

SECTION C
MINERALS AND WASTE DISPOSAL

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

Item C1

KCC/TM/0094/2012 Application for renewal of planning permission reference TM/08/2654 at Any Waste Solutions Ltd, the Brook, Mid Kent Business Park, Sortmill Road, Snodland.

A report by Head of Planning Applications Group to Planning Applications Committee on 12 June 2012.

This application has been submitted by Brachers on behalf of Any Waste Solutions Limited for renewal of planning permission reference TM/08/2654 (change of use of land to use as a skip hire waste transfer and recycling station and construction of a weighbridge, diesel and oil storage tanks, portacabin offices and industrial building) at Any Waste Solutions Limited, The Brook, Sortmill Road, Snodland, Kent.

Recommendation: Permission with conditions.

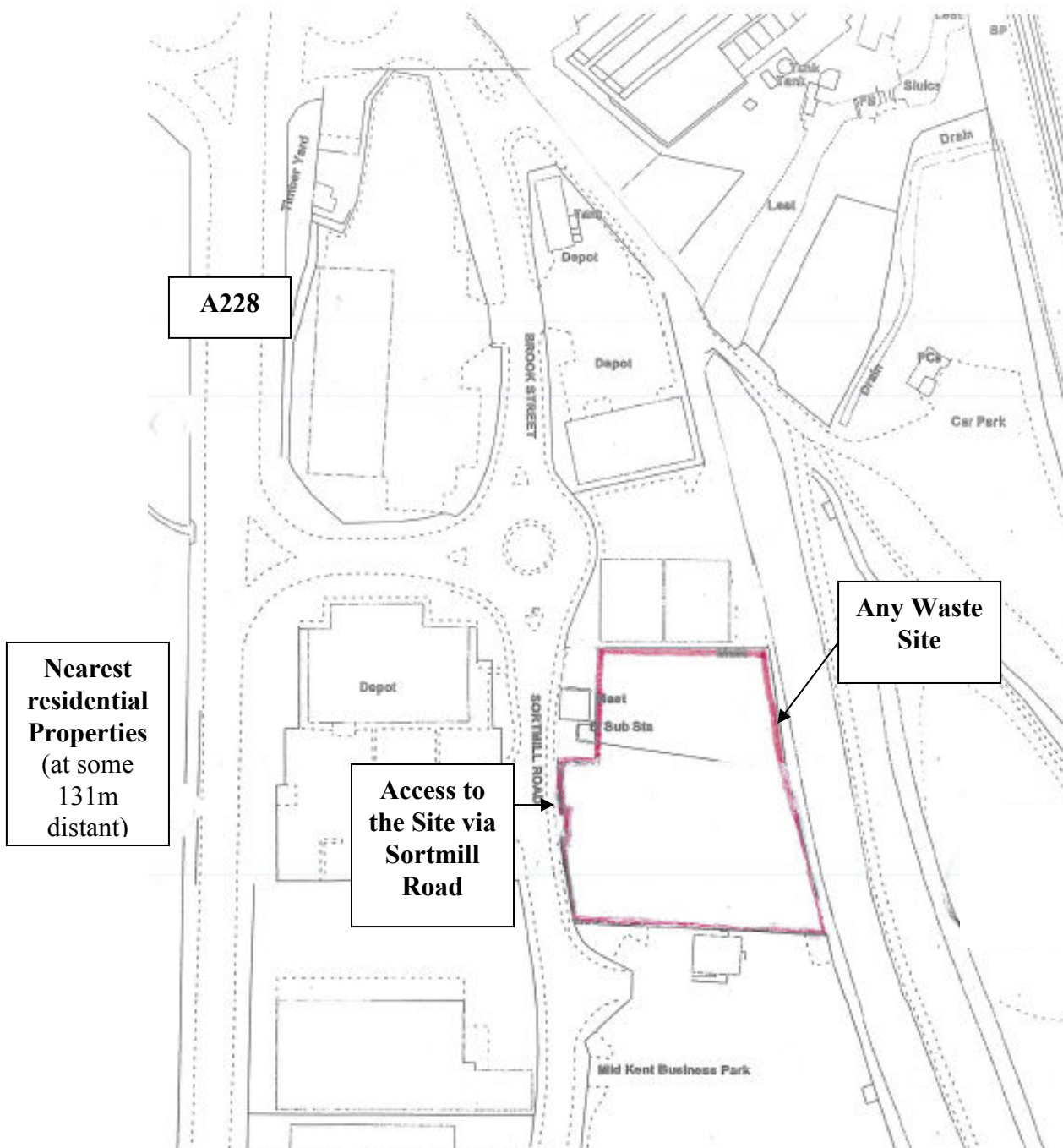
Local Member: Mrs S Hohler

Unrestricted

Site Description and Background

1. The existing Any Waste Solutions waste recycling site is located within the Mid Kent Business Park to the east of Snodland. The main Rochester railway line runs on an elevated section to the east of the site, whilst the nearest residential properties are situated over 100m to the west of the site and the A228. The adjoining area to the east forms part of the designated Leybourne Lakes Site of Nature Conservation Interest (SNCI) and includes the Leybourne Lakes Country Park. A site location plan is attached.
2. Planning permission was originally granted under permission reference TM/06/2093 to allow for the processing/recycling of inert, cardboard/paper, metal, wood, plastics and non recyclable residues at the Any Waste Solutions site. The permitted waste building is three sided and largely open to the east where waste is tipped by vehicles visiting the site. Skip vehicles currently access the site via Sortmill Road onto adjoining land to the south.
3. A second planning application was submitted in October 2008, under reference TM/08/2654, to extend operations onto the adjoining land to the south. The planning application sought to increase the waste throughput and to improve environmental conditions (including dust management) on site by way of a separate fully enclosed, albeit it larger processing building, the hard surfacing of the adjoining land to the south which serves access to the current site via Sortmill Road, along with the relocation of the existing two storey offices to the adjoining land in a single storey arrangement, along with staff car parking during the day and vehicle parking at night. Following no objections from key consultees and in the absence of any objections from local residents, what was proposed was considered to represent a significant improvement to operations on site. Planning permission was granted under delegated authority with

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Site Location Plan - within the exiting Mid Kent Business Park

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a number of planning conditions imposed, including the standard time limit of 3 years for implementation.

4. Whilst the permission was granted in April 2009, the applicant has pointed to a number of factors which in his view have since delayed the implementation of this permission, including the current economic downturn and a subsequent change in ownership of the business.

Current Proposal

5. This latest planning application has been submitted to extend the time limit for the implementation of planning permission TM/08/2654. In summary the 2008 permission allows for the following:

- An increase in waste throughput to 80,000 tonnes per annum from 20,000 tonnes,
- Increased vehicle movements to 174 per day (87 in/87 out) from 78 (39 in/39 out)
- A larger building to ensure all waste material is tipped and processed inside a fully enclosed building to reduce noise, dust and contain wind blown litter,
- the adjoining land to the south to be hard surfaced to minimise dust nuisance generated by vehicles accessing the site, and
- relocation of the existing two storey offices to the adjoining land in a single storey arrangement, along with staff car parking

The approved site layout drawing number 7282/837 Ip1, is shown below (page 5).

Planning Policy Context and Government Guidance

6. The key National and Development Plan Policies most relevant to the proposal are summarised below:
7. **National Planning Policy Framework, March 2012** - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future. It is committed to ensuring that the planning system does everything it can to support economic growth whilst ensuring that development is sustainable. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
8. **Planning Policy Statement 10 (PPS10): Planning for Sustainable Waste Management** – Underlines the importance of planning for and consenting the necessary number and range of facilities in order to ensure that adequate provision is made for the future management of our waste.

The key aim of moving waste management up the 'waste hierarchy' forms the underlying objective of national policy. The proximity of waste disposed and 'self

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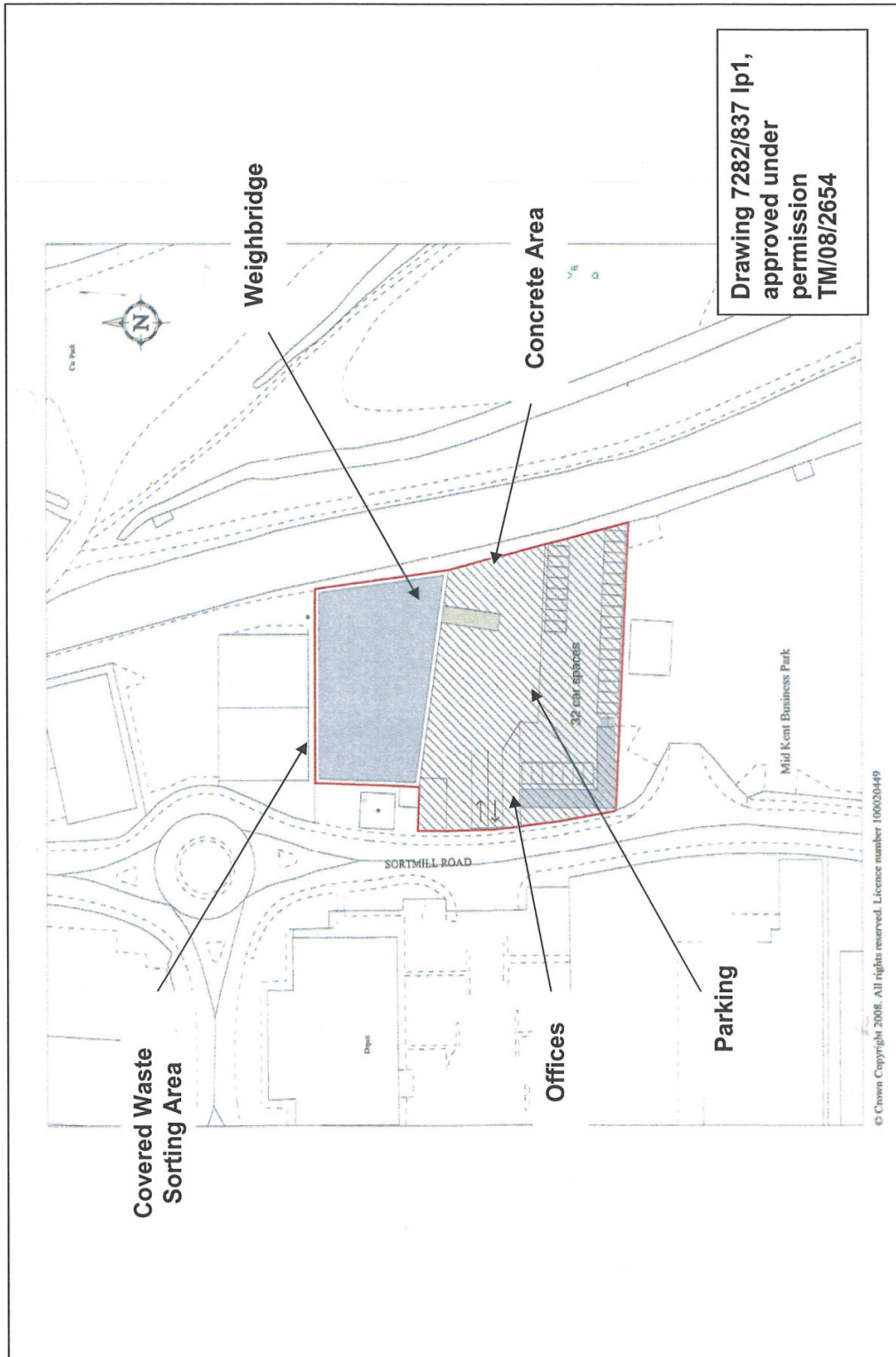
sufficiency' are also expected to represent the fundamental key to securing such objectives to ensure that communities take responsibility for their own waste.

Through more sustainable waste management, moving the management of waste up the 'waste hierarchy' through the descending order of reduction, re-use, recycling and composting, using waste as a resource of energy and only disposing of waste to landfill as a last resort, government aims to break the link between economic growth and the growth of waste.

9. **Waste Strategy 2007** – aiming to reduce waste by making products with fewer natural resources, breaking the link between economic growth and waste growth; products should be re-used or their materials recycled.
10. **South East Plan (2009)** – The most relevant policies are: W3 (Regional Self Sufficiency), W4 (Sub-Regional Self Sufficiency), W5 (Targets for Diversion from Landfill), W6 (Recycling) W8 (Waste Separation), W17 (Location of Waste Management Facilities), CC1 (Sustainable Development), CC2 (Climate Change), CC3 (Resource Use), CC4 (Sustainable Design and Construction), NRM4 (Sustainable Design and Construction), NRM5 (Conservation and Improvement of Biodiversity), NRM9 (Air Quality),
11. **Kent Waste Local Plan (1998)** – The most relevant saved policies are: W3 (Locational Criteria), W6 (Consideration of need), W9 (Waste separation and transfer), W18 (Noise, Dust and Odour), W19 (Groundwater protection), W21 (Nature Conservation), W22 (Provision for adequate access arrangements including the need for any off-site highway improvements), W25 (Plant and Buildings) and W31 (Visual Impact and Landscaping).
12. **Tonbridge and Malling Borough Council Local Development Framework Core Strategy 2007**: Policies CP1 (Sustainable Development), and CP10 (Flood Protection).
13. **Tonbridge and Malling Borough Council Local Development Framework Managing Development and the Environment DPD 2010**: Policies CC3 (Adaptation – Sustainable Drainage), NE3 (Impact of development on Local Biodiversity), SQ4 (Air Quality), SQ6 (Noise) and SQ8 (Road Safety).
14. **Greater Flexibility for planning permissions – Guidance (Communities and Local Government November 2009)** This measure has been introduced in order to make it easier for developers and planning authorities to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve.

Where the application is to extend the time limits for a non-Environmental Impact Assessment scheme, LPAs have discretion to decide which statutory consultees should be consulted taking into account which statutory consultee had a particular interest in the proposal or raised concerns at the time of the original application.

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Approved Site Layout drawing no. 7282/837 lp1

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15. Consultations

Tonbridge and Malling Borough Council: Views awaited.

Snodland Town Council: No comments to make.

Kent Highway Services: No objection raised on highway grounds.

Publicity

16. The application was publicised by the posting of a site notice, advertisement in the local newspaper and individual notification of 312 neighbouring properties.

Representations

17. 7 letters of representation have been received to date objecting to the proposal. Those objections can be summarised as follows:
- Traffic impact of increased vehicle numbers
 - Skip vehicles leaving debris on the highway
 - Mud on along Sortmill Road causing potential skidding for other users
 - Vehicles parking on double yellow lines outside the site cause blind spots
 - Vehicles reversing into the Royal Mail sites gates and obstructing their ped access
 - Noise impact and pollution
 - Dust nuisance
 - Use of flammable waste material such as diesel and oil near to residential properties
 - Potential danger to local wildlife
 - Increase in the number of flies and rats in the area

Local Member

18. The Local County Member, Mrs S Hohler was notified of the application on 27 March 2012. No written comments have been received.

Discussion

19. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. Material planning considerations include the recently publicised National Planning Policy Framework (NPPF) which promotes sustainable development and the regional and local plan policies set out above together with PPS10. It should be noted that the South East Plan remains part of the

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development plan although the Government's intention to abolish regional spatial strategies is a material consideration and the weight given to it is a matter for the decision maker.

20. Given the nature of the proposal the NPPF should be read together with PPS10 which is to remain in place until new waste policies are published alongside the new National Waste Management Plan for England. However the presumption in favour of sustainable development which lies at the heart of the NPPF still applies. In order to achieve this objective the NPPF identifies a number of key areas, in my view of specific relevance are the following: Delivering Sustainable Development, Part 1 – Building a strong, competitive economy; Part 7 – Requiring good design; Part 10 – Meeting the challenge of climate change, flooding and coastal change and Part 11 – Conserving and enhancing the natural environment (paragraphs 120 to 123, pollution and noise respectively).
21. Prior to the publication of PPS10 and Waste Strategy 2007, former advice required planning authorities to consider whether waste planning applications constituted the Best Practicable Environmental Option (BPEO). Case law established that consideration of BPEO against individual applications should be afforded substantial weight in the decision making process.
22. The Government, considers that during the current economic downturn planning authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. With regard to applications made to extend time limits for the implementation of existing permissions such as this one, the development proposed in such applications will by definition have been judged to be acceptable in principle at an earlier date. Whilst these applications should be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, planning authorities are advised that they should, in making their decisions, focus their attention on development plan policies and other material considerations which may or may not have changed since the original grant of permission. This is particularly relevant to this planning application.
23. The site is a fully operational recycling business which currently operates under planning permission TM/06/2093. A further permission was granted in April 2009 (ref. TM/08/2654) to improve and extend operations. Having already been considered against the relevant development plan policies and guidance as set out above, its suitability in this location has already been established under the latest permission and is not therefore up for consideration. The applicant seeks simply to delay the implementation of planning permission TM/08/2654. Whilst I have received no objections from statutory consultees, I have received a number of objections from local residents, some of which have arisen as a result of this latest application, but which in fact relate to the existing operation.

Operations under permission TM/06/2093

24. As a result of publicising the latest planning application a number of issues have been brought to my attention in relation to the existing site. In particular the nearby Royal Mail office has indicated that there has been an ongoing issue with mud and other

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debris on the public highway as well as vehicles parking on double yellow lines along Sortmill Road and obstructing pedestrian access to other units. This causes concern over visibility and safety. Having looked at the undated photographs submitted in support of this, there appears to be evidence that both cars and heavy goods vehicles do park and mount the pavements along Sortmill Road where there is a small snack bar installed immediately adjacent to the Any Waste Site. Of the four photos supplied however only one explicitly shows an Any Waste vehicle parked partially on the pavement. Whilst I have little control over parking outside the site along the road where double yellow lines are imposed, I have reminded the operator of his responsibilities to ensure visibility or pedestrian access is not restricted by Any Waste vehicles and that measures to minimise dust traversed by vehicles onto the highway should be employed to avoid mud on the surrounding roads.

25. Given that the site remains operational under this original permission I am satisfied that any problems on the current site can continue to be monitored within its terms. Having discussed matters with new owners, I am confident that problems recently experienced at the site will be resolved. However in the event that problems do persist, compliance action could be taken in relation to the planning conditions listed under paragraph 28 below. Any breaches would be relayed to the Regulation Committee for their endorsement of appropriate action as necessary.

Latest Planning Application KCC/TM/0094/2012

26. Notwithstanding the problems reported above in relation to the existing site, the operator wishes to retain the option of implementing what was proposed under planning application TM/08/2654 which also sought to address some of these.
27. The 2008 planning application, sought an increase in waste throughput from 20,000 to 80,000 tonnes per annum which would generate a maximum number of 174 vehicle movements (87 in/87 out). The types of waste proposed to be handled on site, (namely inert, cardboard/paper, metal, wood, plastics and non-recyclable residues) remain the same. In order to accommodate this, the applicant sought to extend existing operations onto the adjoining land to the south. This would allow them to install a fully enclosed waste sorting building to cover the extent of the existing site (as shown on the approved site layout drawing number 7282/837 Ip1 above) and enable them to relocate their offices and allocate dedicated parking areas on the adjoining land which would first be hard surfaced to reduce dust nuisance generated from vehicles accessing the site.
28. Given the increase in vehicle movements proposed Kent Highways and Transportation (H&T) and the Highways Agency (HA) were consulted. The HA offered no objection to the proposal whilst H&T accepted that whilst the proposal represented an increase in traffic movements, given the sites close proximity to the A228, they were satisfied that the adjacent highway network could accommodate this. They were also supportive of the provision of off street parking to accommodate staff and vehicles during both the day and night time. Hard surfacing of the adjoining land where vehicles currently cross would go some way to significantly reducing dust and mud generated from vehicles visiting the site. No changes are proposed to the vehicle numbers or routeing as a result of this request to renew permission TM/08/2654. In the event that Members resolve to grant permission for an extension of time to implement the 2008 permission,

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all conditions previously imposed, which require amongst other matters vehicles entering or leaving the site do so in a forward motion, the access and internal road be kept free from mud or other debris and the mist air system be employed and maintained on site and 174 HGVs per day would be re-applied. An additional condition requiring the adjoining land to be hard surfaced prior to the commencement of development could also be added to ensure that the increased activities do not commence until such times as the hard surfacing is in place. Subject to the imposition of these conditions, I remain of the view that the proposal remains acceptable in highway terms.

29. Concern has been raised by one local resident over the impact of the development site on local wildlife. Given the site's location, close to Mill Stream and the Leybourne Country Park SNCI, a number of surveys were included with the 2008 planning application, including a Habitat Survey, Contamination Desktop Study and a Flood Risk Assessment. Consultees included the Environment Agency (EA), Natural England (NE), Jacobs (noise, dust and odour) and the Lower Medway Internal Drainage Board. No objections were raised subject to the imposition of suitable conditions. No changes are proposed to that submitted under TM/08/2654. I remain of the opinion that fully enclosing waste sorting activities within a building and hard surfacing the adjoining land would help to significantly reduce any noise and dust nuisance at the site and would advise that in my opinion provided the relevant conditions, including restricting demolition works to take place outside of the bird breeding season, are reinstated the proposal remains acceptable and consistent with development plan policies requiring the protection of biodiversity.

Conclusion

30. The 2008 permission included a condition requiring its implementation within 3 years of the date granted. However given the current economic climate, as with many other local businesses, the operators have not been in a position to implement the latest permission but wish to retain it on the basis that they remain of the view that its implementation would represent an improvement to the way in which the site currently operates and would provide more control over dust and noise as well as visual impacts. I remain supportive of this view. The Government recognises the difficulties experienced by businesses during the current economic downturn and has issued guidance supporting extensions to time limits for implementing planning permissions until such time as economic conditions improve. Whilst implementation of planning permission TM/08/2654 may therefore be delayed, its implementation would still in my view represent an improvement to what takes place at this site currently and could represent sustainable development. Having regard to consultees comments and the policy support for such proposals, in my opinion there has been no material change in circumstances from when the original application was first considered which should not lead to any other decision other than to grant permission. I therefore recommend accordingly.

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Recommendation

31. I recommend that PLANNING PERMISSION to extend the implementation of planning permission TM/08/2654 for a further 3 years BE GRANTED subject to the imposition of those conditions previously imposed which provide for amongst others, a timescale for implementation, contamination risk assessment, restriction on waste types, restriction to ensure all waste is handled inside the building, no external storage of waste, restriction on waste throughput, restriction on vehicle access, restriction on vehicle numbers to 174 (87 in/87 out) per day, restriction on hours of operation, dust suppression measures and an additional condition requiring provision of hard surfacing on land to the south.

Case Officer: Angela Watts

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Background Documents: see section heading.
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