

Section 73 application for the temporary relaxation of condition (13) of planning permission SE/90/1302 to allow the waste transfer station only to be extended to run from 0500 to 1800 hours Monday to Friday during repairs to the Tunbridge Wells Waste Transfer Station at Dunbrik Waste Transfer Station, Main Road, Sundridge, Sevenoaks, Kent – SE/17/179 (KCC/SE/0179/2017)

A report by Head of Planning Applications Group to Planning Applications Committee on 13 September 2017.

Application by KCC Waste Management for the temporary relaxation of condition (13) of planning permission SE/90/1302 to allow the waste transfer station only to be extended to run from 0500 to 1800 hours Monday to Friday during repairs to the Tunbridge Wells Waste Transfer Station at Dunbrik Waste Transfer Station, Main Road, Sundridge, Sevenoaks, Kent – SE/17/179 (KCC/SE/0179/2017)

Recommendation: Permission be granted subject to conditions.

Local Member: Mr N Chard

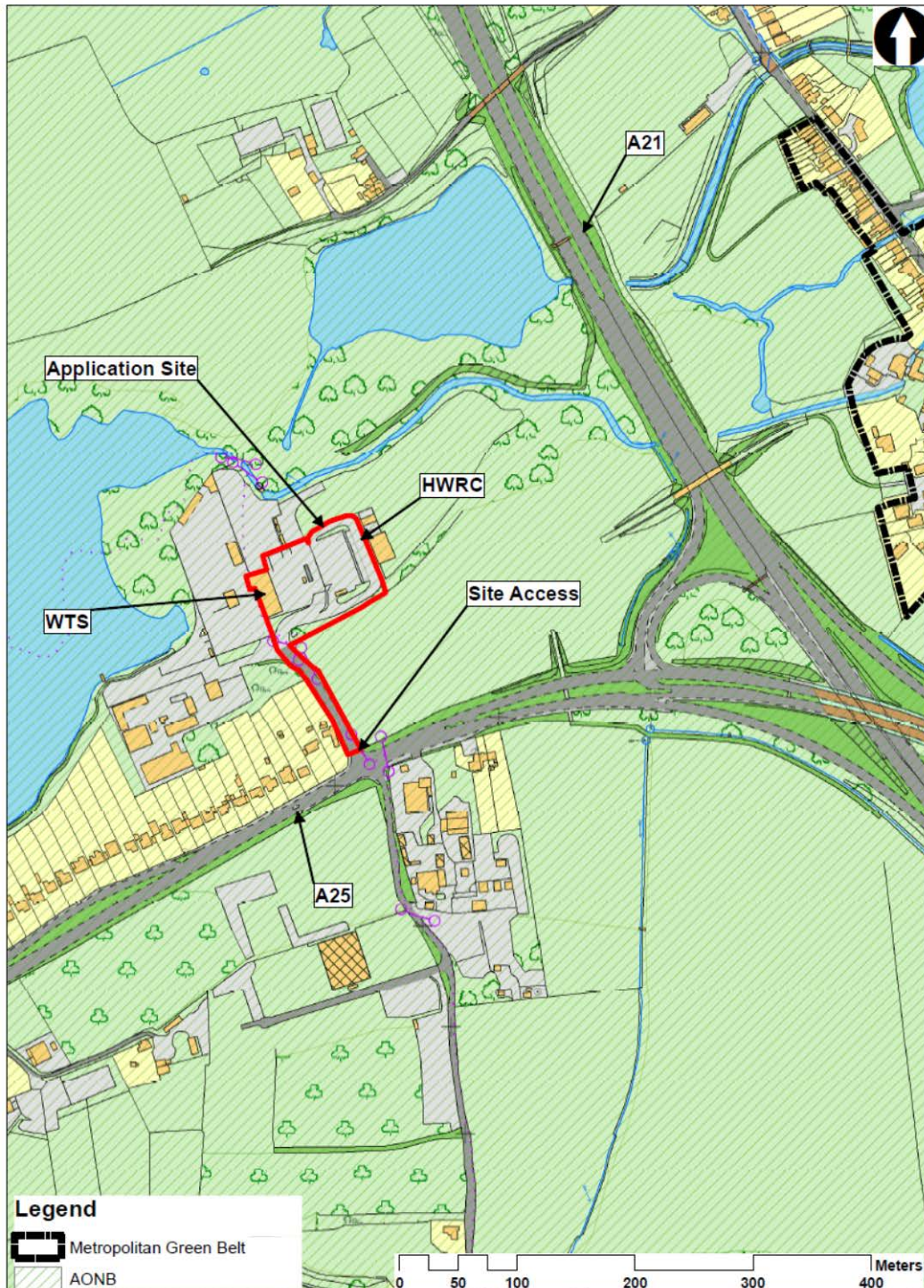
Classification: Unrestricted

#### Site Description

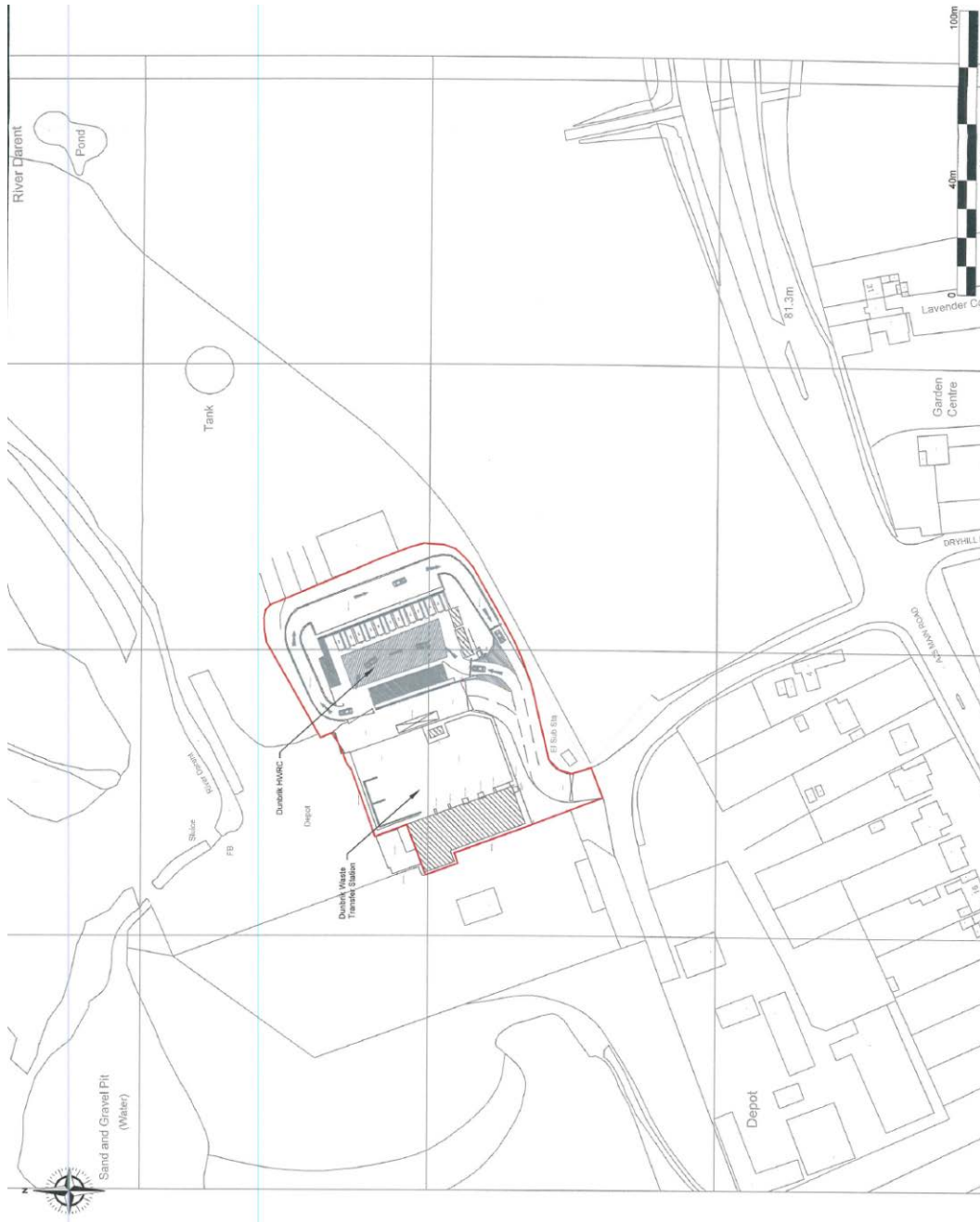
1. The application site is located within a small industrial estate in Sevenoaks District. The industrial estate is located to the north of Main Road (A25), approximately 1km east of Sundridge and 3km north-west of Sevenoaks town centre. Junction 5 of the M25 is located to the north-east, close to the interchange with the A21, which passes to the east of the site. The application site is accessed via a shared private road that serves the industrial estate and benefits from a dedicated junction with the A25.
2. The Waste Transfer Station (WTS) occupies approximately 0.3 hectares of land within the industrial estate. Other uses within the industrial estate include the household waste recycling centre (HWRC) and Sevenoaks District Council Depot. Part of the industrial estate previously accommodated a green waste composting site. The WTS comprises a large building, weighbridge and associated yard area used for parking, manoeuvring and external storage. Both the WTS and HWRC are used to deal with municipal waste streams generated within Sevenoaks and the surrounding area.
3. The nearest residential property is about 60m from the application site and adjacent to the shared access road to the industrial estate. Residential properties also lie to the west of the access road and to the south of the A25.
4. The application site lies outside any main settlement boundary and within the Green Belt and the Kent Downs Area of Outstanding Natural Beauty (AONB) as identified in the Sevenoaks District Local Plan.

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Site Location Plan



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#### Planning History and Background

5. The site has been used for waste management uses since the 1960's following an earlier history of mineral extraction. Planning permission SE/90/1302 was granted in 1992 for a permanent WTS and HWRC. This permission has been subject to minor variations over the years resulting in revised operational arrangements (including various changes to opening hours and storage arrangements on site). The most recent amendment to the WTS element was permitted in October 2012 (SE/12/2342). Planning permission SE/90/1302 (as amended by SE/12/2342) only allows the WTS to operate between the following hours:
- 07:00 to 18:00 hours Monday to Friday;
  - 07:00 to 16:00 Saturdays (immediately following a Bank Holiday); and
  - 07:00 to 15:00 Saturdays (other).

The transportation of waste to and from the WTS is not permitted outside these times, although some of the infrastructure associated with the WTS can be used in connection with the weighing and storage of waste from the HWRC during the hours when only the HWRC is open. The HWRC is permitted to open to the public between the following hours:

- 08:00 to 16:30 hours Monday to Saturday;
- 08:00 to 16:30 hours on Wednesdays (1 October to 31 March inclusive);
- 08:00 to 20:00 hours on Wednesdays (1 April to 30 September inclusive); and
- 09:00 to 16:00 Sundays, Bank Holidays and Public Holidays.

However, the additional Wednesday hours are not currently employed at the site such that the HWRC closes at 16:30 hours on all weekdays (apart from Bank and Public Holidays) and Saturdays.

6. The permitted operations provide for collected waste to be deposited temporarily at the WTS and be bulked up with material of a similar nature or common destination for onward transport. As waste management practices have evolved, this has resulted in black bag, food waste, dry recyclables and other waste being collected and transferred separately. Waste taken to the HWRC is also bulked up as necessary at the WTS. There are no specific restrictions on waste sources on planning permission SE/90/1302 (as amended).
7. Planning permission was granted for a new WTS and HWRC in February 2007 (SE/05/2526), February 2010 (SE/08/621) and August 2013 (SE/12/2790). The latter permission remains extant although development has yet to commence. If implemented, planning permission SE/12/2790 would result in the existing WTS and HWRC being replaced by a modern facility.

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#### The Proposal

8. The application proposes the temporary variation of condition 13 of planning permission SE/90/1302 (as amended) to allow the WTS to additionally operate between 05:00 to 07:00 hours Monday to Friday whilst works take place at the Tunbridge Wells WTS. No other changes are proposed at the Dunbrik WTS or HWRC.
9. The applicant states that temporary repairs were undertaken to the Tunbridge Wells WTS earlier in 2017 to enable the facility to continue to be used following a significant fire but that it is now in a position to carry out a series of permanent repairs and upgrade works at that site that will require its temporary closure. The applicant states that a period of up to 10 weeks would be required once the Tunbridge Wells WTS closes to enable repairs to take place. It is understood that works may commence on 18 September 2017.
10. During the period when the Tunbridge Wells WTS is closed, waste collected from households in Tunbridge Wells (and some from other sources such as street cleaning) that would normally go to the Tunbridge Wells WTS for bulking-up will need to be diverted elsewhere. The applicant estimates that approximately 3,250 tonnes of residual (black bag) waste, 100 tonnes of street cleansing waste and 250 tonnes of highway mechanical arisings waste would need to be diverted from the Tunbridge Wells WTS during the 10 week period. This would equate to up 65 tonnes (13 loads) of residual waste, 2 tonnes (5 loads) of street cleansing (e.g. litter bin) waste and 5 tonnes (6 loads) of highway mechanical arisings (e.g. road sweeper) waste each day. The applicant states that these quantities represent the maximum tonnages that may arise and need to be diverted from the Tunbridge Wells WTS. It states that some of the waste could reasonably be transported direct to the Allington Waste Management Facility (due to the locations of the collection rounds or the source of waste arisings) but that at least 50% would need to be diverted to the Dunbrik WTS. It is understood that all other waste streams (e.g. dry recyclables, green waste, food waste and bulky waste) would be bulked-up or dealt with elsewhere (e.g. Tunbridge Wells Council Depot and the Blaise Farm In-Vessel Composting Facility).
11. The applicant states that the proposed arrangement would necessitate temporary alterations to operations at the Dunbrik WTS. Specifically, the need to ensure that as much space is available as possible in the WTS at the start of each working day in order to provide sufficient capacity for waste delivered to the WTS during the day and avoid disruption to the HWRC and other businesses on the industrial estate at times when the arrival, loading and dispatch of articulated waste freighters carrying bulked up waste can lead to congestion both within and outside the industrial estate. The applicant proposes that up to 8 articulated waste freighters be permitted to enter, load and leave the Dunbrik WTS each day between 05:00 and 07:00 hours (i.e. up to 16 HGV movements). Residual waste, street cleansing waste and highway mechanical arisings waste would be delivered to the Dunbrik WTS during the normal working day in refuse collection vehicles (RCVs), cage vehicles and other vehicles in addition to

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waste deliveries from within Sevenoaks District.

12. The applicant states that there are no viable alternatives to using the Dunbrik WTS during the proposed 10 week period and that not permitting the temporary additional use would give rise to significant disruption to the Tunbridge Wells and Sevenoaks waste collection services. It advises that the ongoing need to bulk-up and export non-residual waste (such as wood waste and dry recyclables) arising from within Sevenoaks District later in the afternoon would prevent sufficient other waste being removed from the Dunbrik WTS during the late afternoon or early evening period to avoid the need for the proposed early morning starts. It also advises that the possibility of extending operations into the early evening period is further complicated by existing waste management contracts and financial constraints.

#### Planning Policy Context

13. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (March 2012), the National Planning Policy for Waste (October 2014) and the associated Planning Practice Guidance. These are all material planning considerations.
14. **Kent Minerals and Waste Local Plan 2013-30 (July 2016) [KMWLP 2016]** – Policies CSW1 (Sustainable development), DM1 (Sustainable design), DM2 (Environmental and landscape sites of international, national and local importance), DM3 (Ecological impact assessment), DM4 (Green Belt), DM10 (Water environment), DM11 (Health and amenity), DM12 (Cumulative impact), DM13 (Transportation of minerals and waste) and DM16 (Information required in support of an application).
15. **Sevenoaks District Council Local Development Framework Core Strategy (February 2011)** - Policies LO1 (Distribution of development) and LO8 (The countryside and rural economy).
16. **Sevenoaks District Council Local Plan Allocations and Development Management Plan (February 2015)** - Policies SC1 (Presumption in favour of sustainable development), EN2 (Amenity protection), EN5 (Landscape), EN6 (Outdoor lighting), EN7 (Noise pollution) and T1 (Mitigating travel impact).

#### Consultations

17. **Sevenoaks District Council:** No objection on the basis that the proposal is for a temporary 10 – 12 week period.
18. **Chevening Parish Council:** No comments to make.
19. **Sundridge with Ide Hill Parish Council:** No comments received.

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20. **Environment Agency:** No comments to make.
21. **Kent County Council Highways and Transportation:** No objection. It notes that the proposed development would result in up to 16 additional HGV movements (8 in / 8 out) between 05:00 and 07:00 hours and that this is off-peak. It also notes that the proposed diversion of waste from the Tunbridge Wells WTS is likely to generate up to 26 additional refuse collection vehicle (RCV) movements and a small number of movements by street cleansing vehicles (10) and road sweepers (12) each day at the Dunbrik WTS. However, since these movements are unlikely to be during peak traffic times on the A25 and have no significant impact on the movements at the junction with the A25 or along the A25 itself, it advises that they are likely to have little if any impact on highway safety or congestion.

#### Representations

23. The application was publicised by the posting of a site notice, an advertisement in a local newspaper and the individual notification of 22 local properties.
24. 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:
- Objects to any extension of operating hours at the WTS;
  - Noise and lighting are already unbearable;
  - Lorries can clearly be heard reversing day and night;
  - Noise from the site and lorries approaching and leaving the site on the A25 make life very uncomfortable;
  - Noise, lighting and disruption makes sleeping difficult;
  - Any extension of hours (temporarily or otherwise) would encourage more traffic, noise and pollution; and
  - Suggests that the WTS should be relocated somewhere else as the noise, odour and constant traffic associated with the site have continued for 20 years and is becoming impossible to bear.

#### Local Member

22. The local County Member for Sevenoaks West, Mr N Chard was notified of the application on 27 July 2017.

#### Discussion

23. The application is being reported to the Planning Applications Committee as a result of 1 letter of objection having been received from a nearby property.

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24. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In the context of this application, the development plan policies outlined in paragraphs 14 to 16 above are of most relevance. Material planning considerations include the national planning policies and guidance referred to in paragraph 13.
25. The principle of the Dunbrik WTS being used for waste transfer has already been clearly established and there is nothing in the current permission (as amended) to prevent waste from Tunbridge Wells District being accepted at and transferred from the site. Notwithstanding this, consideration is required as to whether very special circumstances exist to outweigh the usual presumption against inappropriate development in the Green Belt and whether the proposed development represents major development in the AONB. In the event that the proposed development were to be regarded as major development, it would be necessary for there to be exceptional reasons to grant planning permission. The other main issues to be considered are whether the Dunbrik WTS is capable of accommodating the additional waste from Tunbridge Wells without giving rise to significant adverse impacts and whether the proposed temporary extended hours of use would, in themselves, give rise to unacceptable adverse impacts. If adverse impacts are likely, it is also necessary to consider whether those impacts are outweighed for any reason.
26. Waste management facilities represent inappropriate development in the Green Belt and as such very special circumstance must exist in order for development to be permitted. Although the applicant has not specifically promoted any very special circumstances in this case in respect of Green Belt policy, I am satisfied that the need for an alternative bulking-up facility for 10 weeks whilst the Tunbridge Wells WTS is being repaired can be regarded as a very special circumstance and hence be viewed favourably in the context of Green Belt policy. I am also satisfied that the proposed temporary amendment to planning permission SE/90/1302 (as amended) does not represent major development in the context of the AONB such that it is not necessary for there to be exceptional circumstances and for it to be in the public interest in order for planning permission to be granted (albeit that a public interest case may be capable of being made). However, these conclusions do not, in themselves, fully satisfy Green Belt and AONB policy and further consideration of this is included below.
27. Although no details have been provided with the application in respect of the capacity of the Dunbrik WTS, the applicant is confident that the WTS has the capacity to accommodate the additional waste diverted from the Tunbridge Wells WTS provided waste is removed from the building as proposed prior to the receipt of further waste during normal operating hours. Given the additional waste quantities involved and the capacity of the articulated waste freighters, I see no reason to dispute this.
28. Although any increase in the quantity of waste (particularly residual waste) handled at the Dunbrik WTS, including that stored at the site overnight, has the potential to increase odour impact, the WTS would continue to operate under the terms of an



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Environmental Permit. Should odour problems occur during the proposed 10 week period, these would need to be addressed in that context. If the additional waste diverted to the facility were to be identified as a cause of any problem, the Environment Agency would be able to require action to address this (including, potentially, requiring a cessation of the proposed waste diversion operation).

29. The main impacts associated with the proposed operation of the WTS between 05:00 and 07:00 hours Monday to Friday for a 10 week period are likely to relate to noise from operations on site, noise from traffic entering and leaving the site (and using the A25 outside the site) and any visual impacts associated with the operations themselves both on and off site (including the need for any lighting during the early morning period).
30. The applicant has not sought to provide any assessment of the likely extent of these impacts. In the absence of any such assessment, it is considered reasonable to adopt a precautionary approach and assume that adverse impacts would occur and that the amenity of local residents would be adversely affected. There would also be some additional adverse impact on the environment (e.g. landscape) which is relevant in terms of both Green Belt and AONB policy.
31. The Dunbrik WTS is a relatively old facility. Although waste transfer operations primarily take place within the WTS building, this is partially open to the environment on its east elevation. As a result, any noise impacts that do occur would be greater than would be the case at a modern fully enclosed facility. Notwithstanding this, the WTS itself does not lie immediately adjacent to residential properties and is separated from these by trees and other vegetation. The partially open east elevation also faces away from residential properties. Whilst the arrival, loading and departure of up to 8 articulated waste freighters between 05:00 and 07:00 hours (giving rise to up to 16 HGV movements) Monday to Friday would be likely to give rise to some additional noise impacts as a result of operations on site, I do not consider that these would be unacceptable for the temporary 10 week period proposed.
32. The access to the industrial estate lies immediately adjacent to one residential property and close to several others. It is likely that the articulated waste freighters that would enter and leave the Dunbrik WTS each day between 05:00 and 07:00 hours Monday to Friday would give rise to adverse impacts on the occupiers of these properties and potentially cause some sleep disturbance in the early morning period. Although these impacts need to be considered in the context of other vehicle movements on the A25, the likely impacts do not sit comfortably with relevant planning policies, particularly Policy DM11 of the Kent Minerals and Waste Local Plan and Policies EN2 and EN7 of the Sevenoaks District Council Local Plan Allocations and Development Management Plan which seek to ensure that development does not result in unacceptable adverse impacts (including that from noise). However, any adverse impacts would only occur for a period of up to 10 weeks. It should be noted that the local resident who has objected to the proposals lives to the south of the A25 and approximately 80m from the industrial estate access road.

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33. Use of the Dunbrik WTS between 05:00 and 07:00 hours Monday to Friday is likely to give rise to the need for lighting to be employed at the site as would be the case during early morning and late afternoon operations outside the summer period. The use of such additional lighting would have some visual impact on the local area and AONB. However, existing trees and vegetation would serve to minimise impacts of lighting on local residents and the wider area so far as is possible. The arrival and departure of up to 8 articulated waste freighters between 05:00 and 07:00 hours would also give rise to some additional visual impact, although this must be considered in the context of the lawful vehicular use of the A25. Notwithstanding the AONB and Green Belt location, I do not consider that the likely additional visual impact would be unacceptable during the proposed temporary 10 week period.
34. If permission is not granted to allow the arrival, loading and departure of up to 8 articulated waste freighters between 05:00 and 07:00 hours Monday to Friday, and the applicant still diverts the waste from the Tunbridge Wells WTS to the Dunbrik WTS, it is likely that the need to load and dispatch articulated waste freighters during the normal working day would result in significant disruption to the WTS, HWRC and the rest of the industrial estate, as well as to waste collections in both Tunbridge Wells and Sevenoaks Districts. It is also likely to result in queueing on the A25 outside the site. Such impacts could also give rise to safety concerns both within and outside the site. If permission is not granted, and waste from the Tunbridge Wells WTS is not diverted to the Dunbrik WTS, the applicant has advised that this would have significant adverse implications for waste collections in Tunbridge Wells District as all of the waste would need to be transported direct to the Allington Waste Management Facility.
35. Since the applicant has indicated that no more than 16 HGV / articulated waste freighter movements (8 in / 8 out) would need to take place between 05:00 and 07:00 hours Monday to Friday (and has indicated during discussions that this number should be regarded as representing a worst case scenario), I consider it appropriate to impose an informative requesting that it use its best endeavours to minimise vehicle movements and associated activities during this early morning period if planning permission is granted.

#### Conclusion

36. The proposed development is as a result of the need for repairs and associated improvements to the Tunbridge Wells WTS following fire damage. Temporary permission is sought to allow the Dunbrik WTS to open between 05:00 and 07:00 hours for a 10 week period in order to minimise the impact of the closure of the Tunbridge Wells WTS on waste collections within Tunbridge Wells and Sevenoaks. It is proposed that no more than 16 HGV / articulated waste freighter movements (8 in / 8 out) would take place between 05:00 and 07:00 hours Monday to Friday.

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37. I am satisfied that the proposed development would not give rise to significant adverse impacts on the AONB and that it is acceptable in terms of AONB and Green Belt policy. I am also satisfied that operations at the Dunbrik WTS itself between 05:00 and 07:00 hours are unlikely to be unacceptable based on the application details and the temporary case of need. However, I do have some concerns about the proposed arrival and departure of articulated waste freighters between 05:00 and 07:00 hours as this would appear likely to give rise to some adverse amenity impacts to occupiers of those living closest to the site and the industrial estate access road junction with the A25 and, in the absence of evidence to the contrary, potentially cause some sleep disturbance in the early morning period. Notwithstanding these concerns, I consider that the need for the development in this case outweighs any temporary harm that is likely to arise from what is proposed. In reaching this conclusion, I have given significant weight to the potential adverse impacts of the applicant seeking to use the Dunbrik WTS for waste diverted from the Tunbridge Wells WTS without the benefit of the additional 2 hour period referred to in the planning application and the potential (but largely unquantified) need for all of the waste needing to be diverted from the Tunbridge Wells WTS being redirected to the Allington Waste Management Facility in RCVs and other smaller vehicles if the Dunbrik WTS is not used. I therefore recommend accordingly.

#### Recommendation

38. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT TO:
- (i) all existing planning conditions imposed on SE/90/1302 (as amended) being re-imposed and the following additional conditions:
    - The extended operating hours being limited to between 05:00 and 07:00 hours Monday to Friday for a temporary 10 week period commencing with the closure of the Tunbridge Wells WTS; and
    - No more than 16 HGV / articulated waste freighter movements (8 in / 8 out) taking place between 05:00 and 07:00 hours Monday to Friday; and
  - (ii) the following informative:
    - The applicant using its best endeavours to minimise vehicle movements and associated activities between 05:00 and 07:00 hours.

Case Officer: Jim Wooldridge	Tel. no: 03000 413484
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Background Documents: see section heading
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