

**Scrap metal storage and processing facility, including End of Life Vehicle facility at Eclipse Business Park, Cobbs Wood Industrial Estate, Ashford – AS/12/518 (KCC/AS/0095/2012)**

A report by Head of Planning Applications Group to Planning Applications Committee on 6 November 2012.

Application by European Metal Recycling Limited for a change of use of the whole site to a scrap metal storage and processing facility, including the conversion of the front of the existing building into a two storey weighbridge office/staff amenity block; construction of a non ferrous compound; creation of a new entrance from Brunswick Road; addition of palisade and site fencing/screening; installation of a weighbridge, tanks to hold fluids drained from End of Life Vehicles and a shear/densifier in the ferrous yard at Eclipse Business Park, Cobbs Wood Industrial Estate, Brunswick Road, Ashford, TN23 1EL – AS/12/518 (KCC/AS/0095/2012).

Recommendation: Planning permission be granted, subject to conditions.

Local Member: Mrs Elizabeth Tweed

Classification: Unrestricted

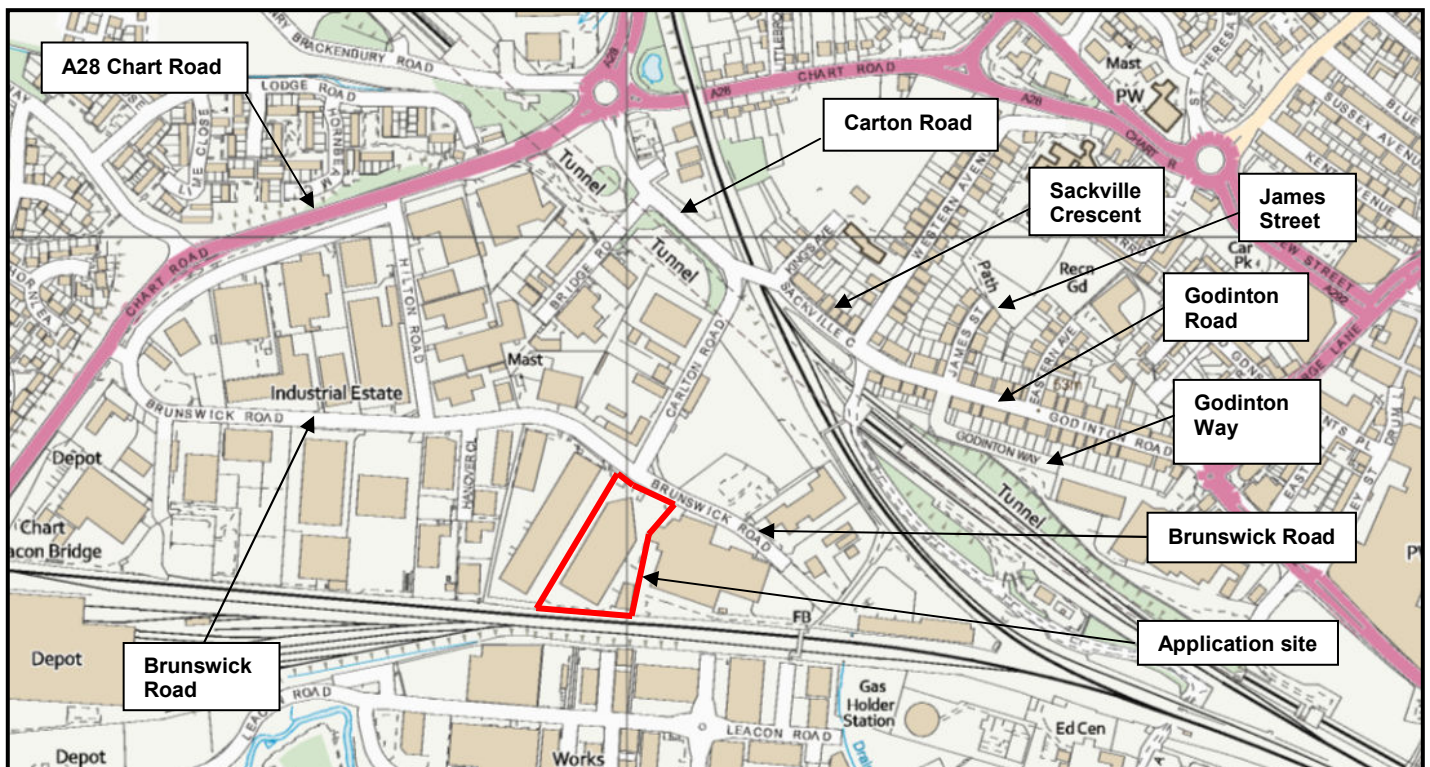
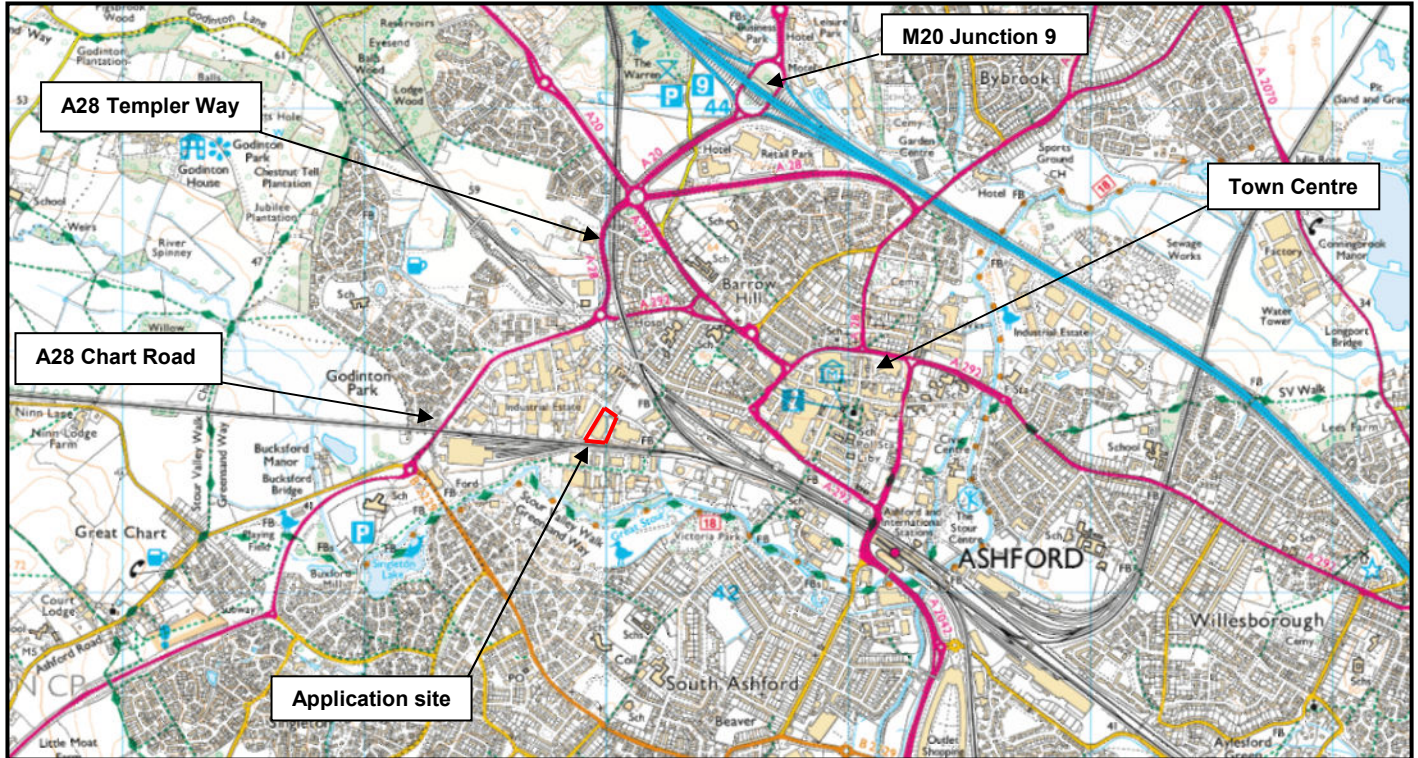
**Site Description and Background**

1. Eclipse Business Park is the site of a former industrial building totalling some 5,200 sq metres of floorspace located on the Cobbs Wood Industrial Estate at the junction of Brunswick Road and Carlton Road. Both these roads provide the main spine road for the Industrial Estate. The former building was sub-divided into 16 units of B1, B2 and B8 general industrial space with office space at the front of the site. The applicant purchased the site and obtained Building Control approval from Ashford Borough Council to demolish the main building, except for an office building at the front and an open sided structure to the rear of the site. The total site measures just over 1 hectare and has one existing vehicular access point on to Brunswick Road. Immediately to the rear (south) of the site lies the mainline Ashford to London railway line, with light industrial units and a waste recycling activity lying to the east and west of the site boundaries. Along the rear boundary of the site are a number of pine trees (some 19 in total), whilst the front of the site on either side of the existing vehicular entrance there is a collection of Silver Birch, London Plane, Beech and Young Oak trees).
2. The Cobbs Wood Industrial Estate contains a mix of land use activities, predominantly focussing around light industrial units. The Estate also contains the County Council's Household Waste Recycling Centre and Waste Transfer Station serving Ashford which, as Members will be aware, was recently granted permission to redevelop and expand at the Meeting of the County Council's Planning Applications Committee in April 2012. Several other waste recycling/processing activities already take place within the Estate, including sites operated by Green Box Recycling and Viridor Waste Management Limited. The nearest residential properties to the application site are those located to the north-east in Godinton Road (250 metres) and Sackville Crescent (260 metres), in between which is a redundant parcel of land (formally occupied by Rimmel International Limited and then acquired by SEEDA. This site is not designated for a specific land use within the existing Development Plan or emerging Local Development Framework Urban Sites Development Plan Document) within the Cobbs Wood Industrial Estate and the high speed Channel Tunnel Rail Link line. The Chart Industrial Estate, containing a mix of commercial development, is located south of the application site and railway line.

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#### Site Location Plan



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Not to scale



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The site plan illustrates the Brunswick Industrial Estate, bounded by Brunswick Road to the north, Carlton Road to the east, and a Railway to the south. Key features include:

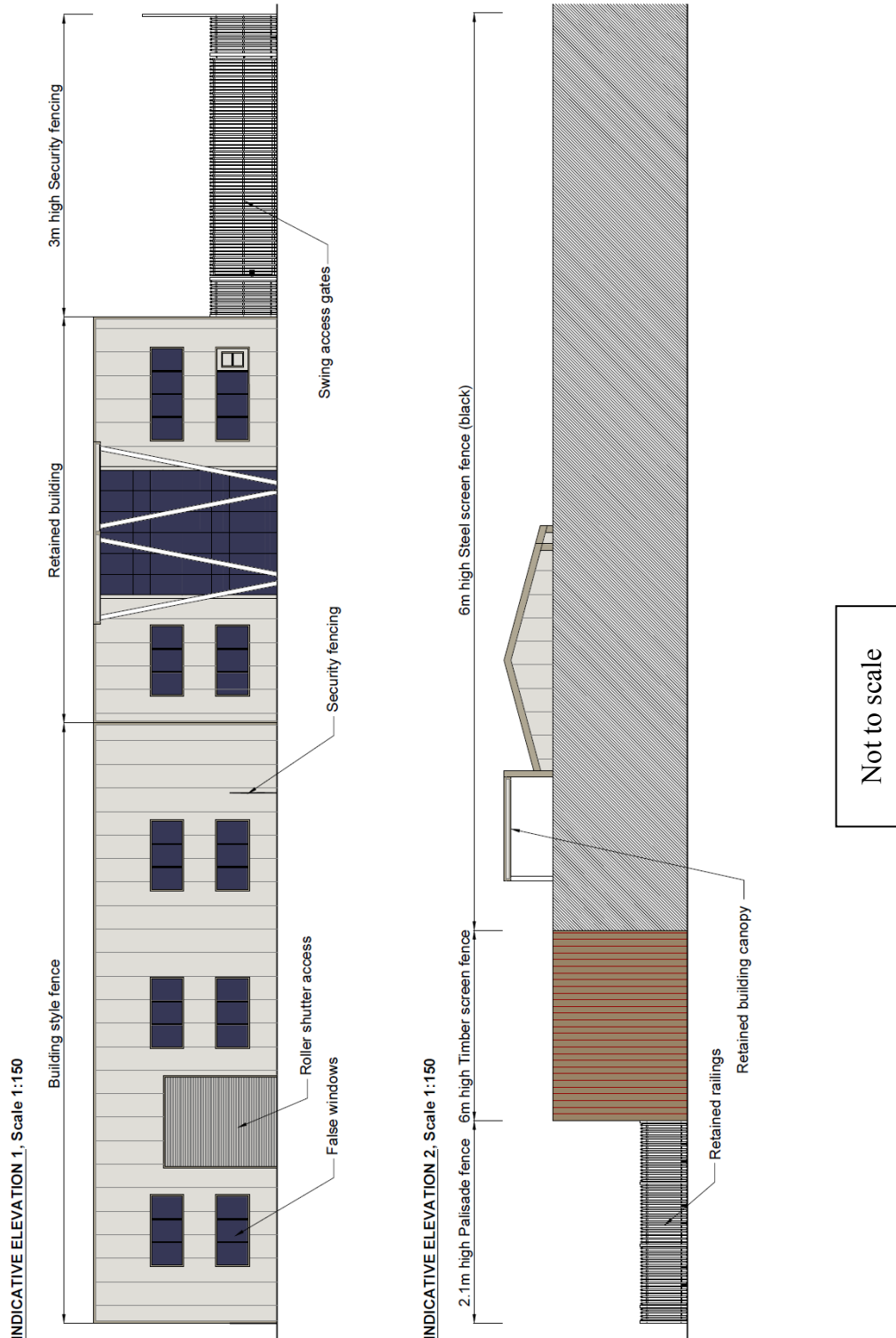
- Existing Structures and Infrastructure:**
  - Overenden House:** Located at the top of the site.
  - Brunswick Industrial Centre:** A large grey area on the left.
  - Brunswick Estate:** A large grey area on the left, adjacent to the Industrial Centre.
  - MPT House:** Located on the right side of the site.
  - Green Box Recycling:** Located at the bottom right of the site.
  - Railway:** Runs along the bottom of the site.
  - Sub-station:** Located near the top right of the site.
  - Existing trees retained:** Indicated by green circles and labels.
  - Access widened:** Indicated by a dashed line and label.
  - Retained building to be utilised as an office block and welfare facilities (fire exit to rear):** A blue building in the center.
  - Retained building to be utilised as ELV building:** A purple building at the bottom right.
  - ELV farm:** A purple area at the bottom right.
  - Mobile crane (non static):** A crane icon in the center.
  - Existing railings and trees retained:** Located along the bottom boundary.
- Proposed Developments and Features:**
  - 6m Timber screen fence:** Along the top boundary.
  - 3m high Security access gates:** Located along the top boundary.
  - Weighbridges:** Located along the top boundary.
  - 6m Steel screen fence (black):** Along the left boundary.
  - 6.5m Steel screen fence (black):** Along the left boundary.
  - 4m Steel screen fence:** Multiple locations within the site.
  - 5m Steel screen fence:** Along the bottom boundary.
  - 3m Security fencing:** Along the bottom boundary.
  - 8m (top height: 53.26m AOD) Steel Screen fence - Fence designed to mimic the elevation of the retained building:** Along the right boundary.
  - 'Building style' fence to return down side of adjacent building to close off corner:** Along the right boundary.
  - Non ferrous compound:** A grey area on the right.
  - Metal shear:** A grey area on the right.
  - Soft landscape improvements including hedgerow, along fenceline, and shrub planting:** Indicated by green areas and labels.
  - New tree and shrub planting:** Indicated by green circles and labels.
  - Retained railings repaired and painted where required:** Along the top boundary.
  - Roller shutter access gate:** Located near the top right of the site.
  - Pedestrian gate:** Located near the center of the site.
  - Dead Leylandii to be removed and replaced with 25L tree (200-250cm):** Along the bottom boundary.
- Other Labels:**
  - 1** and **2**: Markers indicating specific locations or features.
  - BRUNSWICK ROAD** and **CARLTON ROAD**: Major roads.
  - RAILWAY**: The railway line at the bottom.

Not to scale

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#### Proposed Elevation and Fencing Details



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3. The application site is located within the confines of the urban area as defined by the Ashford Local Development Framework Proposals Map. There are no other site specific designations, although more general Development Plan Policies are set out in paragraph (24) below. A 'Site Location Plan' is attached on page C2.2.
4. The applicant previously requested a pre-application Screening Opinion from the County Planning Authority as to whether the proposed development constituted Environmental Impact Assessment development. The County Planning Authority concluded that the proposed development did not need to be accompanied by an Environmental Statement, however it identified that specific aspects of the proposed development needed to be fully assessed as part of any future planning application. The aspects specifically highlighted included the need to provide a detailed Transport Assessment and a Noise Impact Assessment.
5. A Member Site Visit to Eclipse Business Park was held on 24 July 2012. The notes of the Site Visit are set out in Appendix 1. A visit to a similar facility in Croydon run by European Metal Recycling was held on the 4 September 2012. That visit included Officers from the Planning Applications Group together with the Committee Chairman and Mr Manning.

**Proposal**

6. The application is submitted by European Metal Recycling Limited (EMR), a global leader in metal recycling, operating from 150 locations around the world and primarily dealing with scrap metal arising from a range of sources such as End of Life Vehicles (ELVs), consumer products, industry, construction and demolition sectors.
7. The application proposes the change of use of Eclipse Business Park to form a modern scrap metal storage and processing facility, including an End of Life Vehicles (ELV) facility. The site is proposed to process up to 60,000 tonnes of ferrous and 10,000 tonnes of non-ferrous scrap metals per year. The application documents identify that the proposed site is intended as a 'feeder' scrap metal yard, specifically to buy metals locally, sort and process them before sending the metal to the end user for recycling or feeding them into EMR's existing shredder site at Ridham Dock. Most of the scrap would be brought in or collected from local firms, local authorities and private individuals. The majority of the loads would be relatively small quantities of metal and as such customers are not prepared to transport them long distances.
8. The application proposes the conversion of the front of a two-storey existing office building (which formed part of the former Eclipse Business Park building) to be used as a weighbridge office and staff amenity block. A non-ferrous compound would be constructed alongside the weighbridge office, surrounded by 8 metre high metal fencing facing Brunswick Road and 6 metre high metal fencing facing the rear, eastern and western sides of this compound. The 8 metre high fence would be detailed to appear as a building frontage, including false windows and a roller shutter door which would provide the main vehicular access into the non-ferrous compound. The false building frontage would run directly between the existing office building (as retained) and an adjoining building on the adjacent site. Details of the proposed site frontage can be found on page C2.4. Behind the roller shutter door (which is shown to open to just under 5 metres in height) would be a set of small platform scales where individuals would bring in and manually load on non-ferrous metals. Behind the scales a "L" shaped 5 metre metal screen is proposed which would be roofed over to tie in with the false building

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frontage. The height of the fencing surrounding the non-ferrous compound is based upon the recommendations of the applicant's noise consultant and is intended to provide a visual and noise screen for all of the activities taking place within the ferrous yard behind.

9. The application proposes the creation of a new vehicular access into the site from Brunswick Road to serve the non-ferrous yard. It also proposes the widening of the existing vehicular access from Brunswick Road. The front site boundary (with Brunswick Road) would consist of the retention of existing palisade fencing, together with new sections of matching palisade fencing and security gates. To the eastern boundary of the site a 6 metre timber screen fence would be erected back from the road frontage, which would then meet with a new 6 metre high black steel fence which would run for approximately 130 metres to the rear site boundary near the railway line. A number of existing trees currently line the southern site boundary with the mainline railway line. The application proposes that these trees are retained and any dead trees replaced with similar species. A new 6.5 metre high black steel fence would be erected inside of the site boundary, avoiding conflict with the existing trees to be retained, which would run from the western boundary of the site to the point where it meets the proposed End of Life Vehicles building. A 6 metre high black steel fence would be erected along the eastern site boundary from a point near the End of Life Vehicle Facility building towards the front of the site boundary where it would meet the new false building frontage. Various internal steel fences would be installed throughout the site to act as stock pile retaining walls, ranging in heights of 4, 5 and 6 metres. The application states that all existing trees to the northern and southern boundaries of the site would not be affected by the development proposals and any failures would be replaced by similar species and sizes of trees.
10. Other elements of the proposal include the installation of a double weighbridge, the installation of a number of tanks to hold fluids drained from ELV, the installation of a shear/densifier (a machine which cuts the scrap to a required size after first compressing it using a number of hydraulic rams to produce furnace ready product) in the ferrous yard and a number of mobile plant and machinery including 360° mobile cranes with hydraulic grabbers. An open sided building would remain in the south-eastern corner of the site and this is proposed to be used in connection with the ELV operations. The whole of the site would be concreted and drained via a Class 1 full retention interceptor. The application details that all proposed site operations would be carried out under the terms of an Environmental Permit.
11. The application proposes that the site would be open for operations between 07:00 and 18:00 hours Monday to Friday, 07:00 to 13:00 hours on Saturdays and closed on Sundays and Bank Holidays.
12. The application sets out their case of need for the proposed development based on existing experience of EMR which has found that a network of similar 'feeder' sites are necessary across the country to serve local markets. The site in Ashford would act as a 'feeder' site to buy metals locally, process and then bulk up before feeding them into EMRs network as a furnace ready metal or for further processing at EMRs existing shredder site at Ridham Dock. It is claimed that the company provides a link between local producers of metallic waste and the international consumers of scrap metal as a raw material. Typical imports of metals are likely to arise from members of the public looking to securely dispose of their ELVs, small waste firms disposing of their metals and electricians/plumbers as well as small engineering/manufacturing firms delivering smaller loads of scrap metals. The applicant notes that Ashford is a Growth Point within

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the county with substantial new housing planned until 2021, therefore it argues that additional waste recycling infrastructure will be required to meet an increasing need.

13. The majority of scrap metal which would arrive on the site would do so in an untreated or partly treated state. A number of processes have to take place before the metal can be effectively reused – these activities include sorting the material into different size categories, stripping out any non-metallic material, cutting to specific sizes and baling before being sent to the eventual customer for melting or to EMRs other regional facilities for processing into furnace ready product. Examples of ferrous and non-ferrous metal streams to be processed at the site include: depolluted ELVs, Local Authority civic amenity scrap, large domestic appliances and construction and demolition scrap. Certain mixed metallic and non metallic scrap (most notably cars and domestic appliances) are drained of all potential fluids, compressed for transporting and sent to major processing facilities where they are shredded or fragmentised to recover the various components. Given the capital investment and volumes required these tend to be regional facilities – in this case the nearest facility is EMRs shredder site at Ridham.
14. The End of Life Vehicle Directive 2000 places certain controls on the storage of ELVs prior to treatment, detailing depollution operations, recycling and the storage of components and spare parts. The Directive requires that storage and treatment should occur on fully impermeable surfaces with adequate rainwater controls with appropriate safeguards for hazardous components and materials. It also outlines which components and materials are to be removed in the depollution procedures before recycling can be carried out. It is proposed that an existing open sided building to the rear of the site would house the ELV operations together with new storage tanks outside for the recyclable waste materials. The application details that depollution activities are similar to those with a vehicle service garage and are not considered noisy. All fluids drained off from vehicles are collected and would be transported off-site to a licensed processor of waste hydrocarbons. Once the fluids have been drained from the ELV it would then be compressed in the shear to allow the minimisation of transport movements required to take it for further processing through a shredder.
15. The application is accompanied by a Transport Statement which examines existing extant highway movements (as associated with the former Eclipse Business Park development) and those highway movements associated with the proposed development. The Statement states that based on the floorspace of the former building (some 5,200 sq. metres) and applying trip rates from the TRICS database, the site could generate up to 694 two-way movements per day with a B2 Use (General Industrial) and up to 348 two-way movements per day with a B8 Use (Commercial Warehousing) onto the local highway network. Based upon the experience of EMR for sites dealing with similar throughput of scrap metal the proposed trip generation for the site would typically be in the region of 150 to 200 vehicles per day (300-400 two way movements). These vehicle movements are typically experienced evenly throughout the day with small peaks when the site opens, and in early afternoon, however these peaks are traditionally outside the normal AM (08:00-09:00) and PM (17:00-19:00) traffic peak hours. The site operating hours on a weekday would be 07:00-18:00 which equates to an 11 hour working day. On the assumption that there would be 150 vehicles (300 two-way trips) this would equate to 27 two-way trips per hour, or with the higher 'worst case' scenario of 200 vehicles (400 two-way trips) per day figure would amount to 36 two-way trips per hour on average. The Transport Statements details that assuming the "worst-case" scenario of 200 vehicles (400 two-way trips) this represents a substantial reduction (in the region of 40%) under the extant vehicle numbers associated with a B2 Use (General Industrial) or a marginal increase of an additional 26 vehicles per day

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associated with a B8 Use (Commercial Warehousing).

16. The application is accompanied by a Noise Impact Assessment which considers the existing noise environment in the vicinity of the application site. It notes that the soundscape of the proposed development site is dominated at times by the recycling and waste handling site at the end of Brunswick Road (operated by Viridor Waste Management Ltd) but predominantly by the Green Box waste site adjacent to the east of the application site. The nearest noise sensitive receptors are identified as residential properties located in Sackville Crescent, Godinton Road and Godinton Way some 250 metres away. There are also adjacent commercial receptors located immediately to the site boundaries with some windows/offices facing the proposed scrap metal processing facility. The applicant's noise consultant undertook background noise monitoring in May 2011, November 2011 and February 2012 to acquire noise levels at the nearest noise sensitive residential receptors during a weekday daytime and on Saturday morning, over a period which is representative of the proposed hours of operations. Taking account of the background noise readings, a "worst-case" prediction of noise arising from proposed operations and the mitigation proposed, the report concludes that the operations could take place without any unacceptable harm to surrounding noise sensitive receptors.
17. Further information was submitted by the applicant in August 2012 relating primarily to the visual impact of the proposals, a case of need and vehicle movements. The applicant submitted an estate character report which provides an appraisal of the existing built environment of the Cobbs Wood Industrial Estate and Chart Industrial Estate (which is located to the south of the application site and railway line). It also includes wider photomontage views of the proposed development from key surrounding locations, including views which would be obtained from first floor windows of residential properties in Sackville Crescent, a view from Carlton Road and a view from Stafford Close (within the Chart Industrial Estate). The report recommended that the front metal fencing be detailed to appear as a building façade, including the use of a roller shutter access and false windows to break up the elevation; the introduction of soft landscaping (including additional tree and shrub planting) on the northern boundary; the removal of dead trees and replacement with similar species together with additional planting to infill existing gaps along the southern boundary; and the installation of a timber fence to the front western corner of the site to soften views of the development from Brunswick Road. These measures have been taken on board by the applicant and now form part of the proposals.
18. In respect of a case of need, the applicant states that it is a very experienced metal recycler and has grown from one site to become the leading metal recycler in the UK. Its assessment of the local market is that Ashford represents a good location for a new facility, particularly noting that it is a Government targeted Growth Point with its population projected to grow rapidly in the coming years. Other key factors indicated by the applicant include improved waste management / recycling being a corporate priority of the Borough Council and that in 2011 Ashford was said to have the lowest recycling rates in the country by DEFRA. The applicant notes that the proposed location on the Cobbs Wood Industrial Estate has been selected because it provides a convenient location for the majority of the businesses and residents of the Borough with ready access to the motorway network without the need to go through residential areas.
19. The applicant notes that the levels of scrap metal arisings in an area are generally underestimated by official data. Statistics on scrap metal arisings is often poor since most waste surveys focus on municipal, commercial/industrial and construction/demolition waste, and do not identify metals separately. The British Metals



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Recycling Associated estimates that approximately 13 million tonnes of scrap metal is generated annually in the UK. A simple estimate provided by the applicant based on population data for Kent suggests that within the County approximately 297,951 tonnes of scrap metal directly arises each year. With the significant growth in population and businesses within the Ashford Borough, the arisings of scrap metal in the area would also increase significantly from current levels. An example of this is that a large source of scrap metal comprises of End of Life Vehicles, of which approximately 2 million are scrapped annually in the UK. The applicant argues that the increases in population envisaged would inevitably lead to an increase in the number of cars being scrapped. Similar increases would be seen for other types of domestic scrap also.

20. The applicant notes that capacity for metal recycling is often overstated by adding together the car breakers tonnage to that of the scrap metal companies. There is a hierarchy of businesses in the metal recycling industry of which car breakers/End of Life Vehicle processors are a specialist part. They strip a car of all the saleable parts but are then left with the car body which they then sell on to metal companies. Other important sources of metal for recycling are household waste recycling centres and waste recycling facilities, since these operations separate metals from other waste for recycling. The applicant notes that smaller scrap companies in Dover, Canterbury and Shepway could also sell scrap to EMR as they do not have the processing machinery that would produce the furnace ready scrap metal that steelworks require, the export facilities that are increasingly important or the volumes of non-ferrous scrap that would fill a container.
21. In respect of employment opportunities resulting from the proposed development, the applicant recognises that like other businesses on the Cobbs Wood Industrial Estate, this type of development tends to be capital intensive business rather than an employer of significant numbers of staff. However, the applicant points out that they would use local haulage companies and other businesses to maintain equipment and supply services.
22. With regards to anticipated vehicle movements arising from the proposed development, as noted in paragraph (15) above the applicant transport statement predicts a 'worst case' scenario of up to 200 vehicles (400 two-way trips) per day. Using weighbridge data from a range of EMR's similar facilities the applicant notes that a variety of vehicles would typically use the site. The highest number of movements (approximately 143 vehicles, or 286 movements) would occur from local residents and firms bringing in scrap metal in cars, cars with trailers or small transit vans. Light lorries (up to 7.5 tonnes) would typically comprise of 30 vehicles (60 movements), whereas 'hooklift' vehicles (i.e. vehicles carrying skips) could typically comprise of 17 vehicles (34 movements per day). Vehicles collecting ferrous and non-ferrous scrap would primarily be articulated lorries with bulk tippers or containers. Typically, a similar type facility could attract 10 bulk tippers (20 movements) and 1 container lorry (2 movements) per day. Members should note that these figures are representative only and are intended to give an approximate breakdown of the type and numbers of vehicles concerned.
23. A copy of the 'Proposed Site Layout Plan' and 'Proposed Elevation and Fencing Details' are shown on pages C2.3 and C2.4 respectively.

**Planning Policy Context**

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

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- (i) **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (March 2012), Planning Policy Statement 10: Planning for Sustainable Waste Management (2005, as amended in 2011) and the Waste Strategy for England (2007).
- (ii) **South East Plan (2009)** – the most relevant Policies are CC1 (Sustainable Development), CC3 (Resource Use), CC4 (Sustainable Design and Construction), RE3 (Employment and Land Provision), T4 (Parking), NRM1 (Sustainable Water Resources and Groundwater Quality), NRM2 (Water Quality), , NRM4 (Sustainable Flood Risk Management), NRM9 (Air Quality), NRM10 (Noise), W1 (Waste Reduction), W2 (Sustainable Design, Construction and Demolition), W3 (Regional Self-Sufficiency), W4 (Sub-Regional Self-Sufficiency), W5 (Targets for Diversion from Landfill), W6 (Recycling and Composting Targets), W7 (Waste Management Capacity Requirements), W10 (Regionally Significant Facilities), W15 (Hazardous and Other Specialist Waste Facilities), W16 (Waste Transport Infrastructure), W17 (Location of Waste Management Facilities), EKA1 (East Kent and Ashford Core Strategy), EKA2 (Spatial Framework for Ashford Growth Area) and EKA6 (Employment Locations).

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

- (iii) **Kent Waste Local Plan (1998)** – These include Saved Policies W3 (Locational Criteria), W6 (Sites outside those identified as suitable in principle for waste management development a case of 'need' will be a material consideration in any decision), W9 (Waste Separation and Transfer), W18 (Noise, Dust and Odour), W19 (Groundwater), W20 (Land Settlement, Stability and Drainage), W22 (Road Traffic and Access), W25 (Siting, Design and External Appearance of Hard Surfacing, Plant, Buildings, Lighting, etc.), W31 (Visual Impact and Landscaping) and W32 (Operation and Aftercare).
- (iv) **Kent Minerals and Waste Development Framework – Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (May 2011)** – These include draft Core Strategy Policies CSM1, CSW2, CSW2A, CSW3, CSW5, CSW6, DM1, DM7, DM8, DM9, DM10 and DM13.
- (v) **Ashford Borough Council Local Plan (2000)** – These include Policies ET7 ('Bad Neighbour' developments), ET8 (Variety of size and type of premises) and TP6 (Cycle parking provisions).

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- (vi) **Ashford Borough Council Local Development Framework Core Strategy (2008)** – This includes Policies CS1 (Guiding Principles), CS2 (Borough Wide Strategy), CS4 (Ashford Urban Area), CS7 (Economy and Employment Development), CS9 (Design Quality), CS10 (Sustainable Design and Construction), CS15 (Transport), CS20 (Sustainable Drainage).
- (vii) **The emerging Ashford Borough Council Local Development Framework Urban Sites Development Plan Document (not yet adopted)** – These include Draft Policies U3 (Land at Chart Industrial Estate) and U20 (Loss or Redevelopment of Employment Sites).

**Consultations**

25. **Ashford Borough Council** – objects to the proposed development as it is contrary to Development Plan Policies for the following reasons:

- i. the site is not identified in the Development Plan for waste facilities. It is a valuable site which has the capacity to accommodate buildings that would generate significantly more employment than the proposed use located in a very sustainable location;
- ii. the visual impact of the proposed metal walls around the site would be significant and would detract from the character of the area and would not reflect the requirements of the Development Plan for high-quality development and spaces; and
- iii. the need for this development, contrary to the Development Plan, has not been adequately established particularly as the use proposed is either already operating in Ashford or has planning permission to do so. On balance, the harm caused by the development (notably in terms of visual amenity, the perception of a 'bad neighbour' development and the impact upon existing trees on site) and the concerns raised by local employers and local residents are not outweighed by any need for this development.

The Borough Council has confirmed that it wishes to maintain its objection to the proposal having considered the revised plans and further information submitted by the applicant.

26. **Environment Agency** – has no objections to the proposed development, subject to the imposition of the following conditions:

- i. no development shall take place until a remediation strategy to deal with the risks associated with contamination of the site has been agreed by the County Planning Authority;
- ii. piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the County Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater;

The Agency note that the ground contamination studies carried out by the applicant have been carried out in line with relevant guidance. It notes however that the studies have identified that groundwater in the River Terrace Gravels aquifer beneath the site is affected by elevated concentrations of chlorinated hydrocarbons. Relatively small amounts of the same pollutants were found in the soil sampling from the site too.

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Such a risk assessment may allow a remediation strategy to be developed for the site. Alternatively, the risk assessment may demonstrate that further investigation work will be necessary first. Either way, more information and assessment will be needed to demonstrate that there are no unacceptable risks in place on the site with regard to controlled waters.

The Agency is concerned that the contamination found thus far could be continuing to discharge from an undiscovered source. They are also concerned that this contamination could migrate off-site in groundwater towards the River Stour, particularly as the earlier Phase Two report suggested groundwater was flowing in that direction.

Confirmation has been provided that the site operations would require an Environmental Permit.

27. **KCC Highways and Transportation** – has no objections to the proposal in respect of highway matters subject to the following conditions being attached to any permission granted: -

- i. provision for construction vehicles parking, loading, off-loading and manoeuvring space to be accommodated on site during construction activities;
- ii. details of on-site parking and turning space for site personnel/operatives/visitors being agreed prior to works commencing on site and thereafter retained in perpetuity for the life of the development;
- iii. details to be agreed regarding provision being made within the site for the disposal of surface water so as to prevent discharge onto the highway;
- iv. control of mud and debris being tracked onto the highway;
- v. requirement to provide 3 cycle parking spaces; and
- vi. new access proposed shall be completed in accordance with the details submitted prior to the first use of the development and shall be maintained in perpetuity thereafter for the life of the development;

In addition, the KCC Highways and Transportation Manager identifies that the applicant will be required to apply for permission to construct a new Vehicle Crossover from the Highway Authority.

28. **KCC Noise, Dust and Odour Consultant (Jacobs)** – makes the following comments under the sub-headings:

Dust, Odour and Air Quality

Notes that odour would not be an issue due to the nature of the recycling operations and that dust would be controlled through the site's general environmental management plan required under the Environmental Permitting Regulations.

Notes that the area generally has low background levels of pollutants and the amount of traffic generated by the development would not have any material effect upon these concentrations.

Noise

The Screening Opinion request previously submitted by the applicant included the submission of a Noise Impact Assessment which assessed the impact of noise from the proposed facility at the nearest residential properties. The assessment predicted noise levels at the closest residential properties using BS:4142 that showed the noise



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rating level ranging from 0 to 1 dB above background noise levels at Sackville Crescent and of 4 dB below background levels in Godinton Way.

It was requested that an additional noise survey be undertaken that would include the Saturday morning period when potentially background noise would be lower than those previously measured in the afternoon during a weekday. The noise monitoring was undertaken on 18<sup>th</sup> February 2012, a Saturday morning, with the lowest hourly average  $L_{A90}$  of 46 dB in Godinton Road and 49.5 db in Sackville Crescent. This additional noise monitoring demonstrates that noise levels on Saturdays were no lower than during the week.

The applicant's noise consultant has undertaken "worst-case" predictions of noise levels from the facility at the nearest residential properties based upon the highest predicted site noise level with plant in constant operation and the lowest measured background noise level. The resulting predictions give a rating level of 1 dB in Sackville Crescent and -4 dB in Godinton Road.

In his previous response to the Screening Opinion request he requested that an assessment should be undertaken with regard to the typical planning condition that we usually apply to similar developments (i.e. that *"at no time during the operation of the permitted facility shall the noise rating level  $L_{Ar,T}$ , calculated in accordance with the method provided in BS4142:1997, attributable to the operation of all fixed and mobile plant together with machinery installed or otherwise used at the premises exceed the background noise level  $L_{A90,T}$  at any noise sensitive property"*).

The assessment provided in this application does not demonstrate compliance with that condition, albeit marginally. However, given that "worst-case" approach is presented, he considers that it is unlikely that the condition would not be met during the general operation of the site.

He notes that the commercial properties in the vicinity of the proposal are assessed by the applicant's noise consultant through a comparison of the predicted noise levels with the guideline values of BS:8233 for interior noise levels. Assuming the "worst-case" impact arising from EMR's activities, the report demonstrates that internal noise levels would be within BS:8233's 'reasonable conditions for study and work that requires concentration' at those adjacent commercial properties.

He considers that possible noise breakout through the roller doors would be kept to a minimum due to the height of the internal "L" shaped barrier behind the door (5 metres) and covering of the area with a roof.

Therefore, he accepts that the proposal would be within or at the noise limit and recommend that the above condition be attached to any consent.

29. **County Fire Officer** – no response received to date to the consultation sent in May 2012.
30. **Network Rail** – no response received to date to the consultation sent in May 2012.

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**Local Member**

31. The local County Council Member Mrs Elizabeth Tweed was notified of the application in May 2012. Mrs Tweed was notified of the further information received in September 2012.
32. I have received concerns from the adjoining County Council Member, Mr Jim Wedgbury. His concerns primarily focus around the general poor track record of the scrap metal industry in complying with the terms of their planning permission, the nature of the operations being very noisy and operating on a 24/7 basis, the addition of a considerable number of HGV movements on an already very congested road which would lead past residential properties causing noise and disturbance and an increase risk of fires and pollution incidents.

**Publicity**

33. The application was publicised both by site notice and newspaper advertisement, and the individual notification of 323 properties, consisting of all business premises within the Cobbs Wood Industrial Estate and the nearest residential properties in Sackville Crescent and Godinton Road.
34. Individual notification letters were sent to all those business and residential properties who made representation on the original application together with immediate neighbours of the application site to advise them of the further information submitted by the applicant. A period of 21 days was given to allow any of these interested parties to express further views in writing to the Waste Planning Authority.

**Representations**

35. At the time of writing, 10 letters of objection have been received from local businesses (or agents acting on their behalf) within the Cobbs Wood Industrial Estate. I have also received 19 letters of objection from local residents in nearby residential streets of Sackville Crescent, Godinton Road, Stafford Close, Eastern Avenue and James Street. These letters include both responses received on the original application together with any views expressed regarding the further information submitted by the applicant. The main issues of concern raised can be summarised as follows: -

**Commercial Issues**

- concerned that this development would bring high volumes of heavy and dirty traffic and the corresponding noise, vibration, dust, smells and residue seepage associated with such industry. Any business that would cause such a significant change in our working environment would lead to other operators within the industrial estate seriously reconsidering their working location;
- danger to the public with large lorries turning from the main A28 onto the Cobbs Wood Estate with very large loads of scrap;
- increased risk to the security of surrounding business premises;
- question whether there is a need for such a site in Ashford if it is noted that Ashford is already served well by recycling plants including facilities for scrap metal;
- the Supporting Statement accompanying the application does not properly assess the site and it's setting and the impact of the development;
- the Noise Impact Assessment has not properly considered the noise impact of the

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proposals on adjacent industrial buildings, particularly first-floor windows of adjacent industrial offices. Noise from site operations could funnel through a gap in the fence near the weighbridge out from the site towards Carlton Road;

- the Transport Statement submitted by the applicant has not taken account of existing highway capacity or junction analysis and would only increase congestion, particularly when taken together with the expanded Ashford HWRC. Consideration should also be given to whether any highway improvements are necessary;
- the assumed trips generated from an extant B2 Industrial Estate use (694 two-way trips) appears to provide an inflated portrayal of the anticipated benefits to be gained by EMRs proposals – taking a more conservative approach an expected trip generation from the extant use would be much less at 283 per day;
- it has been stated that there could be up to 150-200 vehicles visiting the site every day, but there is no breakdown of the type of vehicle;
- the main movements of vehicles are likely to occur during the latter part of the day – during some periods 40 or 50 movements per hour could be experienced, leading to congestion on the local roads;
- no proper justification has been given that this is the most sustainable location, particularly when there are other waste facilities within the locality that manage the same waste stream;
- no reference is made to whether site lighting will be required;
- questions the acceptability of locating the ELV facility nearby to the railway line – the fluids drained from ELVs could cause a potential fire hazard adjacent to the mainline Ashford-London railway line;
- no indication has been given to the height of the stockpile heights;
- lack of sufficient employee parking within the application site;
- the location of Eclipse Business Park is a “Gateway” to the Cobbs Wood Industrial Estate with a high visual impact. This development would ‘bring down’ the quality of the Estate;
- loss of some 5,200 sq. metres of ‘high quality’ employment floorspace; and
- the Estate Character Report appears to rely on future development (of the former Rimmel site) to screen the proposed activities from residential properties in Sackville Crescent. Although this land is likely to be redeveloped in the future, its use as a measure to screen the proposed EMR development cannot be given any weight as a mitigation measure.

**Residential Issues**

- concerned about noise, visual impact, increased traffic and any fumes/chemicals in close vicinity to families. Increased dust would result in windows not being able to be opened, reducing enjoyment of existing gardens and problems for human health (asthma);
- concerned that the development would be ‘bad-neighbour’ development and may impact on future high quality development coming forward within Ashford;
- increase in vermin and fire risk;
- impact on local wildlife – specifically a threat to bees and butterflies;
- this type of development must be located away from residential development, not within an urban area;
- the proposed hours of use should be restricted further;
- increased risk of crime;
- the further information submitted by the applicant fails to take into account the genuine concerns of local residents; and
- the addition of new trees is a great improvement but would not hide the big

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eyesore proposed.

36. A letter has also been received representation from the Central Ashford Community Forum who consider that this is not an appropriate site for a “dirty” industry as businesses nearby require clean air to function properly. The Community Forum considers there are better sites available with equally good access which would be more suitable. It believes that this area is also already very congested and additional HGVs would add to this problem.

**Discussion**Introduction

37. The application seeks planning permission for a modern scrap metal storage and processing facility, including an End of Life Vehicle facility, with the capacity to process up to 60,000 tonnes of ferrous and 10,000 tonnes of non-ferrous scrap metals per year. The application is being reported to the Planning Applications Committee as it has met with objections from the Borough Council, adjoining business occupiers and nearby residential dwellings.
38. 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. In the context of this application, the development plan policies set out in paragraph (24) are of greatest relevance. It should be noted that the South East Plan remains part of the development plan although the Government’s intention to abolish regional spatial strategies is a material planning consideration and the weight given to it is a matter for the decision maker. The National Planning Policy Framework is also a material planning consideration. However, given the nature of the proposals it is of limited relevance in this case as PPS10 remains in place until any new waste policies are published alongside the new National Waste Management Plan for England.
39. In my opinion, the key material planning considerations in this particular case can be categorised under the following headings:
- need;
  - location;
  - transport (including highway safety and capacity issues on the local road network);
  - pollution and amenity (including noise, dust and odour);
  - landscape and visual impact; and
  - any other issues arising from consultation/publicity.

Need

40. PPS10 states that the overall objective of Government Policy for waste is to protect human health and the environment by producing less waste and using it as a resource wherever possible. It also states that planning authorities should help deliver sustainable development through driving waste management up the waste hierarchy and looking to disposal as the last option. Policy W3 of the South East Plan aims to achieve net regional self-sufficiency and requires waste planning authorities (WPAs) and waste management companies to provide for capacity equivalent to the waste forecast and to require management within its boundaries. Policy W4 requires WPAs to plan for sub-



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regional net self-sufficiency through provision for waste management capacity equivalent to the amount of waste arising and requiring management within their boundaries. Policy W6 sets targets for recycling and composting in the region and Policy W7 for each WPA (or combination thereof). Policy W10 encourages the provision of new or expanded regional and pan-regional scale recovery and processing facilities supported by a sub-regional network of bulking and sorting facilities and states that sub-regional facilities are required for ELVs. Policy W6 of the Kent Waste Local Plan states that need will be a material consideration in the decision where a planning application is submitted for waste management development on a site outside a location identified as suitable in principle in the plan and demonstratable harm would be caused to an interest of acknowledged importance.

41. Draft Policy CSW16 of the Kent MWDF Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (May 2011) states that forms of waste development not covered by specific policies in the Core Strategy will be granted planning permission subject to there being a proven need for the facility and it would not cause unacceptable harm to the environment or communities. Paragraph 6.6.23 of the draft Plan states that *“Kent has many sites that handle ELVs, and although there appears to be no shortage of capacity there may be economic pressures within the industry for larger sites that can provide a range of equipment and greater scope for recycling. Future needs for these facilities may be capable of being established on suitable industrial estates”*. Having discussed the issue of ‘need’ further with colleagues in the Kent MWDF Policy Team, they note that there has been no specific assessment of the future need for metal recycling or ELV facilities within the County for the MWDF period as the existing permitted capacity is much greater than the annual arisings. That said, it is important to recognise that recycling development is towards the top of the waste hierarchy (prevention, preparing for re-use, recycling, other recovery and disposal) and that strong policy support weights in favour of the principle of this type of development.
42. The application proposes that the new facility would provide an additional 70,000 tpa capacity of metal recycling. Whilst there would appear to be no specific need for additional waste management capacity for ELVs or metal recycling facilities more generally in Kent at this time, the proposed provision of new capacity would accord with the objectives of various national and regional waste policies. The proposed development of a new purpose built metal recycling facility would enable existing waste streams to be dealt with more efficiently towards the top of the waste hierarchy and be likely to improve recycling rates.

Location

43. Paragraph 24 of PPS10 states that waste management facilities proposed on sites not allocated for such use should be considered favourably when they are consistent with the policies set out in PPS10 and a range of criteria. These criteria include the physical and environmental constraints on development (including existing and proposed neighbouring land uses), the capacity of existing and potential transport infrastructure to support the sustainable movement of waste (seeking modes other than road transport where practicable and beneficial) and giving priority to the re-use of previously developed land. Policy W17 of the South East Plan states that sites for waste management development should be assessed against the following criteria:
  - good accessibility from existing urban areas or major new or planned development;
  - good transport connections including, where possible rail and water;
  - compatible land uses such as previous or existing industrial land use; and

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- be capable of meeting a range of locally based environmental or amenity criteria.
44. Policy W3 of the Kent Waste Local Plan states that proposals which only involve waste processing and transfer at locations outside those identified on the proposals map will not be permitted unless they can avoid the need for road access, or can gain ready access to the primary or secondary route network and preferably have potential for rail or water transport link and are located within or adjacent to an existing waste management operation or within an area established or proposed general industrial use. Policy W9 states (amongst other things) that proposals for waste separation and transfer will be considered against whether they:
- would minimise impacts on the local and natural environments;
  - have or could secure ready access to the main road network, or have a rail or water link provided that there is acceptable access to an appropriate road network; and
  - are within or adjacent to existing waste management facilities or part of a location with an established or committed general industrial type area (e.g. those with a significant proportion of B2 to B8 type uses).
45. Members will note that the Borough Council has raised objection to the proposals, stating that the development would be located on a valuable site which has the capacity to accommodate buildings that would generate significantly more employment than the proposed use. It notes that in effect a site with significant potential for employment in the future would be lost, contrary to the intentions of saved Policy ET8 of the Ashford Borough Local Plan and emerging Policy U20 of the Ashford Borough Local Development Framework Urban Sites Development Plan Document. It also contests that the site is not allocated in the current Kent Waste Local Plan for any type of waste facility nor is it one of the sites preferred in the Waste Sites Plan Preferred Options Consultation Document (May 2012).
46. I do not consider that the policy concerns raised by the Borough Council in this instance can be substantiated. Firstly, whilst I accept that the site is not specifically identified as a waste processing site within the current Kent Waste Local Plan, Policy W3 of that Plan clearly places strong policy presumption towards locating new waste treatment/processing facilities within or adjacent to an existing waste management operation or within an area established or proposed general industrial use. As stated in paragraph (2) above, I note that that Cobbs Wood Industrial Estate contains a mix of land use activities, predominantly focussing around light industrial uses. A number of waste type uses already exist within the estate, including the County Council's own HWRC and Waste Transfer Station (currently being redeveloped), together with operations undertaken by Green Box Recycling and Viridor Waste Management. The proposed new facility would actually be located directly adjacent to the waste recycling activities currently undertaken by Green Box Recycling (the Green Box site is located immediately to the east, as shown on the 'Proposed Site Layout Plan', page C2.3).
47. Whilst the concerns of the Borough Council regarding the loss of a valuable employment site are acknowledged and accepted to the extent that the proposals would only attract a limited amount of new employment (approximately 10 jobs), I note that the proposals would attract a degree of in-direct employment opportunities. These in-direct employment opportunities would typically consist of local haulage companies and other businesses that would be involved in the maintenance of site equipment and used to supply new services. I also note that a number of other low employment type operations currently exist within the Industrial Estate, such as self storage warehouses, builder's

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merchants, car hire companies and other waste facilities, all of which may otherwise be acceptable in principle for being located within such an Industrial Estate. I therefore conclude that grounds of objection raised by the Borough Council on the loss of employment space are not overriding in this instance.

48. The proposed development of a metal recycling facility on the application site is acceptable in principle and would, in my opinion, accord with the above planning policies subject to meeting the various planning and environmental criteria referred to. These will be addressed with other details policies relating to these matters in the following sections.

Transport (including highway safety and capacity issues on the local road network)

49. PPS10 states that the capacity of existing and potential transport infrastructure to support the sustainable movement of waste and products arising from resource recovery and the use of modes other than road transport where practicable and beneficial are important considerations in determining applications for waste management development. It also states that the suitability of the road network and the extent to which access would require reliance on local roads should be considered. Policy W16 of the South East Plan states that policies should aim to reduce the transport and associated impacts of waste movements and the use of rail and water-bourne transport should be encouraged wherever possible. Policy W17 of the South East Plan states that new sites should be assessed against characteristics including good accessibility from existing urban areas and good transport connections.
50. Policies W3, W9 and W22 of the Kent Waste Local Plan require good access to an appropriate road network, whilst Policy W22 also requires that proposals should not materially adversely affect the safety or capacity of the road network or the local environment and should ensure that any necessary off-site highway improvements are completed at the developer's expense. Policy W3 also expresses a preference for the potential for a rail or water transport link.
51. Policy CS15 of the Ashford Borough LDF Core Strategy states that development that is likely to generate significant traffic movements must be well related to the primary and secondary road network, and that this should have adequate capacity to accommodate the development. Policy TP6 of the Ashford Borough Local Plan requires that new employment development provides sufficient cycle parking provision.
52. As set out in paragraph (35) above, transport concerns have been one of the issues which have been raised by both surrounding local businesses within the Cobbs Wood Industrial Estate as well as local residents in nearby residential streets. These concerns primarily relate to the high volumes of heavy and dirty traffic which would be associated with the proposals (including associated environmental impacts such as noise, dust, air quality and vibration), capacity and congestion problems, an over-inflated assumed trip generation from the extant B2/B8 industrial use, a lack of on-site parking for employees and the need for highway improvements.
53. KCC Highways and Transportation has no objections to the application subject to the imposition of conditions to cover: the provision for construction vehicles parking, loading, off-loading and manoeuvring space on-site during construction activities; details of on-site parking being agreed prior to the commencement of works and thereafter retained in perpetuity for the life of the development; the submission of a site drainage scheme to avoid off-site run off towards the highway; measures to prevent mud or other

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substances being deposited on the highway; the requirement to provide 3 cycle parking spaces within the site; and the new access to be completed in accordance with the details submitted prior to the first use of the development and maintained in perpetuity thereafter for the life of the development.

54. KCC's Air Quality Consultant advises that the area generally has low background levels of pollutants and the amount of traffic generated by the development would not have any material effect upon these concentrations.
55. A key factor in considering transport issues for the proposed development is the amount of traffic which previously used the site and which could have continued to do so should the applicant not have demolished the former warehouse building which occupied the site. The applicant's transport statement stated that based on the footprint of the former building (some 5,200 sq. metres) and applying trip rates from the TRICS database, the site could generate up to 694 two-way movements per day with a B2 (General Industrial) Use and up to 348 two-way movements per day with a B8 (Commercial Warehousing) Use onto the local highway network.
56. As set out in paragraph (15) above, the applicant has provided a transport statement which sets out details of proposed trip generation figures based on the applicant's operating experience of similar scale facilities elsewhere. The statement predicts proposed trip generation for the site would typically be in the region of 150 to 200 vehicles per day (300 to 400 two-way movements). Movements are typically predicted evenly throughout the day, with small peaks anticipated when the site would open and in early afternoon, although these would traditionally occur outside of normal AM and PM peak hour traffic flows. Based on the 11 hour working weekday proposed, a 'worst case' scenario (i.e. of 200 vehicles, or 400 movements per day) would result in 36 two-way trips per hour on average. The Transport Statement details that assuming the "worst-case" scenario of 200 vehicles (400 two-way trips) this represents a substantial reduction (in the region of 40%) under the extant vehicle numbers associated with a B2 Use (General Industrial) or a marginal increase of an additional 26 vehicles per day associated with a B8 Use (Commercial Warehousing).
57. As part of the further information submitted by the applicant a breakdown of the types of vehicles which would typically use the site has been provided, based upon weighbridge data collected from similar facilities operated by EMR. This data shows that the highest number of movements (approximately 143 vehicles) would occur from local residents and firms bringing in scrap metal in cars, cars with trailers or small transit vans. Light lorries (up to 7.5 tonnes) would typically comprise of 30 vehicles, whereas 'hooklift' vehicles (i.e. vehicles carrying skips) could typically comprise of 17 vehicles. Vehicles collecting the scrap metal would primarily be articulated lorries with bulk tippers or containers. Typically, a similar type facility could attract 10 bulk tippers and 1 container lorry per day.
58. As the proposed metal recycling facility would not generate a significant increase in vehicle movements above and beyond the previous site operations (assuming a B8 Commercial Warehousing Use) or significantly fewer vehicle movements (assuming a B2 General Industrial Use), KCC Highways and Transportation has advised that it has no objection to the proposals (subject to conditions). I do not consider that refusing the application due to the number of vehicle movements associated with the proposed operations could be substantiated. However, to ensure that the metal recycling facility operates as proposed and does not give rise to a greater number of vehicle movements (with resultant impacts) I consider that it would be appropriate to limit the number of



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operational vehicle movements associated with the facility to 200 movements per day (200 in / 200 out) which represents the 'worst case' figures the applicant set out in its transport statement. Given the fact that the vehicles could be some combination of HGVs, medium or light goods vehicles and private motor cars and distinguishing between some of these could be visually difficult, I consider that imposing a specific limit on HGVs would be inappropriate in this instance. Instead any limit imposed should be an overall limit on the number of operational movements associated with the facility.

59. Whilst I note that PPS10 and the South East Plan both generally encourage alternative modes of transport (such as water or rail) other than road I note neither of these options would be viable in this instance. Whilst I note that the site is adjacent to the mainline London to Ashford railway line a viable option of rail transport is not possible in this instance. Given the conclusions on alternative modes of transport, and as the proposed road use is acceptable in planning and highway terms, I am satisfied that it would be unreasonable to require the applicant to further consider alternative modes of transport in this case.
60. The application proposes the creation of a new vehicular access into the site from Brunswick Road, together with the widening of the existing access. The new vehicular access would provide access to the main staff/visitor parking area and the non-ferrous compound. The widened access would provide the main vehicular access to the new double weighbridge and main ferrous compound and ELV facility. KCC Highways and Transportation have assessed the new and widened access points and consider them to be acceptable, subject to a condition requiring them to be installed as details prior to the first use of the development and maintained in perpetuity thereafter.
61. A number of transport concerns have been raised by the local business and residential communities in response to the application. These include a capacity and congestion problem on the local road network within the Industrial Estate, the need for highway improvements, predicted traffic movements, and a lack of adequate on-site parking provision for site operatives. As discussed above it should be noted that the current proposals for scrap metal recycling represent an overall reduction in the theoretical maximum numbers of highway movements associated with the former site use. Whilst the extant trip generation is contested by the local community, I am satisfied that KCC Highways and Transportation have adequately looked at this matter and assessed the current proposals accordingly. On the basis that the Highway Authority has not objected to the proposed development I am satisfied that sufficient road capacity exists within the local road network to accommodate the proposed vehicle movements. I am also satisfied that development contributions are not required in this instance for highway improvements.
62. I do not consider that concerns about a lack of on-site staff car parking can be substantiated in this instance. In principle KCC Highways and Transportation have accepted the layout proposals shown by the applicant (as detailed on page C4.3), however have requested that full details of parking layouts be secured by condition. I am satisfied that adequate on-site staff parking can be provided within the site and that the technical details of parking layout is matter which could reasonably be dealt with after any planning consent has been granted. In order to comply with Policy TP6 of the Ashford Borough Local Plan and as requested by KCC Highways and Transportation I recommend that a condition be included on any consent requiring adequate provision be made to secure parking for 3 bicycles within the development site.

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63. Subject to the imposition of conditions to secure the vehicle movement restriction referred to above and those requested by KCC Highways and Transportation in paragraph (27), I am satisfied that the proposed development would be acceptable in terms of transportation issues and would accord with the above policies.

Pollution and amenity (including noise, dust and odour)

64. National waste policy seeks to ensure that potential adverse amenity and health impacts associated with development proposals are minimised. PPS10 makes it clear that modern, appropriately located, well-run and well-regulated, waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health and that the detailed consideration of a waste management process and the implications (if any) for human health is the responsibility of the pollution control authorities. It further states that: the planning and pollution control regimes should complement rather than duplicate each other; 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; and waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. Although the National Planning Policy Framework (NPPF) does not include waste policy, it is worth noting that in considering the potential effects of pollution on health, amenity and the environment, paragraph 122 of the Framework makes it clear that planning authorities should focus on whether the development itself is an acceptable use of land, and the impact of the use, rather than the control of process or emissions themselves where these are subject to approval under pollution control regimes. Paragraph 122 also states that planning authorities should assume that these regimes will operate effectively.
65. The main national planning policy relating to groundwater and surface water interests (including flooding and ground contamination) of relevance to the proposals are set out in the NPPF. It identifies that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
66. The NPPF also states that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, that pollution arising from previous uses is adequately investigated and that any proposals for mitigation including land remediation be included as so required. It also states that planning decisions should aim to: avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; and to recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established. It also states that planning decisions should take account of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Finally, by encouraging good design, planning decisions should limit the impact of light pollution from artificial light on local amenity.

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67. Policies NRM1 and NRM2 of the South East Plan respectively seek to ensure that water supply and ground water and water quality are maintained and enhanced. Policy NRM4 seeks to ensure that flood risk is properly assessed and existing flood defences are protected from development. 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.
68. Policies W19 and W20 of the Kent Waste Local Plan respectively state that the planning authority will need to be satisfied that the surface and ground water resource interests will be protected and land drainage and flood control have been satisfactorily taken into account. Policy W18 of the Kent Waste Local Plan states that before granting planning permission the planning authority must be satisfied as to the means of control of noise, dust, odour and other emissions, particularly in respect of its potential impact on neighbouring land uses and amenity. Policy W25 states that when considering details relating to the siting, design and external appearance of processing plant, hard surfacing, buildings and lighting, planning authorities should (amongst other things) seek to minimise noise intrusion.
69. Policy ET7 of the Ashford Borough Local Plan states that proposals involving potentially polluting industrial development will be permitted where the nature of the use and any associated processes would have no significant impact on the visual, environmental or residential amenities of the neighbourhood and that in the case of larger developments, it can be demonstrated that the use must be sited in a particular location for functional reasons or that no alternative locations are available.
70. Although the Borough Council accepts that the site was previously used for industrial use, it objects on the basis that the harm caused by the development (notably in terms of visual amenity, the perception of 'bad neighbour' development and the impact upon existing trees on site) and the concerns raised by local employers and local residents are not outweighed by any need for this development. The objections raised by other respondents (including local businesses and nearby residents), primarily relate to adverse noise, dust and odour associated with site operations.
71. The Environment Agency has no objection to the application subject to conditions: to cover a remediation strategy to deal with the risks associated with contamination of the site; and to ensure that piling or other foundation designs using penetrative methods are not permitted other than with the express written approval where it has been demonstrated that there is no resultant unacceptable risk to groundwater. It has confirmed that site operations would be subject to an Environmental Permit. The whole site would be concreted and drained via a Class 1 full retention interceptor, the exact details of which I recommend be secured by planning condition. This measure would also satisfy KCC Highways and Transportation who has requested that details of surface water disposal be secured by condition in order to ensure that no surface waters from the site are discharged to the highway.
72. KCC's Noise, Dust and Odour Consultant advises that odour would not be an issue due to the nature of the recycling operations and the materials being treated and that dust would be controlled through the site's general environmental management plan required under the Environmental Permitting Regulations. As stated in paragraph (54) above, it has also advised that the metal recycling facility related traffic would have a negligible impact in terms of air quality.

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73. In respect of noise, KCC's Noise Consultants advises that the applicant has undertaken 'worst case' predictions of noise levels from the proposed facility at the nearest residential properties based upon the highest predicted site noise level with plant in constant operation and the lowest measures background noise level. The resulting predictions give a rating level of 1 dB in Sackville Crescent and -4 dB in Godinton Road. KCC's Noise Consultant advises that whilst the applicants assessment does not demonstrate full compliance with the typical planning condition that it recommends for similar developments (i.e. that "*at no time during the operation of the permitted facility shall the noise rating level  $L_{Ar,T}$ , calculated in accordance with the method provided in BS4142:1997, attributable to the operation of all fixed and mobile plant together with machinery installed or otherwise used at the premises exceed the background noise level  $L_{A90,T}$  at any noise sensitive property*") this is only marginally. Given that a 'worst case' approach is presented, he considers that it is unlikely than the condition would not be met during the general operation of the site. Furthermore, he notes that the commercial properties in the vicinity of the proposal have been assessed through a comparison of the predicted noise levels with the guideline values of BS:8233 '*Sound insulation and noise reductions for buildings*' for interior noise levels. Assuming the 'worst case' impact arising from EMR's activities, it has been demonstrated that internal noise levels would be within BS:8233's 'reasonable conditions for study and work that requires concentration' at those adjacent commercial properties. In summary, KCC's Noise Consultant accepts that the proposal would be within or at the noise limit and recommends that the following condition be attached to any consent: "at no time during the operation of the permitted facility shall the noise rating level  $L_{Ar,T}$ , calculated in accordance with the method provided in BS4142:1997, attributable to the operation of all fixed and mobile plant together with machinery installed or otherwise used at the premises exceed the background noise level  $L_{A90,T}$  at any noise sensitive property".
74. The applicant has proposed fairly standard hours of operation, typical of those associated with other similar facilities, which includes operations only taking place between: 07:00 and 18:00 hours Monday to Friday and 07:00 and 13:00 hours on Saturdays. No working is proposed on Saturday afternoon, Sundays, Bank and Public Holidays. Based on the advice received from KCC's Noise Consultant that noise associated with the proposed development is acceptable (subject to condition), I consider the proposed hours of use to be acceptable and consistent with other operations which currently occur on the Industrial Estate. I also consider that hours of construction activities should be restricted to the same operational hours (i.e. between 07:00 and 17:00 hours Monday to Friday and 07:00 and 13:00 Saturdays, unless otherwise approved beforehand in writing by the Waste Planning Authority). Both the hours of operation and hours of construction can be secured by condition.
75. The applicant proposes the construction of various high metal fences around the site which would provide a degree of acoustic attenuation and visual screening for site operations. Whilst the visual impact of the fences will be considered in the 'landscape and visual impact' section below, I consider that appropriate conditions should be attached to any consent requiring the fences to be erected as proposed prior to the commencement of site operations and that the fences be maintained in a good state of repair for the perpetuity of the life of the development.
76. The applicant has indicated that site lighting will be required as part of the proposals, although precise details have not been provided at this stage. The applicant has indicated that they are willing to accept a condition to the effect that no lighting shall be installed on site without the prior written approval of the Waste Planning Authority. This approach would ensure that the impact of any site lighting is considered at a future date,

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according with the general best practice principles contained in the NPPF and objectives of Policy W25 of the Kent Waste Local Plan.

77. I am satisfied that the proposed conditions requested by the Environment Agency and by KCC's Noise, Dust and Odour Consultant are necessary and would satisfactorily address the related issues (including those referred to by the Borough Council and local business and residential communities). I also consider it necessary to impose conditions requiring the installation of the site boundary fencing prior to first operations and its maintenance in a good state of repair in perpetuity thereafter and details of site lighting for later consideration. In order to ensure that the development operates as proposed and does not give rise to a greater degree of pollution and amenity impacts I consider it necessary to limit the throughput of the site to the capacity specified in the application (60,000 tonnes of ferrous and 10,000 tonnes of non-ferrous metals in any one calendar year).

Landscape and visual impact

78. The main national planning policies relating to landscape and visual impact of relevance to the proposals are set out in the NPPF. The NPPF promotes sustainable development, the protection and enhancement of the environment and the quality, character and amenity value of urban areas. PPS10 states that the setting of the proposed location and the potential for design-led solutions to produce acceptable development are important considerations in determining applications for waste management development.
79. Policy W25 of the Kent Waste Local Plan seeks to ensure that the siting, design and external appearance of processing plant, hard surfacing, buildings and lighting is carefully controlled to minimise visual intrusion and assist integration into the local landscape. Policies W31 and W32 respectively seek appropriate schemes of landscaping and operation.
80. Policy CS1 of the Ashford Borough LDF Core Strategy states that sustainable development and high quality design are at the centre of the Council's approach to deciding planning applications. It states that (amongst other factors) the Council will apply the following key planning objectives: development that respects the environmental limits that protect the high quality built and natural environment of the Borough and the provision of a commercial environment that is conducive to encouraging new and existing businesses. As stated above, Policy ET7 of the Ashford Borough Local Plan states that proposals involving potentially polluting industrial development will be permitted where the nature of the use and any associated processes would have no significant impact on the visual, environmental or residential amenities of the neighbourhood and that in the case of larger developments, it can be demonstrated that the use must be sited in a particular location for functional reasons or that no alternative locations are available.
81. Concerns over the negative landscape and visual impacts associated with the proposed site fencing have been expressed by both the Borough Council and surrounding business and residential communities. These concerns mainly relate to the scale of the metal walling proposed around the site (ranging in height between 6, 6.5 and 8 metres in height) and the prominence of the development site as a 'gateway' feature when coming into the Cobbs Wood Industrial Estate via Carlton Road. Concerns have also been raised regarding longer-distance views of the proposed site from residential properties located at Godinton Way and Sackville Crescent.



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82. As stated in paragraph (17) above, further information has been provided by the applicant to consider the visual impact of the proposals on the locality. This further information includes photomontage views of the proposed development from key surrounding locations, including views which would be obtained from first floor windows of residential properties in Sackville Crescent, a view from Carlton Road and a view from Stafford Close (within the Chart Industrial Estate). These photomontage views will be available for Members to inspect at the Committee Meeting itself. The applicant has also amended its proposals to include further measures to detail the North (front) 8 metre high metal walling to appear as a building façade. This includes using false windows and a roller-shutter door which would be used instead of previously proposed metal gates to allow direct access into the non-ferrous compound. The 8 metre high metal walling would be detailed in a matching colour to the existing office building (which would be retained on site) and would run between that building and an adjacent building (as labelled 'MPT House' on page C2.3). I consider that the front false façade of the metal recycling facility would be acceptable in principle and would fit in with the scale of the existing office building to be retained on site and adjacent industrial buildings in the locality. In order to ensure a satisfactory finish to this front elevation, I recommend that the precise details of this elevation be reserved for later consideration by condition (including the specification for material colour, finishes, etc) and its future maintenance.
83. The further information provided by the applicant states that the metal fencing which would be located along the eastern and western site boundaries would be 6 metres high and finished in black, except for a reduced height 3 metre security fence which would run along the western boundary behind the retained ELV building. Whilst indicative details have been provided in respect of the colour and height I propose that exact details of finish and colour treatment be reserved out for later consideration. Following concerns expressed by adjoining business premises the applicant amended the fencing treatment proposed for the front north-eastern corner of the site. The fence alignment has been relocated further within the site boundary and now consists of a section of 6 metre high timber screen fence. Again, the precise details of this fence have not been provided such that I consider they should be reserved out for later consideration.
84. Concerns have been expressed about the potential harm or loss to trees which currently exist along the south (rear) boundary of the site with the railway line. These trees are an important feature of the site and afford significant screening of the site from the mainline Ashford-London railway line and views more generally of the site from the Chart Industrial Estate. In response to these concerns, the applicant has moved the proposed rear fence alignment further within the site boundary and undertaken to remove any dead trees and plant replacement species of a similar nature. I propose that a scheme for tree removal and replacement (including details of new tree species and sizing) be secured by condition and that a requirement be placed on any consent requiring the maintenance of the existing trees and new trees for a period of 5 years. Behind the tree line the applicant proposes the erection of a 6.5 metre high black metal fence, for which I consider the exact specification is reserved for later consideration. To the north (front) of the site the applicant proposed the retention of the existing trees and scrub planting, together with additional soft landscaping improvements (including hedgerow along the fence line, new tree and scrub planting). I consider that the planting works for the front of the site be secured by condition and that any planting be implemented (as approved) within the first planting season following the first use of the site.
85. Various internal steel screen fences are proposed within the site, acting as various stock bay delineations. These screen fences would all be below the height of the external fences. Operations within the site include various 360° mobile cranes which would

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operate from ground level. In order to ensure that heights of scrap metal storage or skip storage do not exceed the heights of the various external fences, I propose that a condition limiting scrap storage to no more than 6 metres in height above ground level. I also propose to include a condition ensuring that any mobile plant or equipment operated within the site does so from ground level rather than from stockpiles. Subject to these provisions, I do not consider that general operations within the site would be seen from outside of the site itself.

86. Whilst I note that the various steel fences proposed for the perimeter of the site are large in height (ranging between 6, 6.5 and 8 metres), they would not appear totally out of context given the nature of surrounding industrial and waste type uses which already take place within the Industrial Estate. Furthermore, I note that the principle views of the site would be from the approach into the Estate from Carlton Road where the applicant has made substantial improvements to the design quality and appearance of its proposed site. Views of the 6 metre high metal fencing from the east and west would largely be screened from wider public viewpoints by existing warehouse buildings to the east and MPT House and Green Box waste recycling to the west. Longer distance views of the south (rear) of the site would appear to be well screened through the existing tree belt which already exists immediately adjacent to the railway line.
87. Whilst I accept the concerns of the Borough Council and other respondents in respect of visual impacts of the proposed site fencing, I do not on balance find visual impacts to be overriding, particularly noting the surrounding industrial context of other development in the locality.
88. Subject to the imposition of conditions to: secure the details/specification of all site fencing (including the front false building façade) being submitted to KCC for approval prior to the commencement of development; the installation of all site fencing prior to the commencement of development and its maintenance in a good state of repair for the perpetuity of the life of the development; the submission of a landscaping scheme (covering tree/scrub retention and provision for new tree/scrub/hedgerow planting) and implementation within the first planting season following the first use of the site; a lighting scheme being submitted to KCC for approval prior to the commencement of development and lighting being designed, maintained and used to minimise adverse impacts; the height of material stockpiles and skip storage being restricted to no more than 6 metres above ground level; plant and machinery being operated from ground level (rather than from on stockpiles) and materials being stored or handled in those areas proposed, I am satisfied that the proposed development would be acceptable in terms of landscape and visual impact and would generally accord with the above policies.

Other issues

89. As stated in paragraph (5) above, a visit to a similar facility run by the applicant was undertaken in September 2012 with the Committee Chairman and Mr Manning. Following this visit I contacted the relevant Planning and Environmental Health Authority (London Borough of Sutton) and a number of adjoining business occupiers to seek any advice on their experiences of EMR operating at its site in Croydon. I have since held discussions with officers from Planning and Environmental Health Teams at the London Borough of Sutton who have advised that they are not aware of any relevant complaints or on-going issues with the operation EMR's Croydon site. I have also had a discussion with the site manager for an adjoining business premises who has similarly not raised any significant concerns of being located next to EMR's site. Whilst these factors are

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noteworthy, I would point out that they are not material grounds for Members to base their decision making on.

90. Members will note that concerns have been expressed about the security of surrounding business premises should the proposed scrap metal facility be granted planning permission. I would however note that a perceived increase in crime is not a material planning consideration which I am able to take into consideration as part of the determination of these proposals.
91. Concerns have been raised about the proximity of the proposed scrap metal site, and more specifically the ELV facility to the mainline Ashford-London railway line. It has been stated that fluids drained from ELVs are flammable and could lead to an increased fire risk immediately adjacent to the railway. I note that having consulted Network Rail on these proposals that I have not received any consultee response. The applicant has also provided additional information on this matter, stating that 21 of its 70 sites are immediately adjoining railway lines. They also lease part or all of 8 sites from Network Rail (either directly or as subtenants of a rail freight company), which clearly they would not be allowed to do should fire risk be a genuine concern. On this basis, I am satisfied that perceived fire risk concerns cannot be substantiated in this instance.
92. Concerns have been expressed about the perceived increase in vermin as a result of the proposals. I note that the site would not handle degradable household or commercial waste and therefore would not give risk to any vermin issues.
93. The size of vehicles transporting scrap metal to/from the site and perceived safety risks to existing users of the Industrial Estate have been identified as grounds of objection to the proposals. I note that traffic regulations cover the maximum tonnages of vehicles and the safety of loaded vehicles on public roads. These regulations provide the appropriate means of regulation in this respect and therefore I consider that objections on these grounds could not be substantiated in the planning decision-making process.
94. In the event that planning permission is granted, the applicant will need to ensure that it complies with the requirements of other regulatory regimes such as those provided for by the Environmental Permitting Regulations. As stated in paragraph (64) above, PPS10 and the NPPF are clear that planning should not seek to duplicate the requirements of these regulatory regimes.

**Conclusion**

95. On balance, whilst I accept that there is currently no need for additional scrap metal or ELV facilities within the county, I accept that the proposals would allow for additional metal recycling capacity which would effectively move a specific waste stream up the waste hierarchy. The concept of encouraging more sustainable forms of waste management is wholly in accordance with national waste policy that seeks to protect human health and the environment by producing less waste and using it as a resource wherever possible. Whilst I accept that the proposals would cause a degree of visual change in the locality, for the reasons discussed above I do not consider that any overriding material harm arises in this instance. I also note that the site is well located within an existing and well established Industrial Estate which already has a number of permanent waste management facilities within it, and is well connected to both the primary and secondary road networks.

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96. On this basis, I am satisfied that subject to various conditions, the proposed development generally accords with national waste management policies, is sustainable and that there are no overriding material planning considerations that mean that planning permission should be refused. I therefore recommend accordingly.

**Recommendation**

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

- 5 year implementation period;
- the development to be carried out in accordance with the permitted details;
- maximum throughput of 60,000 tonnes of ferrous and 10,000 tonnes of non-ferrous metals per year (tpa);
- details/specification of external materials of site fencing (including details of the front false building façade) to be submitted for the prior approval;
- erection of all site fencing prior to the commencement of any operations and maintenance of fencing in a good state of repair for the perpetuity of the development;
- tree protection measures during the construction of the development;
- details of landscaping scheme (including new tree and shrub planting) to be submitted for approval prior to the commencement of any operations. Thereafter the landscape planting to be undertaken within the first planting season following the first operation of the site and maintained for a period of not less than 5 years;
- hours of operation (07:00 and 18:00 hours Monday to Friday and 07:00 to 13:00 hours on Saturdays with no working on Saturday afternoon, Sundays, Bank and Public Holidays);
- hours of construction (07:00 and 18:00 hours Monday to Friday and 07:00 to 13:00 hours on Saturdays with no working on Saturday afternoon, Sundays, Bank and Public Holidays);
- height of material stockpiles and skip storage being restricted to no more than 6m above ground level and plant and machinery being operated from ground level rather than from stockpiles;
- details of a remediation strategy to deal with risks associated with contamination to be submitted for the prior approval;
- no piling or foundation designs using penetrative methods shall take place other than with the prior approval of the Waste Planning Authority;
- maximum number of operational vehicle movements associated with the metal recycling facility being limited to 200 per day (200 in / 200 out);
- provision made within the site for construction vehicles parking, loading, off-loading and manoeuvring space during construction activities;
- details of on-site parking and turning space for personnel/operatives/visitors being submitted for prior approval;
- details of surface water drainage to be submitted for prior approval;
- measures to prevent mud and debris being deposited on the highway;
- requirement to provide 3 cycle spaces within the site prior to first operations;
- new access to be provided in accordance with the details submitted prior to the first use of the development and thereafter maintained in perpetuity for the life of the development;

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- restricting the rating noise level emanating from the facility and nearby noise sensitive residential properties when assessed in accordance with BS:4142 to no more than the existing background noise level;
- details of a lighting scheme to be submitted for prior approval; and
- materials being stored and handled in those areas proposed.

Case officer – Julian Moat	01622 696978
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Background documents - See section heading
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**APPENDIX 1**

**APPLICATION KCC/AS/0095/2012 – CHANGE OF USE OF THE WHOLE SITE TO A SCRAP METAL STORAGE AND PROCESSING FACILITY AT ECLIPSE BUSINESS PARK, BRUNSWICK ROAD, ASHFORD**

NOTES of a Planning Applications Committee Site Visit at Eclipse Business Park, Ashford on Tuesday, 24 July 2012.

MEMBERS PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr A R Chell, Mr W A Hayton, Mr C Hibberd, Mr J D Kirby, Mr S C Manion, Mr M B Robertson, Mrs E M Tweed and Mr A T Willicombe.

OFFICERS: Mrs S Thompson and Mr J Moat (Planning); and Mr A Tait (Democratic Services).

THE APPLICANTS: European Metal Recycling Ltd: Mr Bob Garwood (Director Southern Region), Mr Mark Thompson (General Manager-South East), Mr Graeme Carus (Director of Business Development), Mr Nick White (Environment Manager) and Mr Simon Dodd (Group Property Manager)

ASHFORD BC: Cllr B J Heyes and Mr O Peel (Planning)

(1) The Chairman opened the meeting by explaining that its purpose was for the Planning Applications Committee Members to familiarise themselves with the site and the issues involved in the application.

(2) Mr Moat introduced the application by saying that Eclipse Business Park was the site of a former industrial building totalling some 5,200 sq metres of floorspace. It was located on the junction of Brunswick Road and Carlton Road, which both provided the main spine road for the Cobbs Wood Industrial Estate.

(3) The applicant had obtained approval from Ashford BC to demolish the main building, except for an office building at the front and an open sided structure to the rear of the site.

(4) The site measured just over 1 hectare in total and had one vehicular access point on to Brunswick Road. The mainline Ashford to London railway line lay immediately to the rear (south) of the site. Light industrial units and a waste recycling activity lying to the east and west of the site boundaries. There were a number of trees along the rear and front boundaries of the site.

(5) Mr Moat went on to say that the Cobbs Wood Industrial Estate had a mixture of land use activities, predominantly light industrial units. The Estate also hosted a number of waste recycling activities, including sites operated by Green Box Recycling and Viridor Waste Management Limited as well as the County Council's Household Waste Recycling Centre and Waste Transfer Station which served Ashford and had recently been granted permission to redevelop and expand.

(6) The nearest residential properties to the application site were located to the north-east in Godinton Road (250 metres) and Sackville Crescent (260 metres), with a redundant parcel of land between them. The site was not designated for a specific land use within the existing Development Plan (or its emerging replacement) for the Cobbs Wood Industrial

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Estate.

(7) The County Planning Authority's pre-application Screening Opinion had concluded that the proposed development did not need to be accompanied by an Environmental Statement. It did, however, identify specific aspects of the proposed development which would need to be fully assessed - including a detailed Transport Assessment and a Noise Impact Assessment.

(8) Mr Moat moved on to describe the application itself. This proposed a change of use of the site to form a modern scrap metal storage and processing facility, including an End of Life Vehicles (ELV) facility. The site would process up to 60,000 tonnes of ferrous and 10,000 tonnes of non-ferrous scrap metals per year. The proposed site was intended as a 'feeder' scrap metal yard, where metals would be bought locally, sorted and processed before being sent to the end user for recycling or feeding into EMR's existing shredder site at Ridham Dock. Most of the scrap would be brought in or collected from local firms, Councils and private individuals.

(9) The application proposed the conversion of the front of the two-storey office building for use as a weighbridge office and staff amenity block. A non-ferrous compound would be constructed alongside the weighbridge office, surrounded by 8 metre high metal fencing facing Brunswick Road and by 6 metre high metal fencing facing the rear, eastern and western sides of the compound. The 8 metre high fence would be metal cladding as it was intended to look like a building running directly between the existing office building (as retained) and an adjoining building on the adjacent site. The proposed height of the fencing surrounding the non-ferrous compound was based upon the recommendations of the applicant's noise consultant and was intended to provide a visual and noise screen for all of the activities taking place within the ferrous yard behind.

(10) The application proposed the creation of a new (second) vehicular access into the site from Brunswick Road to serve the non-ferrous yard, together with the widening of the existing vehicular access. The front site boundary (with Brunswick Road) would consist of the existing 2.5 metre high palisade fencing, together with new sections of matching palisade fencing and security gates. A 6 metre high metal clad fence would be erected on the eastern boundary, running approximately 156 metres along its entire length. This fence would also return around a short section of the eastern part of the front site boundary up to the widened vehicular entrance. The western boundary of the site would be fenced with a section of 2.5 metre high metal palisade fencing up to the point where it would meet the new 8 metre high fencing. Beyond this point a 6 metre high metal clad fence would be installed running some 35 metres south towards the rear of the site and railway line. The rear boundary of the site which adjoined the railway line would be fenced with a 6.5 metre high metal clad fence running some 76 metres from the south western corner of the site and by a lower section of 2.5 metre high palisade fence up to its south-eastern corner. Various internal steel fences of 4, 5 or 6 metres high would be installed throughout the site to act as stock pile retaining walls. The application stated that none of the existing trees to the northern and southern boundaries of the site would be affected by the application.

(11) Mr Moat then said that other elements of the proposal included the installation of a double weighbridge, a number of tanks to hold fluids drained from the End of Life Vehicles (ELVs), a shear/densifier (a machine which would cut the scrap to a required size after first compressing it with a number of hydraulic rams to produce a furnace-ready product) in the ferrous yard, and mobile plant and machinery, including a number of 360 mobile cranes with hydraulic grabbers. An open sided building would remain in the south-eastern corner of the site to be used in connection with ELV operations. The whole of the site would be concreted



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and drained via a Class 1 full retention interceptor. All proposed site operations would be carried out under the terms of an Environmental Permit.

(12) The site would be open for operations between 07:00 and 18:00 hours on Mondays to Fridays, 07:00 to 13:00 hours on Saturdays and closed on Sundays and Bank Holidays.

(13) The case of need for the proposed development was based on the experience of the applicants, who had found that a network of similar 'feeder' sites was necessary across the country to serve local markets. The site in Ashford would act as a 'feeder' site to buy metals locally, process and then bulk up before feeding them into EMR's network as a furnace-ready metal or for further processing at EMR's existing shredder site at Ridham Dock. The company provided a link between local producers of metallic waste and the international consumers of scrap metal as a raw material. Typical imports of metals were likely to arise from members of the public looking to securely dispose of their ELVs, small waste firms disposing of their metals and electricians/plumbers as well as small engineering/manufacturing firms delivering smaller loads of scrap metals. The applicant had noted that Ashford was a Growth Point, with substantial new housing planned until 2021. Additional waste recycling infrastructure would therefore be required to meet an increasing need.

(14) Mr Moat continued by saying that most of the scrap metal arriving on site would do so in an untreated or partly treated state. A number of processes would have to take place before the metal could be effectively reused. These activities included sorting the material into different size categories, stripping out any non-metallic material, cutting to specific sizes and baling before sending it on to the eventual customer for melting or to EMR's other regional facilities for processing into furnace-ready product. Examples of ferrous and non-ferrous metal streams to be processed at the site included depolluted ELVs, Local Authority civic amenity scrap, large domestic appliances and construction and demolition scrap.

(15) The End of Life Vehicle Directive placed certain controls on the storage of ELVs prior to treatment. It required storage and treatment to occur on fully impermeable surfaces with adequate rainwater controls and appropriate safeguards for hazardous components and materials. It also outlined which components and materials had to be removed using depollution procedures before recycling could be carried out. To meet the requirements of the Directive, an existing open-sided building to the rear of the site would house the ELV operations and new storage tanks would be placed outside for recyclable waste materials. The application detailed how depollution activities were similar to those of a service garage and should not be considered noisy. All fluids drained off from vehicles would be collected and transported off-site to a licensed processor of waste hydrocarbons. Once the fluids had been drained from the ELV, it would then be compressed in the shear/densifier in order to minimise the number of transport movements required to take it for further processing through a shredder.

(16) Mr Moat then said that the application was accompanied by a Transport Statement which compared highway movements associated with the former Eclipse Business Park development and those highway movements associated with the proposed new development. The Statement claimed that the site could generate up to 694 two way movements per day onto the local highway network. EMR's experience of sites dealing with similar throughput of scrap metal led them to conclude that the proposed trip generation for the site would typically be in the region of 150 to 200 vehicles per day (300-400 two way movements). These vehicle movements would typically take place evenly throughout the day with small peaks when the site opened and in the early afternoon. These peaks would be

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different to normal traffic peak hours (08:00-09:00 and 07:00-19:00). Based on the proposed opening hours there would be a maximum of 36 two-way trips per hour on average. The Transport Statements detailed that the “worst-case” scenario of 200 vehicles (400 two-way trips) would represent a reduction of at least 40% from the extant vehicle numbers associated with the former Eclipse Business Park building.

(17) The application was also accompanied by a Noise Impact Assessment which considered the existing noise environment in the vicinity of the application site. This Assessment noted that the soundscape of the proposed development site was dominated at times by the recycling and waste handling site at the end of Brunswick Road (operated by Viridor Waste Management Ltd) but predominantly by the Green Box waste site on the eastern boundary of the application site. The nearest noise sensitive receptors were the residential properties in Sackville Crescent, Godinton Road and Godinton Way some 250 metres away. There were also adjacent commercial receptors located immediately to the site boundaries with some windows/offices facing the proposed scrap metal processing facility. The applicant’s noise consultant had undertaken background noise monitoring in May 2011, November 2011 and February 2012 to acquire noise levels at the nearest noise sensitive residential receptors during daytime on a weekday and on Saturday mornings, over a period which was representative of the proposed hours of operations. The Noise Impact Assessment took account of noise control mitigation measures, specifically the arrangement of fencing barriers and buildings within the site. The Assessment had taken account of the background noise readings, had factored in a “worst-case” prediction of noise from proposed operations, together with the mitigation proposed, and had concluded that the operations could take place without causing any unacceptable harm to surrounding noise sensitive receptors.

(18) Mr Moat then informed the meeting of the views of statutory consultees. Ashford Borough Council had objected to the proposed development because the site was not identified in the Development Plan for waste facilities; because it would generate less employment than other developments; have a detrimental visual impact; and fail to satisfy the Development Plan requirement for high quality development and spaces. It considered that the harm caused by the development (notably in terms of visual amenity, the perception of a ‘bad neighbour’ development and the impact upon existing trees on site) and the concerns raised by local employers and local residents were not outweighed by any need for the development.

(19) The Environment Agency considered that the proposed development would only be acceptable if conditions were attached to any consent covering ground contamination and foundation design. It had requested that a risk assessment be obtained from the applicant before the application was determined to look at ground contamination matters. It had no comment on the collection and discharge of surface water provided that no discharges to ground were proposed.

(20) The Divisional Transportation Manager has no objections to the proposal in respect of highway matters subject to the inclusion of conditions covering on-site accommodation of construction vehicles; details of on-site parking and turning space; the disposal of surface water; control of mud and debris; provision of 3 cycle parking spaces; and the details of the proposed new access.

(21) The County Council’s Noise, Dust and Odour Consultant had raised no objection in terms of odour and dust and was also minded to accept that the proposal would be within or at the noise limit, recommending that a standard background noise limit control should be attached to any consent.

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(22) No response had so far been received from the County Fire Officer or from Network Rail.

(23) Mr Moat then said that 8 letters of objection had been received from local businesses in the Cobbs Wood Industrial Estate, whilst 16 letters of objection had also been written by local residents. The local business objected on grounds of noise, dust, highway capacity issues, need, visual impact, loss of employment space and perceptions that the development would 'bring down' the area making it less viable in the future as an Industrial Estate. The main residential concerns were over noise, visual impact, traffic generation, dust, odour, the potential of fire risk, hours of use and the perception that this would be a 'bad-neighbour' development.

(24) The Central Ashford Community Forum considered that this was not an appropriate site for a "dirty" industry as businesses nearby required clean air to function properly. The Community Forum believed there were better sites available with equally good access which would be more suitable. It believed that this area was also already very congested and that additional HGVs would add to this problem.

(25) Concerns had also been raised by Mr J N Wedgbury, the adjoining County Member. He had written to say that the scrap metal industry had a generally poor track record in complying with the terms of their planning permissions; that the nature of such operations was very noisy, with operations taking place 24 hours each day; and that the addition of a considerable number of HGV movements on an already very congested road with residential properties would cause noise and disturbance, with an increased risk of fires and pollution incidents.

(26) Mr Moat concluded his presentation by outlining the key determining issues. These were noise and dust issues; the visual impact of the proposals, particularly in respect of the proposed site boundary treatments; policy considerations, specifically regarding the loss of employment in a sustainable location; the case of need for a scrap metal and ELV facility within Ashford; transportation issues (including capacity issues on the local road network); groundwater contamination and surface water impacts.

(27) Following Mr Moat's presentation, Members inspected the site, starting with the proposed new access new vehicle access point area where it was proposed to erect the fence that would resemble a building. They noted the location of the various proposed compounds and equipment (including the shear/densifier) before moving on to the boundary at the southern end, noting the railway line and the trees as well as the area where the steel and palisade fencing was intended to be put up. From there, they moved to the site entrance, noting the location of the nearest properties, the light industrial developments and the concrete plant.

(28) After the site inspection, the Chairman invited the applicants to speak. Mr Garwood said that as Director for the Southern region, he ran 36 sites similar to the one proposed. EMR employed 1700 people in the UK and also operated in Europe and the USA. The company's core business was the recycling of scrap metal from a range of sources such as ELVs, consumer products, industry, construction and demolition. This resulted in worldwide sales of about 10 million tonnes a year. EMR had extensive ferrous and non-ferrous operations and produced over 100 grades of high quality recycled materials.

(29) Mrs Tweed said that she was the Local Member but was approaching this application in her capacity as a Member of the Planning Applications Committee. She had been

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approached by her constituents to ask some specific questions. The first of these was whether Chart Road would be able to cope with the traffic volume, particularly in the light of the pending Cheesemans Green development (near Sevington to the south). The Chairman agreed that KHS would be asked to respond to this question.

(30) Mrs Tweed said that the Ashford Community Forum had asked whether the proposed development was appropriate this close to the Town Centre, near light industry and residential areas. A local business had explained that it could not operate in an area that was prone to dust emissions. Finally, local residents were anxious about noise impacts. Mr Moat replied that the County Council's Noise, Dust and Odour Consultant had raised no objection in respect of dust and noise.

(31) Mr Willicombe noted that HGVs would bring metals on to the site and off load after visiting the weighbridge. He asked whether the public would be able to use the same facility and, if so, whether there was a risk of a tail back of private vehicles causing traffic congestion off-site.

(32) Mr Simon Dodd (Group Property Manager) replied to the first part of Mr Willicombe's question by saying that the public would be able to come on site and that they would use the weighbridge, which would control the site. He agreed that traffic control was a crucial aspect, particularly as HGVs would also be collecting processed materials for transportation off site. Mr Garwood added that EMR had developed a very good control system to ensure that waiting private vehicles were kept on the site.

(33) Mr Manion asked whether the erection of steel clad and palisade fencing could result in increased noise from echoes. Mr Moat replied that the applicants had addressed this question through their own Noise Impact Assessment and that KCC's Noise Consultant was satisfied on this point.

(34) Mr Hibberd asked whether the site would handle concrete as well as metals. Mr Garwood said that concrete would not be accepted. If it came in as part of a batch of demolition waste, they would either need to arrange transportation off site. Mr Moat confirmed that no processing of concrete would take place at the proposed facility.

(35) Cllr Heyes (Ashford BC) said that the site was inappropriate for scrap metal activity. Nearly a thousand people live locally. The topography of the land was such that most of these people would be looking down on the site and would see all of its operations. He doubted that the applicants would be able to control noise levels as successfully as they thought. As the site would be taking both bulk and small amounts, it was likely that the site would attract ever greater numbers of highway movements.

(36) Mr Peel (Ashford BC) said that his Authority had objected to the application on three grounds. The first of these was that the site had not been identified in the Development Plan for waste facilities. Cobbs Wood was a valuable employment site and the oldest Industrial Estate in Ashford. The application was considered to represent poor and inefficient use of a very sustainable location which had the potential to provide significantly more employment.

(37) Mr Peel said that Ashford BC's second ground for objection was the visual impact of the proposed 6m and 8m high metal walls. It was not considered that these would look like a building, especially as there would be structural support on the outside. He asked Members to visualise how this would look from Brunswick Road.

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(38) Mr Peel then said that the Borough Council's third ground for objection was that there was no proven need for the development. Ripleys carried scrap metal storage and processing in east Ashford and ELVs were also processed on the Henwood Industrial Estate. It was considered that the proposed facility would have a negative impact on local and new employers and consequently on the Borough.

(39) The Chairman asked the Planners to ensure that photographs of the site from Carlton Road and Godinton Road were made available when the application came to be considered by the Committee.

(40) Mr Graham said that metal recycling was traditionally under represented in Development Plans. In Ashford, it was claimed that 6,000 to 7,000 tonnes of metal needed to be recycled each year. EMR believed this figure to be an underestimate because ELVs themselves accounted for 4,000 tonnes in any given year.

(41) Mr Dodd said that about 75% of scrap metal would be brought on site by smaller vehicles such as cars, vans and skip wagons. The maximum number of HGVs would be 15 per day. Others would be re-directed to sites in big cities.

(42) In response to a question from Mr Smith, Mr Graham said that EMR's nearest similar facility (with an 8m high wall) was located in Croydon.

(43) The Chairman thanked everyone for attending. The notes of the visit would be appended to the Committee report.