

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 also as might be additionally indicated.

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**Item C1**

**CA/09/607 – Development of a metal & vehicle recycling & transfer centre together with a materials recycling centre for dry recyclable waste & electrical goods, the storage of associated waste & waste products & the storage of demolition & contracting plant & vehicles at Lakesview Business Park, Hersden, Canterbury, Kent**

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A report by Head of Planning Applications Group to Planning Applications Committee on 3 November 2009.

CA/09/607 – Development of a metal & vehicle recycling & transfer centre together with a materials recycling centre for dry recyclable waste & electrical goods, the storage of associated waste & waste products & the storage of demolition & contracting plant & vehicles at Ling Metals Ltd, Hersden, Canterbury (MR. TR213618)

Recommendation: Permission with conditions.

Local Members: Mr A Marsh (adj Member Mr M Northey and Mr G Gibbens)

Classification: Unrestricted

**Background**

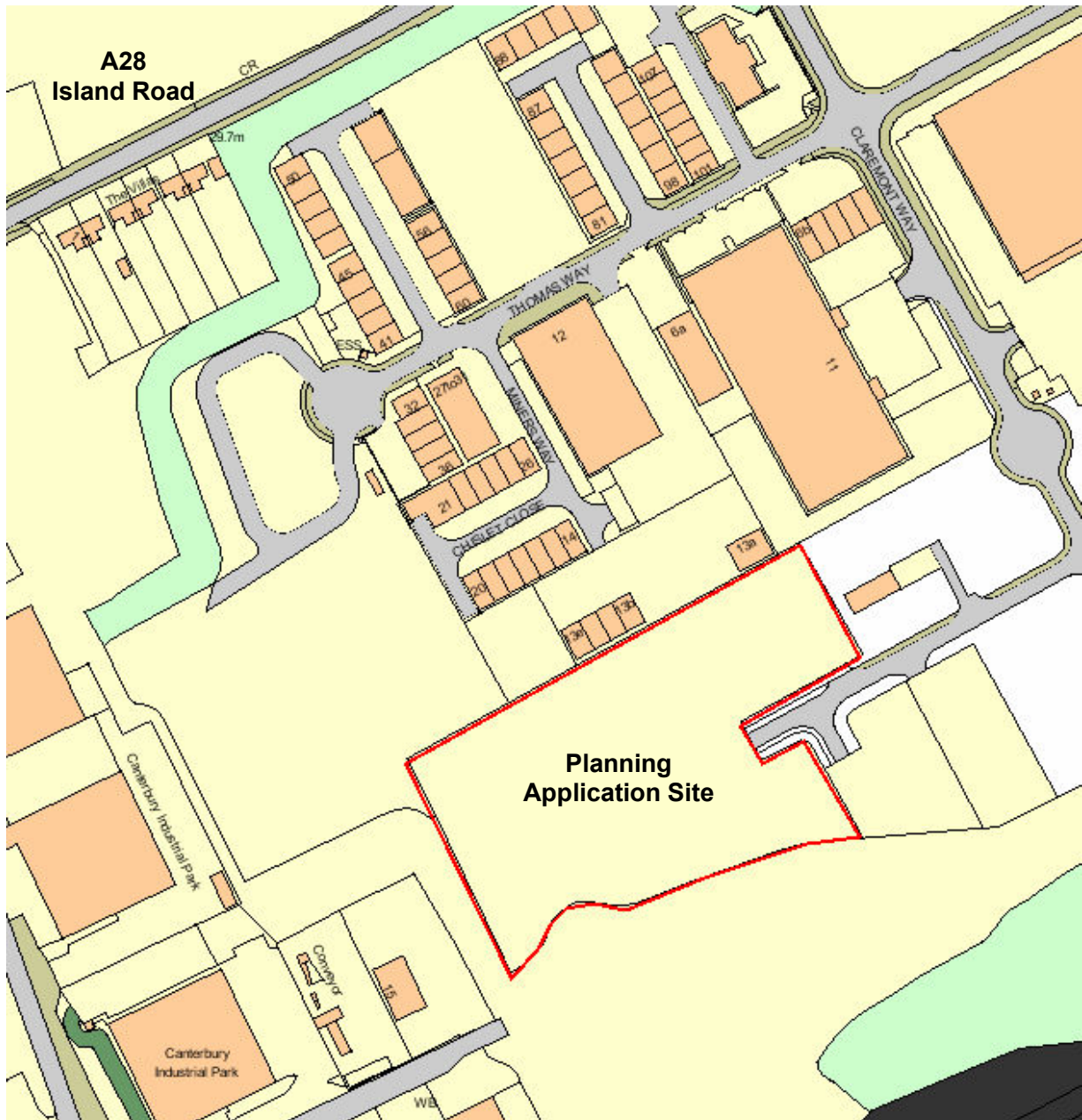
1. Ling Metals currently operate their scrap metal business from their site at Parham Road in Canterbury. Their current site is included within an area allocated within the adopted Canterbury City Council Local Plan for mixed use development principally centred on housing. This area is also the subject of a development brief which has been adopted by Canterbury City Council for the redevelopment of the area for residential dwellings linking the site to the Kingsmead development. Given much of the surrounding area has already been redeveloped for residential use, environmental controls on site have become more of an issue and in order to enable continued residential development in the area as per the development brief, the operator has sought to relocate and modernise his business elsewhere.

**Site and Proposal**

2. It is proposed to relocate the existing operations from the Parham Road site in Canterbury, to the Lakesview International Business Park, a dedicated business park located some 5 kms to the north east of Canterbury City Centre adjacent to the A28.

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Ling Metals, Canterbury**

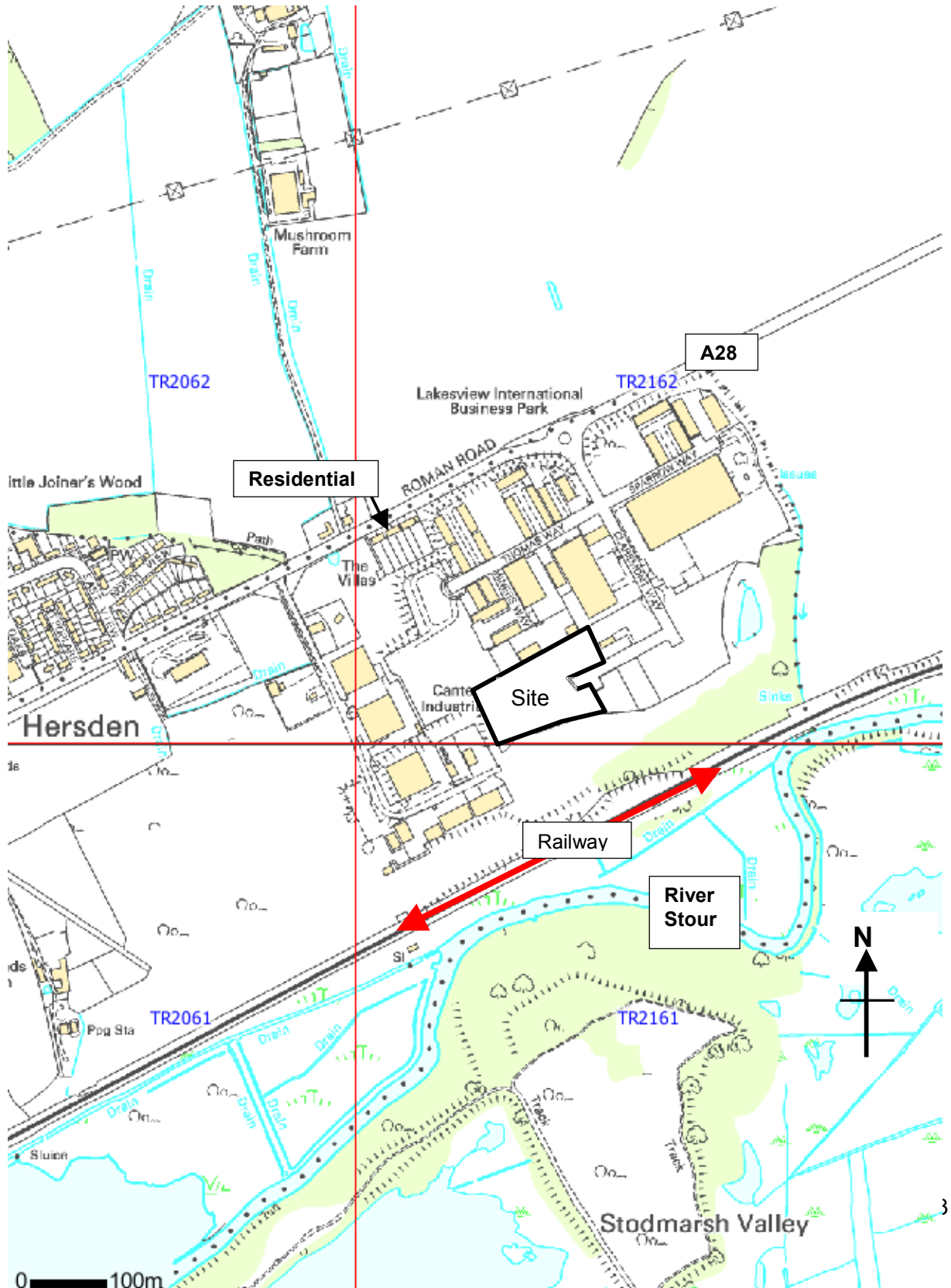


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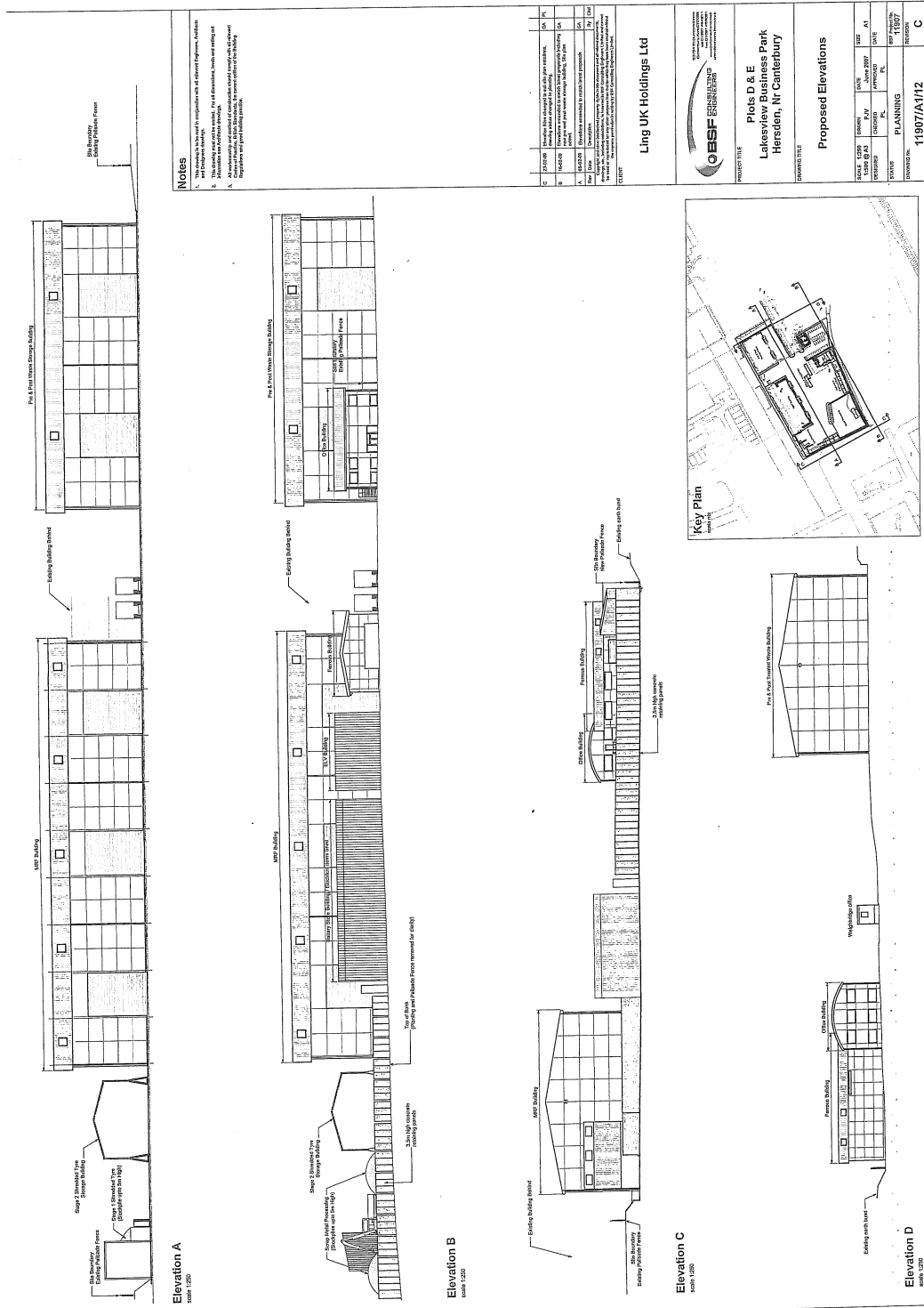
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3. The application site totals 1.47 hectares and is bounded to the north by the Business Park and to the east by arable farmland. The west and southern parts of the site are bounded by the Canterbury Industrial Park and the Canterbury to Ramsgate Railway. The nearest residential properties to the site are located some 700m to the south west and approximately 500m to the north west. The site lies approximately 200m north of the River Stour which flows through the Stodmarsh Valley along with the nearby Stodmarsh SSSI, SAC SPA and Ramsar. Site location plans are attached together with plans showing the general site layout and elevational details.
4. Whilst the operator seeks to relocate the existing business, it is also intended to expand operations to incorporate dry commercial and industrial recyclable wastes (for example sorted card, bottles and plastic) from the Canterbury area. Overall the proposed development would be capable of processing up to 80,000 tonnes of waste per year.
5. Key elements proposed comprise a site storage building, Materials Recycling Facility (MRF) building, Shredded Tyre Storage Shed, Office building, Scrap Metal Processing area, Non-ferrous building and canteen and Staff Visitor Parking. In general, waste would be brought to the site from the Canterbury District for sorting and processing ready for onward transportation to appropriate recycling facilities.

#### Proposed Hours of Operation

6. In terms of the proposed operating hours, the applicant seeks the following: -

0700 to 1800 Monday to Friday

0700 to 1300 on Saturdays

with no working on Saturday afternoons ( post 1300 hours ), Sundays or Public Holidays.

However, the operator proposes that whilst the site would only accept waste between the standard operating hours specified above, the conveyor and sorting activity within the enclosed MRF building would be operational on a 24 hour basis. This would involve the sorting of mixed dry recyclable waste from a conveyor by hand and/or magnets. No external operations, including metal recycling or tyre shredding, are proposed to take place outside of the hours specified above.

#### Access and HGV movements

7. The site would be accessed via the A28 onto the Lakesview Business Park. The applicant indicates that once operational the site would generate some 2,844 (1,422 in/out) overall vehicle movements per week, of which 1,788 would be attributed to HGVs, 809 to commercial LGVs and 248 public cars. With regard to HGVs this equates to some 324 movements each day ( i.e. 162IN/162OUT ). On site arrangements are proposed to ensure

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no conflict between members of the public visiting the site and large HGVs delivering waste exists.

#### Biodiversity

8. The applicant proposes some form of biodiversity enhancement by way of habitat creation on the site in the form of a pond, along with bat boxes to be located along the southern facades of those buildings proposed on the most southern part of the site.

#### **Planning Policy Context**

9. The National and Development Plan Policies summarised below are relevant to the consideration of the application:

**National Planning Policy** – National Planning Policies are set out in PPS10, PPS23 and Waste Strategy 2007.

**Regional Planning Policy** – the most relevant Regional Planning Policies are set out in South East Plan<sup>1</sup> policies NRM9 (Air Quality), NRM10 (Noise), CC1 (Sustainable development), CC2 (Climate Change), CC3 (Resource Use), CC4 (Sustainable Design and Construction), NRM1 (Sustainable Water Resources and Groundwater Quality), NRM2 (Water Quality), NRM5 (Conservation and Improvement of Biodiversity), W1 (Waste Reduction), W2 (Sustainable Design, Construction and Demolition), W3 (Regional Self-Sufficiency), W4 (Sub-Regional Self-Sufficiency), W5 (Targets for Diversion from Landfill), W6 (Recycling and Composting), W7 (Waste Management Capacity Requirements), W16 (Waste Transport Infrastructure) W17 (Location of Waste Management Facilities)

#### **Kent Waste Local Plan (Adopted March 1998)**

**Policy W9:** Identifies the site as suitable in principle for proposals for waste separation and transfer.

**Policy W18:** Before granting permission for a waste management operation the planning authority will require to be satisfied as to the means of control of:-

- (i) noise
- (ii) dust, odours and other emissions
- (iii) landfill gas

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<sup>1</sup> Regional Spatial Strategy for the South East of England, Adopted in May 2009

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Particularly in respect of its potential impact on neighbouring land uses and amenity.

**Policy W19:** Before granting permission for a waste management facility, the planning authority will require to be satisfied that surface and groundwater resource interests will be protected and that where necessary a leachate control scheme can be devised, implemented and maintained to the satisfaction of the planning authority.

**Policy W21:** Before granting permission for a waste management proposal the planning authority will need to be satisfied that the earth science and ecological interests of the site and its surroundings have been established and provisions made for the safeguarding of irreplaceable and other important geological and geomorphological features, habitats, or species of wildlife importance. Where an overriding need requires some direct loss or indirect harm to such features, habitats or species, where practicable suitable compensatory mitigation measures should be provided.

**Policy W20:** Before granting permission account needs to be taken of land settlement, land stability, drainage and flood control and minimisation of rainwater infiltration.

**Policy W22:** When considering applications for waste management facilities the planning authority will:-

- (i) normally refuse permission if it is considered that the proposed access, or necessary off-site highway improvements or the effects of vehicles travelling to and from the site, would affect in a materially adverse way:-
  - (a) the safety (or would exceed the capacity) of the highway network
  - (b) the character of historic rural lanes
  - (c) the local environment including dwellings, conservation areas and listed buildings.
- (ii) ensure that any off-site highway improvements considered to be necessary to secure acceptable access are completed, if necessary in stages related to the development of the site, before specified operations on site commence and provided at the development's expense.

**Policy W25** When considering details relating to the siting, design and external appearance of processing plant, hard surfacing, buildings and lighting, the planning authority will ensure that: -

- (i) facilities are grouped to prevent sprawl and the spreading effects, and to



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- assist screening.
- (ii) Advantage is taken of topography and natural cover.
- (iii) Designs and means of operation minimise visual and noise intrusion.
- (iv) Appropriate colour treatment is provided, to reduce their impact and to assist their integration into the local landscape.

**Policy W31:** When considering waste management proposals the planning authority will wish to be satisfied that an appropriate landscaping scheme will be an integral part of the development.

## 10. Consultations

**Canterbury City Council:** No objection has been raised to the planning application however the points set out below should be taken into account and satisfactorily addressed before any planning permission is granted.

1. That the County Council is satisfied that the use will be implemented and subsequently operated in a manner that will have no unacceptable impact on the surrounding areas of ecological importance and the wildlife it contains.
2. That appropriate conditions are imposed to ensure that the future operation of the facility does not adversely affect the surrounding area. Conditions relating to the height of outside storage, restriction on noise levels and external lighting are highlighted as being of particular importance in this respect.
3. That the proposed buildings are finished using either a dark green finish or a combination of dark green for the lower part of the buildings and a lighter green for the upper parts.

**Wickambreaux Parish Council:** Object to the proposal. Raise concerns in relation to visual screening, noise nuisance and potential light pollution. Concern is also raised that current screening is ineffective in protecting and preserving the rural view across the valley from Stodmarsh. They raise concerns over potential noise impact from 24-hour operations and its impact across the valley. Finally they indicate the need to control the type, siting and usage of all external lighting proposed to avoid adverse light pollution.

**Westbere Parish Council:** Raise a number of concerns regarding location and proximity to the main road network, increase in HGV movements and impacts on existing congestion in the area, visual impact from the Stour Valley, along with potential noise impacts given the proximity to the SSSI and Ramsar. Finally the Parish Council are of the view that should any planning permission be granted, a two year temporary consent should be considered in the event that any problems should be identified, then permission should not be renewed.

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**Sturry Parish Council:** No comments received.

**Hoath Parish Council:** Whilst we are supportive of the need for more recycling we are mindful and concerned as to the implications on our area caused by the massive escalation of the plant. We believe that the huge increase in HGV vehicles going to and from the site will have a very definite and negative effect on our area. We have calculated that in excess of 6,000 vehicle movements and more likely nearer 10,000 will take place per year.

**Chislet Parish Council:** No comments received.

**Environment Agency:** No objection is raised.

**Natural England:** No objection is raised subject to a restriction on hours of operation.

**Biodiversity projects Officer:** No objection subject to a condition detailing the precise location, design and management of the proposed habitat creation.

**Environmental Management Officer – Public Rights of Way:** No comments to make on the application.

**Jacobs (Landscaping):** No objection is raised on landscape grounds however Jacobs recommend the existing belt of young tree planting, which is located along the southern boundary of the site, is retained and enhanced through some additional planting in order to improve visual screening of the proposed site from the Stodmarsh Valley.

**Jacobs (Noise, Dust, Odour):** No objections raised.

**Transport Planning (Kent Highways):** No highway objection to the proposal subject to the imposition of conditions in relation to on site vehicle management during construction, parking arrangements surface water disposal, wheel washing, cycle parking provision and a hard surfaced access road installed.

### **Local Member**

11. The Local County Member, Mr A Marsh, along with the adjoining Local Member(s), Mr M Northey and Mr G Gibbens, were notified of the application on 23 April 2009.

### **Publicity**

12. The application was publicised by the posting of a site notice, advertisement in the local newspaper and individual notification of 147 neighbouring properties.

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**Representations**

13. A total of 6 letters of representation have been received objecting to the proposal, two of those letters received are from the same local resident and one of the letters was received from the Ickham, Littlebourne and Wickhambreaux Conservation Society. Those objections can be summarised as follows:

*Location*

- Proposed development does not fit the profile of a professional business park
- 24 hour operation is not acceptable in this location

*Highways*

- Potential negative impacts on the highway generated from the increase in contracting plant vehicles and the general public
- Whilst an increase in HGV movements can be accommodated by major roads, currently HGVs use the Hoath Road as a cut through to the A28 from the Thanet Way ( A299 ) dual carriageway which is not suitable for such vehicles.

*Amenity*

- Potential environmental impact on the Park itself
- Potential smoke pollution from burning
- Potential light pollution impacts
- Insufficient landscaping screening of the site

**Discussion**

14. 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.

15. Prior to the publication of PPS10 and revisions to Waste Strategy 2000 in July 2005, former advice required planning authorities to consider whether waste planning applications constituted the Best Practicable Environmental Option (BPEO). Case law established that consideration of BPEO against individual applications should be afforded substantial weight in the decision making process.

16. The new advice in PPS10 moves the consideration of BPEO principles to the Plan making

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stage where it is to be considered as part of the Sustainability Appraisal (SA)/Strategic Environmental Assessment (SEA) process applied to the Plan. However, where planning authorities' current waste policies have not been subject to the SA/SEA process (as is the case with the Kent Waste Local Plan), it is appropriate to consider planning applications against the principle of BPEO together with current policies set out in the KWLP.

17. Until such time as the **Kent Waste Development Framework** (KWDF) reaches a more advanced stage, applications will be considered against relevant policies set out in the South East Plan. This is consistent with the approach Local Planning Authorities are advised to adopt as set out in PPS10.
18. Support in principle for the establishment of alternative waste management facilities including waste transfer/ waste recycling exists at both the national and regional level, where waste should be considered as a resource with the aim of reducing the amount of waste going direct to landfill. Similarly Policy W9 of the adopted Kent Waste Local Plan supports the separation and transfer of waste and identifies the site at Hersden as a location considered to be suitable in principle for such activity. Policies W17, W18, W19, W20, W21, W22, W25, W25A, W27 and W31 are all relevant to this proposal.

### **Location**

19. The operator seeks to relocate his existing scrap metal business from the Parham Road site in Canterbury, for which the adjoining land has been subject to recent residential development consistent with the City Council's development brief for the area. Consequently environmental controls have been difficult to manage on site given the close proximity of this new development to the site. The applicant therefore seeks to re-establish and expand his existing business, in order to include the recycling of mixed dry recyclable waste on land at the Lakesview Business Park at Hersden which is occupied by, amongst others, a scaffold business and demolition firm.
20. Policy W9 of the Kent Waste Local Plan identifies the Hersden site as a location considered to be suitable in principle for the separation and transfer of waste. The Plan, which reflects the objectives of the Waste Framework Directive gives particular weight to locations which "*are within or adjacent to existing waste management facilities or are part of a location within an established or proposed general industrial-type area*"<sup>2</sup> and which can gain ready access to the main road network by avoiding as far as possible major residential areas. I consider that given the sites location and close proximity to the A28, it meets the general requirements of Policy W9 for waste separation and transfer activity on this particular site. However whilst I consider the location to be suitable in

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<sup>2</sup> Paragraph 4.2.9 (c) of the Kent Waste Local Plan.

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principle, the proposal requires assessment against other relevant development plan policies, in particular those relating to on site management and potential environmental and amenity impacts.

21. Whilst generally accepting the need for waste management and recycling facilities a number of concerns have been raised by the Parish Councils and a small number of local resident businesses. These concerns relate specifically to potential effects from an increase in HGVs, environmental impacts including noise, dust, lighting and hours of working.

**Highway Impacts**

22. The operator estimates a total number of 1,422 vehicles visiting the site during any one working week (i.e. 258 per day), this equates to 2,844 movements (i.e. 517 per day) associated with the proposed development. Vehicle numbers proposed include public, commercial LGVs and commercial HGVs and may be broken down as follows:

**Table 1**  
Proposed weekly vehicle numbers

|                                |   |
|--------------------------------|---|
| Public (cars)                  | 248 movements (124 in/124 out)              |
| Commercial (LGVs)              | 809 movements (405 in/405 out)              |
| Commercial (HGVs)              | 1,788 movements (894 in/894 out)            |
| <b>Total vehicles per week</b> | <b>2,844 movements (1,422 in/1,422 out)</b> |

23. In terms of HGV movements this would equate to approximately 162 HGVs visiting the site each day ( i.e. 324 movements ).
24. A number of concerns have been raised in relation to the increase of vehicles using the local road network, in particular Hoath Parish Council raise concerns at the potential impact on the A28 Island Road and vehicles using the nearby Hoath Road as a cut through to the A299 Thanet Way. Whilst the Divisional Transport Manager ( DTM ) has raised no objection to the proposed number of vehicles entering and leaving the site he was asked specifically to consider the concerns of the Parish Council in relation to the use of Hoath Road in order to establish the extent of any current problem of vehicles using Hoath Road as a ‘cut-through’.
25. The DTM is satisfied that due to the restrictive nature of Hoath Road, it is very unlikely that a HGV would intentionally negotiate this route and on this basis a highway objection would be difficult to sustain. However, by way of some form of mitigation and in order to ensure HGVs leaving the site use the most direct routes, the applicant has offered to install signage at the site exit instructing heavy goods vehicles to use the A28 via St Nicholas Roundabout, in order to access the main road network. I agree with the DTM that the option of signage would go some way to ensuring HGV drivers use the most direct route which could be secured by way of a planning condition prior to the site being operational should Members

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resolve to grant planning permission. In addition, I would also recommend a condition restricting the maximum number of vehicle movements to those indicated above in order to ensure that any future increase in vehicle movements be given fresh consideration as part of a new planning application. In my opinion the proposal meets the criteria set out in policy W22 of the KWLP and Policies W16 and W17 of the South East Plan.

**Noise Impact**

26. A number of concerns have been raised in relation to potential noise impact from general on site activities, particularly from percussive noise generated from crushing activities which could have an impact on the nearby SPA and Ramsar.

*MRF Building*

27. Plastics/cardboard, glass and electronic waste would be sorted within the proposed MRF building and which would be fully enclosed. Whilst waste sorting within the MRF would be undertaken on a 24 hour basis, there would be no waste delivery outside of the normal working day (i.e. outside of 0700 and 1800, weekdays and 0700 and 1300 on Saturdays) and as such the only activity taking place would be hand picking/sorting via the conveyor system. Site management arrangements would ensure that the main doors to the MRF would be closed during these hours in order to ensure that there would be no noise impact. All other external activities are proposed to be undertaken within the normal working hours specified above and would therefore not take place during the night-time or on Sundays and Bank Holidays. Jacobs, the County Council's noise consultants have raised no objection to the proposal and are satisfied that the applicant has been able to demonstrate that the proposed development would be unlikely to cause any detriment to the nearest sensitive receptors as identified under paragraph 3. above. Should Members resolve to permit the development, I recommend that a suitable condition be imposed restricting no waste deliveries to the site outside of the specified hours and that all doors to the MRF be kept closed at all other times in order to avoid any impacts on nearby residential properties.

*Percussive Noise*

28. The original noise report submitted by the applicant indicates that the predicted  $L_{Amax}$  levels from the proposed development when measured from the site boundary would be 68 dB. Natural England (NE) raised some concern regarding the potential impact from percussive noise on the nearby designated SPA and Ramsar sites. Their concerns were mainly related to the metal processing and crushing activity proposed on site. In particular NE were of the opinion that the information contained within the application was insufficient to conclude that there would be *no likely significant effects* on the SPA and Ramsar from percussive noise.
29. Having regard to NE's concerns, the applicant carried out a further survey and assessment of the noise levels at Stodmarsh National Nature Reserve on 28<sup>th</sup> August 2009. The report

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concluded that existing commercial development on adjacent sites generate higher levels of percussive noise than that predicted from the proposed development. The percussive events from the nearby scaffolding, metal recycling activities and crusher at Goody Demolition were assessed and were found to be higher, at between 62 and 73 dB, than those predicted at the proposed development site. Furthermore, noise from the nearby metal recycling activities occurred on a continual basis. As a result of that report, NE are satisfied that given noise from these adjoining land uses occur throughout the day, the proposed development is unlikely to result in any additional disturbance to the nearby designated sites. Having regard to Policy W18 of the KWLP I am satisfied that subject to a condition that with the exception of the operation of the MRF all other activities on site including waste deliveries together with metal recycling and crushing activities would only be undertaken during the hours stipulated in the application, there would be minimal noise impact. I would also recommend a separate condition be imposed stipulating that percussive noise generated from the site should not exceed 68 dB when measured from the site boundary. In my view this would be sufficient to ensure no negative impact on the nearby designated sites consistent with the principles set out under policy NRM5 of the South East Plan and there would also be no adverse impacts on residential amenity.

#### **Hours of Operation**

30. In terms of working hours proposed, the hours of operation sought represent what is considered to be 'standard' and would be applicable to all waste vehicles visiting and leaving the site, public access to the site and waste processing (including metal and tyre processing). The site is located within an existing and dedicated business park and I have received no objections from consultees to these proposed hours which can be satisfactorily controlled by way of an appropriate planning condition.

#### *Proposed 24-Hour Operations*

31. In addition to the above proposed hours, the operator seeks to carry out waste sorting activities within the MRF building on a 24 hour basis. This would only allow for the sorting of plastics, cardboard, glass and electronic waste via the conveyor within the enclosed MRF building. No waste deliveries or external operations would take place and no plant or equipment other than the conveyor would be in use during these hours. I am therefore satisfied that provided the site management arrangements proposed are fully implemented at all times, which includes the main doors of the MRF being kept closed during those periods operations take place outside 'standard hours', this would ensure there are no adverse impacts on the local amenity.

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**Other Amenity Impacts**

*Dust and lighting*

32. Objections have been raised by a small number of local residents who have concerns that the facility and operations would have the potential to generate dust nuisance. The types of waste proposed to be handled on site, i.e. glass, cardboard, plastics, electronics, scrap metal and tyres etc, are not obvious dust generators. The most likely source of dust nuisance however could be derived from tyre shredding activity proposed at the north-west corner of the site. The applicant proposes the use of a water bowser as and when necessary and given Jacobs raise no objections on dust nuisance grounds, I am satisfied that with the imposition of a suitable condition to ensure dust be satisfactorily controlled, the proposal is consistent with Policy W18 of the KWLP.
33. In terms of lighting, one local resident along with the Ickham, Littlebourne and Wickhambreaux Conservation Society has expressed a particular concern with regard to the effects any potential lighting may have on the nearby designated areas, in particular the nearby Nature Reserve and SSSI. It is not proposed to provide external lighting on the southern facades of the buildings to be situated along the southern boundary. The applicant has proposed downward facing lighting which would be located in positions to avoid light spill into the nearby designated areas to the south. Natural England have been consulted on this aspect and are satisfied that the lighting details can be dealt with by way of a planning condition.

*Landscaping*

34. Policy W31 of the KWLP requires appropriate landscaping to be considered as an integral part of waste management proposals. The proposed site lies within a dedicated business park which can be viewed from the Stodmarsh Valley which lies to the south. The site is largely cleared from vegetation currently, with the exception of some planting along the southern boundary of the site. Visual impact has been raised as a concern by one local resident who suggests that further planting on the southern boundary should take place prior to any construction should planning permission be granted. Whilst the proposed buildings could be seen from the Valley, they are consistent with the surrounding business units and are unlikely to cause any additional visual harm from the south. Whilst Jacobs, the County Council's landscape advisors raise no objection in principle to the proposed development I agree that some enhancement to the existing tree belt would be desirable in order to improve visual screening of the site from the southern view point. However, I do not feel that planting prior to construction works taking place on site would be appropriate given any construction activity would hinder successful planting in the longer term. However, the applicant is happy to accept a planning condition requiring further planting following site construction should Members resolve to permit the application. I would recommend that in order to be consistent with the objectives on Policy W31, a scheme be submitted within 3 months of the date of any planning permission being issued and that any scheme be



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implemented as approved at the first available planting season upon completion of the development.

#### **Conclusion**

35. In conclusion, I am of the opinion that the proposal meets the relevant development plan policy requirements as set out under the South East Plan and Kent Waste Local Plan in terms of location, proximity to the primary and secondary road network and the broader policies which support waste separation and transfer for recycling in order to help achieve regional and sub-regional self sufficiency and the targets for the diversion of waste going to landfill. I am also of the opinion that with appropriate planning conditions in place the development would not result in any adverse impacts on the local amenity. I therefore recommend accordingly.

#### **Recommendation**

36. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO CONDITIONS covering amongst other matters annual waste throughput, daily vehicle number restrictions, hours of operation, including no waste deliveries outside of the specified hours in para (6), and that all doors to the MRF be kept closed at all other times, restrictions on external stockpile heights, lighting details, landscaping scheme, noise restrictions, details of habitat creation, dust control measures, details of signage and colour of buildings.

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| Case Officer: Angela Watts |
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| Background Documents: See Section Heading |
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