a strip of land between the boundary of "Area A" with Gas Road. In doing so, I consider that this would overcome some of the concerns which have been expressed regarding inappropriate parking associated with the facility by an adjoining business occupier, as set out in paragraph (22) above. The new car park would be accessed by site operatives and visitors via a new vehicular entrance to be created in the boundary with Gas Road. This new vehicular entrance would be compliant with the required visibility splays as stipulated by the highway authority (2.4 metres by 33 metres provided either side of the proposed access with no obstruction to visibility at or above a height of 0.9 metres above the nearside carriageway level) and is therefore considered to be safe for users. The final details of the front boundary treatment in terms of fencing, gates and visibility lines can be reserved by condition on any new consent. Similarly, new vehicular access into "Area A" can also be reserved by condition. Both would be subject to further consideration, both by the Planning Authority and any necessary technical consultees, before any approvals are issued. Based on the above, I have no objection to the creation of the new staff and visitor car park or the means of access onto Gas Road in principle, subject to conditions being imposed covering boundary treatment and details of the access arrangements for later consideration.
35. The second highway benefit for the locality is based upon the land marked "Area C" being previously used as an industrial site, containing an extant planning use. That land therefore could, in theory, generate its own associated highway movements based upon its site area. By consolidating "Area C" within the operational land of the SWEEEP Kuusakoski operation, the overall number of vehicle movements in the locality would reduce. Again, I consider this would go some way to alleviating concerns expressed by the local business occupier in respect of the heavy usage of Gas Road by HGV traffic.

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36. The maximum number of HGV movements to/from the existing site was implied within the applicant's original transport assessment (submitted as part of application SW/06/1374) to be a maximum of 50 movements per day. The facility currently generates below this number, typically generating between 35-40 movements per day based on the current throughput of WEEE material. Given that the whole site (Areas A, B & C) is within the applicants control, and that this application seeks to regularise the current activities and include new operational land, I consider it appropriate to include specific controls by condition on any new planning consent. One such control I propose to impose would be a condition capping the maximum daily HGV movements associated with the facility to 50.
37. As outlined in paragraph (11) above, the application proposes a variation to the times when HGV movements can enter/leave the facility. The current restrictions allow for HGV movements to take place only between 06:00 and 18:00 Monday to Saturdays, whilst the current application seeks to extend this period to between 06:00 and 23:00 Monday to Friday and 06:00 and 18:00 on Saturdays. Given that the site is within a well established industrial area, benefits from close access onto a classified B Road (B2005 'Mill Way') and the nearest residential properties are located in excess of 250 metres away, I do not consider the additional hours sought in this instance would have any overbearing impact upon local amenity. Moreover, I note that a number of industrial businesses in the locality generate their own associated HGV movements over the course of a 24 hour working day. I therefore proposed that the new hours of HGV movements associated with this facility be specifically controlled by condition on any new planning consent.
38. Concerns have been expressed regarding the dragging of skips under the low railway arches at either end of Gas Road with the junctions with the B2005 'Mill Way'. I am advised by the applicant that this largely relates to skips associated with the Church Mashers site and that most haulage carriers seeking access to the SWEEEP site are aware of the low bridge and have adapted vehicles or deliveries to ensure that the site can be accessed without detriment to the highway or local amenity. I am mindful that the activities carried out by 3rd parties on the highway outside the application site are not directly controllable by the applicant, given that the road is in use by several other industrial activities. I am also mindful that the WEEE recycling facility benefits from an existing planning consent and has been in operation for some 5 years in its current location without previous complaint to the County Planning Authority. I therefore conclude that should skips continue to be dragged along the highway under the low level bridges then this matter should be one which may need to be investigated and dealt with as a separate matter by the Highway Authority.
39. Members will note that Kent Highways have requested that conditions be imposed on any planning consent to secure the new parking area to be retained in perpetuity for staff and visitor car parking associated with the facility, together with a condition requiring measures being to be taken to avoid the transfer of mud and debris to the public highway. I consider that both these conditions are reasonable and should be imposed on any new planning consent.

Flood Risk and Ground Contamination

40. Based on Flood Zone Maps published by the Environment Agency, the application site is shown to lie within 'high probability' Flood Zone 3 and partly within 'medium probability' Flood Zone 2. The nature of the proposals ('less venerable' uses in Flood Zone 3a), and

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an extension to an existing facility meet the requirements of the Sequential Test as set out in PPS25. The site benefits from tidal flood defences, which protect the majority of the site against flooding during a present day 1:200 year tidal event. However, the site remains at risk from flooding associated with overtopping of the defences during a 1:200 year tidal event in 2010 (assuming no upgrading of existing defences), or a breach of the defences coinciding with significant tidal conditions along Milton Creek.

41. A Flood Risk Assessment (FRA) submitted with the application demonstrated that the site would not increase the risk of flooding off-site by displacing flood storage or impacting upon conveyance within the floodplain. The FRA has also demonstrated that the site can be safely accessed or egressed during a flood event. The residual risks to the site have been assessed and it was concluded that in an overtopping or breach event, the site lies within the zone of rapid inundation. A Flood Hazard Assessment indicates that both overtopping and a breach are deemed to pose a 'danger for some' which can generally be interpreted as including children, the elderly or the infirm, both of whom are unlikely to be present on this operational site.
42. A range of mitigation measures have been recommended by the applicant to further reduce flood risks at the site, including the careful siting of operations, the height of finished floor levels, the installation of an early warning flood system and evacuation plan, the creation of safe refuge areas, safe routes of access/egress and flood resilience measures. Based on the proposed mitigation, management and resilience measures being implemented as set out in the application, I consider that flood risk is deemed to be manageable over the lifetime of the development. I further note that the Environment Agency have raised no objection to the proposals, subject to conditions requiring the submission for approval of a Flood Evacuation Plan and that hazardous waste be stored in areas least likely to be at risk of flooding.
43. The Borough Council have requested that a scheme for the disposal of surface waters be submitted for approval relating to the additional operational land subject to this change of use application. I consider this request to be reasonable and justified in this case and therefore recommend that any consent contains a condition requiring the submission of a surface water drainage scheme.
44. Members will note that whilst raising no objection in principle the Environment Agency have requested that the applicant submit, by condition, a scheme for the provision and management of a buffer zone alongside Milton Creek. I am minded to agree with the views of the Agency and accordingly recommend that this matter be secured for later consideration by planning condition.
45. The application is accompanied by a ground contamination report which indicates generally low risks attached to ground conditions at the site. Members will note that the Environment Agency has requested that a condition be attached to any consent requiring a remediation strategy to be approved by the County Planning Authority in the event that any contamination not previously identified is found to be present with the development site during construction works associated with new hardsurfacing or the erection of storage bunkers. I consider this to be a reasonable approach and therefore suggest that such condition be included on any new planning consent.

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Design and external appearance of Bunker Storage Facilities

46. As outlined in paragraph (10) above, the application proposes the construction of three fairly substantial bunker structures to store process outputs – namely sand, stainless steel, CRT's and unleaded glass. These structures would consist of steel frames covered in grey profile steel cladding. The design and external appearance of these structures is considered to be wholly acceptable for the industrial setting and their intended use.

Employment

47. The current SWEEEP Kuusakoski operation employs around 150 members of staff, over a 3 shift pattern, operating 24 hours a day, six days per week. The facility is therefore considered to be an important employer for Sittingbourne. The development seeks to provide new ancillary facilities to ensure the continued successful operation of the WEEE recycling facility. The proposed development is therefore considered to accord with Local Planning Policy which seeks to retain existing employment, whilst also being in line with one of Government's top priorities of promoting sustainable economic growth and jobs. I therefore support the proposed development in terms of securing the continued success of WEEE recycling operations at Gas Road.

Any other issues arising from consultation / publicity

48. Members should note that concerns have been expressed from local residents and an adjoining business occupier (see paragraphs 22 and 23) regarding the expansion of the SWEEEP Kuusakoski operation. Whilst it is true that the operational site area is increasing, through the inclusion and consolidation of "Area B" and "Area C" within the WEEE recycling operation, the total throughput of the facility would not increase above and beyond that level previously permitted by the 2007 consent (i.e. a maximum throughput of 46,000 tonnes of WEEE per annum). The numbers of HGV movements to/from the site would also not increase beyond the number set out (50 movements) within the applicants original transport assessment. I recommend that both of these matters be controlled by appropriately worded planning conditions in the event that permission is granted. The additional land subject to this change of use would provide for the continued successful operation of the WEEE recycling activities at Gas Road, and would be used to provide additional land for the parking of employees and visitors cars, together with the secure storage of process outputs within purpose built storage bunkers.
49. Concerns have been expressed within the residents petition letter (see paragraph 23) that the local community is already significantly disturbed by noise generated from other industrial premises within the locality, specifically the nearby Milton Pipes production facility. It should be noted that the area surrounding the application site is heavily industrialised, with many of the premises operating on a 24 hour basis.

Conclusion

50. In conclusion, I am satisfied that the proposed change of use to include additional ancillary operational (but not processing) land within the WEEE recycling facility would not cause any overriding material harm to local amenity. It should be noted that the area surrounding the facility is already industrialised, with adjoining and other local occupiers carrying out 24 hour operations on their respective sites. The additional land subject to

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this change of use application would be used in the main to create a new staff and visitor car park, displacing cars from the current vehicle parking area located at the front of the existing site and Gas Road, alleviating a number of concerns relating to inappropriate parking as expressed by an adjoining business occupier. The additional land would also be used to construct new storage bunkers which would be industrial in nature and scale, but are considered to be appropriate given the industrial nature of the area and other buildings found in the locality.

51. Associated impacts arising from the extended facility together with current operational concerns regarding the current facility have been extensively considered in this case. Restrictions are proposed on the applicant as part of this proposal to specifically control matters such as noise, the timings and numbers of HGV movements and the total throughput of WEEE recyclables where these were previously not explicitly stated on the existing planning consent (SW/06/1374). Subject to the imposition of the recommended conditions as set out in paragraph (52) below and based on the professional and technical advice received to date I am satisfied that the proposals are acceptable in land use planning terms. I therefore recommend accordingly.

Recommendation

52. I RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT TO conditions, including conditions to cover the following aspects:

- 5 year implementation period;
- the development to be carried out in accordance with the permitted details;
- cap of 46,000 tpa of WEEE to be processed at the facility;
- daily cap of 50 HGV movements (25 in, 25 out) per day;
- site operations to take place only between the hours of 06:00 Monday and 06:00 Sunday, with only maintenance work (as necessary) taking place between Sunday 06:00 and Monday 06:00;
- restriction of HGV movements to/from the site between 06:00 and 23:00 hours Monday to Friday, 06:00 and 18:00 Saturdays, and no movements outside these periods;
- noise controls, as set out in paragraph (17 parts (i) and (ii)) above;
- car parking within "Area C" to be retained in perpetuity for staff and visitor parking associated with the facility;
- details of fencing, gates and associated visibility splays into Area C to be submitted for approval prior to erection on site and before the first use of the car parking area hereby permitted;
- details of any new or realigned vehicular access points (including associated visibility splays) into Areas A or B submitted for approval;
- methods installed on site to control the transfer of mud and debris to the public highway;
- "Area C" shall only be used for the purposes of car parking and storage, and no processing shall take place on that land;
- submission of a Flood Evacuation Plan for approval;
- details of a surface water drainage scheme to be submitted for approval prior to commencement of development on "Area C";
- details of a buffer zone along Milton Creek and "Area C" to be submitted for approval prior to commencement of development;
- ground contamination; and

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- hazardous waste storage shall only take place in areas of the site identified to be at the lowest risk of flooding.

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| Case officer – Julian Moat | 01622 696978 |
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| Background documents - See section heading |
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