

SECTION C  
MINERALS AND WASTE DISPOSAL

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

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**Item C1**

**Change of Use from light industry to recycled ferrous and non-ferrous waste metal transfer unit at Units A & B Highfield Industrial Estate, Bradley Road, Folkestone SH/12/0850 (KCC/SH/0323/2012)**

A report by Head of Planning Applications Group to Planning Applications Committee on 9 October 2013.

Application by Cube Metal Limited for proposed change of use from light industry to recycled ferrous and non-ferrous waste metal transfer unit at Units A & B Highfield Industrial Estate, Bradley Road, Folkestone.

Recommendation: Permission be granted subject to conditions.

Local Member: Bob Neaves

Classification: Unrestricted

**Site description and Background**

1. The application site lies within the Highfield Industrial Estate which is accessed along Bradley Road which itself comes off Warren Road. The industrial estate consists of 28 small to medium sized units which are occupied by a number of light industrial/business type occupiers, as well as an auction house. To the west of the application site is the rail line that used to serve Folkestone Harbour and beyond that the disused goods yard. Beyond the southern and eastern boundaries of the industrial estate is a residential area characterised by terraced housing with on-street parking.
2. The industrial estate is accessed via a dedicated road which is gated; Units A & B are the first buildings on the left along the access road. The units are typical industrial buildings constructed of brick and profiled steel cladding under a steel sheeted roof. Both units are identical, measuring 88 sq metres with a large roller shutter opening allowing vehicular access and a pedestrian door to a lobby and office. Inside each has storage bins around the walls, weighing scales and an open floor area for sorting and segregating the waste. Mezzanine storage is created by scaffolding. The application site extends to the south and east of the units to include parking areas and circulation space which is delineated on the ground by a painted yellow line. To the rear of the units and parking area is a steel palisade fence at the bottom of the embankment to the rail line.
3. The other units on the estate all have dedicated parking spaces and the access road is separated from these by markings on the ground. At the time of my visit, parking was orderly and the access road was kept clear.

**Change of Use from light industry to recycled ferrous and non-ferrous waste metal transfer unit at Units A & B Highfield Industrial Estate, Bradley Road, Folkestone SH/12/0850 (KCC/SH/0323/2012)**



**Change of Use from light industry to recycled ferrous and non-ferrous waste metal transfer unit at Units A & B Highfield Industrial Estate, Bradley Road, Folkestone SH/12/0850 (KCC/SH/0323/2012)**



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**Proposal**

4. The application seeks a change of use for the two units from a light industrial use to a waste recycling transfer unit. The Applicant has occupied Unit A since May 2010, although I understand the process of recycling scrap metal has taking place on the premises since January 1996 by the previous occupant (Universal Scrap Metal Ltd.), albeit without the benefit of planning permission.
5. Scrap metal would be brought to the application site by two methods, firstly a member of the public could bring the scrap to site, and alternatively the Applicant would arrange collection of the scrap by one of its open back transit vans. Once the waste material has been brought onto the site by a member of the public it would be placed inside the processing unit. On arrival the collection vehicles would reverse into the unit so that they could be emptied for sorting. Members of the public would only be allowed to access through the personal door and into the lobby area.
6. The sorting would be undertaken by hand with the use of industrial cutting shears to enable larger pieces of scrap metal to be cut into smaller more manageable sized scrap. Other waste materials would be separated from the waste metals; these include plastics, cloth material, glass and insulation products. This waste would be placed into their own containers for onward transfer to larger recycling facilities. The metals would then be sorted into the relevant composition, copper, brass, lead, aluminium, etc. The recyclable material would be stored on site in one tonne containers until they are full at which point they would be loaded by forklift onto the flat bed vehicles for onward transfer to larger scrap metal recycling facilities. On occasion, the re-processors would send their own vehicles to collect the waste. Acid proof containers would be used to store car batteries. It is anticipated that the annual throughput of waste would not exceed 592 tonnes per annum, with an estimated additional 12 tonnes per annum of lead acid batteries.
7. The entirety of the application site is laid to concrete, including inside the buildings, as is the access road. Vehicle movements vary but the Applicant estimates a maximum of 40 daily vehicle movements (20 in and 20 out), although an average would be 20 daily movements (10 in and 10 out).
8. The proposed hours of operation would be:
  - 0700 – 1800 hours Monday to Friday
  - 0800 – 1700 hours on Saturday
  - 1000 – 1600 hours on Sundays
  - No working on Bank Holidays
9. The operation currently employ 4 full time workers and 1 part-time worker, this would remain the same should planning permission be granted.

**Change of Use from light industry to recycled ferrous and non-ferrous waste metal transfer unit at Units A & B Highfield Industrial Estate, Bradley Road, Folkestone SH/12/0850 (KCC/SH/0323/2012)**

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**Planning Policy Context**

10. **National Planning:** The National Planning Policy Framework came into force on 27 March 2012; it replaces all previous national planning policy guidance. However, the framework does not contain specific waste policies since national waste planning policy is to be published alongside the National Waste Management Plan for England. Pending this, Planning Policy Statement 10 (Planning for Sustainable Waste Management) currently remains in place. The other matters addressed in the national framework primarily carry forward previous national planning policy guidance.
11. The NPPF presumes in favour of sustainable development. Sustainable development seeks to ensure that society can meet the needs of the present without compromising the ability of future generations to meet their own needs. The 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. In facilitating the delivery of these roles the Framework also requires that local planning authorities should look for solutions rather than problems. It states that those determining applications should seek to approve applications for sustainable development where possible.
12. **Kent Waste Local Plan (Saved Policies) (March 1998):** Policies W3 (Locational Criteria), W6 (Need), W7 (Re-use), W9 (Separation and Transfer - Location of facilities), W18 (Noise, Dust and Odour), W19 (Surface and Groundwater), W20 (Land Drainage and Flood Control), W22 (Road Traffic and Access), W25 (Plant and Buildings), W27 (Public Rights of Way), W21 (Landscaping).
13. **Kent Minerals and Waste Local Plan Draft:** Kent Minerals and Waste Local Plan: Strategy and Policy Directions Consultation (May 2011) Draft Policy CSW5 (Strategy for locating non strategic waste sites), CSW6 (Locational types of non strategic waste types) and CSW16 (Support for waste development subject to proven need and no unacceptable harm to the environment or communities).
14. **Shepway District Local Plan 2006:** Policy E1 (a) establishes the application site as an established employment site.

**Consultations**

19. Consultations were carried out and the following comments received:

**Shepway District Council:** No objection subject to conditions controlling the hours of use and any other relevant conditions recommended by the Crime and Prevention Officer.



**Change of Use from light industry to recycled ferrous and non-ferrous waste metal transfer unit at Units A & B Highfield Industrial Estate, Bradley Road, Folkestone SH/12/0850 (KCC/SH/0323/2012)**

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**Folkestone Town Council:** Subject to the view of the Community Warden and Crime Prevention Officer

**Environment Agency:** No objection and further comments that the site is already being run as a metal recycling facility operating under an exemption from an Environmental Permit (exemption 45), which has been in place since 28 May 2010 when the first regulatory visit was carried out. This will require changing, not later than October 2013, by submitting an application for a new T9 exemption. (A waste operation that is exempt from needing an environmental permit. Each exemption has specific operational limits and conditions, i.e. volumes of waste, time limits for storage etc).

**KCC Highways and Transportation:** No objection subject to conditions ensuring the parking areas are kept available for such use and the addition of 2 secure covered cycle parking spaces.

**KCC Noise and Dust Consultant (Amey):** makes the following comments:

Noise

Comments on the Noise Assessment Report (NAR), the methodology and legislation are considered largely correct, the activity is expected to have, as concluded, the following impact regarding the likelihood of complaints: "... of marginal significance during the Sunday operations, and cause no significant noise during weekday operations..."

The result of the Sunday noise assessment is +9dB, which is usually taken as borderline and "of marginal significance", i.e. sporadic complaints could arise. With +10dB "complaints are likely", i.e. complaints are expected.

Due to the borderline nature of the Sunday noise assessment and the lack of specific guidance in terms of noise impact, it is recommended that any planning condition is down to the discretion of the Council. The Council can decide whether to impose mitigation or not, based on their local knowledge including complaints history of the industrial estate, local area (e.g. frequency of train traffic and volume of road traffic on Sunday mornings and afternoons), etc.

Mitigation measures that could be included as planning conditions would be, for example, those stated in the NAR:

- "...installation of acoustic hoarding along the southern boundary of Unit A at a height of 3 metres..."

Or any other measure aimed to mitigate primary sources of noise indicated within the report; "the most prominent noise [sources] are vehicle movements whilst delivering

**Change of Use from light industry to recycled ferrous and non-ferrous waste metal transfer unit at Units A & B Highfield Industrial Estate, Bradley Road, Folkestone SH/12/0850 (KCC/SH/0323/2012)**

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or collecting, forklift engine and reversing siren and metallic pulse noises created during vehicle loading/unloading and dismantling” on Sundays.

However it is noted that the effectiveness of this acoustic hoarding has not been tested and local residents may find the trade-off between the visual impact of 3m hoarding and the marginal significance of the noise increase unacceptable.

Dust

No comments.

**KCC Biodiversity Officer:** The site is adjacent to an area of rough grassland/scrub. This area may be suitable for protected/notable species however as the proposed works are to be contained within an existing building we feel that this will minimise any impact caused by dust or noise.

**KCC County Archaeologist:** No objection

**HS1:** No Objection

**Crime Prevention Design Advisor (Formerly Crime Prevention Officer):** Fully supports the Environment Agency in ensuring the development has a licence in place and is registered. When the Scrap Metal Act comes into force on 1 October 2013 it requires the operators to be fully registered and allows Trading Standards, Borough Council Enforcement/Environmental Health Officers and the Police to monitor the activities and ensure compliance.

**Representations**

20. The application has been publicised both by site notice and newspaper advertisement and the nearest neighbouring properties were notified. A 37 signature petition has been received objecting to the application (see Appendix 1 to this report), the main points raised are that people loiter in the area and steal metal objects from local residential property and that the local police are aware. Four separate letters of objection have been received. The following comments have been received:

- Want compensation for increased noise and general pollution;
- Petty thieves operate in the area
- They park scrap vehicles on the local roads as well as their own trucks loaded with scrap vehicles and other scrap metal.
- They operate 7 days a week , from 7 until 7 disturbing local residents
- There is fly tipping and rubbish left lying around from people depositing scrap at the site.

Three letters of support have been received complimenting the operations, and commending them on providing local employment.

**Change of Use from light industry to recycled ferrous and non-ferrous waste metal transfer unit at Units A & B Highfield Industrial Estate, Bradley Road, Folkestone SH/12/0850 (KCC/SH/0323/2012)**

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**Local Member**

21. The Local Member Mr Bob Neaves has been notified of the additional information/response to consultees. No comments have been received to date.

**Discussion**

22. The Development Plan - Specifically Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. Material planning considerations include the National Planning Policy Framework (NPPF) which promotes sustainable development and the local plan policies.
23. Given the nature of the proposal the NPPF is of less relevance in this case as PPS10 is to remain in place until any new waste policies are published alongside the new National Waste Management Plan for England. However the presumption in favour of sustainable development still applies, particularly on previously developed land and of specific relevance are the following: Delivering Sustainable Development, Part 1 – Building a strong, competitive economy; Part 7 – Requiring good design; Part 10 – Meeting the challenge of climate change, flooding and coastal change and Part 11 - Conserving and enhancing the natural environment (paragraphs 120 and 123, pollution and noise respectively). I will discuss the details in so far as they are relevant to the proposal later in the report.
24. Need – Policy W6 of the Kent Waste Local Plan states that need will be a material consideration in the determination of applications for waste management development on sites outside those identified within the plan where demonstrable harm would be caused to an interest of acknowledged importance. Whilst there is no demonstrable harm, consideration of the general need for this type of facility is set out below. PPS 10 states the overall objective of Government policy for waste is to protect human health and the environment by producing less waste and using it as a resource wherever possible; it states *“By more sustainable waste management, moving the management of waste up the ‘waste hierarchy’ of prevention, preparing for reuse, recycling, other recovery, and disposing only as a last resort, the Government aims to break the link between economic growth and the environmental impact of waste”*. In terms of the waste hierarchy, this proposed development aims to separate waste metals into the various types and bulk it up before onward transfer to larger processors. In so doing it would increase the recycling of waste whilst providing a more desirable waste management option for approximately 600 tonnes per annum. It is acknowledged that this small recycling facility within the local community offers the local population the opportunity to take more responsibility for their own waste. The operation of this sorting and transfer facility is to be encouraged as providing a sustainable waste management solution for the scrap metals in the local area.
25. Location – Paragraph 20 of PPS10, Policies W3 and W9 of the Kent Waste Local Plan and draft Policies CSW5 and CSW6 of the Kent Minerals and Waste Local Plan Core Strategy: Strategy and Policy Directions Consultation all support the location of waste



**Change of Use from light industry to recycled ferrous and non-ferrous waste metal transfer unit at Units A & B Highfield Industrial Estate, Bradley Road, Folkestone SH/12/0850 (KCC/SH/0323/2012)**

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management facilities within or adjacent to existing waste management operations and/or industrial uses. The application site lies within an established general industrial area, safeguarded for employment uses related to industrial and commercial development (Saved Policy E1 of the Shepway District Local Plan). The proposed change of use therefore accords with planning policy in terms of it being a suitable location for a waste management facility. In policy terms the industrial location of this particular site is considered acceptable in principle, however it is also appropriate to consider the potential amenity impacts that might arise from the proposed operations on this particular site, given its context and surroundings.

26. Noise and Dust – The application site whilst on an industrial estate it is one that sits within an established residential area and as such the estate is surrounded on two sides by traditional terraced housing. The third side of the triangular shaped plot is bounded by a disused railway line, and the application site lies adjacent to this. As such the application site is located away from the residential properties and is to a large extent screened by the larger industrial units to the east. Nevertheless the application is accompanied by a Noise Assessment Report which considers the operation of the business against background noise levels in accordance with BS 4142 “Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas”. The conclusion of that report is that there would be no significant noise issues during the weekdays and Saturdays. The result of Sunday noise assessment is +9dB residual noise level, which is usually taken as borderline and “of marginal significance” with the possibility of sporadic noise complaints. Following confirmation of this position from my own noise consultant I have negotiated with the Applicant that they will no longer work on Bank Holidays and in addition are happy to accept a condition that they will not carry out any processing on a Sunday. I also propose to restrict the external collection vehicles visiting on a Sunday. On that basis I am satisfied that there will be no significant noise issues outstanding.
  
27. Turning to the issue of dust, the waste is off loaded within the unit and then the sorting process is undertaken by hand with the use of cutting shears to make more manageable sizes. The waste is then separated and the resultant metals sorted into their component types in individual containers, which when full are taken onward for reprocessing at other sites. Again the bins (see below) are loaded onto the flatbed trucks by forklift within the building. Containing all the activities within the building ensures that dust impacts are kept to a minimum and a condition to require the shutter doors to be kept closed whilst the waste is being processed would be appropriate.

**Change of Use from light industry to recycled ferrous and non-ferrous waste metal transfer unit at Units A & B Highfield Industrial Estate, Bradley Road, Folkestone SH/12/0850 (KCC/SH/0323/2012)**

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28. My dust advisor raises no objection and on that basis I am satisfied that that there will be no significant impacts from dust arisings from the proposal.
29. Traffic – The applicant operates 4 flatbed vehicles, 1 mini skip vehicle and 1 closed Luton Van from the site, some of which are taken home by the drivers, the remainder being kept at the units. There are spaces for 5 LGV's at the site, 2 of these being inside the building where loaded vehicles can be kept overnight. In addition there are 2 car spaces specifically allocated to the application site. The applicant does have another area available to him for parking, although this is on Tram Road and not within the application site. There are general car parking spaces close by on the estate.
30. The level of traffic associated with activities at the application site is relatively low in the context of the overall traffic from the industrial estate. The number of vehicle movements per day is unpredictable as it depends on how many members of the public bring waste to the site. However the Applicant estimates that on average there would be 20 vehicle movements per day (10 in and 10 out) although this could reach a maximum of 40 movements per day (20 in and 20 out), when including the collection vehicles from the re-processors. My Highways advisor raises no objection to the proposals subject to securing parking is kept available for such purposes and the provision of 2 covered cycle spaces to encourage this mode of transport. I suggest that a condition limiting the maximum number of vehicle movements, and also to limit disturbance, that the Applicant does not permit the collection vehicles to pick up on a Sunday.
31. Other Issues - A number of local residents have expressed concerns about other activities associated with the nature of this business. Firstly there have been complaints about vehicles associated with the business parking in local streets. Any

**Change of Use from light industry to recycled ferrous and non-ferrous waste metal transfer unit at Units A & B Highfield Industrial Estate, Bradley Road, Folkestone SH/12/0850 (KCC/SH/0323/2012)**

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vehicle is entitled to park on the street provided there are no preventative restrictions, and it has to be noted that such areas are not within the planning application boundary. However I have raised the issue with the Applicant who has spoken to their drivers and given instructions that they are only to park within the designated parking bays. Furthermore the application plans show adequate parking is available within the red line boundary and a condition would ensure that these areas are kept available for such use at all times.

32. A second issue which is of concern locally is the suggestion that this site attracts a criminal element into the area. This is not strictly a planning matter however both the District and Town Council have asked that the views of the local Crime Prevention Officer be sought. Advice on such matters is now given by the Crime Prevention Design Advisor whose views have been sought. In general the advice is that they would support the grant of planning permission which would then facilitate the licensing and registration of the premises and its associated operations by the Environment Agency and under the Scrap Metal Act 2013 which comes into force on 1 October 2013. This new Act essentially legislates to have the scrap industry regulated by registering the premises and the persons who operate therein.
33. Finally concern about excess litter has been voiced. The suggestion is that people bringing waste to the site are also leaving behind general litter rather than taking it away with them, i.e. plastic, bags, cardboard boxes etc. Where this is found beyond the application site it would be difficult to attribute this specifically to this site however a condition to ensure that preventative measures are in place to prevent fly tipping associated with this operation would be appropriate.

**Conclusion**

34. The proposed development is considered acceptable in principle given that the site lies within an established industrial estate. There is also strong support for moving waste up the waste hierarchy, away from landfill and increasing waste separation for recycling. The application site affords the opportunity to increase recycling of waste metals arising in the local area by sorting, separating and bulking up the various waste streams. The Applicants are keen to maintain their sustainable approach to their business by selecting local reprocessing companies, thereby reducing their carbon footprint.
35. The proposed waste handling operations would all take place within the building and conditions would ensure that those activities are contained and adequately mitigated. Adequate parking and circulation space is available to ensure activities do not spill over beyond the applications site. Granting planning permission facilitates the full and proper registration of the waste handling operations and allows enforcement of good management of the site.
36. On this basis, the application accords with the relevant development plan policies and there are no material planning considerations that lead me to any conclusion other than that planning permission should be granted for this sustainable waste

**Change of Use from light industry to recycled ferrous and non-ferrous waste metal transfer unit at Units A & B Highfield Industrial Estate, Bradley Road, Folkestone SH/12/0850 (KCC/SH/0323/2012)**

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management proposal.

**Recommendation**

37. I RECOMMEND that PERMISSION BE GRANTED subject to conditions including, amongst other matters: time limit for implementation, strictly in accordance with the application plans and details, restriction on types waste and throughput, hours of operation (excluding processing and collection vehicles on a Sunday, use of equipment within the building, safeguarding parking and manoeuvring, provision of cycle parking, closing roller shutter doors and measures to prevent fly tipping.

Case Officer: Andrea Hopkins	Tel. No. 01622 221056
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Background Documents: see section heading.
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September 85 2000

I am thinking to you regarding the  
the survey application to KCSH 03/23/2012  
your response. [KCSH/03/23/2012]

Planning regulation was change of use from  
high value multiple leased persons and firm  
persons into hotel transfer unit or unit  
it is through the industrial estate. Bradley  
collaborate with CITA, bDD.

Planning regulations 1990 from 1 January 2012

2. In operating the planning application for this property as from a neighbouring hotel Co-ordinator and we myself and local residents visiting our house during the development of the considerably walking around our area which in itself our difficulties visitors both local and other visitors which some are taken from residents. Most of local businesses for their own disturbance by these people coming up our alleyway. So far

members given by and the non the same other  
 members no taking out of them the same  
 been in each with the public many a time  
 I have given them in my which signature  
 from the residents to let them know how strong  
 we are opposed with this movement for  
 against violence application  
 I hope you will reply to this request and  
 put it forward for us  
 Thanking you  
 Yours sincerely  
 [Signature]

**Change of Use from light industry to recycled ferrous and non-ferrous waste metal transfer unit at Units A & B Highfield Industrial Estate, Bradley Road, Folkestone SH/12/0850 (KCC/SH/0323/2012)**

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**ITEM C1 Appendix 1**

**Text of letter**

“Dear Madam

I am writing to you regarding the planning application KCC/SH/0323/2012. Your reference PAG/KCC/0323/2012.

Planning Application for Change of use from light industry to recycled ferrous and non-ferrous waste metal transfer unit at Units A & B Highfield Industrial Estate, Bradley Road, Folkestone, Kent CT19 6DD. Planning Regulations 1990 Town and Country, etc.

I'm opposing the planning application for this property as I am a Neighbourhood Watch Co-ordinator and myself and local residents are having our lives disrupted with groups of men constantly walking around our area with metal car batteries, radiators and other materials, some of which are stolen from residents. Most are East Europeans but we are disturbed by these people coming up our alleyways, taking people's gates off, and the man who owns these premises takes it off of them. We have been in touch with the Police many a time. I have got a petition with signatures from the residents to let you know how strongly we are opposed with this business for another planning application.

I hope you will reply to this appeal and put it forward for us.

Thanking you

Yours sincerely