

## Item C2

# **Redevelopment of existing household waste recycling centre, construction of new administrative building and waste transfer station with independent vehicular access at KCC Household Waste Recycling Centre, Brunswick Road, Cobbs Wood Industrial Estate, Ashford – AS/11/981 (KCC/AS/0365/2011)**

A report by Head of Planning Applications Group to Planning Applications Committee on 10 April 2012.

Application by Kent County Council Waste Management for the redevelopment of an existing waste management recycling centre to provide enhanced facilities and revised internal layout; construction of administrative building and construction of new waste transfer station with independent vehicular access and weighbridge at KCC Household Waste Recycling Centre, Brunswick Road, Cobbs Wood Industrial Estate, Ashford, TN23 1EL – AS/11/981 (KCC/AS/0365/2011).

Recommendation: Permission be granted, subject to conditions.

Local Member: Mrs E. Tweed

Classification: Unrestricted

### **Site**

1. The application site forms an area of previously developed land, approximately 1.23 hectares (ha) in size within the Cobbs Wood Industrial Estate, Ashford. The industrial estate is approximately 1km west of Ashford Town Centre and 1.5km south-west of junction 9 of the M20. The application site comprises three parts: an existing County Council Household Waste Recycling Centre (HWRC); an adjacent vacant plot of previously developed and open scrub land (in KCC ownership); and a strip of land to the north that forms part of a privately owned commercial property. The land to the north is currently the subject of negotiations between the County Council and the land owners. Notice of the planning application has been served on the owners.
2. The application site as a whole lies to the south of Brunswick Road, which forms the main spine road serving the industrial estate. Chart Road (A28) comprises the primary access route to Cobbs Wood Industrial Estate, providing direct links to the M20 and the surrounding highway network. There are three main access points into the estate leading off Chart Road, via Brunswick Road, Hilton Road and Carlton Road (off the Chart Road / Templer Way Roundabout).

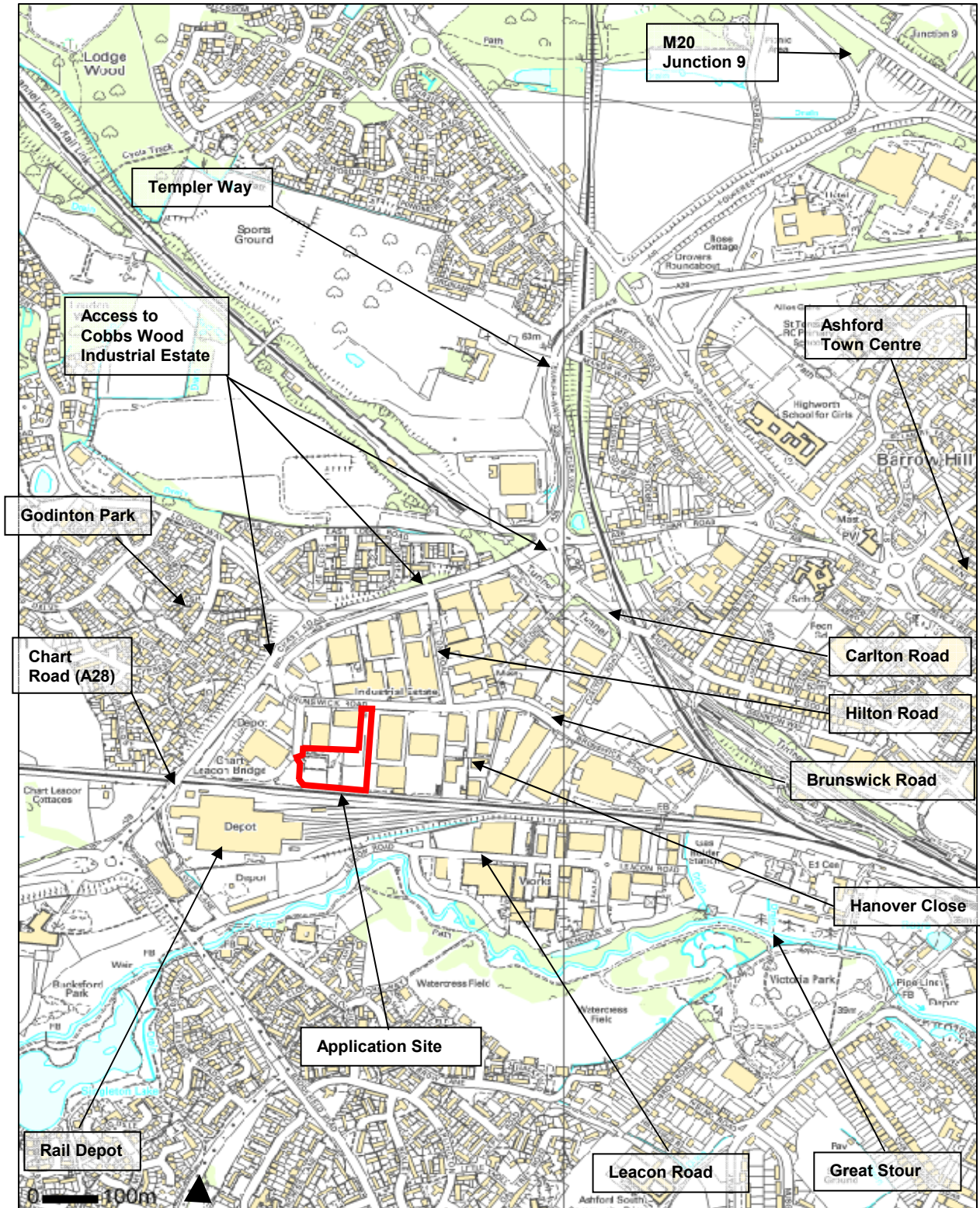
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3. Buildings within the industrial estate surround the site to the north, east and west. The branch line between Ashford and Tonbridge passes immediately to the south. A large rail depot is positioned on the far side of the railway lines to the south-west. The surrounding land uses include (amongst others): light engineering operations; warehouse/ storage facilities; vehicle depots; vehicle showrooms; trade suppliers; food distributors; and other commercial activities; including the existing HWRC; Ashford Borough Council's Household Waste Collection Vehicle Depot (on Hanover Close); and other waste management facilities. Further industrial type uses are located beyond the railway to the south east on Leacon Road.
4. The Great Stour (river) passes further to the south of Leacon Road, approximately 160m away from the site at its closest point. The nearest residential properties are located beyond the surrounding industrial estate within Godinton Park, approximately 180m to the north and west on the far side of Chart Road (A28). Further residential properties are located approximately 280m to the south and 580m to the north-east. Please see attached general location plan.
5. The HWRC comprises open hard-standing including a mixture of small temporary buildings and storage container units. A private access road leading off Brunswick Road serves the HWRC and adjacent businesses. The parcel of land included within the application site to the east of the HWRC, is disused and has become overgrown, comprising a mixture of hard standing and dense continuous scrub. The land to the north, in third party ownership, includes a section of an existing building as well as an area of hard-standing currently used as a storage yard and vehicle access directly onto Brunswick Road. Part of the building referred to above would need to be demolished to enable the application to be delivered as proposed.
6. The site and its surroundings lie on a gentle gradient running north-west to south-east across the general area.
7. The application site is located within the confines of the urban area as defined by the Ashford Local Development Framework Proposals Map. Kent Waste Local Plan (1998) Saved Policy W9 specifically identifies the location as suitable in principle for proposals for waste separation and transfer. The site overlies a Minor Aquifer and is identified by the Environment Agency as a Groundwater Vulnerability Zone. There are no other site specific designations, although more general development plan policies are set out in paragraph (26) below.

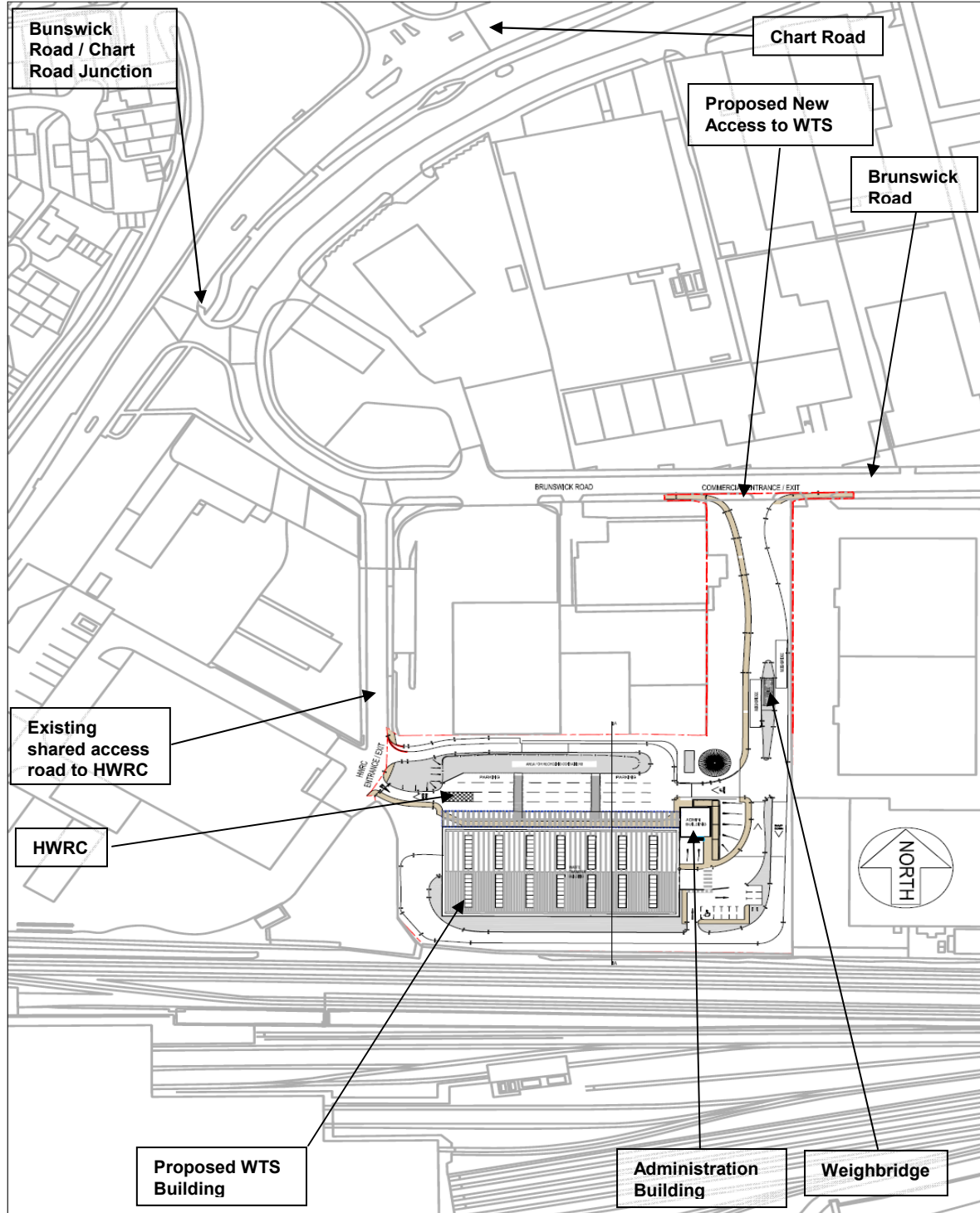
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**General Location Plan**



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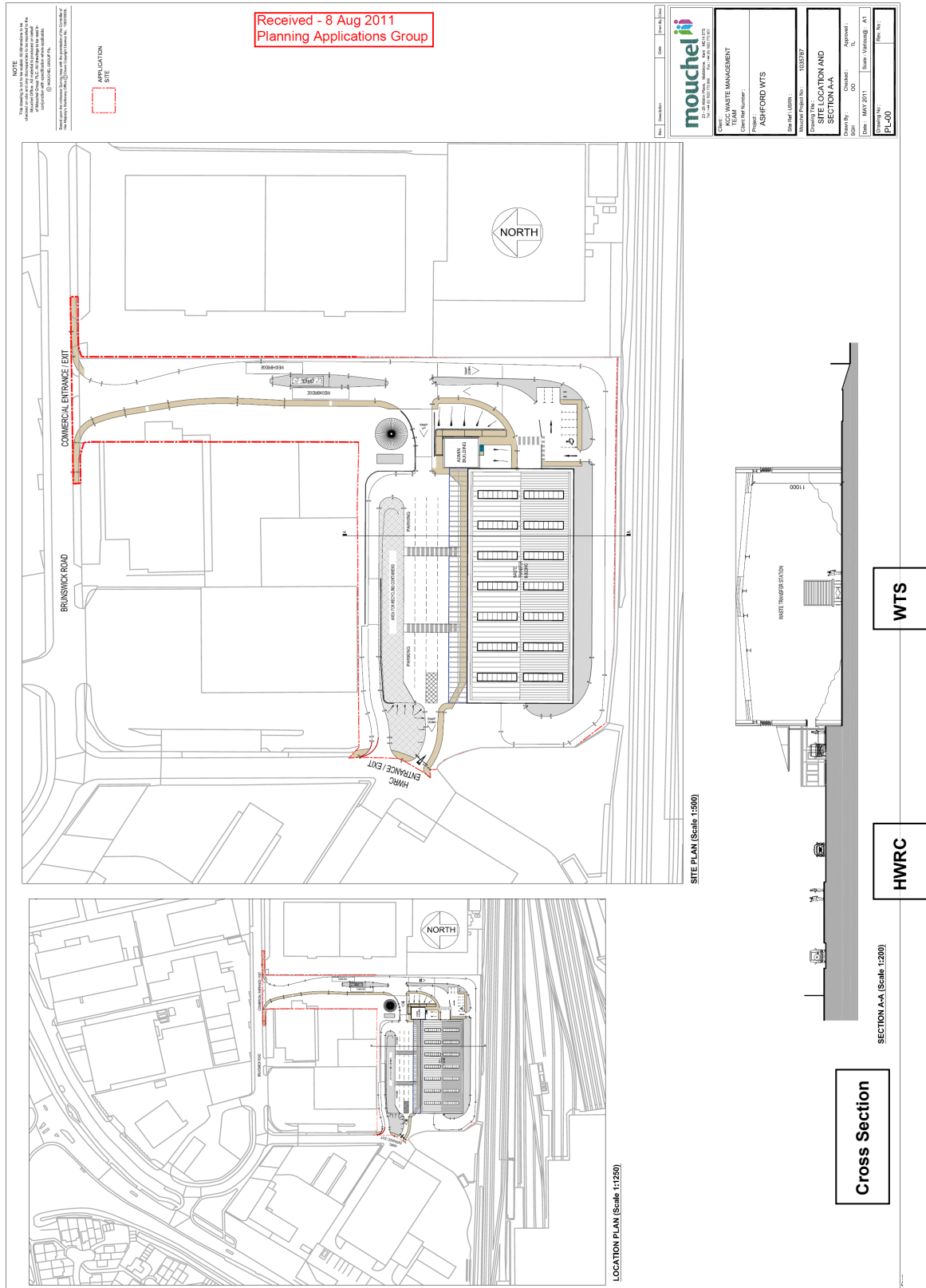
Site Location Plan



LOCATION PLAN (Scale 1:1250)

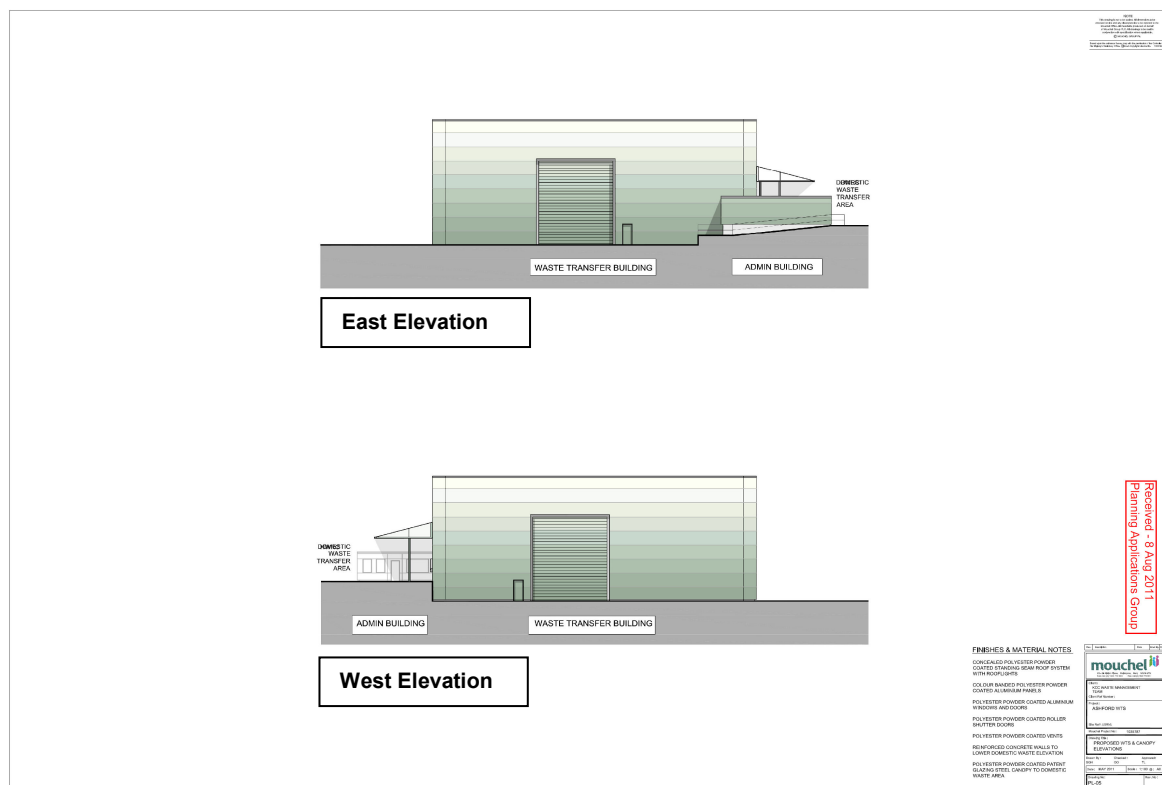
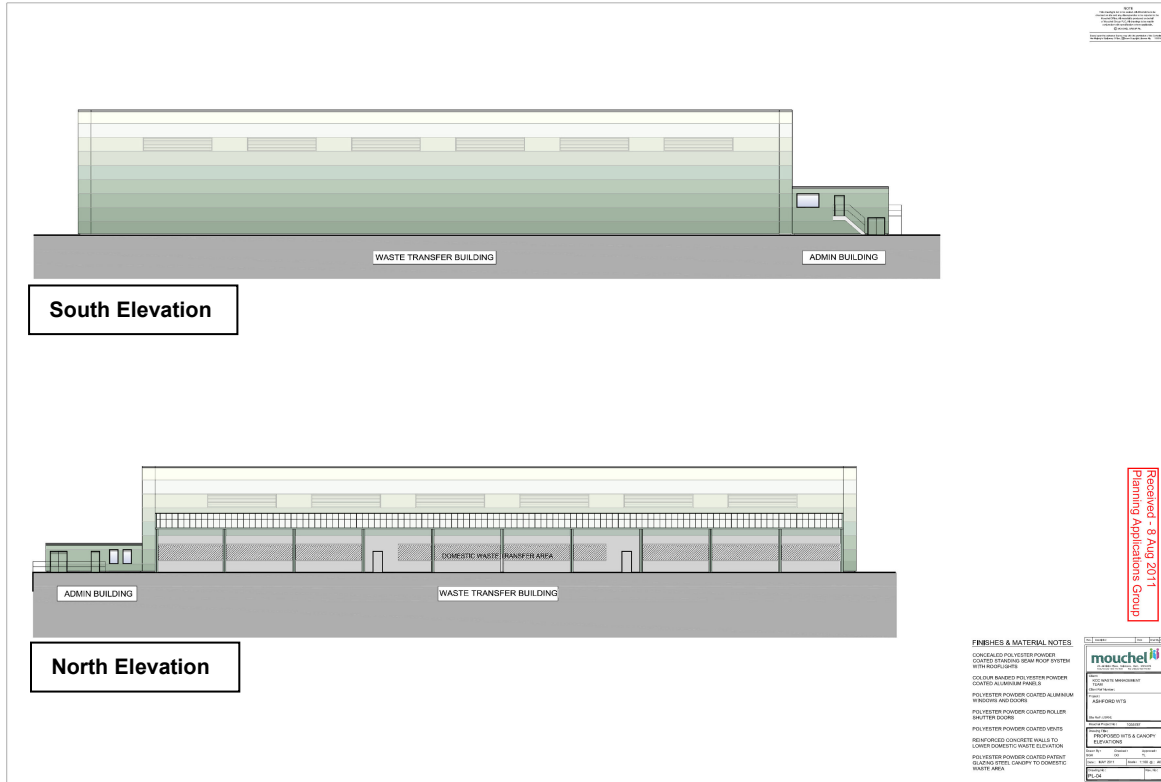
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## Site Layout Plan

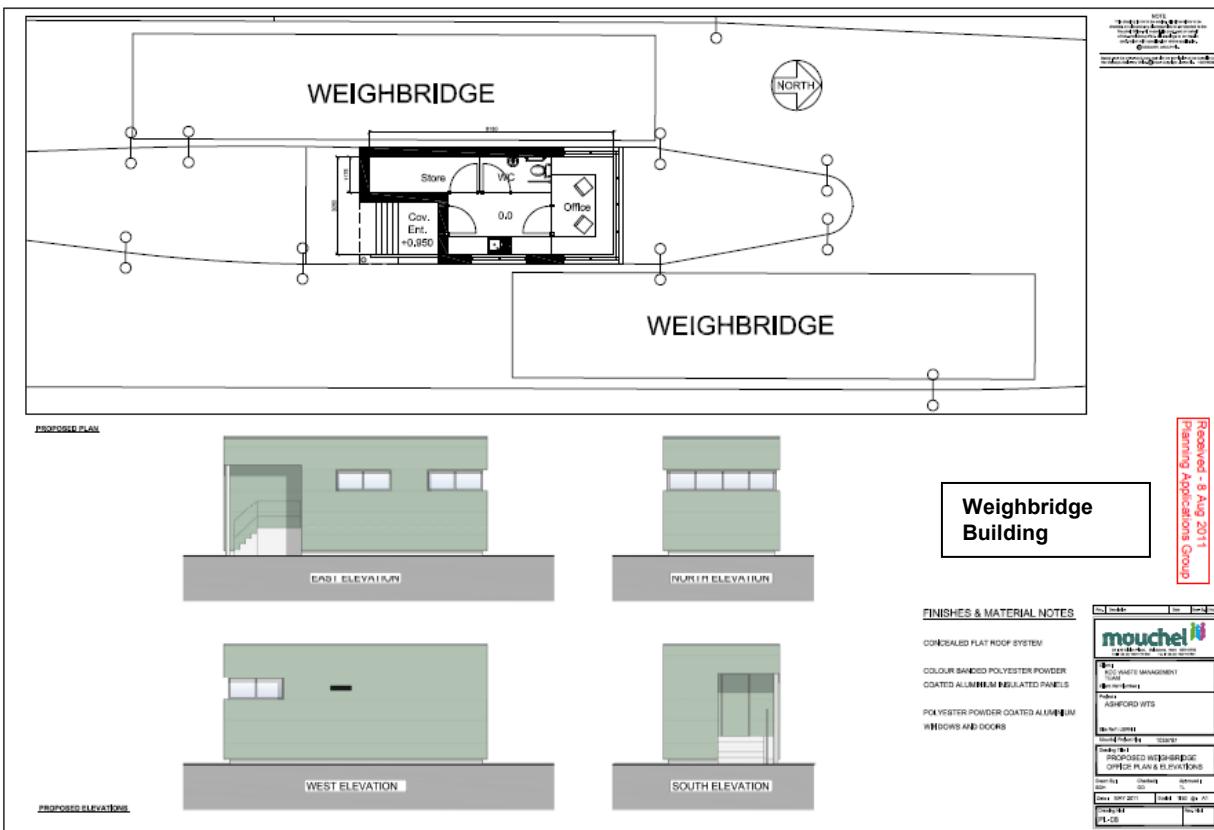


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**Proposed Elevations**



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**Background**

8. Part of the application site was originally permitted as a HWRC in 1985 (under reference AS/85/69). The facilities have been modified and upgraded a number of times most notably under AS/92/1406, AS/05/893 and more recently AS/09/331 and AS/09/616. The later permissions primarily related to relatively minor operational issues, including hours of use of the site and provision of additional buildings, as opposed to changes in the principal use. The HWRC has a current throughput of approximately 22,000 tonnes per annum (tpa).
9. In addition to the HWRC, planning permission was granted in 1995 on an adjacent parcel of land (also included within this application) for the construction of a factory to receive household waste for recycling and resource recovery (planning reference AS/94/886). This planning permission included two large warehouse buildings housing a Resource Recovery Plant incorporating an Anaerobic Digester and associated gas storage tanks. The original proposal was subsequently amended under planning references AS/96/1369 and AS/97/1109; however the development was never implemented on site and the permission has since lapsed.

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**Proposal**

10. The planning application is being made on behalf of Kent County Council's Waste Management Group and seeks permission for:

- reconfiguration and redevelopment of the existing HWRC to increase capacity and improve efficiency;
- erection of a building to house a new Waste Transfer Station (WTS) to receive municipal solid waste (MSW) and dry recyclates delivered by refuse collection vehicles (RCV), alongside commercial waste (where capacity allows);
- construction of a dedicated access off Brunswick Road to serve the WTS;
- construction of a new weighbridge with ancillary office to serve the WTS; and
- construction of a new administration building that would serve both facilities.

See above site layout plan and elevation drawings for details.

Household Waste Recycling Centre (HWRC)

11. The application proposes to reconfigure and redevelop the existing HWRC to improve the site's efficiency and capacity to cater for the significant growth projected in the Ashford area. The existing facility is well used with the current layout having a theoretical maximum working capacity of 20 vehicles at any one time. However, due to the operational arrangements and vehicle parking provisions the site often operates below capacity, which leads to queues forming onto the private access road and out onto Brunswick Road during peak times of use.
12. The proposed improvements to the HWRC detail a larger operational area, with recycling containers to the north, while bulky materials would be deposited over a low wall into storage bays within the proposed WTS building to the south. The facility has been designed to cater for an increased throughput of up to 30,000tpa (from 22,000tpa) to allow for the projected increase in the population of the Ashford area.
13. Public access would remain the same as the existing provisions, which would be exclusively for the general public delivering domestic waste via a one way system served by separate entry and exit points. No Heavy Goods Vehicles (HGVs) would use this route; all HGVs removing waste from the HWRC deposit zone would use the proposed WTS access road. A revised internal entrance road within the site would be provided between the entry point and the main operational area, allowing space for up to 14 vehicles to queue on site whilst waiting to unload.
14. To maximise the efficiency and minimise any potential queuing out onto the public highway, in addition to the above internal access road, a parallel parking system is proposed within the operational area. The system would consist of three 75m long parking lanes, providing space for approximately 35 vehicles to park whilst using the HWRC, alongside two through lanes which would allow vehicles to move in and out of the parking bays. During peak periods, including the internal access road, up to 49 vehicles would be able to park or queue

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within the site at any one time.

15. The proposed hours of operation for the HWRC would remain the same as the existing use, Monday to Saturday 0800-1630, Sundays and Bank Holidays 0900-1600. Staff would work on site 30 minutes before and after the public opening hours to prepare / tidy the facilities.
16. The existing HWRC would need to be demolished to allow the new facilities to be created. The applicant proposes to provide alternative facilities for recycling during the construction period, which is anticipated to last approximately 9 months.

Waste Transfer Station (WTS)

17. The proposed WTS would primarily receive municipal solid waste (MSW) and dry recyclates from kerb side collections in the Ashford area, alongside a smaller percentage of residual municipal waste from Shepway District. This waste would be delivered to site directly by refuse collection vehicles. The entire development (WTS and HWRC) is designed with a maximum throughput capacity of up to 100,000 tonnes of waste per annum. This capacity would allow for predicted future growth of the relevant waste streams. In the interim, the application proposes that any excess capacity on site would be taken up through the receipt of commercial waste from local business. The proposed maximum throughput (100,000tpa) is predicted to generate up to 120 HGV movements per day to the WTS (60 in, 60 out). It should be noted that there are currently no waste transfer stations within the Ashford area dealing with municipal waste. Under the existing arrangements municipal waste is transported directly, by refuse collection vehicles, to the waste to energy plant at Allington Quarry, Maidstone.
18. The proposed WTS would take the form of a new building: 72m long x 32m wide x 13m high (to the south side). The building would occupy land to the south of the HWRC, taking advantage of the slope of the site to position the finished floor level of the building approximately 2m below the ground level proposed for the HWRC. This arrangement would allow the deposit of bulky materials from the HWRC into bays within the building, and would create a clear separation between the public and operational areas on site.
19. The exterior of the building would be clad with aluminium panels coated with colour banded polyester. The colour scheme details darker green bands to the base of the building with lighter shades above, the intention of which is to reduce the perceived bulk of the building by breaking up the elevations. The proposed roof incorporates a series of aluminium windows on either side of the east-west ridge line to take advantage of natural light. A glazed canopy would run the full length of the building to the north, providing an area of cover for users of the HWRC.
20. Within the building the internal walls would comprise of reinforced concrete, with the layout divided into bays set out for the deposit and storage of recyclables and municipal waste. A manoeuvring area would allow materials to be moved by front-loader within the building. Waste would be stored on site within bays in the short term to allow sufficient material to build up enabling it to be bulked up to be transported on by articulated vehicles. All waste materials entering the WTS would be handled and stored, albeit temporarily, within the

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building.

21. The proposed WTS includes a new dedicated vehicular access off Brunswick Road, via a parcel of land to the north. The proposed access would form a two-way road incorporating a weighbridge and small associated office. The proposed weighbridge office would be approximately 8.2m long x 3.25m wide x 4m high, finished in similar materials to the WTS and administration building. There would be no public access to the site via this route, it is proposed to be restricted to only staff, refuse collection and commercial vehicles delivering waste and larger HGVs exporting the bulked materials from the WTS and HWRC. Vehicles entering the site would travel round the south side of the building, allowing the WTS to operate a one way system within the building and ensuring all vehicles leave the site in a forward gear. The application confirms that controls would be employed, by way of a Waste Transfer Station Operating Contract, ensuring that all HGVs using the site would be routed through the industrial estate to the north-east, accessing the A28 (Chart Road) via the roundabout at the junction of Carlton Road, Chart Road and Templer Way.
22. The proposed hours of operation for the WTS would be 0700-1630 Monday to Friday and 0700-1300 Saturdays. As with the HWRC, staff would work on site 30 minutes before and after the proposed opening hours to prepare / tidy the facilities.

Administration Building

23. The proposals also include a new administration building that would support both the HWRC and WTS. The two storey building is shown as a small extension to the east of the WTS building and would include offices, mess room, changing facilities, showers, toilets and general storage. The building would be approximately 9m x 10m by 5m high (when viewed from the south side), finished with external materials to match those proposed for the WTS building. The application indicates that 6 full time equivalent staff would operate the site as a whole with all drivers and vehicles based elsewhere. Seven parking spaces and one disabled space would be provided to the south of the administration building for use by staff.
24. The boundary of the entire site would be secured with 2.4m tall green steel fencing, replacing the existing 2m fencing. Limited external lighting would be provided to ensure the safe operation during winter months. The application states that all lighting would be directional and shrouded to minimise light spill.

Supporting documentation

25. The application is accompanied by the following supporting documents:
- a transport statement and subsequent addendum – which assesses the transport implications and impacts of the proposals on the local highway network;
  - outline plans for off-site highway improvements to the junction of Brunswick Road and Chart Road;
  - an air quality assessment report – which assesses air quality impacts associated with traffic and other emissions including dust and odour;

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- a geotechnical and ground contamination desk study;
- a flood risk assessment;
- outline details of foul and surface water drainage, including the provision of a surface water storage tank to minimise runoff;
- ecological surveys; and
- an acoustic assessment.

**Planning Policy**

26. The Planning Policies summarised below are relevant to consideration of the application:

- i. **National Planning Policy and Guidance** – the most relevant National Planning Policies are set out within the following documents:

**National Planning Policy Framework (March 2012)** sets out the Government's planning policies for England and its guidance and a material consideration for the determination of planning applications. It does not change the statutory status of the development plan which remains the starting point for decision making. The NPPF replaces the majority of the Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs), although PPS10 relating to Planning for Sustainable Waste Management is currently retained.

The NPPF contains a presumption in favour of sustainable development. The new Framework also refers to the UK Sustainable Development Strategy Securing the Future which sets out 5 guiding principles for sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society, achieving a sustainable economy; promoting good governance and using sound science responsibly. In terms of the planning system, the NPPF identifies that there are 3 dimensions to sustainable development which create 3 overarching roles in the planning system -- economic, social and environmental. These roles are mutually dependent. Within the overarching roles there are 12 core principles that planning should achieve. These can be summarised as:

- be genuinely plan-led;
- a creative exercise in finding ways to enhance and improve the places people live their lives;
- proactively drive and support sustainable economic development;
- secure high quality design and a good standard of amenity;
- take account of the different roles and character of different areas, including protecting Green Belts, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities;
- support the transition to a low carbon future, taking account of flood risk and coastal change and encourage the reuse of existing resources and the development of renewable energy;
- contribute to conserving and enhancing the natural environment and reducing pollution

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- encourage the effective use of land by reusing brownfield land, providing that it is not of high environmental value;
- promote mixed use developments;
- conserve heritage assets;
- manage patterns of growth to make fullest use of public transport, walking and cycling; and focus significant development in locations which can be made sustainable; and
- take account of strategies to improve health, social and cultural well being, and deliver sufficient community and cultural facilities and services to meet local needs.

In terms of delivering sustainable development in relation to this development proposal, the following NPPF guidance is particularly relevant:

- Chapter 1 (Building a strong, competitive economy);
- Chapter 4 (Promoting sustainable transport);
- Chapter 7 (Requiring good design);
- Chapter 10 (Meeting the challenge of climate change, flooding and coastal change);
- Chapter 11 (Conserving and enhancing the natural environment);
- Chapter 12 (Conserving and enhancing the historic environment); and
- Accompanying Technical Guidance.

The Framework also requires that local planning authorities should look for solutions rather than problems. It states that those determining applications should seek to approve applications for sustainable development where possible.

**Planning Policy Statement (PPS) 10 (Planning for Sustainable Waste Management)** sets out Government policy on waste. The key planning objectives set out in PPS10 can be summarised as: providing a framework for delivering sustainable waste management through the movement of waste management up the waste hierarchy; helping implement the national waste strategy and supporting targets that are consistent with obligations required under European legislation; helping secure the recovery or disposal of waste without endangering human health and without harming the environment; ensuring that communities take more responsibility for their own waste (self sufficiency) and enabling sufficient and timely provision of waste management facilities to meet the local needs; enabling waste to be managed in one of the nearest appropriate installations (proximity); and considering wider environmental and economic benefits of sustainable waste management, as material considerations that should be given significant weight in determining whether proposals should be given planning permission.

Also relevant for consideration is the Governments **Waste Strategy for England 2007**.

- ii. **South East Plan (SEP) (2009)** – the most relevant regional policies include: CC1 (Sustainable Development), CC2 (Climate Change), CC3 (Resource Use), CC4 (Sustainable design and Construction), CC6 (Sustainable Communities and Character of the Environment), CC7 (Infrastructure and Implementation), T1 (Manage and Invest), T4 (Parking), NRM1 (Sustainable Water Resources and Ground Water), NRM2 (Water

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Environment), NRM4 (Sustainable Flood Risk Management), NRM5 (Conservation and Improvement of Biodiversity), NRM9 (Air Quality), NRM10 (Noise), W1 (Waste Reduction), W3 (Regional Self-Sufficiency), W4 (Sub-regional Self-Sufficiency), W5 (Targets for Diversion from Landfill), W6 (Recycling and Composting), W7 (Waste Management Capacity Requirements), W8 (Waste Separation), W16 (Waste Transport Infrastructure), W17 (Location of Waste Management Facilities), BE6 (Management of the Historic Environment), and EKA2 (Spatial Framework for Ashford Growth Area).

*Important note concerning the South East Plan:*

*Members will already be aware of the relevant South East Plan 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 completes the formal process of revoking the Plan.*

- iii. **Kent Waste Local Plan (1998) (Saved Policies)** – the most relevant saved policies include: W3 (Locational Criteria), W9 (Separation and Transfer - Location of facilities), W18 (Noise, Dust and Odour), W19 (Surface and Groundwater), W20 (Land Drainage and Flood Control), W21 (Nature Conservation), W22 (Road Traffic and Access), W25 (Plant and Buildings) and W31 (Landscaping).
- iv. **Ashford Local Development Framework: Core Strategy (2008)** – CS1 (Guiding Principles), CS2 (Borough Wide Strategy), CS4 (Ashford Urban Area), CS9 (Design Quality), CS10 (Sustainable Design and Construction), CS11 (Biodiversity and Geological Conservation), CS15 (Transport), and CS20 (Sustainable Drainage).
- v. **Ashford Borough Local Plan (2000) Saved Policies** – Proposals Map and CF9 (Waste Recycling Borough Wide).
- vi. **Emerging Policy** - Kent Minerals and Waste Development Framework: Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (2011) – Draft Policies CSW1 (Sustainable Waste Management and Climate Change), CSW2 (Waste Hierarchy), CSW3 (Strategy for Waste Management Capacity), CSW5 (Non Strategic Waste Sites), CSW6 (Location of Non Strategic Waste Sites), CSW7 (Approach to Waste Management for MSW and C&I Waste), DM1 (Sustainable Design), DM2 (Sites of International, National and Local Importance), DM3 (Archaeological Features), DM7 (The Water Environment), DM8 (Health and Amenity), DM9 (Cumulative Impact) and DM10 (Transportation of Minerals and Waste).

*Members will be aware that this document has not yet reached Submission stage, as such the draft Plan and its policies carry little weight as material planning considerations.*

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**Consultations**

27. **Ashford Borough Council** – raise no objection to the application, subject to conditions covering: standard time for implementation; approval of external materials; highway operation; highway construction; proposed highway improvements to the junction of Brunswick Road / Chart Road; hours of use to be restricted (as applied for); ecology mitigation measures; site investigation and remediation work (as required); approval of foul & surface water drainage; control of waste associated with the WTS to within the building and roller doors to be closed during loading and unloading; approval of external lighting; approval of odour control measures and waste management plan; controls on the use of the access arrangements (to that applied for); approval of sustainable design & construction details for the building; and any other relevant conditions requested by statutory consultees.

The Borough Council's summary of the main reasons for its decision reads as follows:

- The scale, location and design of the development would respect the context of the site and preserve the visual amenities of the locality.
- The development would respect the context of the site and would not be harmful to the street scene.
- Any potentially significant impacts on the amenities of nearby dwellings can be satisfactorily mitigated by conditions.
- The site is within the limits to built development where there is no objection to the principle of the proposed development. The development is identified as an important piece of infrastructure to be delivered in the Development Plan.
- Other environmental impacts have been assessed and there are not any which are potentially significant which cannot be controlled by conditions.
- The development does not result in harm to highway safety subject to the necessary highway improvements that are proposed being undertaken and any other conditions requested by Kent Highways.
- The development makes adequate provision for the parking of vehicles within the application site.
- The traffic movements generated by the development could be accommodated without detriment to highway safety.

**Environment Agency** – no objection subject to a condition requiring the submission of a scheme for the disposal of surface water for prior approval.

The Agency confirm that the site is located on River Terrace Deposits (sand and gravel that are designated as a Secondary Aquifer). Due to the risk to groundwater, all necessary precautions should be taken to prevent contaminated drainage entering the ground.

The Agency confirm that the proposed development would be subject to the Environmental Permitting process. Any permit would include controls and monitoring procedures for dust, fibres and particulates, along with odorous emissions and litter. The Agency confirm that they are not aware of any historic issues regarding noise, dust or odour with the existing HWRC and that there have not been any issues of non-compliance with the existing licence

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to date.

**South East Water** – no comments received on drafting this report, any received prior to Committee Meeting will be reported verbally.

**Network Rail** – no comments received on drafting this report, any received prior to Committee Meeting will be reported verbally.

**Natural England** – standing advice recommends: proceeding with application, subject to securing mitigation proposals as set out in the application through conditions.

**Kent County Council Highways and Transportation** – no objection to the proposals in respect of highway matters, subject to conditions covering: completion of off-site highway improvements to the junction of Brunswick Road / Chart Road; control of the total number of HGV movements to 120 (60 in, 60 out); control on HGVs entering / exiting the WTS in accordance with the routing strategy; the submission of details of site compound including parking and access arrangements during construction; precautions to guard against the deposit of mud on the highway; provision of the new access arrangements, vehicle parking and surface water drainage; provision of cycle parking; the maintenance of visibility splays.

Kent Highways advise that the proposed development would not have an unacceptable impact on the local highway network subject to the above conditions being met. The Highway Authority notes that *'the proposal would increase the amount of vehicular traffic using the Chart Road/ Brunswick Road junction (which is the main area of concern) by 4% in the morning peak. All other junctions would increase by 1% or 2% respectively.*

*The proposal would result in less queuing on the site access road and Brunswick Road as there would be improved capacity in both the Centre and also the queuing lane [leading] into the site'.*

Contrary to the recommendations within the Transport Statement received with the application, Kent Highways advise that no on-street parking would need to be removed to accommodate the proposed access. The comments received confirm that there have been no Personal Injury Crashes in the past 3 years from the existing vehicle access onto Brunswick Road (that would be directly replaced by the proposals).

In response to specific concerns raised by neighbouring businesses (see paragraph (28) below for details) Kent Highways has commented specifically as follows:

- The proposed access is acceptable in highway terms and would not conflict with existing access points onto Brunswick Road, noting that the proposed location is already used as a formal access point onto the highway including HGVs associated with the current use.
- Notes that Brunswick Road is wide enough for two HGVs to pass one another at over 6m in width. Notes that whilst there is on-street parking, this would not cause problems as forward visibility is good, giving driver's adequate sight of on coming vehicles.

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- Confirms that there have been no recorded crashes on Brunswick Road as a result of parked vehicles. Advises parking on industrial estate roads is a common practice across the county.
- Confirms that the access has been tracked and the plans received indicate that there is sufficient room for HGVs to enter and leave the site within the highway, with no need to mount the opposite kerb.
- Advises that the surrounding roads are a typical concrete type that is used for many industrial estates. Confirming that the Local Highway Authority regularly assesses the standard of the adopted roads making repairs where necessary, and that they are not aware of any specific localised flooding issues on Brunswick Road.
- Confirms that there are no problems with traffic management on Brunswick Road as far as the Highway Authority is aware.
- Confirms that the Transport Statement (as amended) adequately captures details of the existing traffic levels and assesses the site in terms of trip generation both on bank holidays (when use of the site would be at its highest) and the morning peak (when both Brunswick and Chart Road would be at their busiest).

**The County Council's Biodiversity Projects Officer** – no objection to the application subject to a condition ensuring the implementation of the mitigation strategy for reptiles detailed in the application.

**The County Council's Noise Consultant** – no objection subject to a condition controlling noise originating from the site. The noise consultant advises that:

*'Taking into account the updated background noise level and the clarification of on-site activities, I am satisfied that noise emanating from the HWRC and the WTS would not result in adverse impacts at nearby receptors. I would however recommend the following noise condition which restricts the rating level equal to the background noise level [at residential properties]:*

*"The rating noise level emanating from the facility at nearby residential premises when assessed in accordance with BS 4142 shall not exceed the existing background noise level."*

*With regards to the vibration impact, the assessment states that no ground borne vibration impacts are predicted to occur due to the separation distances between receptors and potential sources. I agree with the consultant on this point that it is unlikely that ground borne vibration impacts would occur'.*

**The County Council's Dust & Odour Consultant** – no objection, comments as follows:

*'The revised Air Quality Assessment has considered the impact from dust and odour. From the information provided it is anticipated that the mitigation measures proposed would keep nuisance from dust and odour to a minimum level and therefore no further consideration is required'.*

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The County Archaeologist – no objection subject to a condition securing the implementation of a programme of archaeological work. This condition is recommended on the basis that the site overlies River Terrace Gravels, which have potential for rare and important palaeolithic remains in the form of flint artefacts and palaeoenvironmental remains.

**Local Member**

28. The local County Member for Ashford Central, Mrs E. Tweed alongside the adjoining County Members for Ashford South and Ashford Rural West, Mr J. Wedgbury and Mr R. King, were notified of the application on 2 September 2011.

**Publicity**

29. The application was publicised by the posting of two site notices, an advertisement in a local newspaper, and the individual notification of 153 nearby properties.

**Representations**

30. In response to the publicity, 3 letters of representation objecting to the application have been received from businesses within the surrounding industrial estate. The key points raised can be summarised as follows:

Location

- Concerns that the development would be an unacceptable use and scale of development for the proposed location on the basis that the Cobbs Wood Industrial Estate is a 'light' industrial estate made up of predominantly of small units catering for privately owned companies;
- Considers that there are far more suitable sites on the outskirts of Ashford; considers that just because Cobbs Wood Industrial Estate has previously been identified as suitable for similar waste uses does not mean that the site could cope with the proposed operation;

Highway and access

- Concerns that the new access on to Brunswick Road would conflict with existing access points to adjacent business units, potentially creating highway safety problems;
- Concerns about the existing levels of traffic generated by the HWRC and the industrial estate and the ability of the surrounding highway network to cope with any additional traffic flow that would be generated by the development;
- Concerns that Brunswick Road is not wide enough to accommodate existing HGV movements, or any increase in the number of vehicles, due to sharp turns in the road and vehicles (including HGVs) parked on the highway;
- Considers that vehicles parked on the highway close to existing access points off Brunswick Road cause problems for vehicles using these premises;
- Concerns that HGVs would not be able to enter or leave the new access without mounting the opposite kerb causing highway safety issues. Notes that there are already problems with damage caused by HGVs leaving the existing site access, with damage

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caused to the footway and walls opposite these entrance points;

- Concerns that delivery vehicles that have to park on Brunswick Road to service surrounding industrial units would conflict with the proposed access;
- Concerns over the condition of the estate roads, with the concrete cracked, pot holed and breaking up; considers that there would be the potential for further damage from any increase in HGV movements;
- Concerns that the highway drainage struggles to cope, with areas along Brunswick Road prone to flooding;
- Concerns about the poor vision splays and poor traffic management on Brunswick Road; considers this to be an accident waiting to happen;
- Considers that the Transport Statement submitted with the application does not provide an accurate picture of the current congestion which is considered to be much worse at peak times than indicated. Suggests that at peak times on weekends and bank holidays traffic often queues out of the existing HWRC as far as Chart Road (A28);
- Concerns over the additional vibration caused by HGVs using the Public Highway affecting nearby businesses;

Local amenity

- Concerns about the proximity of the proposed WTS building to surrounding business units, in particular to those to the east;
- Concerns about the potential for dust from the proposals to impact on surrounding businesses and in particular sensitive machinery;
- Concerns about the potential noise that would be generated by the development;
- Concerns that the existing HWRC encourages vermin, resulting in a problem with seagulls roosting to surrounding buildings; considers this problem would increase with the proposed expansion of the site; and

Process

- Raises concerns that the application will not be considered in a democratic fashion on the basis that the Compulsory Purchase Order has already been issued against the land needed for the new access road, and that the proposals appeared in the Waste Management Group's Annual Business Plan 2011/12.

**Discussion**

31. The application seeks planning permission for the redevelopment of the existing household waste recycling centre to provide improved facilities and revised internal layout, construction of administrative building and construction of new waste transfer station with independent vehicular access and weighbridge. In the absence of any formal objections being raised by statutory consultees, the application is being reported to the Planning Applications Committee as a result of 3 letters of objection, received from neighbouring businesses within the Cobbs Wood Industrial Estate. Please see paragraphs (27) and (30) for details of all representations and consultee views received.

32. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications are 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, National Planning Policy Framework, other

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Government Guidance and other material planning considerations arising during the consideration of the application. In considering this proposal the planning policies outlined in paragraph (26) above are particularly relevant.

33. The main determining considerations in this particular case can be summarised by the following points:

- principle of the development and case of need;
- location;
- highway considerations;
- local amenity impacts (including noise, vibration, dust and odour);
- water environment (flood risk / groundwater impacts);
- heritage considerations;
- biodiversity considerations; and
- other issues raised.

Principle of the development and case of need

34. Together with the Waste Strategy for England 2007, Planning Policy Statement 10 forms the Government's policy for sustainable waste management. PPS10 sets out key principles when considering waste management including (amongst other matters):

- delivering sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option;
- allowing communities to take more responsibility for their own waste, and enabling sufficient and timely provision of waste management facilities;
- supporting the national waste strategy;
- securing the recovery or disposal of waste without endangering human health and without harming the environment, and enabling waste to be disposed of in one of the nearest appropriate installation;
- consideration should be given to locational needs, together with the wider environmental and economic benefits of sustainable waste management, as material considerations that should be given significant weight in determining whether proposals should be given planning permission;
- the design and layout of new development should support sustainable waste management, including seeking opportunities to co-locate facilities together and with complementary activities.

35. Government policy in Waste Strategy for England 2007 puts emphasis on waste prevention and reuse, seeking an increased diversion from landfill and better integration of treatment for municipal waste, whilst securing investment in infrastructure, increased recycling of resources and recovery of energy from waste. The strategy sets out national targets for improved waste management, including recovery of 53% of municipal waste by 2010, 67% by 2015 and 75% by 2020. The strategy seeks to reduce the amount of household waste not re-used, recycled or composted by 45% between 2000 and 2020.

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36. In line with national policy on waste, the South East Plan (SEP) 2009 adopts a resource management approach to waste reflecting the waste hierarchy of reduction, re-use, recycling and recovery of value before disposal is considered. The SEP sets targets for recycling and recovery and contains policies that aim to reduce waste growth and minimise the production of waste.
37. The Kent Waste Local Plan (KWLP) (1998) draws on the principles of sustainable development, waste minimisation, recycling and reuse coupled with a high level of environmental protection. The Plan seeks to minimise the environmental impact of dealing with waste whilst securing the provision and maintenance of sufficient capacity to deal with the waste generated by Kent's communities.
38. The Kent Joint Municipal Waste Management Strategy 2007 sets out how the Kent Waste Partnership (KWP), which includes Kent County Council and Ashford Borough Council, intends to manage municipal solid waste arising over the next 20 years. Whilst this document does not form part of the development plan, the Strategy is a material consideration. KWP policy objectives include (amongst others) an undertaking to improve the waste transfer station network to deliver reduced environmental impacts, cost effective and efficient transport, and efficiencies for collection services. This Strategy also strives to make waste and recycling services accessible for all householders, and improve recycling performance of HWRC's to 60% by 2012/13.
39. The applicant's case of need argues that the HWRC at Brunswick Road, in its present form, is unlikely to be able to cater for the significant growth projected for the Ashford area up to 2026. The application notes that the existing facilities are well used and that due to the layout and design of the facilities, even the present rate of take up leads to queues forming on the private access road out onto the public highway at peak times. The applicant also notes that the site operator's accommodation is of a poor standard and is in need of replacement.
40. With regard to the proposed WTS, the applicant highlights that there are presently no waste transfer stations in the Ashford area dealing with municipal waste. This has resulted in waste collections being transported a significant distance by kerbside collection vehicles directly to the waste to energy plant at Allington Quarry on the outskirts of Maidstone (a round trip of 44 miles for each delivery from Ashford, with an average of 15 trips per day). Primarily the development would aim to cater for municipal waste arisings in the Ashford area; however it should be noted that the site would also take residual waste from Shepway District alongside local commercial waste (where excess capacity exists on site up to 100,000 tpa). The provision of a strategic facility to manage and bulk up kerbside collections and other local arisings would allow the material to be transferred onto the most appropriate processing facility in larger loads, as opposed to 7.5 tonne loads within the kerbside collection vehicles. In effect this would help to minimise the impact of waste movement by reducing the number of vehicles travelling to the Allington and other waste management facilities, thereby reducing the number for miles travelled per tonne of waste. This benefit would be amplified over time as the volume of municipal waste and recyclates generated increases with the projected growth of the Ashford area until 2026. The

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development therefore accords with the climate change agenda as a result of a potential reduction on the carbon footprint.

41. Investment in the waste management infrastructure that improves available resources to deal with local waste streams clearly receives strong policy support. As highlighted above, national, regional and local planning policies encourage any improvements that would enable the recycling and re-use of waste to reduce reliance on landfill. The development would provide for the segregation and bulking up of a range of household waste and commercial waste streams for removal from site to appropriate processing and recycling facilities, including use within the Allington waste to energy plant, with only residual materials that can not be re-used, recycled or recovered ending up at landfill.
42. Co-locating the HWRC and WTS facilities on the one site would allow for improved efficiencies and rates of recycling through a combined approach to the waste streams. This accords with waste management policy and would assist in ensuring that the County and Borough Councils meet recycling targets. The continuing lack of an appropriate facility would present significant operational difficulties for the management of municipal waste in the Ashford area in the future and in my opinion would be unsustainable in the longer term.
43. Therefore, it is considered that the proposed development would meet the requirement for sustainable development in that it would assist in driving waste management up the waste hierarchy and allow better integration of the treatment of municipal waste, including locating the facility close to the waste sources. I consider that both national planning policy and the development plan establish support for the proposed facilities in principle, subject to the development being acceptable in terms of its environmental, highway and local amenity impacts. These points are considered further under individual issues as set out below.

#### Location

44. PPS10 states that waste planning authorities should assess the suitability of the site in terms of physical and environmental constraints on development, the cumulative effect of previous waste disposal facilities, and the capacity of existing and potential transport infrastructure. The Statement suggests that suitable locations for new waste management facilities include industrial sites and opportunities to co-locate facilities with complementary activities, including giving priority to the re-use of previously-developed land should be supported in principle. Government guidance states that landscape, design and visual impact are important locational criteria when considering waste management proposals.
45. South East Plan Policy W16 seeks the provision of waste infrastructure, including transfer and bulking facilities, essential for sustainable transport. This Policy also seeks the reduction of waste transport and associated impacts. Policy W17 (Location of Waste Management Facilities) states that waste development plan documents should, in identifying locations for waste management facilities, ensure that priority is given to safeguarding and expanding suitable sites with existing waste management use and good transport links. This Policy sets a series of criteria by which the suitability of new and existing sites should be assessed including good accessibility from existing urban areas, good transport connections, and compatible land uses such as previous or existing

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industrial land, redundant farm buildings, contaminated or derelict land, and locally based environmental and amenity criteria.

46. The Kent Waste Local Plan (KWLP) specifically identifies the proposed location as acceptable in principle for waste separation and transfer, under Policy W9. The KWLP seeks to ensure waste processing or transfer facilities are located close to the waste sources and are able to gain ready access to primary and secondary highway routes. Proposals adjacent to existing waste management facilities or part of a location within an established general industrial type area are considered to be more acceptable in planning terms. Policy W25 requires waste processing plant, hard surfacing, buildings and lighting to be designed to minimise adverse visual impacts and assist in their integration into the local environment.
47. In this instance the application site forms part of and is adjacent to an existing waste facility, which in turn is within the Cobbs Wood Industrial Estate within the confines of the urban area as defined by the Ashford Borough Local Plan Proposals Map. The surrounding uses are a mix of light and general industrial uses, wholesale warehouses, distribution centres, vehicle depots and other small and medium sized enterprises, including other waste related developments. The closest residential properties are located approximately 180m to the west of the far side of the A28, and are separated from the site by a number of industrial buildings.
48. The location is well sited to serve the wider Ashford area, being located close to the town centre and the residential development it would serve. The industrial estate has links to primary routes via the A28 (Chart Road) which in turn allows access to junction 9 of the M20. In principle the location has good transport links, however the implications of the application on the local highway network are considered in more detail below.
49. The proposed built development would comprise a light industrial building housing the WTS, a new administration building and other small ancillary structures, including container units and weighbridge office. The WTS building would be the largest element of the development, measuring approximately 72m by 32m by 13m high to the south side. The administration building is shown to the east of the WTS and would appear as a small extension to the proposed industrial unit.
50. Views of the site from the wider area are limited by a number of similar large industrial buildings located within the surrounding industrial estate and rail depot. The general locality slopes from north-west to south-east. It is noted that Chart Road to the west and Brunswick Road to the north are typically 47.5m AOD and 46.5m AOD respectively. The proposed finished floor level of the WTS would be developed at 43m AOD with the HWRC developed adjacent to the north of the building at 45m AOD. The differences in ground level would serve to reduce the visual impact of the WTS building, which at its maximum height would measure approximately 56m AOD.
51. One representation received from a neighbouring business raises concern over the layout of the development and the proximity of the WTS to surrounding industrial buildings. It is noted that elevation to elevation distances between the proposed structure and surrounding

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built development would measure approximately 31m to the north, 38m to the west, 51m to the east and 74m the south. It can be seen from the attached location plan that this level of separation would be consistent with the layout of the industrial estate as a whole and is not considered to be unacceptable given the location and the surrounding land uses.

52. The application proposes to clad the buildings with aluminium panels colour coated with shades of green to help break up the visual appearance of building and help to reduce perceived bulk of the structure. The design approach would help integrate the building into its surroundings and minimise its visual impact.
53. Ashford Borough Council comments confirm that the site is within the limits to built development where there is no objection to the principle of the proposed development. The Borough Council note the development is identified as an important piece of infrastructure to be delivered in the Development Plan. In the Borough Council's view the scale, location and design of the development would respect the context of the site, preserve the visual amenities of the locality and would not be harmful to the street scene.
54. One representation received from a neighbouring business suggests that there maybe more suitable alternative locations to the outskirts of Ashford, on the basis of concerns that the Cobbs Wood Industrial Estate would not have capacity to cope with the new development. In my opinion only in the event that it is considered there are overriding material considerations sufficient to justify refusing the application would it warrant an assessment of alternative locations to this site.
55. Overall, taking into account the comments of the Borough Council, the site's proximity to waste streams, the good access to the primary highway network, the existing waste use, the location within an established industrial estate, and that the location is specifically identified in the Waste Local Plan as being suitable, I am satisfied that the proposed location is acceptable in principle. In my opinion the design and visual appearance of the development would be appropriate within its context and compliant with the appropriate development plan policies. Specific highway, general amenity, water resources and other issues raised are considered in more detail below.

Highway considerations

56. Government advice on transport matters set out within Chapter 4 of the NPPF recognises that land use planning has a key role in delivering sustainable transport choices and reducing the need to travel, including the movement of goods and supplies. Traffic related impacts associated with waste developments are also covered within PPS10 which outlines traffic and access issues as key locational criteria in identification of suitable sites, including consideration of the capacity of existing and potential transport infrastructure to support the sustainable movement of waste.
57. South East Plan Policies, including CC7, T1 and W17 seek that the scale and pace of development should be dependent on sufficient capacity being available in existing infrastructure, that potential sites should be assessed on accessibility, transport connections, compatibility with land uses, and where necessary proposals should include

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measures to minimise negative environmental impacts of transport.

58. Kent Waste Local Plan Policies W3, W9 and W22 seek new waste management facilities to be well related to the primary and secondary road network and ensure that there would be no material adverse effect on highway safety and the local environment from traffic movements.
59. Ashford Core Strategy Policy CS15 (Transport) states '*developments that would generate significant traffic movements must be well related to the primary and secondary road network, and this should have adequate capacity to accommodate the development. New accesses and intensified use of existing accesses onto the primary or secondary road network will not be permitted if a materially increased risk of road traffic accidents or significant traffic delays would be likely to result*'.
60. The potential for adverse traffic impacts associated with the proposed development has attracted objections from several nearby businesses, as summarised in paragraph (30) above. The key concerns include (amongst other matters) congestion associated with additional vehicle movements, an increase in queuing time at key local junctions, the practicality and highway safety implications of the proposed access onto Brunswick Road, and the ability of Brunswick Road to handle existing and proposed traffic levels.
61. Notwithstanding the various concerns raised about traffic, as previously stated the site has good access to the primary road network. The main concerns appear to centre on the capacity of the Cobbs Wood Industrial Estate roads and the junction between Brunswick Road and Chart Road, which is one of a number of access routes serving the estate. I note that regardless of whether the proposals were to go ahead at this site, vehicles associated with the existing HWRC and refuse collection from the local area would continue to use the local highway network. Under the current contract for waste collection in the Ashford area the refuse collection vehicles are based out of a depot on the same industrial estate (approximately 150m east the application site on Hanover Close), and therefore already form part of the existing traffic flows on the industrial estate.
62. The applicant has undertaken a transport assessment in support of the proposals. This document seeks to demonstrate the potential implications of vehicles movements associated with the maximum planned throughput for the site (100,000 tonnes of waste per annum). This throughput is considered to equate to a maximum of 120 HGV / Refuse Collection Vehicles movements per day (60 in, 60 out), alongside the projected public uptake of the proposed HWRC facilities, which has been calculated by multiplying up existing patterns of use.
63. The transport assessment and associated addendum models the proposed use, allowing an evaluation of the potential impact on the key junctions, between the existing base flows and future scenarios. Manual traffic counts were completed on both a normal working day and a public holiday to establish the existing conditions at busy times on the road and during the operation of the HWRC.

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64. The assessment concludes that, with the exception of the Site Access Road / Brunswick Road junction during all peak periods and the Chart Road / Brunswick Road junction during the morning peak periods, the predicted increase in flow at each of the key junctions serving the industrial estate would not materially impact on the operation of the respective junctions. The assessment acknowledges the potential significant percentage increase in traffic flows at the Site Access Road / Brunswick Road junction. However, given the relatively low volume of traffic that use this junction under existing conditions the assessment concludes that the development is unlikely to result in a significant impact on the operation of this junction.
65. The traffic modelling completed establishes that the junction of Brunswick and Chart Road is theoretically already operating above capacity during the morning peak, without any additional traffic flow. The afternoon peak period was not modelled as it would fall outside of the proposed hours of use for the site. On the grounds that the development as proposed would potentially result in a 4% increase in traffic using this key junction the applicant has agreed to finance off-site highways improvements in mitigation for the application. The applicant has provided drawings outlining proposed improvements to the Brunswick Road / Chart Road junction. The works would include widening the junction to provide for separate left and right turn lanes for vehicles exiting Brunswick Road, including providing improved space to accommodate HGV movements and relocating footways and cycleways. Should the application be permitted the junction improvements would be completed by the Highway Authority on behalf of the applicant under permitted development rights. The applicant has provided a written undertaking committing the Waste Management Group to securing the necessary highway improvements and meeting the full costs of the works in advance of the formal implementation of any planning permission.
66. It is accepted by KCC Highways and Transportation that the highway improvements proposed would improve the capacity of the Brunswick Road / Chart Road junction to the point where existing traffic levels can be suitably accommodated within the improved capacity. This improvement would effectively allow the capacity for increased traffic movements under future scenarios without significant affects on traffic flows. Whilst the above improvements would not fully resolve congestion during predicted future AM peak periods, if the development were to be permitted, the mitigation measures proposed would serve to minimise the impact of the development on this junction. It is also noted that the Brunswick Road / Chart Road junction is one of three that serve the industrial estate. The highway improvements proposed are considered to represent a clear improvement to the existing arrangements in terms of capacity and highway safety, which would not be achieved without a developer contribution. In my opinion such improvements, together with other material benefits that would derive from the establishment of the improved waste management facility proposed at this location weighs in favour of the development over the potential impacts on this junction.
67. Notwithstanding the above improvements, to further minimise the potential impact of the development on the Brunswick Road / Chart Road junction the application details a 'code of practice' covering HGV movements connected with the development. The 'code of practice' would seek to control all HGVs using the new access off Brunswick Road into the WTS to a 'left in / right out' movement, unless under exceptional circumstances. This would ensure

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that HGVs using the WTS would be routed through the industrial estate, via the roundabout at the junction of Carlton Road and Chart Road to the north east, away from the Brunswick Road / Chart Road junction. The applicant has set out a number of controls, that have been successfully employed at other Council owned waste sites across the County. These controls would serve to enforce the traffic management arrangements under Operational Contracts issued for the site. I am satisfied that the combination of the off-site highway improvements and operational controls would help to satisfactorily mitigate the predicted traffic movements.

68. The application also includes significant improvements to the internal layout of the HWRC to provide for increased efficiency within the public operational area, coupled with increased capacity for vehicles queuing on a lengthened internal access route. The improved layout would allow up to 35 vehicles to use the HWRC at peak times with a further 14 vehicles able to queue within the site on the one way access road. This represents a significant improvement over the existing arrangements that should serve to reduce queuing on the public highway to a minimum, whilst allowing for future projected increases in use.
69. The application includes a swept path analysis on the proposed site access and internal layout. The results confirm that the new WTS access and internal circulation are functional for the HGVs that would use the facilities, and that they conform to the current Design Manual for Roads and Bridges (DMRB) standards. The proposed weighbridge and gated entrance would be set back from the public highway allowing HGVs to pull off Brunswick Road completely before they officially enter the site.
70. Kent Highways have considered the application, including the transport assessment completed, mitigation measures proposed and all objections raised by nearby businesses on highway grounds. The Highway Authority raise no objections to the proposals in respect of highway matters, subject to conditions covering, amongst other matters, precautionary measures during construction, provision of the facilities as proposed, controls on the number and routing of HGV movements and completion of off-site highway mitigation (see paragraph (27) above). In response to objections received from nearby businesses the Highway Engineer raises no highway safety concerns, confirming that, subject to the proposed highway improvements referred to in paragraph (65) above, Brunswick Road and the local highway network would be able to accommodate the proposed access and predicted increase in traffic levels.
71. There is no doubt that congestion on and around the industrial estate does occur and would be added to by the proposed facilities. However, this congestion is primarily associated with peak times (i.e. mornings / afternoons). Additionally, traffic queuing to access the HWRC does, at times, cause some congestion at or around the site access and onto Brunswick Road. Outside of these times, traffic flows relatively freely in the area. The proposed revisions to the layout of the HWRC would increase the efficiency of the facilities to handle a greater number visitors and would also provide for more space within the site for vehicles to queue. These changes in layout should help to improve the existing traffic congestion at the site during peak times of use, and mitigate for the predicted expansion in use in the future. It is also noted that the proposed hours of operation for the development are such

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that movements connected with the site would only impact on morning peak traffic (the site being closed before the evening peak).

72. The off-site junction improvements proposed are considered vital to ensure that the Brunswick Road / Chart Road Junction has capacity to accommodate an increase in flow during the morning peak. I therefore recommend that any decision granting permission be subject to conditions ensuring that the off-site highway improvements are commenced before the proposed development and that these improvements are delivered to an adoptable standard before first use of the proposed facilities. This should ensure that the proposed highway improvements are delivered in a timely fashion before the proposals have any impact on the highway. The potential impact of the new access and HGV movements associated with the proposed use has been assessed in this context and are considered to be acceptable by the Highway Authority.
73. The proposal is considered to represent a more sustainable approach to the transportation of a local waste streams. Subject to the off-site mitigation measures being delivered, the local highway network is considered to have adequate capacity to accommodate the increase in traffic without any significant delays or highway safety problems to the local or strategic road network. Taking the above into consideration, I am satisfied that the proposals are acceptable in terms of the potential highway implications, subject to the conditions including, amongst other matters, provision of junction improvements, controls on the use of the access routes as detailed, and a cap on the maximum number of HGV movements.

Local amenity impacts, including noise, dust and odour

74. Government guidance on waste set out in PPS10 states that waste planning authorities when considering planning applications for waste management facilities, should consider likely impacts on the local environment and on amenity, including proximity to sensitive receptors and the extent to which impacts/ emissions can be controlled.
75. PPS10 also states that 'controls under the planning and pollution control regimes should complement rather than duplicate each other' and that 'in considering planning applications for waste management facilities, waste planning authorities should concern themselves with implementing the planning strategy in the development plan and not with the control of processes which are a matter for the pollution control authorities'.
76. Policy NRM9 of the South East Plan seeks to protect and enhance air quality and reduce the environmental effects of traffic. Policy NRM10 seeks to minimise noise impacts. Policy W18 of the KWLP requires planning authorities to be satisfied as to the means of control of noise, dust, odours and other emissions for waste management proposals, particularly in respect of potential impact on neighbouring land uses and amenity. Policy W25 requires plant, buildings and associated elements to be designed to minimise adverse visual and noise impacts.
77. As previously discussed, the location receives strong policy support from the Development Plan and is considered to be acceptable in principle for a waste use of this type. In support

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of the application, seeking to demonstrate the potential local amenity impacts, the documents received include an Acoustic Assessment and an Air Quality Assessment.

78. The Acoustic Assessment considers the potential noise and vibration impacts associated with the development, this includes a background noise survey and modelling of the potential implications of the proposed facility. The report concludes that the operational impacts of the development are predicted to be neutral at the identified sensitive receptors, as a result of both on and off site activities associated with the development. The assessment considers that normal operation of the site would not result in significant adverse effects on the surrounding community, with noise generated on site being of less than marginal significance at the closest residential properties. Subject to the implementation of a set of recommended construction control measures, the short term effects of the construction operations are considered by the assessment to be acceptable and controllable.
79. The County Council's Noise Consultant has considered the results detailed in the acoustic assessment, the views received conclude that noise emanating from the site would not result in adverse impacts to nearby receptors, on the basis of the background noise level recorded and the proposed on-site activities. To further safeguard residential amenities a control on noise is recommended by way of a condition ensuring that the rating noise level for the proposed use does not exceed background noise at the nearest residential property. In respect of potential vibration issues the consultant concludes that the development is unlikely to result in ground borne vibration impacts.
80. Members will note that the proposed hours of use are 0800 to 1630 on weekdays and 0900 to 1600 on weekends for the HWRC, and 0700 to 1630 on Monday to Friday and 0700 to 1300 on Saturdays for the WTS. Both sites would be subject to a 30 minutes preparation and tidying up periods by staff before and after the proposed opening hours. In my opinion the hours of use proposed would be comparable to the surrounding industrial estate and would not result in an unacceptable impact on the locality. I recommend that the hours of use applied for are controlled by any planning permission to ensure that there is no potential impact outside the stated hours.
81. The waste material transferred to the site would primarily comprise kerb side collections of separate and alternating waste streams of food waste (weekly collection), refuse and recyclable materials (on alternate weeks). Due to the nature of the waste material that would be accepted, the development would have the potential to cause nuisance through odour and dust emissions unless managed appropriately.
82. The Air Quality Assessment received with the application concludes that there would be no likely material air quality impacts as a result of traffic movements on nearby residential receptors or at the site. The assessment also considers the implications of the development on the potential for nuisance that could be caused by emissions from site in terms of dust and odour, both during the construction phase and operation phases. The report proposes a number of on-site mitigation measures to minimise any adverse impact. The proposed measures include, amongst other matters, the provision of the WTS building to enclose operations (including tipping, handling and short term storage of collected

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waste); proposed roller shutter doors to be closed during loading/unloading processes; various 'good housekeeping' and site management measures; good natural ventilation within the building; use of masking chemicals in unusually hot conditions, as well as controls on the length of time collected waste material is stored on site. The applicant indicates that best practice would be for municipal solid and food waste to be bulked up to be transported off-site on the same day it is deposited, however under normal conditions this should happen within 24 hours unless on a Bank Holiday weekend.

83. It is noted that neither the Environment Agency nor the Borough Council's Environmental Health Officer has raised an objection to the application. The Agency has confirmed that the site would be subject to environmental permitting, which would provide for control over the environmental emissions, including dust, odour and litter. The Borough Council's comments request that a condition be placed on any planning permission requiring the submission of detailed odour control measures and an on site waste management plan. The County Council's Dust & Odour Consultant has considered the proposals, advising that the measures proposed within the application would serve to keep nuisance from dust and odour to a minimum level.
84. In my opinion odour associated with the proposals would largely be contained since all potentially odorous wastes would be transferred, handled and stored within the building. Subject to appropriately worded conditions ensuring collected waste is handled and stored within the building, limiting the length of time biodegradable waste can be retained on site to a maximum of 48 hours and the submission of a waste management plan, I am satisfied that odour issues would not present a significant problem on site and can be adequately controlled by an Environmental Permit.
85. One neighbouring business has raised concerns over an existing problem with vermin in the area, and in particular seagulls that are allegedly attracted to the current HWRC. The comments received suggest some gulls nest in the surrounding area causing damage to buildings. The representation sets out concerns that the proposed enhanced HWRC and WTS would aggravate this problem.
86. In my opinion the provision of a building to house the transfer of collected materials and bulkier materials from the adjacent HWRC would serve to deter any specific problem with seagulls feeding off the site. If planning permission were to be granted, the Environment Agency has confirmed the site would be subject to Environmental Permitting which would include controls to safeguard against amenity issues such as vermin. Good housekeeping measures and controls on the length of time collected waste material can be retained on site would further help to mitigate and minimise any potential for vermin being attracted to the site.
87. On the basis of the above considerations, I am satisfied that in land use planning terms the development is acceptable and that all pollution control matters can be adequately controlled and regulated by conditions on any planning permission or the environmental permit process, including ongoing compliance checks and management required under the permit.

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Water environment (flood risk / groundwater impacts)

88. The application site falls within an area of groundwater vulnerability, overlying River Terrace Deposits (sand and gravel) that are designated by the Environment Agency as a Secondary / Minor Aquifer. The Agency's comments raise no objection to the application, subject to the submission of details of a scheme of surface water drainage. The Agency's views also note the potential risk to groundwater, requesting all necessary precautions are taken to prevent contaminated drainage entering the ground. It is noted that in addition to the above requested conditions the Agency has confirmed that the proposed development would be subject to the Environmental Permitting process, which would include, amongst other matters, controls on site drainage, dust and odour.
89. The planning application is accompanied by a desk-top study into Geotechnical and Ground Contamination on site. The study examines the history of the locality, confirming a previous military use (amongst others). The preliminary risk assessment indicates that there may be contaminants present due to former and current industrial land uses. The report recommends that an intrusive site investigation be undertaken prior to commencement of any development to establish the presence or otherwise of any contamination. On the basis of the Environment Agency's comments and the conclusions drawn by the desk-top study received, I recommend a condition be placed on any planning permission requiring the submission and approval of a ground investigation scheme, alongside appropriate measures to deal with any contaminants found prior to the commencement of site preparation works.
90. The site is identified within a Flood Zone 1, as defined by the Environment Agency, and therefore has a low probability of flooding from rivers. However, on the basis that the area proposed to be developed exceeds 1ha the application includes a Flood Risk Assessment (FRA) that considers surface water drainage issues. This is in accordance with the Technical Guidance to the NPPF which seeks opportunities to reduce the overall flood risk in the area and beyond through the layout and form of the development, and the appropriate application of sustainable drainage systems.
91. The FRA accompanying the application concludes that to minimise the risk of surface water flooding at the site, or to the adjoining land, the development should incorporate a Sustainable Urban Drainage System (SUDS). The measures to be put in place would be designed to take account of the effects of climate change and would include a surface water storage tank constructed within the site to retain up to 100m<sup>3</sup> of run-off during peak run-off events. Due to the potential risk of groundwater contamination from the previous and proposed uses of the site it is not possible to use permeable surface treatments within the development. The application confirms that all hard standing within refuse collection areas, both in the yard and building would drain to a new foul water system to prevent runoff from the site posing a risk to groundwater and other environmental receptors.
92. On the basis that the Environment Agency has raised no objection to the application, subject to the inclusion of conditions relating to the submission of final details of the foul and surface water drainage systems, and a ground conditions report alongside any appropriate mitigation measures, I am satisfied that the proposed development would accord with the

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relevant policies within the Development Plan and government guidance in terms of flood risk and groundwater protection.

Heritage considerations

93. Development Plan Policies, including Chapter 12 of the NPPF, identify the importance archaeological assets, the need to preserve and record these assets as the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them. South East Plan Policy BE6 adds weight to the need to protect, conserve and enhance the historic environment. The County Archaeological Officer has indicated that the site overlies River Terrace Gravels, which have potential for rare and important palaeolithic remains in the form of flint artefacts and palaeoenvironmental remains. The Archaeological Officer recommends that a programme of archaeological work would be appropriate in this instance. I therefore recommend that an appropriately worded condition be included as part of any planning permission.

Biodiversity considerations

94. Chapter 11 of the NPPF (Conserving and enhancing the natural environment) recognises that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on biodiversity. Policies NRM5 of the SEP, W21 of the KWLP and C11 of the Ashford Core Strategy seek to safeguard existing habitats and biodiversity, and where there are circumstances in which other considerations justify permitting development that causes harm to such interests, appropriate mitigation or compensation measures should be required. The application includes a Phase 1 Habitat Survey into the ecological potential of the site and a subsequent full reptile survey. The reptile study was undertaken as the undeveloped/ derelict part of the site includes the presence of concrete rubble which is often a good indicator of the potential for reptiles. The survey confirmed the presence of low populations of both common lizards and slow worms. The survey recommends a number of measures to mitigate the risk posed to reptiles on site, including the trapping and translocation of reptiles to a receptor site near Leybourne, and enhancement measures to the receptor site. The County Council's Biodiversity Projects Officer raises no objection to the application subject to the completion of the proposed mitigation strategy. This work could be adequately covered through the inclusion of an appropriately worded condition on any planning permission.

Other issues raised

95. Amongst other matters, Ashford Borough Council's views on the application raise an expectation that the development complies with Policy CS10 of their Core Strategy 2008. Policy CS10 requires that all major development incorporate sustainable design and construction features to reduce the consumption of natural resources and to help deliver the aim of zero carbon growth in Ashford. The expectation is that development should achieve an acceptable standard of efficiency or make financial contributions to enable residual carbon emissions to be offset elsewhere in the Borough.

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96. Having regard to Policy CS10, I am mindful that the concept of the application is to provide for more efficient handling and transfer of local municipal waste and that the proposal would result in a substantial reduction in HGV journeys with a corresponding reduction in carbon dioxide emissions. In this context it is my opinion that it would not be appropriate in this particular case to seek a financial contribution from the applicant towards the Ashford Carbon Fund, under part (c) of Policy CS10. However, in order to ensure the proposed facility incorporates sustainable design features, should Members be minded to grant planning permission then I would recommend that an appropriately worded condition be included requiring the submission and approval of a scheme demonstrating the sustainable credentials of the design and construction of the buildings.
97. The proposed development includes the provision of limited external lighting for site security reasons and to meet health and safety considerations during the proposed operation in the winter months. It is noted that the hours of operation proposed are such that the site would only be operational for a limited amount of time outside daylight hours, expressly during early mornings and late afternoons during winter months. The application sets out that the proposed lighting would be kept to a minimum, incorporating mitigation measures such as shrouded lanterns, to limit light spill to the areas that required light and not beyond. There is adequate separation between the site and the nearest residential property to ensure there would be no material impact on residential amenity from any lights. However, to ensure the lighting is not excessive and would not extend beyond the area of land that needs to be lit, it is recommended that a condition requiring details of the lighting to be submitted for approval be included on any planning permission.
98. One representation received from a neighbouring property raises concerns that the application would not be considered correctly and in a democratic fashion. This concern is raised on the grounds that a Compulsory Purchase Order has already been issued against the land needed for the new access road, and that the proposed project appears in the Waste Management Group's Annual Business Plan 2011/12. It is noted that a planning application can be made by anyone regardless of whether they own the land, provided that proper notice is served on the land owner. This provides the land owner with the opportunity to make representations on the application as they see fit and these are taken into account in determining the application. On this basis the applicant's intention to purchase the site should not be seen as pre-empting any decision. The application has to be considered on its merits in accordance with the development plan policies and any other material planning considerations, as detailed within the above report.
99. The applicant has confirmed that negotiations with the landowner for the purchase of the land are continuing and that Kent County Council Members may be asked to consider the Council making a Compulsory Purchase Order (CPO) to secure the site. As explained above the CPO procedure is separate from the planning process and is not a material consideration in the determination of the application. The key test is whether the proposal is an acceptable use of the land in planning terms.
100. The Waste Management Group's Business Plan for this year will include a number of projects that may require planning permission. The Group is responsible for planning for the management of the County's household waste, which includes making provision within

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their budget for the delivery of new services, whether it is at the proposed site or elsewhere. The Waste Managements Group's Business Plan or any other financial considerations are not material to the decision on this application. The existence of funding for the project does not presume that planning permission will automatically follow unless the application is considered to be acceptable in planning terms. Whilst the need for the facility is a material consideration it is not the only one and has to be balanced against any potential harm, as set out within this report.

**Conclusion**

101. Whilst the proposals have given rise to objections from some local businesses, I consider that the benefits associated with the proposal (i.e. the provision / improvement of a waste management facility to facilitate waste transfer and recycling, and move waste management up the waste hierarchy) outweigh any real or perceived harm to the local highway network, local amenity or other environmental interests.
102. In my opinion the proposed combination of the HWRC and waste transfer facility would result in the future waste arisings in the local area being managed in a more sustainable manner. The proposal is considered an appropriate development, both in physical design and operation, within the context of the industrial estate. Any potential adverse impact caused by the proposal within the surrounding area could, in my opinion, be controlled to an acceptable level or mitigated by appropriate planning conditions, and by the Environmental Permitting process. The application is therefore considered to be consistent with the relevant development plan policies and government guidance against which these types of development should be considered.

**Recommendation**

103. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
- no development shall be commenced on site until the highway improvements to the junction of Brunswick Road and Chart Road (as indicated on drawing number 1035787-PR-100-001 Rev A) have been commenced;
  - use of the development hereby permitted shall not be commenced until the highway improvements to the junction of Brunswick Road and Chart Road (as indicated on drawing number 1035787-PR-100-001 Rev A) have been completed to an adoptable standard;
  - development to be commenced within 5 years;
  - the development being carried out in accordance with the submitted plans and any approved pursuant to the conditions set out below;
  - the applicant to provide written confirmation of the start date on site;
  - the submission of details of external materials for approval;
  - the submission of details of foul and surface water drainage for approval, including a Sustainable Urban Drainage Scheme;
  - the submission of details of all external lighting for approval;

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- the submission of details for approval of all fencing and boundary treatment including any retaining walls;
- the submission of a ground investigation report, and details of any necessary remediation works, for approval;
- the submission of a site waste management plan for approval (including dust and odour controls to be employed);
- the submission of details of sustainable design and construction measures for approval;
- the submission of details for approval of method of construction statement, including details of the site compound, parking, access arrangements and storage of materials during construction;
- the implementation of a programme of archaeological work;
- the implementation of the mitigation measures proposed with in the ecological survey;
- the construction operations to be carried out in accordance with the precautionary measures detailed with the planning statement;
- precautions to guard against the deposit of mud on the highway;
- controls on the hours of operation during the construction period;
- provision of access arrangements, vehicle parking and surface water drainage in accordance with the submitted plans;
- provision of cycle parking;
- controls on the new access to ensure HGVs enter and leave the site to the north-east;
- controls on the total combined waste throughput (to a maximum of 100,000tpa);
- controls on the overall number of HGV movements (to those applied for);
- all waste associated with the Transfer Station to be loaded, unloaded, sorted and stored within the building;
- all biodegradable waste shall be removed within 48 hours of arrival on site;
- controls on the hours of operation for WTS;
- controls on the hours of operation for HWRC;
- controls on the noise to ensure the rating noise level for the site does not exceed background noise at the nearest residential property;
- the entrances to the site to be secured outside operational hours;
- HGV's leaving the site shall be sheeted or netted;
- with the exception of site personnel, use of the new access shall be restricted to commercial vehicle movements (HGVs and RCVs) in connection with the WTS;
- no HGVs shall enter the site via the HWRC access;
- the maintenance of visibility splays at the new access;
- unauthorised material deposited on site shall be removed to an authorised waste disposal facility within 48 hours;
- the terms of the planning permission shall be made known to any person(s) given responsibility for the management of the site.

Case Officer: James Bickle
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Background Documents: see section heading
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