

Section 73 application (SH/04/1475) to vary existing conditions (2, 7, 8, 9, 11 & 12) to accommodate changes to the site layout, hours of operation and vehicle movements, increase the throughput of waste, clarification of the types of waste (mixed recyclates, glass and food waste - no black bag or residual waste); and removal of conditions (4 & 6) relating to noise monitoring and landscaping at Ross Depot, Military Road, Folkestone, Kent, CT20 3SP – SH/16/803 (KCC/SH/0187/2016)

A report by Head of Planning Applications Group to Planning Applications Committee on 16 November 2016

Application by Veolia ES (UK) Ltd which is part retrospective which seeks to regularise changes that have occurred in operational practices since permission was originally granted and to make other changes in order to accommodate future waste growth by way of an application to vary existing conditions (2, 7, 8, 9, 11 & 12) of planning permission SH/04/1475 to amend the site layout, hours of operation and vehicle movements, increase throughputs of waste, clarification of the types of waste (mixed recyclates, glass and food waste - no black bag or residual waste); and removal of conditions (4 & 6) relating to noise monitoring and landscaping at Ross Depot, Military Road, Folkestone, Kent, CT20 3SP – SH/16/803 (KCC/SH/0187/2016)

Recommendation: Permission be granted subject to conditions

Local Member: Mr Hod Birkby

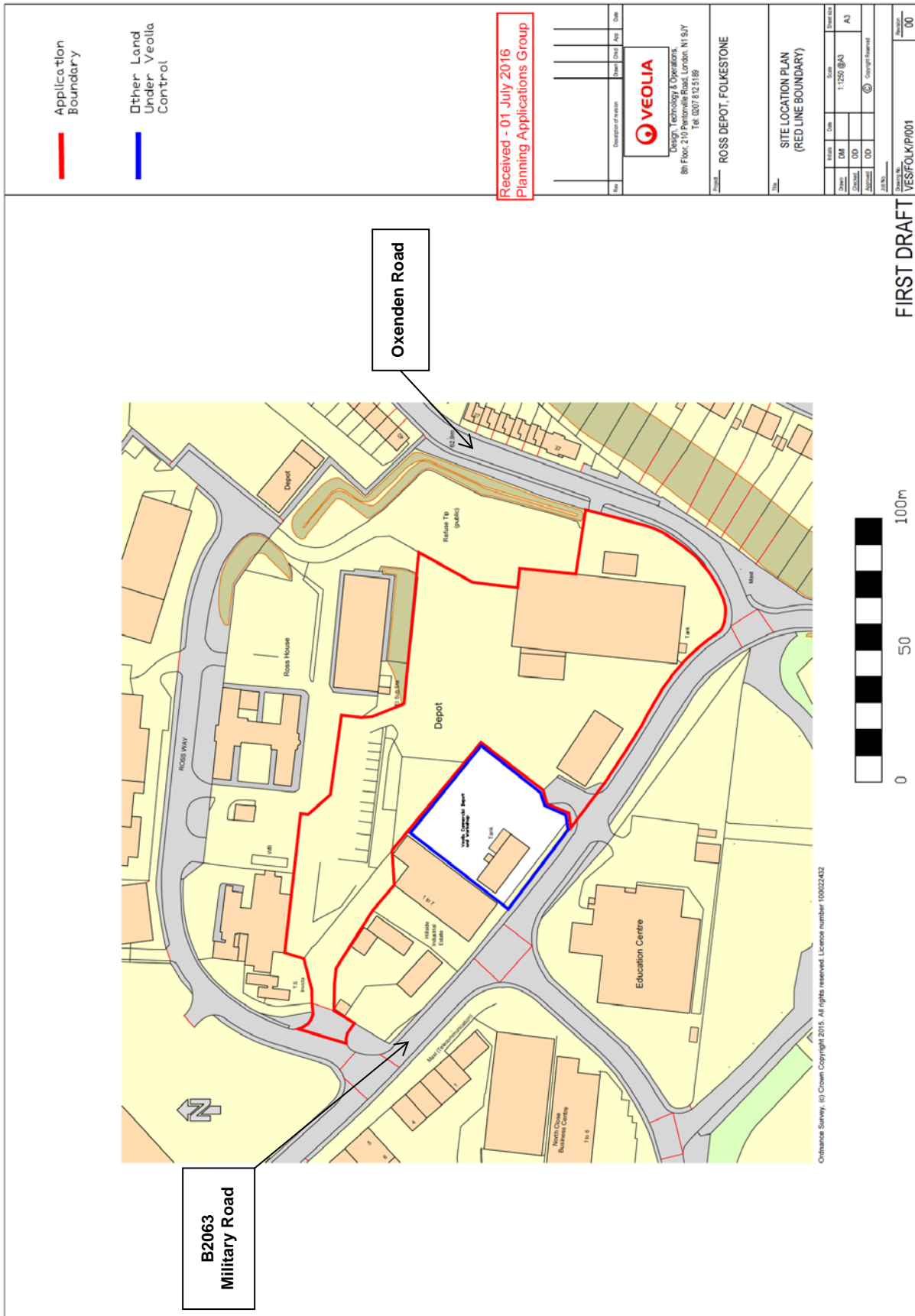
Classification: Unrestricted

Site

1. The Ross Depot site is located within the Shorncliffe Industrial Area of Folkestone with the main access for HGVs to the Depot being from the B2063 Shorncliffe Road/Military Road. Access to a staff car parking area within the Depot is gained separately off Ross Way. (see attached site location plan)
2. The application site falls within an urban location with the surrounding area comprising of a mix of industrial, commercial, military and residential uses. The nearest residential area lies approximately 56 metres off the eastern site boundary east of a Kent County Council Household Waste Recycling Centre (HWRC) operated by Biffa which sits immediately between the application site and this residential area.
3. The application site occupies approximately 0.8 hectares of land owned by Shepway District Council. The Depot consists of three buildings these being a waste reception and transfer building which is the main building on site, with operations also served by two other buildings namely, one used for bin storage and which also houses a road sweeper together with the third used for general storage shared with Shepway District

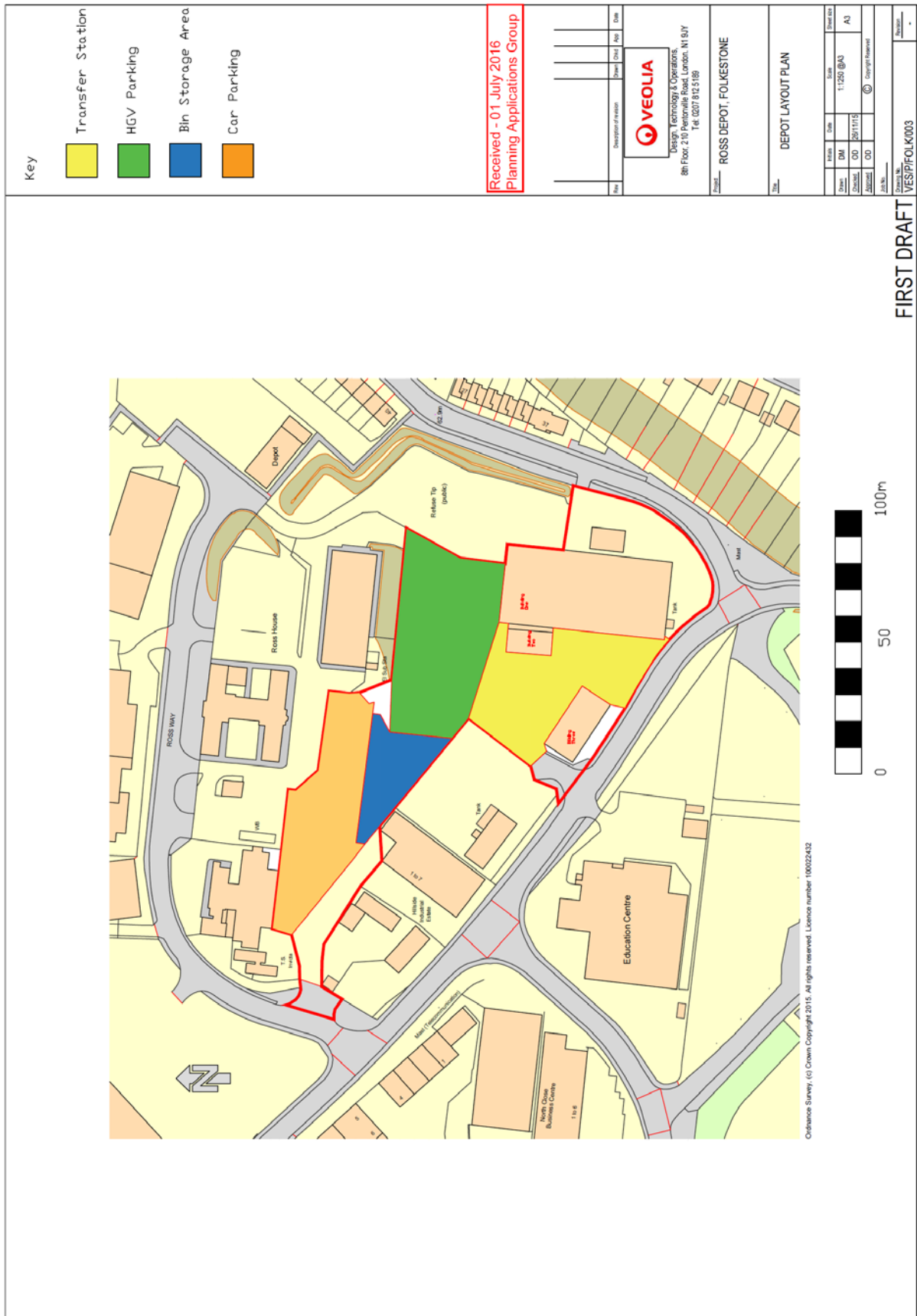
Section 73 application to vary and remove conditions at Ross Depot, Military Road, Folkestone - SH/16/803 (KCC/SH/0187/2016)

Site Location Plan



Section 73 application to vary and remove conditions at Ross Depot, Military Road, Folkestone - SH/16/803 (KCC/SH/0187/2016)

Layout Plan



Section 73 application to vary and remove conditions at Ross Depot,
Military Road, Folkestone – SH/16/803 (KCC/SH/0187/2016)

Council's Park's Department. The remainder of the site is used for HGV parking and car parking in between which there is also a bin storage area. (These features are shown on the Depot Layout Plan attached).

Background

4. The Ross Depot has an extensive history and has operated as a Council Depot since the 1970s. The last permission was granted by Kent County Council in 2005 to Shepway District Council (Ref. SH/04/1475) for the development of the site for a material recycling facility for the reception, processing and storage of waste recycle collected as part of the District Council's weekly kerbside dry recyclables collection service. Materials collected included paper, card, glass and textiles.

Recent Site History

5. In 2011 Veolia, the current site operator, were awarded the new waste collection and street cleansing service contract by Shepway District Council. Since the 2005 permission there have also been changes to the waste collection contract resulting in changes to the way in which waste collection is carried out within the district and which has had a direct impact on how operations are now undertaken at the Depot. An audit undertaken by Veolia of their operations and the extent to which these continue to strictly comply with the terms of the 2005 permission identified a number of areas where this is no longer the case. This current application is therefore made partly in retrospect which seeks to regularise those areas of operations which no longer strictly align with the current permission and which also seeks to make other changes to accommodate future waste growth within the district.

Proposal

6. **Condition 2** of the current permission requires amongst other matters that the approved site layout complies with that as shown on the site layout drawing submitted with the original application. The main changes now sought to the approved site layout include;
 - The provision of external waste storage bays along the western side of the main waste reception and transfer building. The use of these bays would involve waste being tipped into this external area before either being pushed through into a bay within the building or transferred into other external storage containers for transfer off site to be recycled or recovered.
 - The retention of the small building adjoining the western side of the main waste reception and transfer building at its northern end for continued bin storage and the housing of a road sweeper which was originally intended to have formed an extension to the waste reception hall.
 - The erection of a 2m high close boarded fence along that stretch of the southern application boundary adjacent to the northern boundary of the B2063 where it immediately adjoins the area identified on the Depot Layout Plan as a Transfer Station.
7. In addition, other changes that have occurred at the site involve activities that take place within the main waste reception and transfer building where the original MRF plant has been removed and replaced by a simpler operation for baling card. Other recyclable or

Section 73 application to vary and remove conditions at Ross Depot,
Military Road, Folkestone – SH/16/803 (KCC/SH/0187/2016)

recoverable materials such as food, plastics and metals are bulked up elsewhere on site for recycling/recovery.

8. **Condition 4** required baseline noise monitoring prior to the commencement of the development and the results along with details of measures to ensure noise levels could be satisfactorily mitigated, to be submitted to and approved by the County Council. The main reason for the imposition of this condition was in order to assess potential impacts from the external operations, particular those relating to glass recycling where this involved glass being collected from households and deposited in an external bay at the site. Whilst it is understood that baseline noise surveys may have been undertaken on behalf of Shepway District Council, there are no records held which indicate that they were ever submitted and the condition formally discharged.
9. Since the original permission was granted external operations have changed and in particular glass collected from households is no longer handled at the site. Although the glass bay has been retained and remains in use this only involves the collection of relatively small quantities of glass from commercial sites, currently 4/5 loads per week.
10. Other external operations are limited to the initial deposit of recyclates within the external bays by Refuse Collection Vehicles (RCVs) with the use of a single loading shovel to load HGV bulk container vehicle removing the recyclate for recycling and food waste recovery elsewhere off site.
11. Given the reduction in the amount of glass handling and the nature of the other existing operations and the fact that these have been ongoing for a number of years, the applicant considers that condition 4 is no longer relevant and has requested that this condition be formally removed. To support this request the application is accompanied by a Noise Assessment which assesses the potential impacts from the limited glass recycling operation together with other potential impacts from traffic as a result of additional hours of working sought which are referred to below.
12. **Condition 6** required the submission and approval of a landscaping scheme although no such scheme has ever been submitted. Officers have held more recent discussions with the site operator and agree that with the exception of a small stretch of the site along the southern boundary which lies adjacent to the northern side of the B2063 Shorncliffe Road/Military Road, there are relatively limited views directly into the site. Furthermore given the nature of the site there are few areas if any, where planting of any significance could be undertaken such that it would help screen the site. Where there are limited views of the site along the B2063, as mentioned in paragraph 6. above, it is proposed to erect a 2m high close boarded wooden fence. The application therefore seeks to remove condition 6 from the existing permission.
13. **Condition 7** currently restricts hours of operation at the site to between 0700 and 1800 hours Monday to Fridays and 0700 to 1300 hours on Saturdays, with no operations on Saturday afternoons, Sundays or Bank holidays. Whilst under **Condition 8** no waste collection vehicles are allowed to leave the site before 0600 hours during the above mentioned days with no vehicles allowed to leave the site on Saturday afternoons, Sundays or Bank Holidays.
14. Notwithstanding the above restrictions on operating hours it is the applicants understanding that prior to Cleanaway who operated the site before Veolia who then subsequently took over the Shepway Council waste collection contract operations from

Section 73 application to vary and remove conditions at Ross Depot,
Military Road, Folkestone – SH/16/803 (KCC/SH/0187/2016)

them in 2011, the permitted hours of operation at the site would at that time already have been in excess of those permitted. The applicants state that current collection rounds necessitate operations commence on site earlier than those permitted with some RCVs and street sweepers leaving the site from 0500 hours on all days of the week including Sundays and Bank Holidays dependant on the location of the collection round. The first waste operations on site involving either the deposit of waste or removal of waste by HGV bulkers can occur in limited numbers from 0600 hours although in practice the majority of activities occur after 0700 hours. Sunday operations are very limited and are usually restricted to the operation of 3 street sweepers and 2 litter vans.

15. In order to regularise the hours of operation at the site permission is sought to amend conditions 7 and 8 such that they now read:

Condition 7

No operations shall take place at the site except between 0600 to 1800 hours Mondays to Fridays, including Bank Holidays and the Saturday following Christmas and 0600 to 1300 hours on Saturdays and Sundays with no operations on Christmas Day or Boxing Day.

Condition 8

No waste collection vehicles shall leave the site before 0500 hours on Mondays to Fridays, including Bank Holidays and on Saturday mornings and no waste collection vehicles shall leave the site on Christmas Day and Boxing Day.

16. **Conditions 9 and 11** currently restrict maximum HGV movements to 108 per day and maximum waste throughputs to 15,000 tonnes per annum respectively. In support of their application the applicants refer to the Shepway District Council Core Strategy 2013. This predicts an increase of approximately 500 households per annum within the Shepway area over the next 5 years. Combined with increased participation rates in household waste recycling, particularly in food waste recovery, in their view waste growth within the District is expected to result in the need to increase waste throughputs at the application site by over 20,000 tonnes by 2020. To allow a degree of flexibility they consider a limit of 25,000 tonnes per annum at the site is appropriate and would be consistent with the waste throughputs currently permitted under the Environmental Permit.
17. In terms of HGV movements, with a current waste throughput of 15,000 tonnes per annum this generates some 73 HGV movements to and from the site each day. With an increased payload of up to 6 tonnes per vehicle, RCVs transporting waste to the site would increase by a modest 4 movements per day based on the proposed increase in waste throughput up to 25,000 tonnes per annum resulting in some 77 HGV movements to and from the site per day overall. This increase in HGV movement still falls significantly below that which is permitted at the site.
18. Permission is therefore sought to vary condition 11 to allow a maximum waste throughput of up to 25,000 tonnes per annum.
19. **Condition 12** restricts waste types to those set out in the original application. Whilst the original application stated that there would be 'no biodegradable or putrescible waste imported to the site', in 2011 Shepway District Council introduced a food waste

Section 73 application to vary and remove conditions at Ross Depot,
Military Road, Folkestone – SH/16/803 (KCC/SH/0187/2016)

collection service and since then food waste has been imported to the site for bulking up and transfer to a recovery facility.

20. Approximately 12 tonnes of food waste is imported to the site each day where it is deposited within one of the external storage bays. This waste is regularly removed from the bay throughout the day and stored in a food waste container which has a sealed semi-automatic sheeting system to keep out birds etc. The container is currently removed from the site at the rate of 1 load every other day such that no food waste is kept on site for more than 48 hours. With the anticipated increase in food waste recovery the number of loads transported off site is expected to increase to 1 load per day.
21. Permission is therefore sought to vary condition 12 to only allow those materials for recycling including mixed recyclates, glass and food waste for recovery to enter the site and for black bag or residual waste to be specifically excluded.

Planning Policy

22. The National Policy, Government Guidance and Development Plan Policies summarised below are most relevant to the consideration of this application:
23. **National Planning Policy Framework (NPPF) March 2012:** Should be read alongside National Planning Practice Guidance (NPPG) March 2014. The NPPF sets out the Government's planning policies and its aim to secure sustainable development in a timely manner. The planning system is seen as contributing towards sustainable development which creates 3 overarching mutually dependant roles namely economic, social and environmental. In this context the NPPF sets out 12 core land-use principles which should underpin both plan-making and decision taking. Of particular relevance this should include being genuinely plan-led, encouraging the re-use of existing resources, taking account of the needs of the residential and business communities and encouraging the use of renewable resources (for example, by the development of renewable energy). In facilitating these roles and objectives the NPPF requires that local planning authorities should look for solutions rather than problems. Local Planning Authorities are therefore expected to work proactively with applicants to secure development that improves the economic, social and environmental conditions of the area in a sustainable manner.
24. Local Planning Authorities should therefore now approach decision-taking in a positive way to foster the delivery of sustainable development with decision-takers at every level seeking to approve applications for sustainable development.
25. **National Planning Practice Guidance (NPPG) (March 2014):** The waste section of NPPG requires that waste should be managed according to the 'waste hierarchy' with the aim of reducing the amount of waste being sent to landfill; ensure that the collection of household and similar waste are organised so as to help towards achieving the higher levels of the waste hierarchy; use data to forecast future waste needs; reflect the close co-operation expected between waste planning and district authorities.
26. **National Planning Policy for Waste (October 2014):** Recognises the need to drive waste management up the waste hierarchy; adequate provision should be made for the management of waste and future needs in a sustainable manner consistent with the principles contained in the NPPF.

Section 73 application to vary and remove conditions at Ross Depot,
Military Road, Folkestone – SH/16/803 (KCC/SH/0187/2016)

27. **The Waste Management Plan for England (December 2013) (WMPE):** Sets out the Government's ambition to work towards a more sustainable and efficient approach to resource management by ensuring amongst other matters that waste management is considered alongside other spatial planning concerns such as housing by enabling waste to be recovered in the case of municipal waste from households, in line with the proximity principle.

Development Plan Policies:

28. **Kent Minerals and Waste local Plan (KMWLP) 2013-30 (July 2016):** Policy CSW 1 requires the County Council to take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF, NPPW and the WMPE. Policy CSW 2 requires the delivery of waste management solutions for Kent which demonstrate how they will help drive waste to ascend the waste hierarchy whenever possible. Policy CSW 4 requires that sufficient waste management capacity is provided to manage at least the equivalent of the waste arising in the Kent. Policy CSW 16 seeks to safeguard existing waste management facilities. Policy DM 1 Sustainable Design. Policy DM 8 Safeguarding Minerals Management, Transportation Production & Waste Management Facilities. Policy DM 11 Health and Amenity. Policy DM 13 Transportation of Minerals and Waste
29. **Shepway District Council Core Strategy:** Seeks to achieve the national policy objectives of sustainable development; sets out housing projections over the course of the plan period to 2027.

Consultations

30. **Shepway District Council:** Raised initial concerns over the potential impacts particularly from noise on an application recently granted by them for a small housing development located opposite the depot site along the B2063. In response, the applicants pointed out that the Noise Assessment submitted in support of the housing development identified baseline noise measurements of existing noise sources including the current Ross Depot operations. As a result, sound insulation measures were recommended to be incorporated into the design of the properties in order to mitigate any adverse effects from noise. In their view there is therefore no need for the Noise Assessment submitted in support of the Ross Depot proposal to specifically assess potential impacts from noise on this future housing development. The District Council subsequently confirmed that this satisfactorily satisfied their concerns.
31. **Amey (Noise):** Considers that the Noise Assessment followed the correct methodology for assessing potential noise impacts from this type of development and agrees with its conclusions that the measured and predicted noise levels generated from the various activities at the site at noise sensitive receptors will have a low impact. As such they do not recommend the inclusion of any condition relating to noise.
32. **Amey (Air Quality):** Considers there is no evidence to suggest that odour nuisance would occur beyond the site boundary and that the commitment by the applicant to increase the use of a masking agent from the on-site atomiser in hot weather is considered appropriate mitigation in addition to odour related conditions in the Environmental Permit.

Section 73 application to vary and remove conditions at Ross Depot,
Military Road, Folkestone – SH/16/803 (KCC/SH/0187/2016)

33. **Kent Highways and Transportation (KHT):** Raise no objection on the grounds that the increase in vehicle movements over the current level is minimal and still within previously conditioned maximum numbers, which should remain in place.
34. **Environment Agency:** Raise no objection. The proposed increase in waste throughputs would align with the current Environmental Permit. There were also no issues with vehicle movements during their visit to the site.
35. **Public Rights of Way:** Have no comments to make.
36. **Sandgate Parish Council:** Considers that most of the on-site changes seem non-controversial. However, raise concerns over the potential impacts from noise on the future housing development located opposite the site along the B2063. Considers that the Noise Assessment submitted in support of the application should have assessed impacts on this future housing development, particularly in the light of the extension to the permitted hours sought to allow vehicles to leave the site from 5a.m. each day. Notes that nonetheless it would appear that vehicles have been operating during these extended hours over much of the last decade. Notes that the proposed close boarded fence along part of the southern site boundary would help screen the site and also help reduce any windblown litter. Whilst consider that this new fence would represent a positive move, there are no specific details of the fence detailing the section of the fence to be replaced or showing what it would look like.
37. **Ministry of Defence:** Have not commented.

Local Member

38. The local County Member Hod Birkby, was notified of the application on 14 July 2016. No comments have been received to date.

Publicity

39. The application was publicised by the posting of a site notice, an advertisement in a local newspaper, and the individual notification of 84 residential and commercial properties.

Representations

40. In response to publicity, of the 84 individual properties formally notified 7 letters of representation have been received (from 5 individual authors). The key points raised can be summarised as follows:
 - Unacceptable increase in vehicle movements in an already congested area and where the adjoining HRWC already causes tailbacks along the B2063 and Ross Way.
 - Unacceptable odour from the existing site together with nuisance caused by scavenging gulls
 - Shepway District Council have fettered their discretion by awarding a waste

Section 73 application to vary and remove conditions at Ross Depot,
Military Road, Folkestone – SH/16/803 (KCC/SH/0187/2016)

contract to the applicant which means they have to operate the site in breach of the planning permission.

- Disturbance is already caused by noise from the Ross Depot especially during the early mornings often from 7.00 a.m. onwards caused by containers being dropped at the site which causes the hillside to shake.
- If permission is granted there will be an unacceptable increase in noise levels commencing at 5.00 a.m. from the site including at the weekends.
- The outside of the site is already unattractive and Veolia's proposal will make it worse. The visual impact needs improving and landscaping would help this along with reducing noise.
- The applicants already have a track record of breaching the terms of the existing permission and therefore they are unlikely to comply with any future restrictions.
- An independent noise assessment should be commissioned that is not paid for by the applicant.
- There is no need to increase the amount of food waste going to the site as this type of waste is likely to reduce due to social and economic factors which means waste is likely to be imported from further afield.
- The application is contrary to national and development plan policies.
- Folkestone and Sandgate are tourist attractions and the local economy relies on visitors. Making the area more unattractive would not help this.

Discussion

41. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraphs 21 to 28 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In my opinion, the key material planning considerations in this particular case can be summarised under the following headings:

- Traffic
- Noise
- Odour
- Landscape
- Need

Traffic

42. Based on an original waste throughput of some 15,000 tonnes per annum, condition 9 of the existing permission (Ref. SH/04/1475) currently restricts the number of combined

Section 73 application to vary and remove conditions at Ross Depot,
Military Road, Folkestone – SH/16/803 (KCC/SH/0187/2016)

HGV movements to and from the site to a maximum of 108 movements per day. This limit was originally based on the applicant's assessment of the maximum number of HGV movements that would be generated as a result of the nature of their proposed development which at that time involved the modification of the existing Depot for use primarily as a Materials Recycling Facility (MRF). At that time Shepway District Council, who were the applicants for the proposed MRF, occupied and used the site as a Depot for the maintenance of vehicles, storage of waste bins and for paper recycling. In support of their MRF application Shepway District Council undertook a survey of the existing vehicle movements to and from the site which showed that approximately 480 (240 in/240 out) vehicle movements were being generated on a typical day involving a range of vehicles including cars, light commercial vehicles and also HGVs. The application for the MRF was submitted by the Council in order to receive recyclable waste collected as part of their weekly kerbside dry recyclables collection service and to enable them to meet their statutory recycling targets for 2005/6. Materials proposed for recycling consisted of paper, card, glass and textiles.

43. In support of this current application submitted by Veolia, they have indicated that based on the existing waste throughputs of 15,000 tonnes per annum, this generates a combined total of some 73 HGV movements to and from the site each day (i.e. 35 movements below that currently permitted). They estimate that by increasing the waste throughputs from 15,000 to 25,000 tonnes per annum as proposed, this would result in an increase of 4 HGV movements per day. They have indicated that the relatively small increase in vehicle movements is due to an increase in the payloads of modern day RCVs where each vehicle can now carry up to 6 tonnes for each vehicle. In my view this represents a relatively modest increase in vehicle movements and would still be significantly below that already permitted at the site. I am also mindful that KHT have raised no objection to the proposal on a similar basis.
44. Notwithstanding objections received on the grounds of adverse impacts from traffic, it is clear that historically the site has been a major generator of vehicle movements. Given that the proposed increase in the number of HGV movements to and from the site would remain well within those levels currently permitted from the site, I do not consider that there are any overriding objections that could be sustained on traffic grounds.

Noise

45. The site is located within an existing industrial estate where there are a number of adjoining industrial activities which generate noise including noise from traffic. I am also particular mindful of the existing impacts both in respect of traffic and noise generated by the HWRC which adjoins the eastern boundary of the application site and which sits immediately between the site and the nearest housing located in Oxenden Road with Valley Road running parallel further to the east of Oxenden Road, two locations from where the majority of the local objections to the application have been received.
46. I have visited the site and surrounding area unannounced on a number of occasions which included monitoring at the nearest housing along Oxenden Road and Valley Road to assess whether there were any audible levels of noise generated from the Ross Depot site. During my visits to Oxenden Road the most audible noise was that generated by the HWRC which was dominated by the waste compactors operated on site with occasional impact noise levels from waste being tipped by members of the public into individual containers. I could also detect a further intermittent noise source which could best be described as the shaking or rattling of some form of metal object.

Section 73 application to vary and remove conditions at Ross Depot,
Military Road, Folkestone – SH/16/803 (KCC/SH/0187/2016)

Upon later investigation at the Ross Depot site I deduced this to be the noise emitted from the wheeled loader transferring dry recyclates from the external storage bays into the HGV bulk containers. This noise however proved to be of a relatively limited duration and ceased once a vehicle had become full and the materials were transported off site. During other visits to the site I did not witness this particular activity and the only audible noise along Oxenden Road was that created from the HWRC.

47. During my monitoring along Valley Road I could not detect any discernable noise that could be directly attributable to the HWRC or Ross Depot. Valley Road, as the name suggests, sits at a relatively lower level to Oxenden Road and the HWRC and Ross Depot and where therefore it would be expected that noise levels generated from these two facilities would be somewhat less than at Oxenden Road.
48. The Noise Assessment submitted in support of the application undertook baseline survey measurements at the nearest Noise Sensitive Receptors (NSRs) along Oxenden Road and Valley Road. Over the periods monitored during the daytime, noise levels monitored included noise generated from the operation of the site. The assessment concluded that on the basis of the monitoring results, noise levels should not prove a material constraint for the extension in operational hours.
49. From my experience of monitoring undertaken at the nearest noise sensitive locations to the east of the site along Oxenden Road and Valley Road, the noise levels I experienced were consistent with the conclusions set out in the Noise Assessment Report. The County Council's noise advisor Amey considered that the Noise Assessment followed the correct methodology employed to assess noise impacts and concurred with the conclusions in the assessment that noise levels generated from the various activities at the site at the nearest NSRs will have a low impact. From my own monitoring at the site I have no reason to question this and accordingly I do not consider there are any overriding objections to the application on the grounds of adverse impacts from noise.

Odour

50. Given the nature of the materials imported to the site, the only significant source of potential odour is from the food waste element which is deposited and transferred from the site as described under paragraphs 10 and 20. Food waste has been imported to the site since 2011 when the applicant was awarded the new kerbside waste collection contract. Notwithstanding the objections that have been made to this particular element of the proposal the applicants have indicated that they are confident any odour from their operations are not experienced beyond the boundaries of the site and who maintain and use an atomiser on site.
51. The food waste is imported to the site in RCVs which are effectively sealed. Once tipped it is then immediately transferred into a container which has a sealed semi-automatic sheeting system. This system of operation not only helps suppress odour but also acts as a deterrent to scavenging gulls and where the applicant also operates an electronic bird scarer.
52. In the light of the objections relating to odour the applicant has since confirmed that it is their intention to increase the use of the atomiser, especially during periods of hot weather when it is more likely that the potential for odour is likely to increase. Whilst I am mindful that odour controls are already addressed in the Environmental Permit issued by the Environment Agency, should members be minded to grant permission I

Section 73 application to vary and remove conditions at Ross Depot,
Military Road, Folkestone – SH/16/803 (KCC/SH/0187/2016)

would recommend that an additional condition be imposed which specifically requires odour control measures to be undertaken in accordance with those set out in the application.

Landscape

53. It has been suggested by some of the objectors to the application that the site would benefit from some form of landscaping. However, as I have pointed out under paragraph 11, there are relatively limited views into the site and within the site itself it present very few opportunities if any for any planting to be of any significant benefit. Furthermore, as has been suggested by some objectors, the outside of the site is already unattractive where it is largely surrounded by other industrial type activities. As previously explained the only prominent view into the site is off the B2063 Shorncliffe Road/Military Road, where it is proposed to erect a close boarded fence. This would not only help screen the site from views along this part of the site boundary but would also address the issue of unsightly windblown litter which sometimes catches on the existing chain link fence. Having regard to comments made by the Parish Council concerning what they consider is a lack of any specific detail of the fence, I would propose imposing a condition on any future permission requiring the prior submission and approval of its details before being erected on site.

Need

54. Since the site first became operational as a dedicated waste recycling facility in 2005, it has provided a valuable service towards the collection of recyclable waste arisings in the Shepway area helping Shepway District Council meet its waste recycling targets. Taking into account the Shepway District Council Core Strategy targets for future housing growth over the plan period and given an anticipated increase in participation rates in household waste recycling, waste growth in the area will continue to rise. It is therefore clear that there will be a need for this site to continue to contribute towards the collection and management of such future local waste arisings.

Conclusion

55. The site has been in existence as a Depot since the 1970s during which time it has been used for a variety of activities by Shepway Council who own the site, and subsequently by other private site operators working under contract to the Council to deliver their household waste collection service. The last substantive permission was granted to the District Council in 2005 (Ref. SH/04 1475) for the operation of a MRF which, up until 2011 was operated by Cleanaway under contract to Shepway who then subsequently issued a new contract to Veolia Environmental Services (UK) Ltd, the applicant for this current application, for a new household waste collection and street cleansing service contract.
56. Since the grant of the 2005 permission there have been a number of changes to the waste collection contract most notably the inclusion of the collection of food waste from local households. This together with the street cleansing service undertaken by the applicant on behalf of the District Council has meant that certain operations undertaken at the site fall outside the terms of the 2005 permission. This current application has therefore sought to regularise the position and also seeks to increase the currently permitted waste throughputs at the site in anticipation of increase volumes of waste

Section 73 application to vary and remove conditions at Ross Depot,
Military Road, Folkestone – SH/16/803 (KCC/SH/0187/2016)

needing to be managed in the future together with seeking the removal of conditions 4 and 6 in respect of noise monitoring and landscaping.

57. Whilst it is clear from the site history that it has operated in breach of some of the conditions imposed on the current permission and continues to do so in order to deliver the requirements of the current waste collection contract, it is evident that a significant number of these would have occurred sometime prior to when the applicant commenced operating the site. Notwithstanding this, up until when the current application was submitted I am not aware of any complaints having been made either to the County Council or Shepway District Council over the nature of the operations.
58. This site continues to provide a valuable service by enabling a sufficient means to collect and manage local waste arisings. It also helps towards the delivery of the District Council's waste recycling targets consistent with national and development plan policies. I am satisfied that having regard to comments received from consultees and with the imposition of the conditions as recommended, there are no overriding objections to the proposal which in my opinion represents sustainable development as set out in the NPPF.
59. As this is a Section 73 application, any decision to grant consent for the proposed variations and deletions sought to the existing conditions would effectively result in the issuing of a new permission. Therefore the formal decision notice will need to include those conditions as proposed to be varied together with the additional conditions recommended in this report along with any remaining conditions which were included on the baseline permission with the exception of where they may have previously been discharged.

Recommendation

60. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
- The development being carried out in accordance with the approved details
 - Operating hours on site 0600 to 1800 hours Monday to Friday, including Bank Holidays and the Saturday following Christmas and 0600 to 1300 hours on Saturdays and Sundays with no operations on Christmas Day or Boxing Day.
 - No waste collection vehicles to leave the site before 0500 hours on Monday to Friday including Bank Holidays and on Saturday mornings and no waste vehicles to leave the site on Christmas Day or Boxing Day.
 - No more than a combined total of 108 HGVs to enter and leave the site each day.
 - All vehicles to enter and leave the site in a forward motion.
 - Maximum waste throughput of up to 25,000 tonnes per annum.
 - Waste types to only include mixed recyclates, glass and food waste for recovery excluding black bag waste or residual waste.
 - Removal of Permitted Development Rights.
 - Restricting the use of the waste building to the use hereby permitted.
 - Dust control measures.
 - Prevention of mud/debris on the public highway.
 - Details of close boarded fence.
 - Increased use of atomiser.
 - Terms of the permission to be displayed at the site office.

Section 73 application to vary and remove conditions at Ross Depot,
Military Road, Folkestone – SH/16/803 (KCC/SH/0187/2016)

Case Officer: Mike Clifton

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Background Documents: see section heading