

## Item C2

### **Replacement waste transfer station and household waste recycling centre at Dunbrik Household Waste Recycling Centre, Main Road, Sundridge – SE/12/2790 (KCC/SE/0298/2012)**

A report by Head of Planning Applications Group to Planning Applications Committee on 10 April 2013.

Application by Darenth River Ballast Company for cessation of existing green waste composting facility and transfer station and development of a new transfer station with replacement household waste recycling centre and landscape improvements at Dunbrik Household Waste Recycling Centre, Main Road, Sundridge, Sevenoaks, TN14 6EP – SE/12/2790 (KCC/SE/0298/2012).

Recommendation: Subject to no direction from the Secretary of State for Communities and Local Government and the prior completion of a Section 106 Legal Agreement, conditional planning permission be granted.

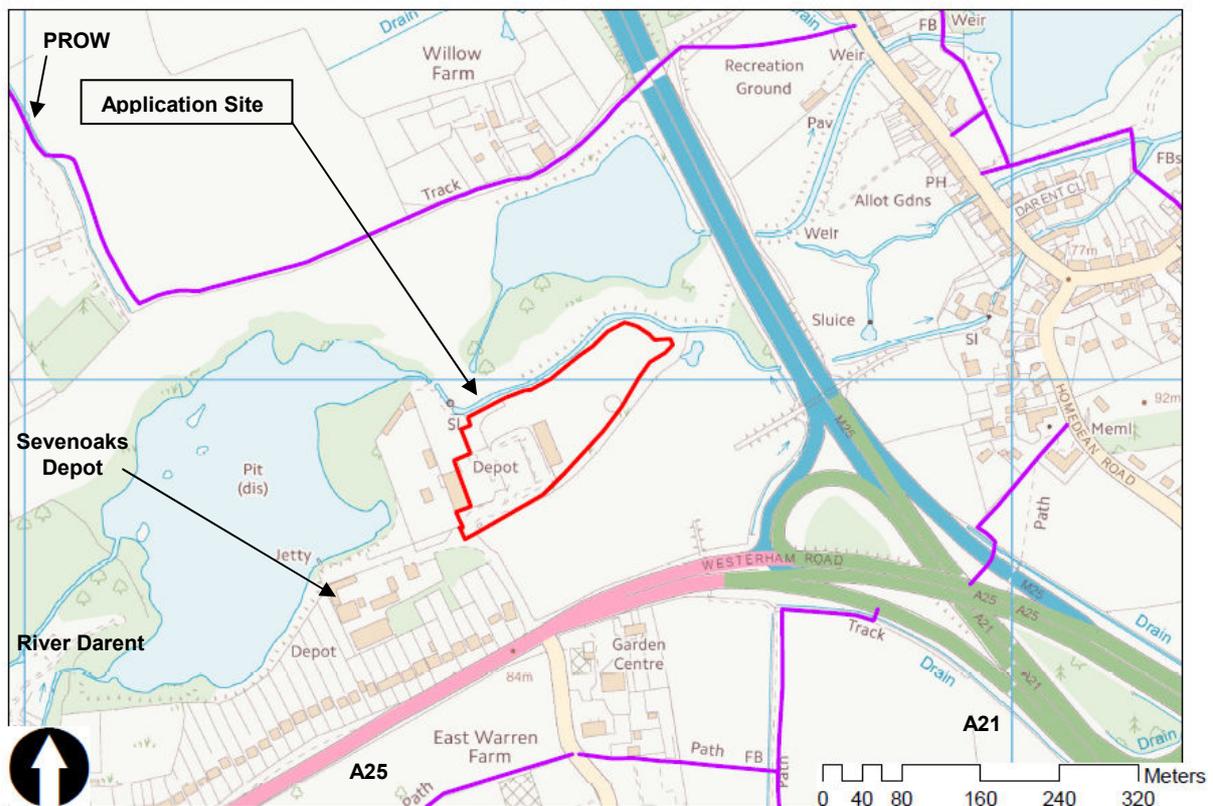
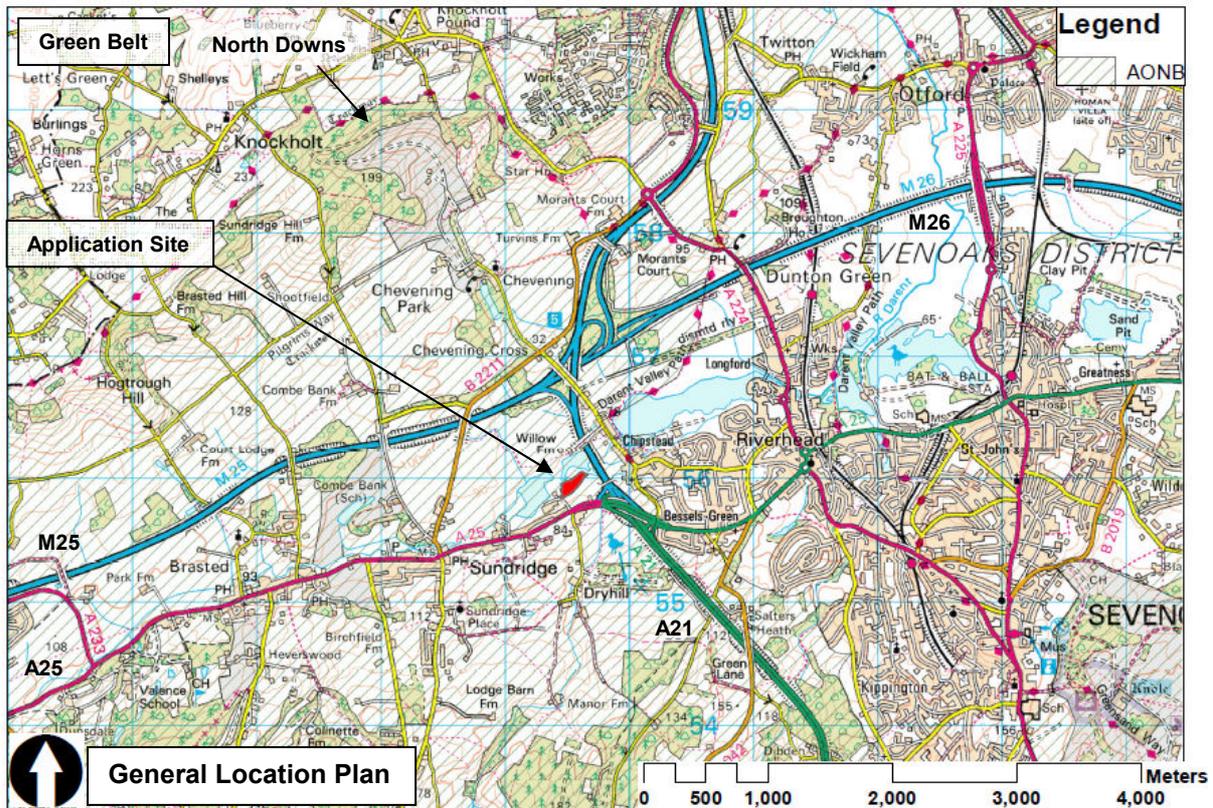
Local Member: Mr R. Parry

Classification: Unrestricted

#### **Site**

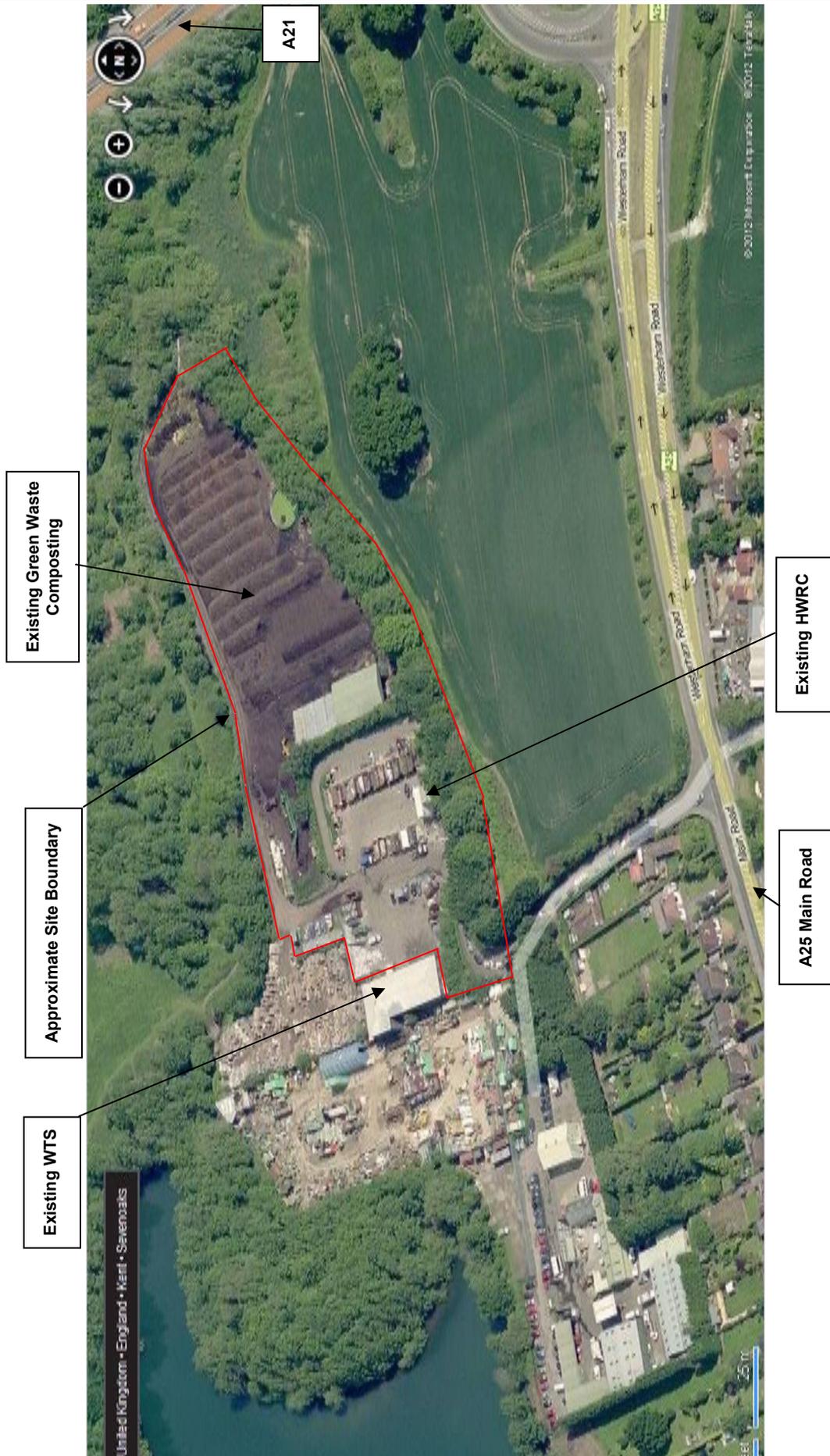
1. The application site is located within a small industrial estate in Sevenoaks District. The industrial estate is located to the north of Main Road (A25), approximately 1km east of Sundridge and 3km north-west of Sevenoaks town centre. Junction 5 of the M25 is located to the north-east, close to the interchange with the A21, which passes to the east of the site. See attached general location plans.
2. The application site covers approximately 2.24 hectares (ha) of previously developed land, which consists of 3 separate uses that comprise the area of land known as Dunbrik Works. The eastern part of the site is occupied by a green waste composting facility (GWCF) that covers approximately 1.5ha. This use comprises a series of open windrows on an area of hard standing with ancillary storage building, covered bays, portacabin, water storage tank, mobile plant and machinery. To the west of the GWCF is a household waste recycling centre (HWRC), which covers 0.4ha. The HWRC comprises open hard-standing with a raised vehicle platform including a mixture of small temporary buildings and mobile storage container units / skips. The western part of the application site consists of open hard-standing associated with a waste transfer station (WTS), including a weighbridge, parking and manoeuvring space and external storage areas. Directly adjacent to this (but outside the application area) is an existing WTS building. Both the HWRC and WTS are provided to deal with municipal waste streams generated within Sevenoaks and the surrounding area.
3. The application site is accessed via a shared private road that serves the industrial estate and benefits from a dedicated junction with the A25 (approximately 100m to the south).

# Replacement WTS and HWRC at Dunbrik HWRC, Main Road, Sundridge – SE/12/2790 (KCC/SE/0298/2012)



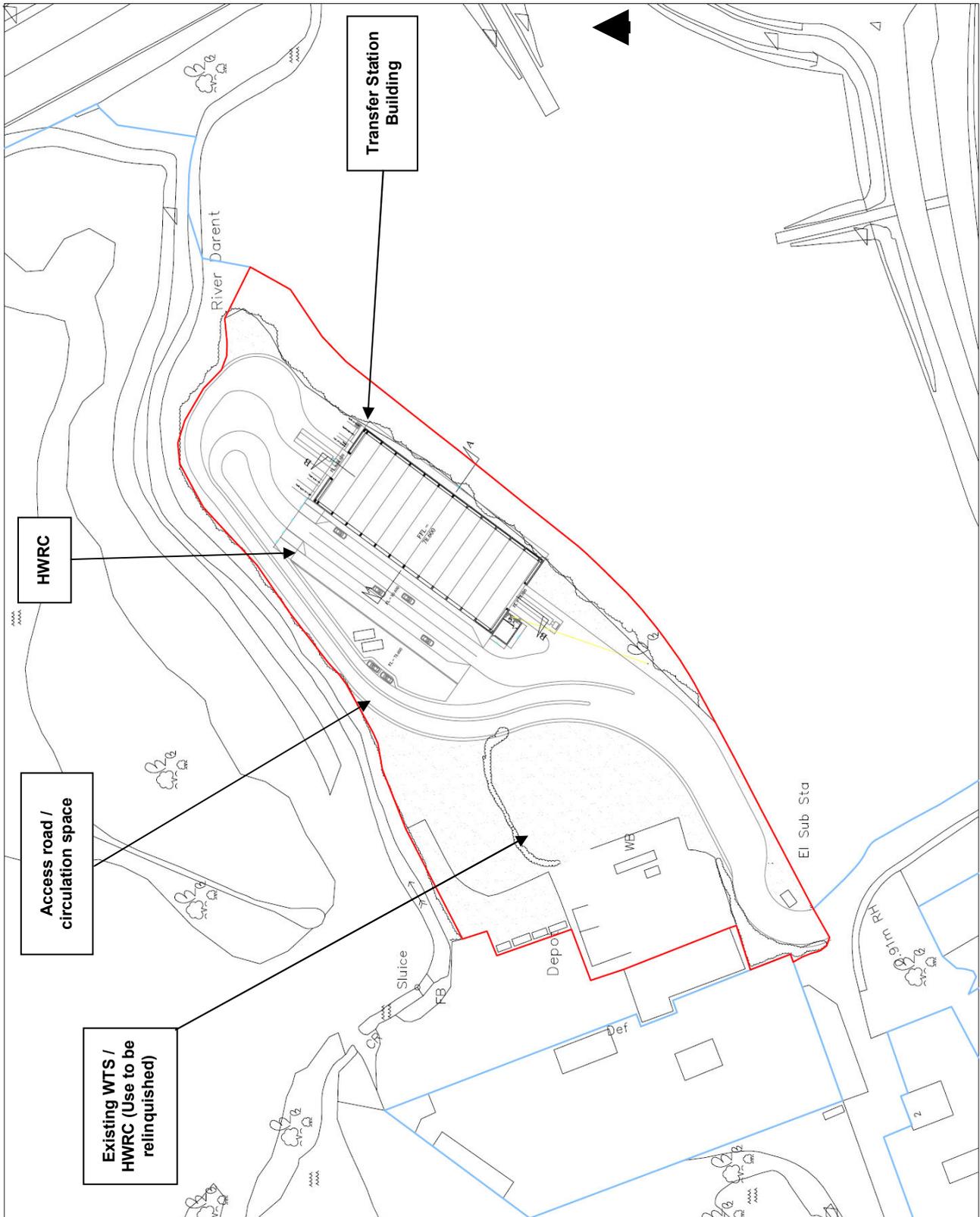


**Replacement WTS and HWRC at Dunbrik HWRC, Main Road, Sundridge – SE/12/2790 (KCC/SE/0298/2012)**



**Replacement WTS and HWRC at Dunbrik HWRC, Main Road, Sundridge – SE/12/2790 (KCC/SE/0298/2012)**

**Proposed Site Layout Plan**



**Replacement WTS and HWRC at Dunbrik HWRC, Main Road, Sundridge – SE/12/2790 (KCC/SE/0298/2012)**

**Proposed Elevations**

**Scale:** 1:100 @ A4

**South West Elevation**

**South East Elevation**

**North East Elevation**

**North West Elevation**

NO.	REV.	DATE	DESCRIPTION

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This drawing can be sealed for planning purposes only. It is not to be used for construction purposes. Use figured dimensions only. **DO NOT SCALE THIS DRAWING** before any work progresses.

**IF IN DOUBT ASK** for clarification with all relevant Structural, Mechanical and Electrical Consultants drawings and specifications.

CLIENT: \_\_\_\_\_

PROJECT: **DUNBRIK WASTE RECYCLING and CIVIC AMENITY CENTRE, SUNDRIDGE, KENT, TN11 4 6EP**

TITLE: **Elevations**

ISSUE	Planning
DRAWN BY: JH	SCALE: 1:100 @ A4
DATE: 21/07/2013	SCALE: @ A4
DRAWING NO: 11:09:P:400	---

# Replacement WTS and HWRC at Dunbrik HWRC, Main Road, Sundridge – SE/12/2790 (KCC/SE/0298/2012)

## Landscape Scheme

Received - 10 August 2012  
Planning Applications Group

**Legend**

- Existing Tree Cover - Retained**  
Existing trees to be retained and protected on site in accordance with BS 5837: 2012. *Trees in Relation To Design, Demolition & Construction*
- Tree / Shrub Planting - Removed**  
Tree & shrub removal in accordance with BS 5837: 2012. *Trees in Relation To Design, Demolition & Construction*. Refer to drawing LLD-18-02 Tree Retention & Protection Plan and LLD-18 Existing Tree Schedule and Arboricultural Assessment.
- Tree Groups - Proposed**  
Proposed native tree species tree group planting to bolster woodland edge.
- Environment Agency Easement Zone - Proposed**  
Proposed 8.0m wide Environment Agency access & maintenance Easement Zone adjacent to northern edge of the River Darent.
- River Darent**

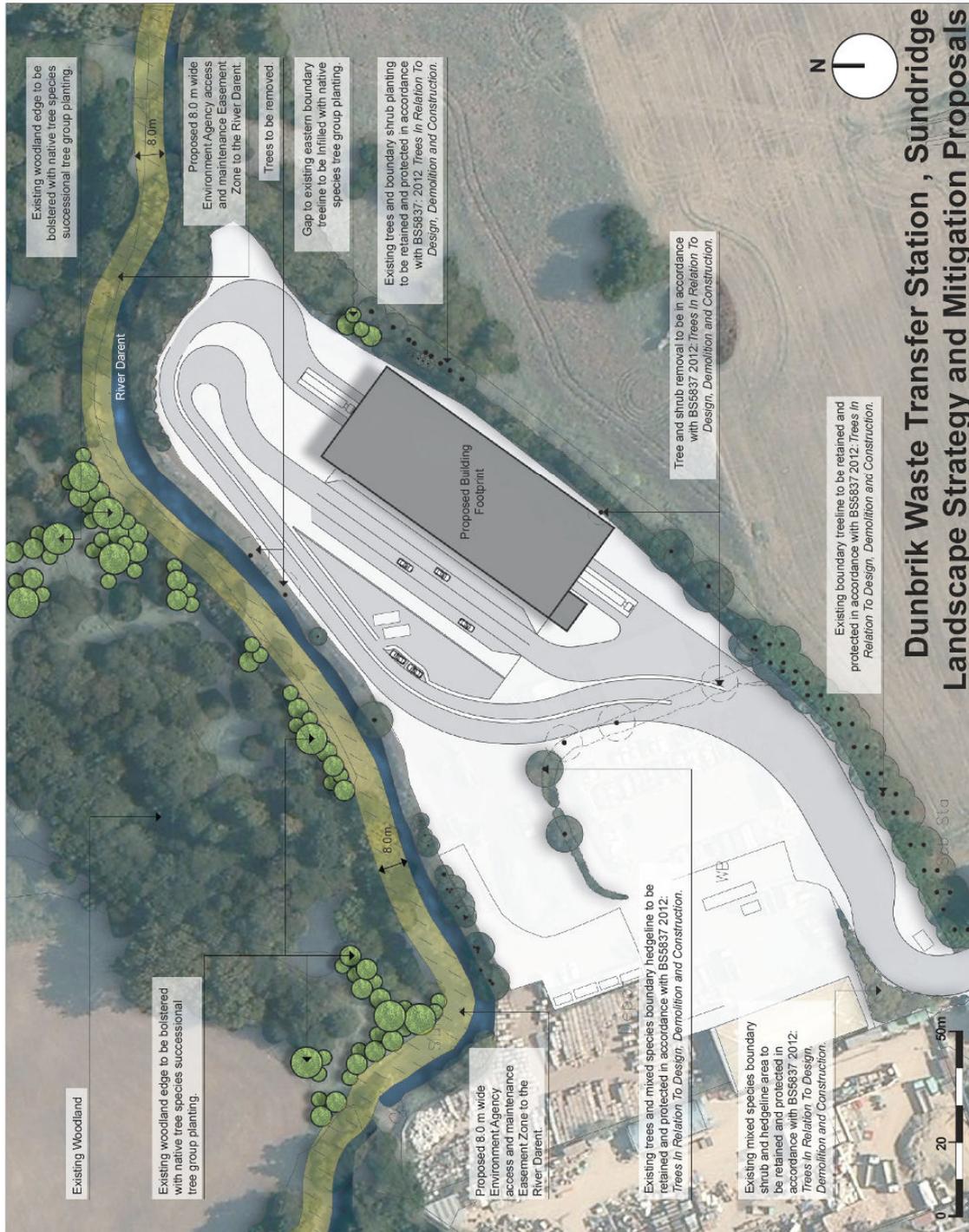
Rev	Description	Date	Initials
00	Planning Issue	09.08.12	PB

### Lizard Landscape Design



Lizard Landscapes Design  
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BN16 5AA  
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Email: [info@lizardapp@btconnect.com](mailto:info@lizardapp@btconnect.com)

<b>Project title</b>	
Dunbrik Waste Transfer Station Sundridge, Kent	
<b>Drawing title</b>	
Landscape Strategy and Mitigation Proposals	
Scale	Date
1:1000@A3	09.08.12
Drawn	Revision
PB	00
Drawing No	
LLD418 / 03	
LLD18 / 18design	



**Replacement WTS and HWRC at Dunbrik HWRC, Main Road, Sundridge – SE/12/2790 (KCC/SE/0298/2012)**

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4. The southern boundary of the application site consists of a narrow band of coniferous and broadleaved trees. The land between these and the A25 to the south is in agricultural use. A row of houses front onto the A25 to the south-west. The nearest residential property is approximately 80m from the entrance to the site adjacent to the shared access road to the industrial estate.
5. Land to the west of the application site, within the industrial estate, includes a natural stone wholesaler and a builder's yard. Beyond this, and immediately behind the residential properties on the A25, is a Sevenoaks District Council depot which (among other uses) houses the District Council's Refuse Collection Vehicles (RCVs).
6. The dualled A21 passes approximately 90m to the east of the application site with a woodland belt between the two. The built-up area of Sevenoaks is located further to the east. A staggered junction between the A21 and the A25 is positioned to the south-east.
7. The River Darent flows along the northern boundary of the site, with two lakes just to the north and west. The land to the north of the river and surrounding the fringes of the lakes forms a broad-leaved woodland and wetland area. Beyond these is a public right of way passing east-west. A small number of residential properties are located to the north of this footpath (approximately 180m from the site boundary). Open agricultural land lies further to the north and west to the south of the M25 (approximately 750m to the north). The foot of the scarp slope of the North Downs is approximately 2km north of the site. The application site falls within the Chevening Parish, whilst the access road and land to the west is within Sundridge with Ide Hill Parish.
8. The Sevenoaks Local Development Framework Proposals Map designates the application site as being outside the confines of built development, within the Metropolitan Green Belt and as part of the Kent Downs Area of Outstanding Natural Beauty (AONB). The site overlies a principle aquifer and is identified by the Environment Agency as being within a Groundwater Source Protection Zone (SPZ) 3. Whilst the application site is in close proximity to the River Darent, the site is designated within Flood Zone 1 with a low probability of flooding. However, the land surrounding the industrial estate immediately to the north, east and west falls within Flood Zones 2 and 3 with an increased probability of flooding of 1% (1 in 100) or greater. Land to the north and east of the site has (in the past) been used for landfill. There are no other site specific designations, although more general development plan policies are set out in paragraph (26) below.

**Background**

9. The site has served a waste disposal function since the 1960's following an earlier history of mineral extraction. In 1991 planning permission was granted for a permanent waste transfer station and household waste recycling centre (under reference SE/90/1302). The transfer station resulted in the change of use of a part-built office / store building. Planning permissions were granted for a green waste composting facility on parts of the site in 1992 and 1994 (SE/91/1958 and SE/94/113). The above permissions have been subject to minor variations over the years, revising operational arrangements, including various changes to opening hours and storage arrangements on site.

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10. The permitted operations provide waste management facilities that allow waste generated in the local area to be deposited temporarily and then bulked up with material of a similar nature or common destination for onward transport. The waste arisings are generated from members of the public visiting the HWRC, kerbside collections by Sevenoaks District Council as Waste Collection Authority and to a less extent other commercial and industrial sources.
11. Planning permission was granted in 2007 to redevelop the site (under reference SE/05/2526) to provide a new waste transfer station with modifications to the existing HWRC, including the cessation of the existing green waste composting facility. The proposals were to provide a new transfer building (60m x 40m x 10m high) and improved HWRC (similar in principle to the current application). This permission was subsequently varied in 2010 (under reference SE/08/621) to allow various operational changes. Neither of the above planning permissions were implemented and have both since lapsed.

**Proposal**

12. The Darenth River Ballast Company is applying for the cessation of the existing green waste composting facility and transfer station and to develop a new WTS with replacement HWRC with associated landscape improvements.
13. The application proposes the construction of a single main waste transfer building, oriented on a broadly northeast / southwest axis. The building would be located on the southern boundary of the site, on land which currently comprises part of the existing green waste composting facility. The building would measure approximately 75m in length by 30m wide, with a curved roof rising to a maximum of 11m in height. The finished floor level for the WTS building would be typically 78.6m AOD, which follows the existing ground levels on site. The building would create approximately 2,254m<sup>2</sup> of operational floorspace within the transfer station. The design proposed incorporates a profile metal sheet finish to the exterior with a curved roof line and a grey colour finish. Attached to the northwest corner would be a small administration building / office space extension to serve the transfer station. This structure would measure approximately 9m x 6m x 3m in height, finished to match the main building.
14. The proposed WTS would continue to receive primarily municipal solid waste (MSW) ('black bag' and source separated food waste) as well as dry recyclates from kerb side collections in the Sevenoaks area, alongside a less significant amount of commercial waste sourced principally from the local Sevenoaks urban area. The applicant states that the scale of the building is the minimum necessary to ensure the facilities adequately serve the future waste management needs of the local residential population, both in terms of the HWRC facility and collection and transfer of municipal solid waste and recyclables. The length of the building would provide improved capacity for members of the public visiting the site and allow greater separation of waste materials improving recycling rates.
15. Directly to the north of the proposed waste transfer building a new HWRC would be provided in the form of a raised operational area, some 2m above ground level and the finished floor level of the adjacent building. This raised platform would allow members of the public to use a series of open bays within the side of the proposed building to deposit bulky materials into specific bays. Further recycling containers are

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proposed to the north of the HWRC. Vehicle access to the operational area would be gained via a ramp with 2 vehicle lanes to ensure through-flow, with pull-in lay-bys for parking to either side.

16. The application proposes to continue to use the existing shared access point into the industrial estate off the A25. Internally, the whole site would operate a one-way system to facilitate vehicle flow. The provision of two dedicated access roads would separate vehicles visiting the HWRC from those attending the WTS and allow space for any queuing traffic within the site. These two internal roads would pass along the northern boundary of the site connecting to the east side of the respective facilities. Vehicles would then pass through the HWRC and WTS in a forward gear, exiting to the west.
17. The new facilities are proposed to improve the operational efficiency of the existing provisions, which are authorised to operate up to 91,740 tonnes per annum. The applicant confirms that due to the constraints of the existing facilities the site does not operate at this level. The replacement WTS is designed to allow a maximum throughput of 100,000 tonnes per annum (tpa) of waste material, with the HWRC providing capacity for up to a further 20,000tpa of waste delivered directly to the site by members of the public. The types of waste accepted on site would be strictly controlled under any future environmental permit and would be similar to the existing arrangements in the form of mixed putrescible waste streams with a limited amount of waste classified as hazardous received by the HWRC. This arrangement is exactly the same for all HWRCs, including the existing provisions on site. The types of hazardous materials received would include oils, batteries, gas bottles, florescent tubes, pesticides, paints and other similar household items brought to site by members of the public.
18. The application proposes a maximum of 256 HGV movements per day (128 in / 128 out) to enable the proposed facility to operate at its projected capacity (with some allowance for daily variations). It is noted that a number of the HGV movements relate to Refuse Collection Vehicles (RCVs) that operate out of Sevenoaks District Council's adjacent depot.
19. To accord with the current practices and provide future flexibility, the following public opening hours are proposed for the proposed facilities:

Waste Transfer Station:

07:00 – 18:00 Mondays to Fridays;

07:00 – 13:00 Saturdays;

09:00 – 16:00 Bank Holidays; and

07:00 – 16:00 on the Saturdays following Bank holidays.

Household waste Recycling Centre:

08:00 – 16:30 Mondays to Saturdays; and

09:00 – 16:00 Sundays and Bank Holidays.

The applicant proposes that the HWRC would need to operate 30 minutes before and 30 minutes after the public opening hours each day to allow staff to prepare / tidy up the site.

20. On the basis of the size of the site and its proximity to land sensitive to flooding the

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application includes a Flood Risk Assessment and Drainage Strategy. The existing site area is almost 100% impermeable, surfaced in connection with the existing waste uses. The proposed arrangements would maintain / resurface these areas of hard-standing to prevent any contaminated surface water run-off entering the ground. To control run-off and minimise any environmental / flood concerns, the application incorporates a new drainage scheme that sub-divides the existing site catchment area and provides underground storage to slow the discharge from the site. The proposed scheme includes interceptors and appropriate pollution prevention control measures.

21. The application includes a Landscape Visual Impact Assessment which assesses the potential visual impact of the proposals. The application seeks to maintain and protect the existing mixed species boundary treatment, with additional species planted to infill and strengthen existing boundary treatments and further planting within land in the ownership of the applicant, to bolster and enhance the woodland adjacent to the northern boundary.
22. The existing green waste composting facility (GWCF) would cease, with the windrows, water tank, building and covered bays removed to enable the construction of the proposed facilities. On completion of the proposed transfer station building and associated HWRC, the existing HWRC with its ramped access and associated infrastructure would be removed. The existing WTS building and yard area would cease operations on completion of the development and the existing planning permissions offered up for revocation without compensation as part of a legal agreement.
23. The application is in essence a revised resubmission of the schemes previously approved in 2007 and 2010. The revisions to the previous schemes include changes to the site layout and building to improve functionality and to reflect best practice and to allow the continued use of the existing WTS and HWRC during construction of the new facilities.
24. The application is accompanied by the following supporting documents:
  - An Alternative Sites Assessment – provided due the site's location within the Green Belt and Kent Downs AONB, which establishes that there is a lack of available sites of an appropriate size within Sevenoaks and a lack of any sequentially preferable sites within the urban area;
  - A Landscape Character and Visual Impact Assessment;
  - A Tree Survey and Retention and Protection Plan;
  - A Landscape Strategy and Outline Planting Specification;
  - A Transport Statement;
  - A Flood Risk Assessment;
  - A Drainage Strategy;
  - A Geo-environmental Investigation into ground conditions;
  - A Dust and Odour Assessment; and
  - An Ecological Evaluation and Impact Assessment.
25. Following comments received from the various consultees, the applicant has provided additional supporting information amplifying the application, including:
  - An amended Noise Assessment;

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- An addendum to the Transport Statement;
- An addendum to Landscape Character and Visual Impact Assessment: Additional Viewpoints Report – that provides further consideration of the potential visual impact of the development from higher ground within the Kent Downs AONB (including panoramic photos taken from 6 public vantage points); and
- An External Lighting Scheme, which includes illumination of proposed internal roadways and HWRC.

This additional information has been subject to further round of consultations with the statutory consultees.

**Planning Policy**

26. The most relevant Government Policy and Guidance and Development Plan Policies summarised below are pertinent to the consideration of this application:

- (i) **National Planning Policy and Guidance** – the most relevant National planning policies and policy guidance are set out within the following documents:

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

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

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

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reducing pollution

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

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

- Chapter 1 (Building a strong, competitive economy);
- Chapter 3 (Supporting a prosperous rural economy);
- Chapter 4 (Promoting sustainable transport);
- Chapter 7 (Requiring good design);
- Chapter 8 (Promoting healthy communities)
- Chapter 9 (Protecting Green Belt land)
- Chapter 10 (Meeting the challenge of climate change, flooding and coastal change);
- Chapter 11 (Conserving and enhancing the natural environment); and
- Accompanying Technical Guidance.

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

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

(ii) **Development Plan Policies:**

**Kent Waste Local Plan (KWLP) (1998) (Saved Policies)** – the most relevant saved policies include: W3 (Locational Criteria), W6 (Need), W9 (Separation and

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Transfer - Location of Facilities), W18 (Noise, Dust and Odour), W19 (Surface and Groundwater), W20 (Land Drainage and Flood Control), W21 (Nature Conservation), W22 (Road Traffic and Access), W25 (Plant and Buildings) and W31 (Landscaping).

**Sevenoaks Local Development Framework: Saved Local Plan Policies Compendium (2008)** Policies: EN1 (Development Control General Principles), EN6 (Areas of Outstanding Natural Beauty), EN31 (Outdoor Lighting), NR10 (Pollution Control), GB1 (Metropolitan Green Belt), T8 (Access to Highway Network) and VP1 (General Parking Standards).

**Sevenoaks Local Development Framework: Core Strategy (2011)** Policies: LO1 (Distribution of Development), LO8 (Countryside and Rural Economy), SP1 (Design for New Development and Conservation), SP2 (Sustainable Development), SP9 (Infrastructure Provision) and SP11 (Biodiversity).

(iii) **Emerging Development Plan Policy**

**Kent Minerals and Waste Development Framework: Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (2011)** – Draft Policies CSW1 (Sustainable Waste Management and Climate Change), CSW2 (Waste Hierarchy), CSW3 (Strategy for Waste Management Capacity), CSW5 (Non Strategic Waste Sites), CSW6 (Location of Non Strategic Waste Sites), CSW7 (Waste Management for MSW and C&I Waste), CSW9 (Inert Waste Management Provision), CSW16 (Other Forms of Waste Development), DM1 (Sustainable Design), DM2 (Sites of International, National and Local Importance), DM7 (The Water Environment), DM8 (Health and Amenity), DM9 (Cumulative Impact) and DM10 (Transportation of Minerals and Waste).

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

(iv) **Other Policies**

**Kent Downs Area of Outstanding Natural Beauty Management Plan 2009 – 2014 (First Revision April 2009)** – Policies LLC2 and LLC8 (Landform and Landscape Character), GNR5 and GNR6 (Geology and Natural Resources) and SDT2 and SDT12 (Sustainable Development and Travel).

**Kent Joint Municipal Waste Management Strategy (April 2007)** – This includes Policy 20 which states that the transfer station network will be improved across Kent to promote efficient transport of wastes for treatment, recovery and disposal. It also includes a number of other policies intended to assist in increasing recycling and composting rates whilst providing appropriate residual waste management services.

**Consultations**

27. **Sevenoaks District Council:** raises no objection in principle, subject to the County Council being satisfied that the proposal complies with relevant development plan

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policies and the criteria set out in the National Planning Policy Framework (NPPF).

28. **Chevening Parish Council:** raises several concerns about the application and recommends refusal unless the following points are addressed satisfactorily:

- *‘Height - It is noted that the proposed building is 1 metre higher than the original approved building. Members consider that this increase in height over a large expanse could have a detrimental effect on the Green Belt.*
- *Vehicle movements - There is considerable concern about the number of vehicle movements. Since the previous application, traffic levels generally appear to have increased. 256 HGV movements will have an impact over a wide area and add considerably to traffic congestion which is particularly bad at peak times. Perhaps this could be limited by making a condition that the Depot is restricted to dealing with waste from the urban Sevenoaks area and vehicles may only travel a limited number of miles to the site.*
- *Dust and odour - The increase in activity will lead to increased pollution by way of dust and odours, although it is noted that the composting site will be removed, which is welcomed. Stringent controls must be applied to prevent dust and odour becoming a nuisance to neighbouring properties which has been a constant problem with the composting site.*
- *Current facility - It is requested that all current permissions regarding the existing site are revoked and a condition is made requiring the existing area to be cleared and all materials removed from the site. Further, that any future use of the area for whatever purpose will require a new planning application’.*

29. **Sundridge with Ide Hill Parish Council:** expresses a number of concerns about the application:

- Significant increase in HGV movements;
- Future use of the current waste transfer station;
- Hours of operation; and
- Environmental impact.

*‘The Parish Council supports, in principle, improving the efficiency of the facility if the above concerns can be addressed in the following ways:-*

- *HGV’s – The proposed HGV movements are considered to be excessive and should be significantly scaled back.*
- *Ensure by a unilateral undertaking, the unconditional extinguishing of the uses connected with the existing waste transfer station and all associated buildings, be they permanent or temporary, and which should include the removal of all buildings and structures, in order to minimise the impact on the Green Belt due to the proposed development of the new building (of some 11m in height and totalling almost 25,000 sq ft ) which the applicant is justifying by arguing that “very special circumstances” exist.*
- *The hours of operation are acceptable but the Council are opposed to the additional ½ hour on Sundays. The household waste centre should not open earlier than 9am.*
- *The applicant must make sure that adequate controls are put in place to deal with all aspects that will impact on the environment including, dust, contamination, pollution, noise and smell.*

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- *A restriction on the introduction of additional types or quantities of hazardous waste to the new facility other than that which currently exists.*
- *Any additional external lighting should only be permitted to be illuminated during hours of operation’.*

30. **Environment Agency:** raises no objection, subject to a condition setting out measures to be undertaken if contamination not previously identified is found.

As guidance to the applicant, the Agency highlights that the site is extremely sensitive in terms of groundwater vulnerability. The site lies on the Folkestone formation, which is classified as a principal aquifer and falls within a Source Protection Zone (SPZ) 3. However a SPZ1 for the Sundridge pumping station public water supply boreholes is located approximately 130m to the west. The Agency therefore identified that potable supplies are at risk from activities at this site and recommends all precautions should be taken to prevent discharges and spillages to ground, both during and after construction. In response to the drainage scheme submitted, the Agency is satisfied the planned scheme would adequately control any pollution on site.

In addition to the above, the Agency provides guidance to the applicant concerning the need for further consent under Water Resources Act 1991 for any works within 8 m from the top of the river bank.

With regard to the Environmental Permitting regime, the Agency recommends that the applicant make contact to discuss Permitting requirements for the development and to discuss any remediation that may be required if it is proposed to remove any of the current site from the existing permitted areas. With regard to potential dust, odour and air quality issues, the Agency confirms that these aspects of the development would be regulated as part of Environmental Permitting.

31. **Natural England:** although it does not consider that the landscape and visual impact assessment accompanying the application (and supplemented by the addendum with additional panoramic photographs referred to in paragraph 25) has been undertaken fully in accordance with good practice guidelines, it is satisfied that further view points or landscape assessments are not required in this instance having considered information provided by the County Council's Landscape Consultant (Jacobs) and the local knowledge of the Kent Downs AONB Unit. On this basis, it recommends that the County Council ensure that the mitigation proposals are in accordance with the AONB Management Plan and are of a sufficiently high standard to ensure that the scheme is 'good enough to approve'. It also states that it has discussed the proposals with AONB officers, believes that the AONB Unit's advice will be important to the County Council in reaching its decision and recommends that the advice of the AONB Unit should be sought in respect of detailed mitigation proposals.
32. **Kent Downs AONB Unit:** advises that it is not impressed with the general standard of the landscape and visual impact assessment. Its main concerns are that the landscape proposals should properly mitigate the impact of the development on nearby views and those from around and above the site. It recognises that the visual and operating impact of the site is currently unacceptable and that the new development could improve this. It regards the proposal as an opportunity to ensure that the operations and the amenity, environmental and visual impacts of the development can be considerably ameliorated and the area improved to be 'good enough to approve' in the AONB. It has referred to advice in the Kent Downs

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Landscape Design Handbook (e.g. on boundary treatment, gates and planting) and policies in the Kent Downs AONB Management Plan (i.e. LLC2, LLC8, GNR5, GNR6, SDT2 and SDT12) and advised that it would expect the development to be of a high standard and controlled by conditions which would be enforced to ensure:

- Working hours no longer than 07:00 to 18:00 hours Monday to Friday and shorter periods at weekends;
- Dust control;
- Maintenance of landscaping around the site;
- Maintenance of high quality of working areas and the access;
- Treatment of the access to the A25 to be in character and in keeping with the residential character of the village – any security gates and fencing to be closer into the site and to be screened with planting;
- Maintenance of exemplar operating conditions throughout the life of the operations.

33. **Thames Water Utilities:** raises no objection concerning the water infrastructure.
34. **Biggin Hill Airport:** no comments received on writing this report. Any received prior to the committee meeting will be reported verbally.
35. **Kent County Council Highways and Transportation:** raises no objection to the proposal, subject to a condition requiring final details of staff / visitor parking on-site. Comments as follows:

*'The proposed transfer station and replacement HWRC has been subject to some considerable amount of assessment by the applicant's consultant with regard to the highway impact through an initial transport statement and a further addendum note to that transport statement'.*

*'Some concern has previously been raised locally by the Parish Council about the impact of the potential increase in vehicle movements associated with the proposal. These additional movements have subsequently been carefully considered and assessed in order to fully understand the proposed impact and I have attempted to put this impact into context below - specifically with regard to movements at the junction of the site access with the A25:*

*It should firstly be noted that the applicant has provided 'PICADY' junction modelling inclusive of the maximum flow projections to and from the site (i.e. 256 in/out movements) and this modelling shows that the junction of the access road and the A25 works well within capacity during the a.m. and p.m. peak hour (i.e. at the times of maximum vehicle flow on the adjacent highway network) both now and during future year projections.*

*With regard to vehicle numbers, existing surveyed in/out movements at the site access can be seen to represent just over 10% of the existing daily 12 hour flow measured from 07:00 to 19:00 on the A25 past the site access.*

*The impact of the proposals at the maximum potential daily flow of 256 in/out movements would result in a 12 hour in/out movement increase from the site of 128 vehicle movements - i.e. an approximate 7.5% increase in the number of vehicle movements into and out of the site over that 12 hour period which, without evidence of*

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*any related junction capacity issue is not considered significant with regard to highway impact. It should also be noted that this increase actually represents a percentage increase of less than 1% additional vehicle movements on the A25 over the 12 hour daily flow period.*

*Likewise, the maximum projected percentage increase in potential vehicle movements at the junction of the access road and the A25 during the am peak hour (07:15 - 08:15) and the pm peak hour (16:00 - 17:00) equates to less than 1% and just over 3% respectively which again is not considered significant with regard to highway impact.*

*In conclusion, the projected current and future year impact of this proposal in relation to both junction capacity and percentage increase in vehicle movements is not considered significant when assessed against the existing permitted background flows and as a result no KCC Highways and Transportation objections to the proposals are raised'.*

In response to additional information, Highways and Transportation advises that there is adequate space on site to ensure vehicle parking for staff and operatives can be provided within the scope of the adopted vehicle parking standards. To secure this it recommends a condition be placed on any permission requiring details of the final on-site parking arrangements.

36. **The County Council's Noise Consultant:** raises no objection to the application, subject to the development being delivered and managed as proposed within the application.

The Noise Consultant advises that the Addendum to the Noise Assessment models the potential 'worse-case' scenario in terms of vehicle movements, alongside noise generate by proposed operations on-site, and that typical vehicle movements would be considerably lower. He states that whilst the increase in vehicle movements would potentially lead to a (worse-case) noise level change of +0.7 dB  $L_{Aeq}$  at the rear of property immediately adjacent to the access road, this would not be subjectively perceptible. Noise levels at other nearby properties would marginally decrease due to the movement of the WTS. In conclusion, he considers that the proposal would be acceptable in noise terms.

37. **The County Council's Dust & Odour Consultant:** raises no objection to the application.

The Dust & Odour Consultant notes that the submitted assessment concludes that with the new facility (incorporating part of the HWRC) being enclosed, and waste dealt within an internal environment, the dust and odour emissions could be managed and controlled. He also notes that the new building would include odour and dust suppression systems and closable doors and shutters which would minimise the potential for emissions from the proposed WTS.

The Consultant advises that the removal of the existing green waste composting area would further reduce the potential for odour and dust emissions from the site, which would potentially improve the existing conditions. He concludes that emissions generated by the proposed development are unlikely to result in adverse dust or odour impacts upon the nearest houses which lie more than 100m away to the south-east of

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the proposed building and operational areas.

38. **The County Council’s Landscape Consultant:** raises no objection to the application.

The Landscape Consultant advises that whilst the submitted Landscape Character and Visual Impact Assessment (LVIA) was not undertaken fully in accordance with best practice, its overall conclusions are acceptable. She also advises that whilst the site is situated within the highly sensitive Kent Downs AONB, it is visually very well contained. She further advises that the proposed development would be set within the context of an existing waste site and other landscape detractors, including major highway infrastructure and the residential area of western Sevenoaks. She concludes by saying that the proposals would not cause any significant landscape or visual impacts.

In responding to the addendum to the LVIA – ‘Additional Viewpoints Report’, the Landscape Consultant has confirmed that the additional long distance photographs from the North Downs were taken in accordance with latest technical guidance and notes that the winter views illustrate a worse-case scenario without leaf cover. She further advises that in the most open, panoramic views from the scarp, the site is difficult to discern because of the distance and vegetation and forms a very small part of the wider view. She concludes her comments on the addendum report by saying that the proposals would not cause any significant adverse visual impacts on sensitive views from the scarp of the North Downs.

39. **The County Council’s Biodiversity Projects Officer:** raises no objection, subject to the avoidance, mitigation and ecological enhancement measures recommended within the *Ecological Evaluation and Impact Assessment* report being implemented.
40. **The County Archaeologist:** raises no objection to the application.
41. **Kent County Council Waste Management Group:** raises no objection to the application

*‘The Waste Disposal Authority has a statutory duty to seek provision for the disposal of domestic waste disposal arisings in Kent. The existing facility and the subject of the proposed upgrade are integral to current and future arrangements for the Sevenoaks area. Under the provision of existing contractual arrangements, there is the option to divert material away from the final disposal to landfill and to feed into the operational Allington EfW facility. However some waste will not provide a suitable feedstock for the EfW plant and will need to be separated, for which floor space is required. The proposal seeks to address these issues and to give the proposed new facility the operational space and layout to become fully flexible and functional. It will also readily allow other materials currently in the residual waste stream to be separated for recycling as new processing technology is developed in the future.*

*In principle therefore, the Waste Disposal Authority welcomes the additional handling and processing capacity for this type of waste which will ensure increased choice, operational flexibility, and a reduction in waste haulage in Kent is maintained. Notwithstanding the overall capacity requirements, operationally the redevelopment and upgrading of this established facility would be a particularly welcome outlet for treating this category of material. The “Joint Strategy for the Sustainable Management of Household Waste for Kent” clearly identifies a requirement to reduce the amount of*

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*waste being sent to landfill in order to be able to meet strict Government targets set out under “Waste Strategy 2000” and Best Value Performance Indicators.*

*In order to meet its statutory obligations under the Environmental Protection Act 1990, the Waste Disposal Authority is required to seek Competitive Tenders for the processing of all domestic waste arisings in Kent. The Contract Criteria includes inter alia that particular consideration be given to the environmental impact of the proposal, recycling targets set by Government, the operational requirements of the Waste Collection Authorities (District Councils), the minimisation of traffic and the technical sustainability of the process.*

*This proposal would provide an opportunity to reduce the usage of Kent’s roads by refuse vehicles. The Strategy referred to above, together with the National Waste Strategy and the Landfill Directive, seeks to move away from a heavy dependence on landfill, by diverting a significant proportion of the waste stream into alternative sustainable technologies and techniques’.*

**Local Member**

42. The local County Member for Sevenoaks West, Mr R. Parry was notified of the application on 18 October 2012.

**Publicity**

43. The application was publicised by the posting of a site notice, an advertisement in a local newspaper and the individual notification of 58 nearby properties.

**Representations**

44. In response to the publicity, 1 letter of representation objecting to the application has been received from a nearby property. The key points raised can be summarised as follows:
- Concern that the impact of the proposals on properties 200m to the north of the application site may not have been adequately assessed within the application documents;
  - Concern about the potential noise impact of the development on residential properties, including from traffic movements, reversing beepers and general operational noise as a result of waste materials and storage containers being moved on site;
  - Concerns about potential light pollution from the proposed use, considers that the deciduous trees that surround the site will offer little screening in winter months;
  - Concern about odour generated by the existing Green Waste Composting site. Notes that whilst the prevailing wind is in the south-west, in recent years the wind has increasingly come from south or south-east, amplifying odour concerns for the properties to the north. Notes that the composting would cease, however has concern that the smell of putrefying waste would be carried towards properties to the north and within Chipstead; and
  - Seeks clarification of the proposed operation of the doors and shutters whilst the site is operational.

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**Discussion**

45. The application seeks planning permission for the cessation of existing green waste composting facility and transfer station and development of a new waste transfer station with replacement household waste recycling centre. The application is being reported to the Planning Applications Committee as a result of concerns raised by Chevening and Sundridge with Ide Hill Parish Councils and 1 letter of objection received from a nearby property. See paragraphs 27 to 41 and 44 for details of all representations and consultee views received.
46. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, the National Planning Policy Framework, other Government Policy and any other material planning considerations. In considering this proposal the planning policies outlined in paragraph 26 above are particularly relevant.
47. The main issues in this particular case are:
- location;
  - design and layout;
  - highway considerations;
  - local amenity impacts (including noise, dust, odour and air quality);
  - water environment (flood risk / ground and surface water impacts); and
  - biodiversity.

**Location**

48. The Sevenoaks District Local Plan identifies the site as being outside the confines of the built environment, within the Metropolitan Green Belt and part of the Kent Downs Area of Outstanding Natural Beauty (AONB). The proposed site is not specifically allocated for waste management use in the Kent Waste Local Plan, although the established existing uses of the land relate to similar waste activities. Any new development proposed in this location is subject to a number of Development Plan and Government policies that seek to protect and enhance the character and openness of the countryside. The broad thrust of these policies presumes against inappropriate development, subject to a limited number of exceptions.
49. The Development Plan Policies in place include Sevenoaks Saved Local Plan Policies EN1, EN6 and GB1 and Sevenoaks Core Strategy Policies LO1, LO8 and SP1. These seek to protect the countryside from unnecessary development and preserve its openness and the special character of its landscape, particularly in relation to Green Belt and the AONB. Government policy is set out within the NPPF, including Chapters 9 (Protecting Green Belt land) and 11 (Conserving and enhancing the natural environment). Other material considerations include policies set out within the Kent Downs AONB Management Plan which seek to protect, conserve and enhance the natural beauty, landscape and historic character of the AONB.

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Green Belt

50. Chapter 9 of the NPPF (Protecting Green Belt land) confirms that the five purposes of the Green Belt are:
- to check the unrestricted sprawl of large built-up areas;
  - to prevent neighbouring towns merging into one another;
  - to assist in safeguarding the countryside from encroachment;
  - to preserve the setting and special character of historic towns; and
  - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
51. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. The NPPF states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
52. Government policy set out in PPS10 states that priority should be given to safeguarding and expanding suitable sites with an existing waste management use, with good accessibility from existing urban areas, good transport connections, compatible land uses (including previously developed or existing industrial land uses), and capable of meeting locally based environmental and amenity criteria. Both Government and Development Plan policies indicate that the principle of waste management facilities should not be precluded from the Green Belt (or from Areas of Outstanding Natural Beauty) if the proposal would meet a local need.
53. The proposals in this instance are considered to be 'inappropriate development' in terms of the Green Belt designation as the development would not meet any of the exceptions set out within the NPPF.
54. In order to justify developing a site within the Green Belt (and AONB) the applicant has undertaken an alternative sites assessment which considers the merits of a number of other potential sites in and around the Sevenoaks area. These include industrial and commercial properties both currently available (the majority of which were considered too small) and, for completeness, those which are currently unavailable but which are of an adequate size. The assessment indicates that there is a lack of existing sites of appropriate size within Sevenoaks. Having regard to a range of constraints, it concludes none of the sites are ideally suited for a waste management facility of the scale and nature of the facilities proposed and that the application site represents the most sustainable option. Having examined the sites assessment, I am satisfied that there are no suitable alternative local sites within the built up area of Sevenoaks and outside the designated areas that could be developed instead of the application site and no more suitable sites within the AONB or Green Belt.
55. It is therefore necessary to consider the potential harm from the development of the proposed site on the Green Belt. The development would have an impact on the openness of the site as it would introduce a large waste transfer building (approximately 75m x 30m x 11m high) along the southern boundary. The proposals also include additional storage containers and other associated infrastructure to support the new HWRC and WTS. These factors have to be balanced against the fact that the proposals would modernise and replace the existing HWRC and WTS

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and involve the cessation of the green waste composting facility (including the removal of all associated built development, plant, equipment and windrows). The existing waste transfer building is excluded from the application site and would be retained within the industrial estate. The applicant has agreed to enter into a legal agreement (S106) with the County Council to ensure that all uses associated with the existing waste planning permissions cease (without any compensation).

56. The site is generally well contained on all sides by surrounding soft landscaping, with dense boundary planting and extensive woodland which limit the visual impact of the site from the wider area. At 11m high the top of the domed roofline would potentially be visible above parts of the surrounding tree / hedge line. However, the majority of the proposed site is well screened. In my opinion, any visual impact on the Green Belt would be minimal and generally localised to within the site boundaries. It should be noted that the application site is also previously developed land that falls within an established industrial estate. On this basis it would be difficult to argue that the development would involve material encroachment on the countryside or impact on urban sprawl. Whilst the above considerations are not positive benefits, they are important in balancing the overall harm.
57. It is consequently necessary to consider whether 'very special circumstances' exist which outweigh the harm caused to the openness of the Green Belt by reason of inappropriateness and other material harm described above. The applicant has put forward a case of 'very special circumstances' which include:
- *The application site has had a long history of mineral extraction and subsequent waste disposal. The three existing uses having lawfully operated from the site for the last 20 years or so. The application envisages the cessation of the green waste composting facility and continuation of the WTS and HWRC. The application therefore does not propose any new uses on site.*
  - *The application site comprises "brownfield" previously developed land. Planning policy specifically supports the reuse of previously developed land as the focus of new development in favour of Greenfield locations.*
  - *This application is substantively similar to the scheme submitted in 2005, approved in 2007 and the subject of a varied consent in 2010. The changes now envisaged do not result in an increase in floor space but will facilitate an improved operation of the facility and seamless transfer of existing operations without the need for a temporary cessation of use.*
  - *The application site is located in close proximity to the Sevenoaks Urban Area. The facility is primarily designed to serve this local resident population, both in terms of an HWRC and dealing with MSW and recyclables as part of Local Authority collection services. All tiers of planning policy advocate the proximity principle in the location of waste management facilities. As part of this application, an alternative site assessment has been prepared and this demonstrates that there are no other sites for this facility which are in a better location.*
  - *Waste management policy advocates the benefit of co-location of facilities. This site enables the combination of a WTS and HWRC. Furthermore, the site is located close to the Sevenoaks depot for refuse collection vehicles. There is therefore a benefit in highway terms of co-locating the WTS with this depot, by reducing the number of movements and overall distances that need to be travelled by refuse collection vehicles.*
  - *National planning guidance and the Development Plan for this area all*

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*acknowledge that waste management facilities should not be precluded from being located within Green Belt and AONB locations in principle. Furthermore, the emerging Kent Waste LDF specifically seeks to acknowledge that there is in principle policy support for the retention and alteration of waste management facilities at this site. The application is therefore in compliance with the adopted and emerging Development Plan.*

- *The redevelopment of the site will provide improved WTS and HWRC facilities. This would have significant, material benefits in the use of waste that goes through the facility for reuse. This is achieved by the ability to hold the waste with greater separation, enabling appropriate recycling and reuse including as part of the energy from waste scheme at Allington. This is a clear aspiration in planning policy.*

58. Having considered the harm caused to principles of the Green Belt by virtue of inappropriateness and the extent of any harm on the openness and character of the countryside, I consider that the 'very special circumstances' put forward by the applicant are sufficient to outweigh any harm in this instance.
59. Should the Committee resolve to grant planning permission, it would be necessary to refer the application to the Secretary of State for Communities and Local Government under the provisions of The Town and Country Planning (Consultation) Direction 2009 to establish whether he wishes to call it in for his own determination because the proposals are on land allocated as Green Belt where the floorspace to be created would be more than 1,000 square metres.

Area of Outstanding Natural Beauty

60. The application site falls within the Kent Downs AONB where Development Plan policies and paragraph 115 of the NPPF require planning authorities to give great weight to conserving landscape and scenic beauty. Government policy states that planning permission for major development in the AONB should be refused unless there are exceptional circumstances and it can be demonstrated that the development is in the public interest. The policy indicates that consideration should be given to the need for the development, the scope for developing outside the designated area, any detrimental effect on the environment and landscape and the extent to which any such effect could be moderated.
61. Taking account of the 'very special circumstances' set out above, I consider that the redevelopment and modernisation of the site is in the public interest. The existing facilities form a vital part of the local infrastructure available to handle municipal waste streams arising from Sevenoaks and the surrounding area. The existing facilities are no longer considered adequate to handle the volumes of waste being generated or to enable this to be separated effectively to ensure more sustainable waste management and the movement of waste up the waste hierarchy. As discussed above, the application includes an alternative sites assessment which establishes that there are no alternative sites within the built-up area of Sevenoaks or outside the Green Belt and AONB that are suitable for the proposed local use.
62. Given that there is clearly an established need that is in the public interest and as there are no suitable alternative sites, it remains necessary to consider whether the proposed development would have a detrimental effect on the environment and landscape and, if so, the extent to which this could be moderated.

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63. The application includes a Landscape Character and Visual Impact Assessment which has been supplemented following initial responses from the County Council's Landscape Consultant, Natural England and the Kent Downs AONB Group. The Assessment demonstrates that due to the rolling and undulating topography of the valley floor rising up to the North Downs, coupled with the enclosure provided by woodland cover to the scarp slopes and valley floor, the proposed site is barely perceptible within the winter view (worse-case) from public assess points on higher ground and surrounding area. The Assessment concludes that depending on the vantage point (including long distance or more locally) the development proposals would either have 'No Change' or a 'Low / Slight' change on wider landscape quality.
64. Notwithstanding the adverse comments about the quality of the Landscape Character and Visual Impact Assessment by Natural England and the Kent Downs AONB Unit referred to in paragraphs 31 and 32, both have accepted that the assessment (including the supplementary work) is sufficient in this case to demonstrate the acceptability of the proposed development in the AONB provided the mitigation measures set out in the application are secured and conditions are imposed to address a number of issues. The proposed mitigation includes a Tree Retention and Protection Plan (which would ensure that existing landscape planting is protected as part of the development) and a Landscape Strategy (including mitigation proposals and an outline planting specification). The Strategy proposes to retain, protect and enhance the existing landscape features, including reinforcing the boundary planting to the east and bolstering the extended woodland beyond the northern boundary of the site which also falls within the applicants control. The outline scheme proposes the planting of native tree groups that would help enhance the existing mature planting and serve to soften and filter views towards the new development, including from the public footpath to the north (see the Outline Landscape Strategy included on page C2.7).
65. Having carefully examined the proposals and undertaken a visit to the site and surrounding area, the County Council's Landscape Consultant is also satisfied that the information provided by the applicant is acceptable and that the proposals would not cause any significant landscape or visual impact. The County Council's Landscape Consultant has also advised that whilst the site is located within the highly sensitive AONB, it is very well contained visually and would be set within the context of existing commercial uses and other landscape detractors, including major highway infrastructure and the western part of Sevenoaks.
66. As set out in the above section, I have accepted that there is an established need for the development and that the applicant has demonstrated that the proposals could not reasonably be located on land outside the AONB. Having regard to the comments from Natural England, the Kent Downs AONB Unit and the County Council's Landscape Consultant, and given the existing nature of the application site and immediately surrounding area, I am satisfied that the proposed development would not have a significant detrimental impact on the landscape and that the slight impact that would result could be suitably mitigated through the provision of a detailed landscape strategy based on that proposed in outline. I am also satisfied that the proposed development accords with the relevant development plan and NPPF policies relating to landscape and the AONB and is consistent with the objectives of the AONB Management Plan.

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General location

67. PPS10 states that waste planning authorities should assess the suitability of the site in terms of physical and environmental constraints on development, the cumulative effect of previous waste disposal facilities and the capacity of existing and potential transport infrastructure. The Statement suggests that suitable locations for new waste management facilities include industrial sites and that opportunities to co-locate facilities with complementary activities, including giving priority to the re-use of previously-developed land, should be supported in principle. Kent Waste Local Plan Policies W3 and W9 require proposed sites that are not allocated in the Plan to be located to minimise impact on local and natural environments, have ready access to the main road network and be located within or adjacent to existing waste management operations or within an area of established industrial use. Policy W6 states that where sites are located outside a location identified in the Plan and it is judged that proposals would cause demonstrable harm, need is a material consideration in the decision. The Kent Joint Municipal Waste Management Strategy (Kent JMWMS) includes policies that encourage an increase in recycling and composting rates whilst providing appropriate residual waste management services. The Strategy specifically identifies the need to improve the waste transfer network across Kent, to promote efficient transport of wastes for treatment, recovery and disposal. Emerging Policy CSW7 of the draft Kent Minerals and Waste Development Framework: Minerals and Waste Core Strategy reflects the call to provide improved waste management capacity and specifically identifies the need for replacement WTS and HWRC facilities to serve the Sevenoaks area.
68. In this instance, the application site comprises three existing waste facilities which are located within an established industrial estate on the outskirts of Sevenoaks. The surrounding uses include a stone wholesaler, large builder's yard and a Sevenoaks District Council depot. The latter houses (among other uses) the District Council's Refuse Collection Vehicles (RCVs). The proposed development would maintain and improve the co-location of the WTS and HWRC. The closest residential properties are over 80m to the south and approximately 180m to the north. The site is well located to serve the wider Sevenoaks area and has direct access onto the primary transport network. The implications of the application on the local highway network are considered in more detail below.

Location: Summary

69. Overall, taking account of the lack of suitable alternate sites, the limited harm from the development on the openness of the Green Belt and the character of the AONB, I am satisfied that in this instance 'very special circumstances' exist that clearly outweigh the harm to the above designations and the usual presumption against inappropriate development. In respect of the broad location, taking into account the site's proximity to waste streams, the good access to the primary highway network, the existing waste uses, the benefits of co-locating the WTS with the HWRC (in terms of sustainable transport and improved levels of recycling) and the location within an established industrial estate, I am satisfied that the proposed location is generally acceptable in principle for waste uses and is generally in accordance with relevant development plan and National planning policies. This view is subject to appropriately worded conditions being placed on any planning permission granted requiring the submission of a detailed landscaping strategy and ensuring the tree protection measures set out in the application are adhered to on site. Further consideration of issues relating to design

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and layout, highways, local amenity impacts, the water environment, biodiversity, together with any other material planning considerations, are set out within the sections below.

**Design and layout**

70. Chapter 7 of the NPPF, Sevenoaks Saved Local Plan Policy EN1, Sevenoaks Core Strategy Policies SP1 and SP2 and Kent Waste Local Plan Policy W25 require development to be designed to a high quality that responds positively to local character, incorporates principles of sustainable development and conserves or enhances the surrounding environment, including local amenities. PPS10 states that landscape, design and visual impact are important locational criteria when considering waste management proposals.
71. The application proposes the removal of existing buildings, structures and plant within the application site, excluding the existing waste transfer station building (which falls outside the site area). The existing buildings would be replaced by a single main waste transfer building with a small administration building attached. The development would comprise a light industrial building clad in profile metal sheeting finished in a grey colour, with a curved barrel vaulted roof line. The WTS building would measure approximately 75m x 30m x 11m maximum height (to the top of the roof line). The administration building is shown to the west of the main building and would appear as a small extension (approximately 6m x 9m x 3m high). The total floorspace of the development would measure approximately 2,304m<sup>2</sup>. This would enable a throughput of waste materials up to a maximum of 100,000 tonnes per annum (tpa) for the WTS and 20,000 tpa for the HWRC. The applicant states that the scale and size of the proposed building is the minimum necessary to ensure the facilities are able to adequately serve the waste management needs of the local population, both in terms of the collection and transfer of MSW and recyclables and the operation of the HWRC. The HWRC is proposed to the north-west of the main building and incorporates a raised operation area, approximately 2m above ground level. The raised platform would include ramped access for vehicles with 4 lanes providing operational space. The platform would allow a drop into the adjacent building providing capacity for members of the public to deposit materials into open bays in the side of the building. New internal access roads pass to the north of the development, providing separate access routes to the waste transfer building and HWRC. The application also includes parking for staff, new internal fencing to the western boundary and lighting columns to the access road and operational area. The layout of the proposed development would allow the existing WTS and HWRC to remain operational during construction, with the functions to be transferred on completion of the building and new HWRC.
72. Chevening Parish Council has raised concerns about the overall height of the proposed development, noting that the proposals would be approximately 1m taller than the unimplemented building permitted under SE/05/2526. The Parish Council consider that the increase in height over a large expanse of roof line could have a detrimental visual impact on the surroundings, including the Green Belt.
73. Neither Sevenoaks District Council nor the County Council's Landscape Consultant has raised objection to the application on design grounds, including the overall size of the proposed building. The Landscape Consultant's comments conclude that the proposals would not cause any significant landscape or visual impact. Whilst it is

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noted that the building would be slightly taller than that previously permitted, the floorspace created by the current proposals would be marginally less than the previous building. The applicant is promoting a grey finish to the building as this is considered to be a recessive colour that would reflect the mixed colours seen throughout the seasons in this location. I am satisfied that the additional height of the proposed building would not significantly detract in terms of landscape and visual amenity. The continued retention and enhancement of the mixed planting to the boundaries and within the woodland to the north would serve to filter and contain views of the site minimising any wider visual impact.

74. One letter of representation has been received from a nearby resident which objects to the application on a number of grounds. These include concerns about the potential for light pollution, particularly during winter months. The application (as amended) includes an external lighting scheme that encompasses 8m lighting columns and luminaries that would provide light to the access roads and circulation space. The scheme has been designed to include sustainable LED light modules that direct light downwards and reduce glare, minimising the light spill from the intended area. The application proposes that, with exception of low level security lighting and general maintenance, all external lighting would be extinguished outside the proposed opening hours. This approach would reflect Sundridge with Ide Hill Parish Council's comments that operation of the external lighting be restricted to the hours of use.
75. I am satisfied the lighting scheme proposed is appropriate for the use and is essential on health and safety grounds given the public access to the site. The scheme would be designed to minimise light spill to the areas on site that need to be illuminated, ensuring that Lux levels fall away quickly around these areas and minimising light pollution outside the site. I also note that the system would only be in use during the mornings and early evenings in the winter months as the site would not be open late enough to need external lights at other times. Given that the closest residential properties would more than 80m from the nearest lighting column, I am satisfied that the lighting scheme proposed would accord with relevant development plan policies, including KWLP Policy W25 and Sevenoaks Local Plan Policies NR10 and EN31.
76. For the reasons set out above, the scale, location and design of the development would respect the context of the site, including the adjacent industrial estate and would preserve the visual amenities of the locality. I consider that the proposals accord with the development plan policies indicated above. I recommend that any planning permission include (amongst other matters) conditions ensuring that the proposed tree protection measures are implemented, the submission of a final landscape specification, controls ensuring the external lighting is implemented as proposed (including the hours of use) and the submission of final details of the colour treatment proposed for the building.

**Highway considerations**

77. Government policy on transport matters set out within Chapter 4 of the NPPF recognises that land use planning has a key role in delivering sustainable transport choices and reducing the need to travel, including the movement of goods and supplies. Traffic related impacts associated with waste developments are also covered within PPS10. This outlines traffic and access issues as key locational criteria in the identification of suitable sites, including consideration of the capacity of existing and potential transport infrastructure to support the sustainable movement of

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waste. Kent Waste Local Plan Policies W3, W9 and W22 require new waste management facilities to be well related to the primary and secondary road network and for proposals to ensure that there would be no material adverse effect on highway safety and the local environment from traffic movements.

78. The site is well related to the primary transport network and benefits from a dedicated access via the industrial estate directly onto the A25. This allows easy access to the wider urban area of Sevenoaks, the A21 and the M25. The existing planning permissions for the current WTS, HWRC and GWCF have no specific restrictions on the total numbers of HGV movements associated with the site. The waste transfer station is currently licensed by the Environment Agency for a throughput of 91,740 tpa although under normal conditions the actual throughput is approximately 56,000 tpa. The throughput achieved is constrained by the size of the existing building and is one of the key reasons for the current application. In addition to the WTS, the existing HWRC handles approximately 11,000 tpa and the green waste composting facility is restricted to 18,000 tpa of green waste (under the terms of the waste management licence).
79. The application seeks permission for a maximum waste throughput of 120,000 tpa for the combined facilities proposed (WTS and HWRC). In connection with this throughput, the applicant is seeking to retain the previously consented maximum limit of 256 HGV movements per day (128 in / 128 out) provided for under SE/05/2526 as amended by SE/08/621. The proposed HGV movements need to be considered alongside the vehicle movements that would be associated with continued public use of the new HWRC.
80. Access to the development would continue to be via the existing industrial estate road off Main Road (A25). Main Road is a designated primary route, which is subject to a 40 mph speed limit in the vicinity of the access road and includes a right turn lane into the estate with good visibility in both directions. The application confirms that the Personal Injury Accident (PIA) data for the three year period up to September 2011 includes only two recorded accidents, both classified as 'slight' and attributed to human error.
81. A Transport Assessment is included in support of the application. This models the capacity of the existing junction with the A25 both before and after the proposed development. The modelling work is based on a detailed traffic survey undertaken in March and April 2012 which establishes that the existing facilities generate approximately 124 HGV movements over a 12 hour period (62 in / 62 out) in addition to approximately 760 non-HGV movements (380 in / 380 out) primarily associated with the HWRC. An addendum report to the Transport Assessment models traffic associated with the development for future years 2015 and 2017 reflecting the 'worse-case' scenario (based on 256 HGV movements per day and predicted non-HGV traffic associated with the new HWRC). The maximum number of HGV movements proposed would enable the facility to operate at its projected capacity with some allowance for daily variations and the predicted average number of HGV movements is considered to be closer to 176 per day (88 in / 88 out). Taking account of growth rates in traffic flow on the A25 and the full operation of the proposed development (the 'worse-case') the Assessment concludes that the junction with the A25 and the local highway network would still have significant amounts of residual capacity. The Transport Assessment concludes that the proposals would not have a detrimental impact on road safety, the free-flow of traffic or operation of the local highway network.

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82. The application also includes significant improvements to the internal layout and operation of the HWRC compared with existing provision. These include new separate access lanes for the HWRC and WTS providing one-way circulation and allowing vehicles to enter and leave in forward gear. The improved arrangements should serve to increase the efficiency of the facilities and provide considerable additional capacity for vehicles to queue on site at busy times whilst waiting to use the site. The changes would improve highway safety at busy times by addressing an existing issue whereby vehicles waiting to enter the site queue on the estate road, which at times can back up to the A25.
83. Members will note that both Chevening and Sundridge with Ide Hill Parish Councils have raised concerns about the predicted number of vehicle movements and the potential impact on congestion, particularly at peak times. KCC Highways and Transportation has raised no objections to the application, confirming that it is content that the additional vehicle movements that would be associated with the proposal have been carefully considered and assessed. The comments received confirm that Kent Highways are satisfied that the projected current and future impacts of the proposal, in relation to both junction capacity and percentage increase in vehicle movements, are not considered significant when assessed against existing permitted background flows.
84. Members will also note Chevening Parish Council's suggestion that the waste sources entering the waste transfer station could be restricted to the Sevenoaks urban area to limit the number of vehicle miles travelled. Given that it has been demonstrated by the applicant that the local highway network has more than adequate capacity to accommodate the proposed traffic levels, I do not consider that there is sufficient justification to seek to restrict the waste sources to the Sevenoaks urban area purely on highways grounds. However, it is noted that part of the 'very special circumstances' put forward by the applicant is that the facilities are proposed to meet the needs of the Sevenoaks urban area. On this basis, a condition controlling the waste catchment for the transfer station to the Sevenoaks District would be justified given that this has been used to justify its location in the Green Belt and AONB. I am satisfied that controls on the waste catchment could be secured by an appropriately worded condition.
85. Given Kent Highways and Transportation's clear professional views on the application, the established permitted operations and the fact that the proposed level of highways movements has previously been accepted by the County Council, I consider that the highway implications of the development would be acceptable subject to the imposition of a condition restricting the maximum number of HGV movements to 256 per day (128 in / 128 out) and conditions requiring records of HGV movements to be kept and made available by the operator, all open vehicles to be sheeted or netted and precautions during construction to prevent mud being tracked onto the highway. Subject to these conditions, I am satisfied that the proposals conform with the development plan and Government policies relating to highway matters as set out above.

**Local amenity impacts (including noise, dust, odour and air quality)**

86. Policy W22 of the KWLP seeks to protect and enhance air quality and reduce the environmental effects of traffic and minimise noise pollution. Policies W18 and W25

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of the KWLP require planning authorities to be satisfied as to the means of control of noise, dust, odours and other emissions for waste management proposals, particularly in respect of potential impact on neighbouring land uses and amenity. Sevenoaks Local Plan Policies EN1 and NR10 seek to protect local amenities, including sensitive land uses and residential development. These policies seek all forms of development to minimise pollution of the environment through careful design and layout of any buildings or land uses and, where appropriate, to include suitable mitigation from any material harm as a result of noxious emissions, noise, dust, vibration, light or heat.

87. PPS10 states that when considering planning applications for waste management facilities, waste planning authorities should consider likely impacts on the local environment and on amenity, including proximity to sensitive receptors and the extent to which impacts/ emissions can be controlled. PPS10 also states that 'controls under the planning and pollution control regimes should complement rather than duplicate each other' and that 'in considering planning applications for waste management facilities, waste planning authorities should concern themselves with implementing the planning strategy in the development plan and not with the control of processes which are a matter for the pollution control authorities'. Although the NPPF does not include waste policy, paragraph 122 states that in making planning decisions, local 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 processes or emissions themselves where these are subject to approval under pollution control regimes. It also states that local planning authorities should assume that these regimes will operate effectively.
88. The potential impact of the development on the local environment from noise, dust and odour has been raised by both Chevening and Sundridge with Ide Hill Parish Councils. If planning permission is granted both Parish Councils recommend that adequate controls are put in place to prevent noise, dust, odour or any other emissions from impacting on the local environment. I also note that the key concerns and objections raised by the one letter of representation received from a local resident focus primarily on potential amenity impacts.

#### Noise

89. The application is supported by a noise assessment which establishes the existing background noise and models the noise levels with and without the development for the surrounding environment. The report concludes that the development would result in a marginal change in the existing noise levels taking account of the combined traffic and on-site noise sources. The modelling demonstrates that the 'with development' scenarios would result in a slight increase in noise levels at the closest residential properties as a result of increased traffic movements. However, this would be offset by the relocation of the operational noise generated by the WTS and HWRC further away from the closest residential properties and the movement of more activities to within the proposed building. Despite the increase in waste throughput, the changes to the operations on site are considered to provide better acoustic attenuation than the existing arrangements.
90. The hours of use proposed for the Waste Transfer Station are 07:00 to 18:00 hours Monday to Friday, 07:00 to 13:00 hours on Saturdays, 09:00 to 16:00 hours on Bank Holidays and 07:00 to 16:00 hours on the Saturdays following Bank holidays. Those for the Household Waste Recycling Centre are 08:00 to 16:30 hours Monday to Saturday and 09:00 to 16:00 hours on Sundays and Bank Holidays. The applicant

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proposes that the HWRC would be open to staff only 30 minutes before and 30 minutes after the public opening hours each day to allow staff to prepare / tidy up the site.

91. It is worth noting that the proposed public opening hours reflect those permitted for the existing operations, those approved by the previous unimplemented permissions and are entirely consistent with other similar facilities around the County. Although Sundridge with Ide Hill Parish Council considers the hours of use generally acceptable, it is opposed to the additional 30 minutes on Sunday mornings and has suggested that the HWRC should not be open before 09:00 hours.
92. The additional 30 minutes proposed before the public opening hours would be restricted to preparation work by staff only and on Sundays the HWRC would not be open to the public until 09:00 hours. Given the public access to the site, the proposed preparation time is considered essential on health and safety grounds. As much of the preparation work and the operations in general would take place within or immediately adjacent to the proposed building and as the separation between the use and the closest residential properties would increase, I see no reason to prevent the additional setting-up periods requested by the applicant.
93. The County Council's Noise Consultant has considered the application (including the noise assessment and proposed hours of use) and has raised no objection subject to the development being implemented and managed as proposed.

#### Dust, Odour and Air Quality

94. Due to the proposed operations and the nature of the waste materials that would be accepted on site, the proposed development has the potential to generate dust and odour in a similar way to the existing waste uses on site. It is not anticipated that the mix of waste streams would change from the existing uses, albeit that the facilities are designed to allow for an increase in the throughput to cover existing and predicted growth in Municipal Solid Waste and would provide for an increase in source separated recyclables and food waste were these to be collected separately. The waste materials taken to the site would primarily comprise kerb side collections of recyclables, general putrescible 'black bag' waste and source separated food waste, alongside some commercial and industrial waste generated within the Sevenoaks area. The HWRC would also continue to accept waste brought to site by members of the public, which includes a range of materials for disposal and recycling. The make-up of this material includes possible putrescible material (like green waste) and a number of waste types that are classified as hazardous (such as batteries, florescent lights, gas bottles, paints, pesticides, and other household chemicals). The application does not propose to change the types of waste already received by the HWRC. The exact nature of the waste received through both the WTS and HWRC would be controlled in detail by the Environment Agency under an Environmental Permit.
95. The Dust and Odour Assessment received with the application concludes that there would be no material air quality impacts as a result of traffic movements on nearby residential receptors or at the site. The assessment also considers that there would not be a material impact from dust or odour as a result of the development due to the distance to sensitive receptors and subject to a number of mitigation measures. The proposed on-site mitigation measures include the provision of the building to enclose

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odorous waste materials, closable doors and shutters and the provision of an odour and dust suppression system with the building. The assessment states that these would serve to minimise any adverse impacts. The assessment also states that an Environmental Management Plan or similar document would be prepared as part of the operation which would provide further detail on how dust and odour emissions for the site would be managed and controlled.

96. Neither the Environment Agency nor the District Council has raised an objection to the application. The Agency has confirmed that the site would require an Environmental Permit which would provide for control over potential emissions such as dust, odour and litter. The County Council's Dust & Odour Consultant has advised that the nearest residential properties would be unlikely to be significantly affected by dust and odour emissions from the development.
97. The concern raised by a nearby resident that the proposals do not adequately consider the impact of the development on properties approximately 180m north of the site is noted. The application includes a number of assessments and reports that seek to demonstrate the potential impact of the development on the surroundings. On the basis of the professional advice received from the County Council's noise, dust and odour consultants, I am content that the impacts have been adequately assessed. The representations received also seek clarification of the use of the roller shutter doors proposed within the waste transfer building. The applicant confirms that the doors and shutters within the building would be lowered outside of the proposed hours of use. Given the findings of the assessments received and the advice received from the County Council's noise, dust and odour consultants, I am satisfied this approach is satisfactory, particularly as much of the operations currently take place in the open. The proposed WTS and HWRC would both need to be operated in accordance with an Environmental Permit (issued by the Environment Agency) as set out above.
98. The proposed modernisation of the HWRC and WTS would provide a number of improvements compared to the existing operations in terms of local amenity considerations. The application would result in the cessation of the green waste composting facility (GWCF) and the movement of the existing WTS and HWRC away from the closest residential properties. Both changes would have positive impacts in terms of noise generated by the site at the closest receptors, especially as the composting operations include the delivery, storage and treatment of green waste outdoors. The cessation of the GWCF would also remove a potential odour source from the local area, which has been the subject of local concern in the past. It is acknowledged that the existing waste transfer building is too small to enable existing throughputs to be adequately contained within the building. This is demonstrated by a number of recent amendments granted by the County Council to allow storage of some types of materials outside the building. The proposed facility would allow all of the main activities associated with the WTS, including delivery, handling and storage, to be completely contained within the proposed building. The provision of storage connected with the HWRC to within the proposed building would further serve to move existing operations inside, with the associated acoustic, dust and odour attenuation this would provide. The proposed site layout is also designed to operate a one-way system that would limit the need for vehicles (both HGVs and members of the public) to reverse on site, helping to reduce on-site traffic noise. The layout would improve the efficiency of the HWRC and provide more space for vehicles to queue on site, which would address the existing problem of traffic building up on the industrial estate road directly adjacent to the residential properties on Main Road.

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99. Taking the above considerations into account, I am satisfied that amenity concerns would not present a significant problem and can be adequately controlled and regulated by the imposition of conditions ensuring collected waste is handled and stored within the building, limiting the length of time biodegradable waste can be retained on site, the submission of details of the dust and odour suppression system and associated management practices, and the Environmental Permit (including ongoing compliance checks and management required under the pollution control regime). I am therefore satisfied that the proposed development would be acceptable in amenity terms and would accord with the relevant development plan and Government policies detailed above.

**Water environment (flood risk / ground and surface water impacts)**

100. The site is identified within a Flood Zone 1 by the Environment Agency where there is a low probability of flooding. However, due to the proximity of the River Stour immediately to the north of the site much of the surrounding land falls within Flood Zones 2 and 3 where there is a greater risk of flooding. Given the sensitivity of the surrounding area, and as the site exceeds 1 hectare in size, the application includes a Flood Risk Assessment (FRA) and a drainage strategy for the development site. The application site also falls within a Groundwater Source Protection Zone (SPZ) 3, although it is close to the SPZ1 for the Sundridge public water supply boreholes. It is therefore particularly relevant to consider any potential impacts on the local ground and surface water environments.
101. Chapter 10 of the NPPF (Meeting the challenge of climate change, flooding and coastal change) and the associated Technical Guidance seeks opportunities to reduce the overall flood risk on site and beyond through the layout and form of the development and the appropriate application of sustainable drainage systems. Policies W19 and W20 of the KWLP and NR10 of Sevenoaks Local Plan require the protection of surface and groundwater resources and sustainable flood risk management.
102. I note that the Flood Risk Assessment and Drainage Strategy have been prepared in consultation with the Environment Agency. The Agency accepts that the proposed location is an existing brownfield site which already discharges at impermeable rates to the surrounding area. However, it has recommended that improvements be made to the discharge rates as part of the redevelopment of the site. The proposed drainage strategy therefore incorporates recommended improvements, including subdividing the existing site drainage catchment and the construction of a formal drainage system, featuring underground surface water attenuation tanks. This approach would serve to reduce the surface water drainage flows off site during peak events, helping to reduce flood risk downstream. The drainage proposals also incorporate appropriate pollution prevention control measures, including the provision of interceptors to prevent contamination of the River Darent or local groundwater.
103. The application is also accompanied by a Geo-environmental Investigation Report into the ground conditions. The report states that the site generally consists of made ground over river terrace deposits and Folkestone formation. The investigations that have been carried out, which include soil contamination, leachate and groundwater tests, revealed no elevated concentration of contaminants recorded on site. However, gas monitoring revealed increased levels of carbon dioxide and methane produced in

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the ground due to historic landfills within neighbouring land. Having regard to the findings, the development would incorporate mitigation measures to minimise risk associated with any landfill gas.

104. In responding to the application, including the flood risk assessment and proposed drainage strategy, the Environment Agency has raised no objection subject to a condition setting out measures to be undertaken if contamination not previously identified is found. The Agency has also provided further guidance to the applicant in respect of the Environmental Permitting regime, works adjacent to a 'main river' controlled under the terms of the Water Resources Act 1991 and ground water protection measures during construction and operation of the site. The Agency has confirmed that the proposed drainage scheme would adequately control surface water drainage to prevent any pollution resulting on site.
105. Subject to the development being implemented as proposed and the condition referred to above, I am satisfied that the proposed development would meet the requirements of the NPPF and relevant development plan policies relating to the water environment, including flooding and ground and surface water protection.

**Biodiversity considerations**

106. Chapter 11 of the NPPF (Conserving and enhancing the natural environment) recognises that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on biodiversity. Policies W21 of the KWLP and SP1 and SP11 of the Sevenoaks Core Strategy all seek to protect existing habitats and biodiversity and, where possible, seek opportunities to incorporate biodiversity enhancements in and around development.
107. The application documents include an Ecological Evaluation and Impact Assessment. The report notes that the site proposed to be redeveloped consists of hard compacted surfaces with few features that could provide refuge or habitat and which is almost entirely subject to regular and intense disturbance by vehicles and plant. The report judges the site to be of 'negligible ecological value' that does not offer habitat that would support populations of protected species of plant or animal. The report concludes that the proposed planting within land around the site would enhance the ecological value of the surrounding area. Protection measures for the trees to be retained on site and precautionary measures during construction to ensure wildlife that surrounds the site is safeguarded are included in the recommendations. The assessment also advocates habitat enhancement measures to improve the ecological value of the surroundings in conjunction with the development, including installation of bat and bird boxes, log and stone piles and other refuges and hibernacula.
108. Natural England and the County Council's Biodiversity Projects Officer have raised no objections to the application on biodiversity grounds, subject to the avoidance, mitigation and ecological enhancement measures recommended with the Ecological Evaluation. These measures could be adequately secured through the inclusion of an appropriately worded condition on any planning permission. The County Council's Biodiversity Officer has recommended that any lighting on site must be sensitive to potential bat use of surrounding habitats, particularly to the north. In response to this, the applicant has provided details of a proposed lighting scheme that includes lighting columns and luminaries designed to minimise light spill. The scheme includes LED lamps that emit no UV light in accordance with the recommended guidance *Bats and*

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*Lighting in the UK.*

109. I note that previous applications at this site have identified Japanese Knotweed as being present on site. Members will note that this is an invasive weed controlled under UK Legislation. The applicant has confirmed that since September 2007 a specialist company has been treating the Knotweed on a regular basis. Since commencement of the eradication programme, no new areas have emerged and pre-existing areas have shown an annual reduction in the number of plants and the growth rate. In 2012 no evidence of Japanese knotweed plants were found within the application site. The area continues to be subject to a monitoring programme although the applicant indicates that the latest findings suggest that the issue has now been addressed.
110. Given the views of Natural England and the County Council's Biodiversity Officer, I am satisfied that the proposed development would accord with the relevant Government and development plan policies referred to above subject to condition securing the biodiversity protection and enhancement measures recommended in the Ecological Evaluation report received with the application.

**Other issues**

111. Members will note that the applicant has agreed to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in order to allow the revocation (without compensation) of the planning permissions covering the existing waste transfer station, household waste recycling centre and green waste composting facility. The draft 'heads of terms' proposed to address this are included in Appendix A of this report. Whilst the existing WTS would no longer be required for the transfer of MSW in Sevenoaks if the proposed development were implemented, the permitted use would nevertheless remain and could continue to be used for the transfer of waste unless the relevant planning permissions were formally revoked or an appropriate legal agreement secured to ensure that the use could not continue. A similar scenario may apply to at least part of the HWRC (given its location) although it is probably not the case for the GWCF. However, it is considered desirable to address these permissions in a similar way. The proposed 'heads of terms' would be similar to those adopted under the previous unimplemented permissions and are considered the best way of ensuring the cessation of the existing uses. The revocation / cessation of the permissions is considered necessary as it forms part of the 'very special circumstances' and justification put forward by the applicant in support of the proposed development. It is also necessary to ensure that the potential cumulative impact of the proposed and existing uses does not adversely impact on the local environment.
112. As part of the draft 'heads of terms' the applicant has agreed that all built development, plant and equipment connected to the existing uses would be removed apart from the existing waste transfer building which would be retained. It would be necessary for a further planning permission to be obtained from the relevant planning authority before the building could be used for any use. This was the case with the legal agreements associated with the previous planning permissions.
113. Members will note that the comments received from Sundridge with Ide Hill Parish Council seek the removal of the existing waste transfer building as part of the legal agreement in order to minimise the impact on the Green Belt. The applicant has expressly excluded this building from the redevelopment of the site and has declined

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to include its demolition in the draft 'heads of terms'. The application therefore needs to be considered on this basis. Although I am satisfied that the building could reasonably be used for another purpose and that planning permission could be obtained for such (as was the case previously), I would not wish it to remain unused in this location indefinitely. I therefore propose that a condition be included on any new permission which requires the submission of a scheme for the demolition and removal of the WTS building and remediation of the affected land within 12 months of the cessation of use and for the implementation of the scheme as approved thereafter if an alternative permission is not obtained. This would enable the merits of any alternative use to be properly considered by the relevant planning authority but ensure that the building does not become derelict and unsightly for any prolonged period of time. I believe that this approach would sit reasonably comfortably with relevant Green Belt and AONB objectives.

**Conclusion**

114. The application has been considered in the context of the Development Plan and material planning considerations including the NPPF and PPS10. For the reasons set out above, I conclude that the proposed development would not have significant material impacts on the openness or character of the landscape in terms of the Green Belt and the Kent Downs AONB. The applicant has demonstrated 'very special circumstances' that, in my opinion, clearly outweigh the identified harm to the Green Belt such that it would justify setting aside the normal presumption against inappropriate development. Should the Committee resolve to permit the proposed development, the application would need to be referred to the Secretary of State under the requirements of the 2009 Direction given the size of the proposed development (floorspace) within the Green Belt to establish whether he wishes to call-in the proposals for further consideration. Although the application has given rise to some concerns from the local Parish Councils and one local resident, I consider that the benefits associated with the proposal (i.e. the improvement of a waste management facility to facilitate local municipal waste transfer and recycling and movement of waste management up the waste hierarchy) clearly outweigh any real or perceived harm to the environment, local amenity or the local highway network. I also consider that any potential adverse impacts arising from the development could reasonably be mitigated and controlled by way of a legal agreement to secure the 'heads of terms' set out in Appendix A, the conditions set out below and by the Environmental Permitting process. I am therefore satisfied that the proposed development is sustainable and consistent with the relevant development plan policies and government policies against which the development should be considered and that there are no material planning considerations that mean the application should be refused. I therefore recommend accordingly.

**Recommendation**

115. I RECOMMEND that the application BE REFERRED to the Secretary of State for Communities and Local Government as required under the 2009 Direction and that SUBJECT TO no intervention by him that PLANNING PERMISSION BE GRANTED SUBJECT TO the prior satisfactory conclusion of a Section 106 Legal Agreement to secure the draft Heads of Terms set out in Appendix A and planning conditions to cover (amongst others) the following matters:

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- development to be commenced within 5 years;
- the development being carried out in accordance with the submitted plans and any approved pursuant to the conditions set out below;

Pre-commencement conditions

- the submission of details of the final colour finish to the building;
- the submission of details of all fencing and boundary treatment including any retaining walls;
- the submission for approval of a final landscape strategy and planting specification;
- the submission for approval of the final car park layout;
- the submission of details of the proposed dust and odour suppression system and associated management practices;

Controls on the construction phase

- tree protection measures during construction;
- the foul and surface water drainage scheme shall be implemented as proposed;
- the implementation of the recommendations set out with the Geo-environmental Investigation report, including recommended gas protection measures;
- the external lighting shall be implemented as proposed;
- the implementation of the mitigation and enhancement measures proposed with in the Ecological Evaluation and Impact Assessment;
- measures to be taken during construction if contamination not previously identified is found on site;
- precautions to guard against the deposit of mud on the highway during the construction period;
- controls on the hours of operation during the construction period;

Controls on the operation of the development

- controls on the hours of operation for WTS and the HWRC to those applied for;
- the entrance to the site to be secured outside operational hours;
- with the exception of low level security lighting or during any repair or maintenance, all external lighting shall be extinguished outside of the permitted hours of operation;
- controls on the total combined waste throughput (to a maximum of 120,000tpa);
- only those wastes specified within the planning application, namely municipal wastes, household waste and commercial / industrial waste shall be received, deposited, stored or managed on site;
- all waste associated with the Transfer Station to be loaded, unloaded, sorted and stored within the building;
- the external doors and shutters within the building shall be closed outside the opening hours;
- no waste to be stored outside except within the HWRC;
- all biodegradable/ putrescible waste shall be removed within 48 hours of arrival on site;
- controls on the overall number of HGV movements (to those applied for, being 256 HGV movements per day (128 in / 128 out));

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- the waste catchment for the Transfer Station being restricted to Sevenoaks District, unless otherwise agreed by the County Council;
- records of all HGV movements and details of quantities and sources of all waste handled at the site shall be maintained for a period of 3 years and shall be made available on request;
- all loaded, open backed HGV's leaving the site shall be sheeted or netted;
- only vehicles and storage containers that are ancillary to the development shall be stored within the site;
- all vehicles, plant and machinery operated on site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with and use effective silencers;
- the hard surfacing on site shall be maintained in a good state of repair, kept clean and free of mud and other debris;
- no plant, equipment or associated materials (including waste containers and skips) shall be stored outside the developed area of the WTS / HWRC;
- unauthorised material deposited on site shall be removed to an authorised waste disposal facility within 48 hours;
- restriction of permitted development rights;
- the terms of the planning permission shall be made known to any person(s) given responsibility for the management of the site.

Controls on existing permissions / development

- all uses / operation associated with planning permission references SE/91/1958, SE/94/113, SE/03/902 and SE/03/1180 (*i.e. the Green Waste Composting Facility*) shall permanently cease upon implementation of this permission and shall not recommence thereafter;
- all uses / operation associated with planning permission references SE/90/1302 and SE/12/2342 (*i.e. the existing waste transfer station and household waste recycling centre*) shall permanently cease within 14 days of the first importation of waste to the new waste transfer station and the uses / operations shall not recommence thereafter;
- all existing built development, structures, plant, equipment and waste within the red line area shall be removed from site;
- all land outside the final area of the WTS / HWRC, but within the red line area of the development hereby permitted, shall not be used except as maybe permitted by a subsequent valid planning permission;
- Except as may be permitted by a subsequent planning permission, within 12 months of the first importation of waste to the new facilities, the applicant shall submit a scheme for the demolition and remediation of the existing waste transfer building and other land outside the final developed area of the WTS / HWRC, and thereafter the scheme shall be implemented as approved.

Case Officer: James Bickle	Tel. no: 01622 221068
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Background Documents: see section heading
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**Item C2**

**Replacement WTS and HWRC at Dunbrik HWRC, Main Road, Sundridge – SE/12/2790 (KCC/SE/0298/2012)**

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**APPENDIX A TO ITEM C2**

**Draft Heads of Terms for Legal Agreement**

To cover the issues set out in the draft covenants below:-

**Draft Owner's Covenants**

1. To give KCC one month's prior written notice of its intention to commence the development.
2. To give KCC written notice of when the development has commenced within one week of such commencement.
3. To pay to KCC upon execution of the S106 Agreement all of KCC's reasonable legal, planning and administrative costs for the preparation and completion of the Agreement and to pay any abortive costs if the agreement is not concluded for any reason within 6 months of the date of the planning decision
4. To cease all uses / operations associated with planning permission references SE/91/1958, SE/94/113, SE/03/902 and SE/03/1180 (all relating to green waste composting) upon implementation of the permission and not to recommence these uses / operations thereafter and not to make any claim for compensation for these permanent cessations.
5. To cease all uses / operations associated with planning permissions SE/90/1302 and SE/12/2342 (relating to the existing Waste Transfer Station and Household Waste Recycling Centre) and, with the exception of the existing Waste Transfer Station building itself, to remove all built development, plant, equipment, machinery and structures associated with the Waste Transfer Station and Household Waste Recycling Centre within 14 days of the first importation of waste to the new Waste Transfer Station and Household Waste Recycling Centre and not to recommence these uses / operations thereafter and not to make any claim for compensation in respect of these matters and if necessary to indemnify the Council against any future claims by successors in title to the Site.
6. Except as permitted by any permission granted in respect of planning application SE/12/2790, not to use any of the land covered by planning permissions SE/90/1302 and SE/12/2342 for any other purpose except as permitted by a valid planning permission.
7. To implement any landscape, biodiversity or associated management prescriptions required pursuant to conditions attached to any planning permission granted in respect of planning application SE/12/2790 for the life of the development.