

Item C1

Part retrospective application to allow the development and operation of a Materials Recycling Facility (MRF), including construction of a number of external covered storage bays and provision of a site office. The construction of a waste reception/handling building and the installation of materials recycling plant/equipment at LKM Recycling, Bonham Drive, Eurolink Business Park, Sittingbourne, Kent, ME10 3SY – SW/18/502403 (KCC/SW/0050/2018)

A report by Head of Planning Applications Group to Planning Applications Committee on Wednesday 7 November 2018.

Application by LKM Recycling for a part retrospective application to allow the development and operation of a Materials Recycling Facility (MRF), including construction of a number of external covered storage bays and provision of a site office. The construction of a waste reception/handling building, weighbridge and the installation of materials recycling plant/equipment at LKM Recycling, Bonham Drive, Eurolink Business Park, Sittingbourne, Kent, ME10 3SY – SW/18/502403 (KCC/SW/0050/2018).

Recommendation: Permission be granted subject to conditions.

Local Member: Sue Gent

Classification: Unrestricted

Site

1. The application site lies within the large Eurolink Industrial Estate in Sittingbourne which accommodates a variety of light and general industrial uses and warehousing. Eurolink is situated to the north east of Sittingbourne town centre to the north of the main London to Kent Coast railway line. Bonham Drive lies approximately 5 miles from junction 5 of the M2 via the A249 dual carriageway with good access to the motorway from Castle Road via the Sittingbourne Northern Relief Road to the Grovehurst Junction with the A249. The application site is at the northern end of Bonham Drive and is approximately 40 metres from the banks of Milton Creek. The application site lies partly within a Flood Zone 2 and is adjacent to a Flood Zone 3. Areas within Flood Zone 3 are most likely to flood and have been shown to be at a 1% or greater probability of flooding from rivers whereas Flood Zone 2 have been shown to have between 0.1% – 1% chance of flooding (in any one year). The site is also partly within a Groundwater Source Protection Zone 3 (SPZ3).
2. The site is approximately 0.36 hectares and comprises a large area of hardstanding, a temporary office building, turning/parking areas and waste storage bays. The site has a direct gated access from Bonham Drive and is securely fenced around its perimeter and surrounded on all sides (apart from Milton Creek to the north) by industrial land uses. In the immediate vicinity uses include suppliers of vehicle components; engineering services and general construction suppliers. There is also a wooded area along the

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northern boundary between the site and Milton Creek. The nearest residential properties are at approximately 350m to the south-east.

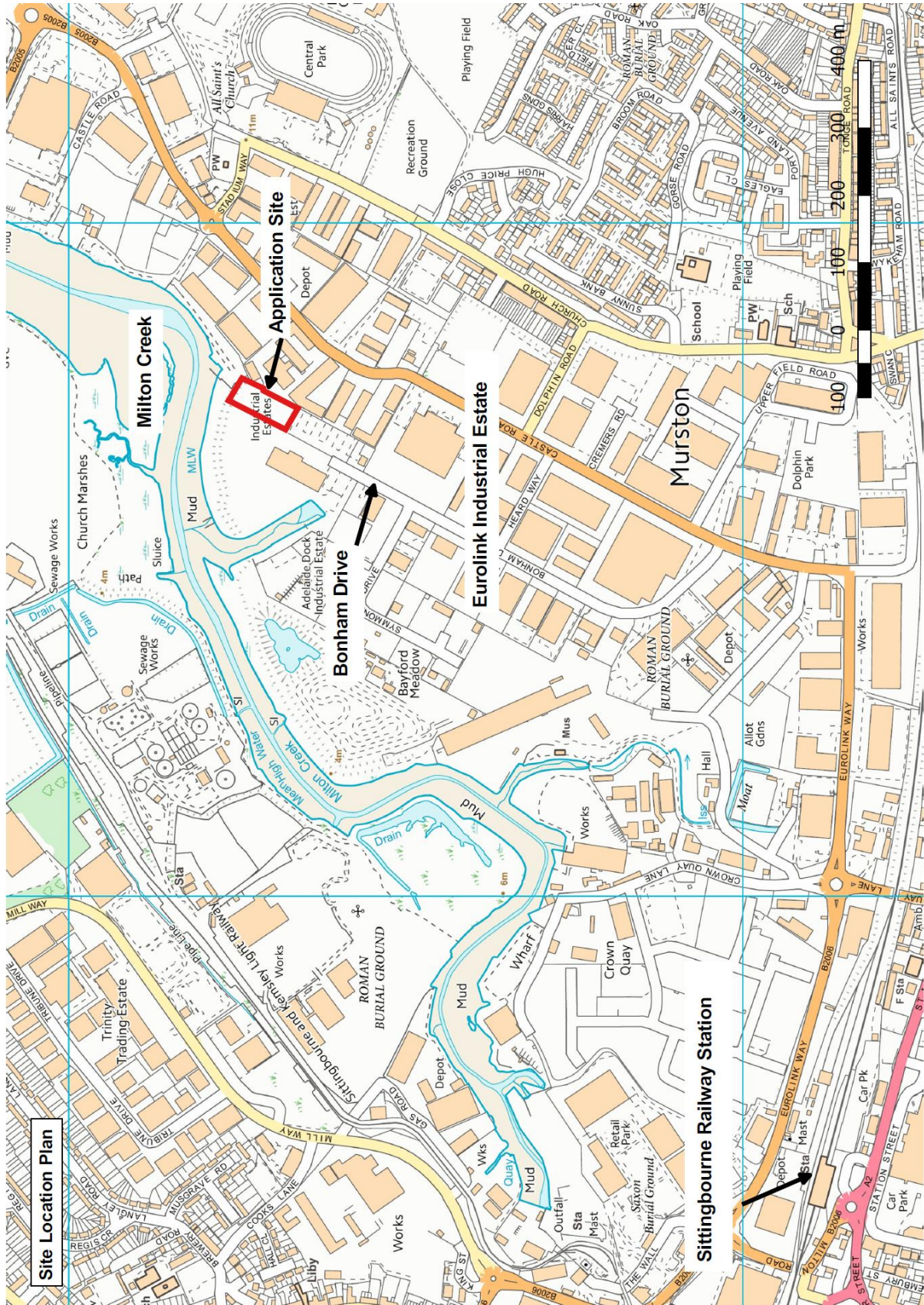
Background

3. London and Kent Metals Recycling (LKM Recycling) are an established name locally within the recycling community and have been operating at this site since 2017 under various waste exemptions and currently under an environmental permit issued by the Environment Agency for non-hazardous waste recovery. The applicant had assumed that they could operate a Materials Recycling Facility (MRF) at the site under an existing planning permission issued by Swale Borough Council (see paragraph 6 below) and the environmental permit. This application therefore seeks retrospective planning permission for the use of the site and for the erection of waste handling buildings. LKM Recycling also operate another recycling facility dealing with the recycling of scrap metal and end of life vehicles in Symmonds Drive, also within the Eurolink Industrial Estate.

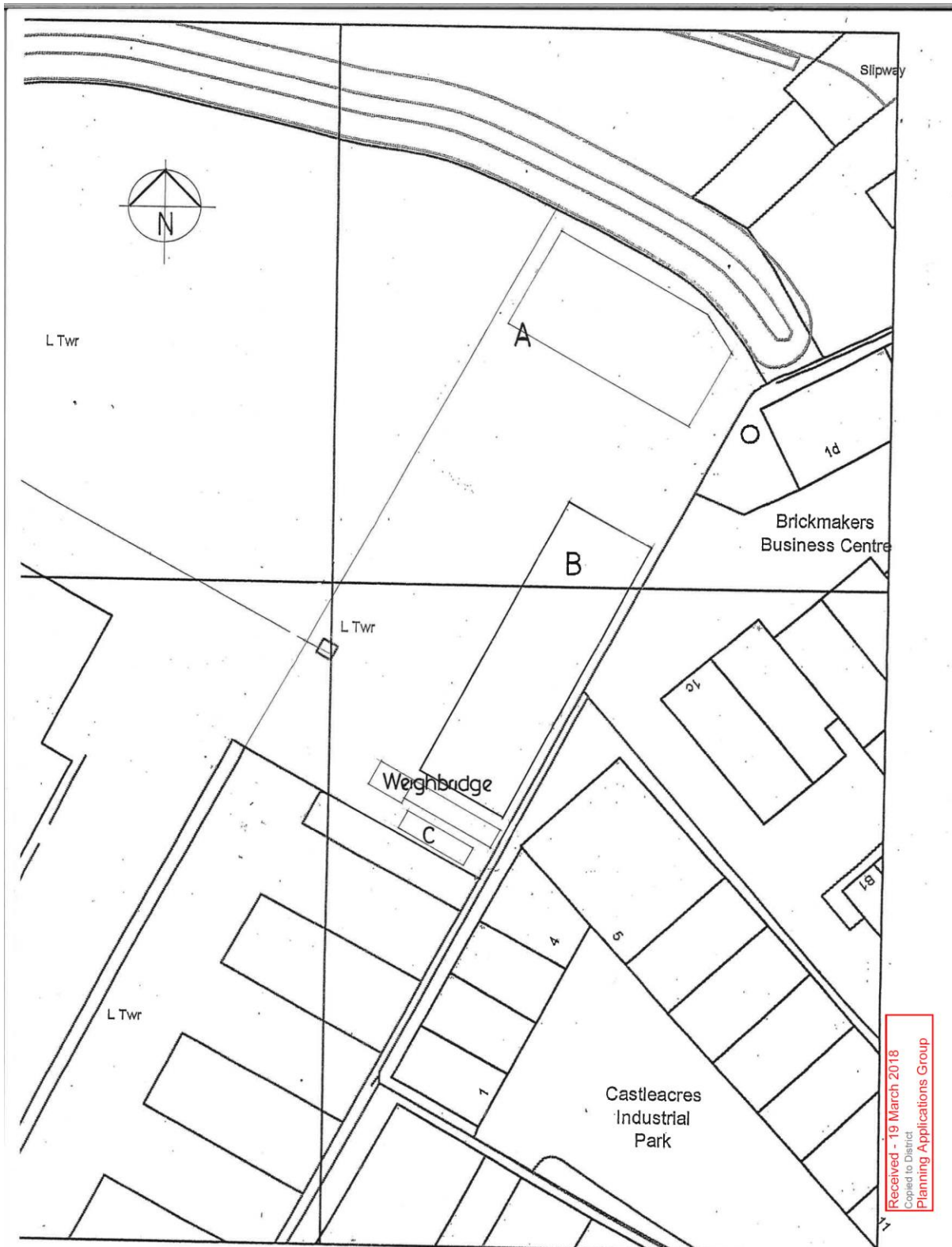
Recent Site History

4. Swale Borough Council has previously granted industrial uses on the site. Planning permissions SW/90/1049 & SW/97/758 permitted the use of the site as a haulage and distribution depot. Conditions were imposed relating to landscaping, pollution control measures and drainage but no controls in terms of highway, noise or air quality matters.
5. Planning permission was granted in 1999 for the erection of a warehouse with office and ancillary accommodation (reference SW/99/1225) which was not implemented. This was linked to a separate permission (reference SW/99/0393) for a new vehicle turning area.
6. The extant planning permission for the site (reference SW/12/0825) allowed for the change of use from a haulage yard to B8 storage of cars. This application was also made by LKM Recycling. The planning application documents stated that the applicant intended to store scrap metal on the site, but no processing of the waste would take place. The only condition controlling the development was a restriction of 6 metres on the height of stacked car storage.

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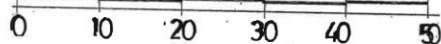


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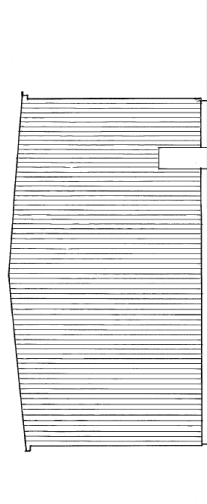
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LKM Recycling

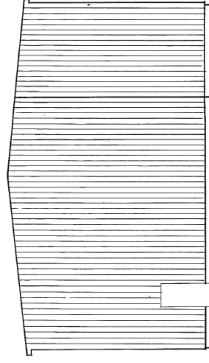
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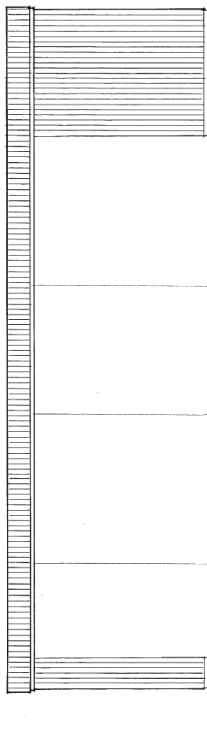
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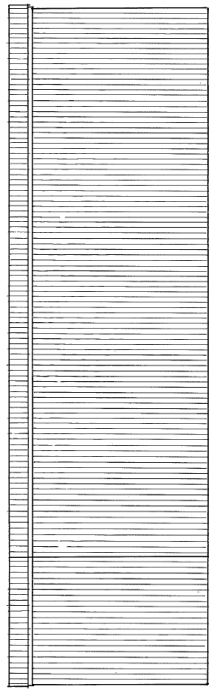
North West



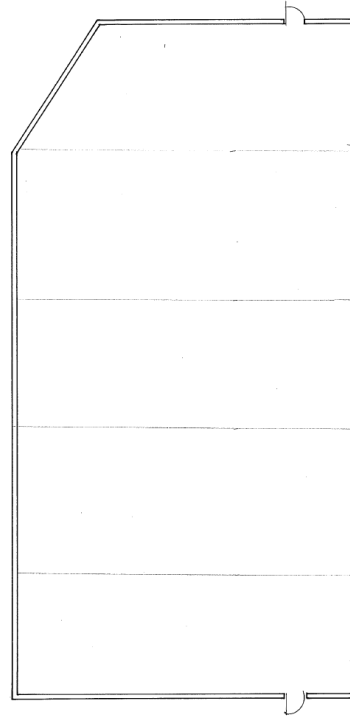
South West



North East



South East



Ground Floor Plan

NOTES:
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Client
LKM Recycling

Project
Proposed Waste Transfer Station

Drawing Title
Plan and Elevations

Date
 15/01/18

Drawn
 JG

Scale
 1:100

Drawing No.
17-43-2 C

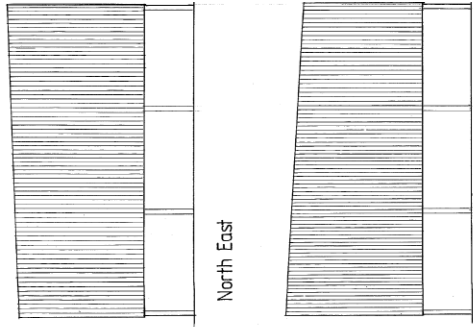
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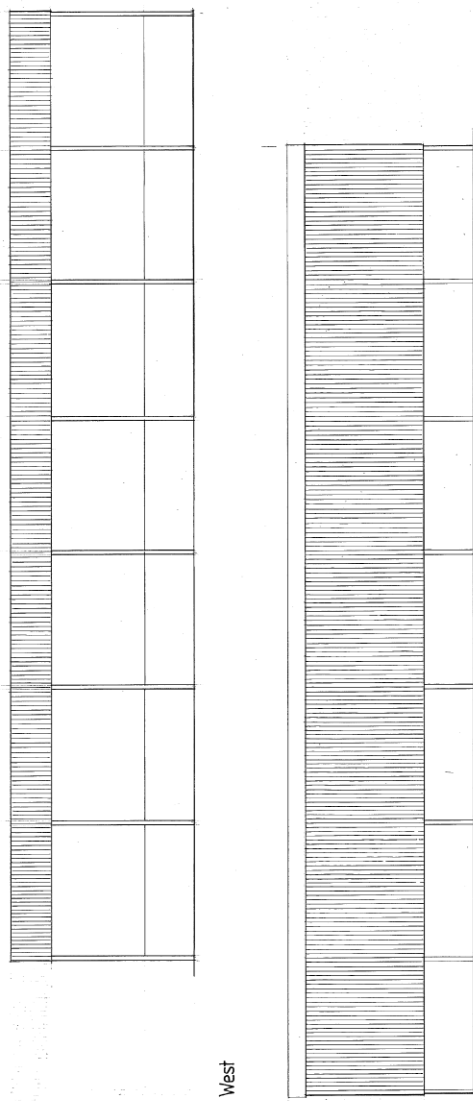
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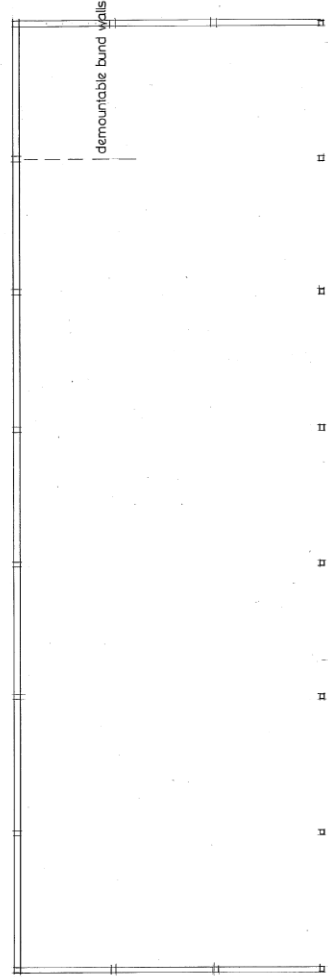
North East

South West



North West

South East



Ground Floor Plan

Client: LKM Recycling
Project: Proposed waste transfer station
Drawing title: Plan and Elevations Building B

Client: LKM Recycling
Project: Proposed waste transfer station

Date: 18/7/17
Drawn: JK
Scale: 1:100
Drawing No.: 1743.1A



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Part retrospective application to allow the development and operation of a Materials Recycling Facility (MRF) at LKM Recycling – SW/18/502403 (KCC/SW/0050/2018)

Proposal

7. The application seeks retrospective permission for a Materials Recycling Facility (MRF). All waste treatment except baling would be conducted within an enclosed building with a throughput of inert and non-hazardous waste up to 20,000 tonnes per annum including glass, paper/card, metal, plastic, wood, construction and demolition waste. Whilst the MRF has been operational on site since 2017, not all of the built elements of the proposal have been constructed. The MRF would be housed in a dedicated building (shown as building A on the site plan on page C1.4), this building is under construction. A large canopy structure (shown as building B on page C1.4) would cover the existing nine waste bays which are constructed of 4m high 'legio blocks' which are reinforced by concrete dividers. A small site office (shown as building C on page C1.4) and weighbridge are already present on the site.
8. An additional five waste storage bays would be sited on the western boundary, these would be 4m high with a freeboard of 1m to prevent dust escaping from the top of the bay. These bays would not be covered but the applicant would employ a system of stock rotation to ensure that the drier top layers are inverted as necessary. The nine bays covered by the canopy structure would have automated roof sprinklers to aid dust suppression and the open sides would be fitted with plastic curtains to allow staff access and to minimise wind through the bays.
9. The recycling process involves waste materials being received on site and stored in the appropriate bay for a limited time as specified in the Environmental Permit. Waste streams would then be processed through the MRF by hand sorting to recover valuable materials.
10. The MRF process is as follows:
 - Waste deposited in the reception bay in Building A each morning;
 - Waste would then be fed into the hopper, into the plant and through the following process:

screened > fed into conveyor > picking conveyor > overband magnet > air knife
 - Sorted materials placed into containers under the MRF;
 - Residual waste is deposited into a holding bay which is emptied every day before the MRF closes.
11. The different waste streams would then be baled or appropriately containerised and sent on to other parts of the LKM business or other external processors for further recovery.

Planning Policy

12. The relevant Government Guidance and Development Plan Policies are summarised below are relevant to the consideration of this application:
13. **National Planning Policies** are set out in the National Planning Policy Framework (NPPF) (July 2018), National Planning Policy for Waste (NPPW) (October 2014), Noise

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Policy Statement for England (NPSE) (March 2010) and the associated Planning Practice Guidance (PPG). National Planning Policy and Guidance are material planning considerations.

14. **Kent Minerals and Waste Local Plan (KMWLP) 2013 – 2030 (July 2016):** Policies CSW1 (Sustainable Development), CSW2 (Waste Hierarchy), CSW6 (Location of Built Waste Management Facilities), DM1 (Sustainable Design), DM11 (Health and Amenity), DM12 (Cumulative Impact) and DM13 (Transportation of Minerals and Waste).
15. **Swale Borough Council Local Plan 2017:** Policies DM7 (Car Parking Standards) and DM14 (General Development Criteria).

Consultations

16. **Swale Borough Council:** raises no objection subject to there being no objections from any statutory consultees.
17. **Kent County Council Highways and Transportation** raises no objection subject to the inclusion of the following conditions:

1. Prior to the works commencing on site, the area shown on the approved plans for parking for site personnel / operatives / visitors shall be provided and retained throughout the construction of the development.

Reason: To ensure provision of adequate off-street parking for vehicles in the interests of highway safety and to protect the amenities of local businesses and residents.

2. During construction provision shall be made on the site to accommodate operatives' and construction vehicles loading, off-loading or turning on the site.

Reason: To ensure that vehicles can be parked or manoeuvred off the highway in the interests of highway safety.

3. Adequate measures shall be taken to ensure that vehicles leaving the site shall not deposit mud or other materials on the public highway, including the provision of wheel and chassis cleaning equipment as appropriate.

Reason: In the interests of highway safety and in order to safeguard the local environment.

4. Before any work is commenced on site, a Delivery and Servicing Traffic Management Plan detailing the routing of delivery vehicles to / from site, parking and turning areas for vehicles and site personnel, and timing and control of deliveries shall be submitted to and approved in writing by the County Planning Authority and thereafter implemented as approved.

Reason: In the interests highway safety and convenience.

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18. **Environment Agency:** raises no objection but makes the following comment:

Given the underlying geology, the existing use, the extant environmental permit for the site, managed drainage and the summary in existing site condition reporting, we would not require further intervention on this site under planning.

There may be underlying contamination from previous historical uses, but the current site infrastructure is apparently already in place, therefore we would not require further intrusive investigations or remediation. Future development proposals may have to look at these issues again, especially if hard cover was removed from site.

19. **Kent County Council Sustainable Drainage:** raises no objection and comments that the proposed development would result in no increase to hardstanding area and therefore would not lead to an increased risk of surface water flooding and is regarded as low risk to the water environment.

20. **Kent County Council's Noise, Air Quality and Odour Consultant (Amey):** raises no objection providing the applicant:

- Makes a commitment to put procedures in place to prevent mud, or other materials leaving the site on construction vehicles. This procedure should be rolled into a commitment to visually inspect the site as part of the daily site management process.
- Only waste materials included on the site's Environmental Permit shall be stored on site, to ensure no odour is perceived outside of the site.

Local Member

21. The local County Member, Sue Gent was notified of the application on 2 May 2018, no comments have been received to date.

Publicity

22. The application was publicised by the posting of a site notice, an advertisement in a local newspaper, and the individual notification of 134 nearby businesses and properties.

Representations

23. In response to the publicity, 1 letter of objection has been received. The key points raised can be summarised as follows:

- This application will result in more traffic and will lead to further delays.
- It will cause more of the industrial estate's road surface to be damaged.

Discussion

24. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless

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material considerations indicate otherwise. The proposals therefore need to be considered in the context of the Development Plan Policies, Government Policy and Guidance and other material planning considerations including those arising from consultation and publicity. In my opinion, the key material planning considerations in this particular case can be summarised by the following headings:

- Need and Sustainability
- Highways and Transportation
- Noise and Air Quality
- Amenity impact and other issues.

Need and Sustainability

25. At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development and it requires that policies in local plans should follow this approach. As set out in paragraphs 7-14 there are three dimensions to sustainable development, social, economic and environmental. The spatial vision for waste planning in Kent seeks to move waste up the Waste Hierarchy, be managed close to the source of production and facilities be provided to deal with all waste streams now and in the future. Policy CSW 1 of the Kent Mineral and Waste Local Plan 2013-2030 (KMWLP) seeks that sustainable development be approved without delay unless other material considerations indicate otherwise.
26. Policy CSW 2 of the KMWLP supports sustainable waste management solutions that prepare waste for re-use or recycling that will help drive waste to ascend the Waste Hierarchy wherever possible. Policy CSW 6 seeks to identify sites that are appropriate for waste management facilities and the supporting text states that sites that are within or adjacent to existing waste management uses or within existing industrial sites would be acceptable providing there is no adverse impact on the environment and community and such uses are compatible with the development plan.
27. In principle I am satisfied that there is policy support for the proposed waste management facility in this location. It seeks to manage waste in a sustainable way and would by its nature drive waste up the Waste Hierarchy. It is sited in an industrial estate which has existing waste management uses present and, in my opinion, represents sustainable development and is in accordance with the policies contained in the development plan.

Highways and Transportation

28. Paragraph 108 of the NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved and paragraph 109 goes on to state that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.
29. Policy DM13 of the KMWLP requires waste development to demonstrate that emissions associated with road transport movements are minimised as far as practicable and by preference being given to non-road modes of transport. It also states that where new development would require road transport, proposed access arrangements must be safe and appropriate, traffic generated must not be detrimental to road safety, the

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highway network must be able to accommodate the traffic generated and its impact must not have an unacceptable adverse effect on the environment or local community.

30. The applicant has provided an assessment of the traffic impacts of the proposed development and as part of this has outlined that the development would generate up to 80 HGV movements each day (40 inbound and 40 outbound). The site would turnover approximately 400 tonnes of waste material each week up to a maximum of 20,000 tonnes per year, which is a reduction to the amount originally envisaged by the applicant when the application was submitted, and accordingly has resulted in a reduction of 60 less vehicle movements per day. On an average day it is envisaged that there would be 30 vehicle movements into the site to deliver waste and 30 movements out and each vehicle would carry an average of 3 tonnes per load. In addition, a further 10 vehicles per day would take the processed waste out of the site (20 movements in total). The applicant has stated that the proposed development would result in an increase in 40 vehicle trips per day (20 in and 20 out) over the daily average vehicle movements based on the previous B8 storage and distribution use. However, it should be noted that there were no controls in place to restrict the number of vehicle movements associated with this use. Whilst I acknowledge that the proposed development would increase the number of vehicle movements on the public highway, the Highways Officer comments that the development would not have a significant impact on the highway network and I am therefore satisfied that there are no grounds to refuse the application on traffic generation.
31. Initial concerns were raised by a nearby operator and the Sittingbourne Society regarding overnight HGV lorry parking and the routing of delivery vehicles to the site. It is acknowledged that there are issues in the Eurolink Industrial Estate with overnight lorry parking, which is a problem that is replicated across the County, however, this is not a planning consideration in respect of the current application nor would the proposed development exacerbate this situation. Kent Highways and Transportation have advised that when vehicles are parked dangerously or causing an obstruction that it is a police matter. Furthermore, the submission of a Delivery and Servicing Traffic Management Plan detailing (amongst other matters) the routing of delivery vehicles to / from site and timing and control of deliveries is required by the Highways Officer. The applicant has confirmed they are willing to provide this plan and a condition securing such is suggested. This has addressed the concerns raised on this point.
32. Further concerns have also been raised that additional vehicle movements would exacerbate the deterioration of the road surface. Highways and Transportation have stated that recent inspections of the road surfacing have declared it to be in a structurally sound condition. They further stated that road inspections are carried out every six months (and in response to faults reported from members of the public) and that they carry out repairs needed to address any safety critical defects.
33. In conclusion the proposal does result in a small increase in HGV movements over the previous level of use of the site, however, it is noted that there were no controls in place to restrict vehicle movements for that use and I am advised by my Highways Officer that the increase would not result in a significant impact on the highway network.

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Noise and Air Quality

34. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural environment by (amongst other things) preventing new and existing development from contributing to unacceptable levels of soil, air, water or noise pollution and that development should, wherever possible, help to improve the local environment. Paragraph 180 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment and proposed developments should mitigate and reduce to a minimum, the potential adverse impacts resulting from noise. Paragraph 181 states that opportunities to improve air quality or mitigate impact should be identified taking into account the presence of Air Quality Management Areas (AQMAs) and Clean Air Zones.
35. Paragraph 7 of the National Planning Policy for Waste (NPPW) states (amongst other things) that Waste Planning Authorities (WPAs) should consider the likely impact of on the local environment and on amenity against the criteria set out in Appendix B of the NPPW. In terms of noise and air quality, Appendix B states that considerations will include the proximity of sensitive receptors (human and ecological), including those associated with vehicle traffic movements to and from a site.
36. The National Planning Policy Guidance (NPPG) contains guidance on the application of national planning policy for noise and air quality in “Noise” (6 March 2014) and “Air Quality” (6 March 2014).
37. Policy DM1 of the Kent MWLP states that proposals for minerals and waste development will (amongst other things) be required to demonstrate that they have been designed to minimise greenhouse gas emissions and other emissions. Policy DM11 states that minerals and waste development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from noise, dust, vibration, odour, emissions or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment.

Noise

38. The applicant has submitted a Noise Impact Assessment Report, written in accordance with the Noise Policy Statement for England (NPSE), NPPF and the PPG on noise, which provides a detailed noise assessment of both the existing and proposed operations. The assessment has been carried out using guidance from BS4142:2014: Methods for Rating and Assessing Industrial and Commercial Sound. The applicant carried out baseline noise monitoring at the perimeter of the site over a three-day period and a level of 46dB LA90 was identified as being representative of the area. This was obtained by analysis of noise levels during the hours just before and just after normal operations at the Eurolink Business Park (i.e. 0530 to 0630 and 1730 to 1830). To gain existing operational noise levels, sample measurements were undertaken on site for a hydraulic grab, forklifts and of a lorry entering the site.
39. Calculations based on the proposed site layout and proposed operations indicate a rating noise level of 26 dB LAeq at the nearest residential receptor (some 350+ metres away on Church Road). BS4142 states that where the rating level does not exceed the background sound level that this is an indication of the specific sound source having a

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low impact. To further support the application, the applicant has provided an assessment of the existing operations that show marginally lower levels of noise from the proposed site layout/operations when compared to the current MRF operations on site. This takes account of the acoustic benefits of the plant being housed within the new Building A.

40. In summary, the noise impact assessment has shown that the level of noise impact from existing operations is low and would reduce further under the proposed development and that no adverse noise impact would occur at the nearest noise sensitive receptors. KCC's Noise Consultant has confirmed that the procedure to obtain baseline and operational noise levels within the submitted assessment is considered to be appropriate and acceptable.

Air Quality

41. The applicant has submitted a Dust Monitoring Report that indicates that although the existing site has high dust risk potential, it poses low risk to human and ecological receptors as a result of the separation distance between receptors and the site. The new MRF would be housed in a dedicated building and is considered to be low risk in terms of dust and odour release and these matters would be controlled through the Environmental Permit (issued and monitored by the EA) for the site.
42. The site is fenced on all sides and includes operational dust prevention measures as required by the Environmental Permit for the site. These include the use of water bowsers, water jets, water suppression and regular dust monitoring by an external contractor. The County Council is not aware of any complaints or adverse health or ecological impacts from existing operations to date. No complaints have been reported by the EA.
43. Further additional dust suppression measures are proposed. Areas of the MRF building and machinery subject to dust build up would be inspected daily and cleaned/jet sprayed as required and flexible door screens would be installed to prevent dust leaving the building. If necessary, waste stockpiles would be turned after one month to ensure hot spots do not develop, the maximum retention time on site would be three months.
44. KCC's Air Quality Consultant agrees that subject to visual inspections as set out in the report and the measures already prescribed in the existing Environmental Permit to be considered sufficient to prevent dust leaving the site.
45. KCC's Air Quality Consultant also considers the impacts of the development during construction to be satisfactorily mitigated by the use of wheel cleaning measures. There would be no ground work disturbance during construction so there would be no further cause for additional dust sources during this time to arise and is therefore satisfied that no further assessment of dust risk is required.
46. Furthermore, KCC's Noise and Air Quality Consultant is satisfied that the proposed HGV movements would not have an adverse effect on noise or air quality at any of the nearest sensitive human receptors. The Environment Agency offer no objections and I note that the site is already subject to an Environmental Permit which (amongst other things) regulates the type of waste permitted to enter the site and conditions that ensure

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that no odour is perceived outside of the site. I am satisfied that the proposed development would be acceptable in terms of noise and air quality and accords with the relevant policies.

Amenity impact and other issues

47. The Sustainable Drainage Team were invited to comment on the proposals in terms of surface water drainage and they consider the risk to the water environment to be low. The proposed development would not increase the hardstanding area and therefore would not lead to an increased risk of surface water flooding.
48. There would be minimal views into the site from any direction given the fencing surrounding the site and the activities would be screened by the storage bays and buildings. The nearest residential properties lie approximately 350 metres (in a straight line) to the south-east. However the topography and other industrial operations in the Eurolink Industrial Estate is such that I am satisfied there would be no visual impact from the MRF and it would not be discernible from outside of the industrial estate. The style and design of the building and canopy are in keeping with the existing industrial buildings within the Eurolink Industrial Estate in terms of both materials proposed and scale and I am satisfied that there are no reasons to refuse the application on design grounds.
49. The NPPF requires regard to be had to climate change and impacts such as increasing flood risk. Policy DM 10 of the Kent Minerals and Waste Local Plan specifically seeks to protect the water environment from any potential impacts a development may have. The application is accompanied by a Flood Risk Assessment which was carried out in accordance with the NPPF. The proposed development is classified as less vulnerable as it is situated in Flood Zone 2 and adjacent to Flood Zone 3a and it is concluded that such proposed uses are appropriate, and an exception test is not required. The assessment considers all potential sources of flood risk and categorises them as low. The Environment Agency has no concerns in relation to flood risk.

Conclusion

50. This application is being reported to the Planning Applications Committee as a result of a single objection received from another operator in the Eurolink Industrial Estate, situated some 300m away from the development site. The application seeks planning permission (part retrospective) for the use of the site as a Materials Recycling Facility, activities which have been taking place since 2017 in the open air on site. The proposed development set out in this application would see the main operations move inside a new building and the majority of the waste storage bays being under a permanent canopy structure, helping to reduce the impacts of the development further. The level of HGV traffic is considered acceptable and the potential impacts would be further mitigated by the conditions outlined in paragraph 17 above and paragraph 54 below.
51. Noise, dust and air quality impacts upon the site and surrounding areas have been considered through the application and found to be minimal and with appropriate mitigation (secured by conditions) there are no objections from consultees. No complaints have been received to date with regards the existing operations on site. Existing drainage arrangements have been surveyed and tested and found to offer

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appropriate safeguarding to the groundwater environment to the satisfaction of the Environment Agency.

52. There are no objections from any of the technical consultees and it is not considered that there would be any cumulative or combined impacts associated with other developments.

53. I am satisfied the proposed development complies in all relevant aspects with the NPPF to which the presumption in favour of sustainable development applies. It is concluded that the proposals comply with the adopted KMWLP 2016 and the relevant policies of the Swale Borough Council's Local Plan 2017. Based on the considerations set out above I am satisfied that the proposals represent a sustainable waste management activity which would not result in any significant impacts upon the amenity of the other users of the Eurolink Industrial Estate, residential properties and other land uses beyond.

Recommendation

54. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

- The development to be carried out in accordance with the approved plans.
- The MRF operating hours shall be 07.00-17.00 Monday-Friday and 07.00-12.00 on Saturdays only, no activities shall take place on Sundays or Bank Holidays.
- No more than 20,000 tonnes of waste per annum shall be imported to the site.
- Waste awaiting processing shall be stored only in the storage bays identified in the application documents.
- Only the following waste materials shall enter the site: metals, cardboard/paper, glass, wood, plastics, rubber, construction and demolition, textiles and municipal/general wastes.
- No putrescible waste may enter the site.
- All sorting and separation of the waste materials shall take place within Building A with the flexible screen doors closed.
- Waste stockpile heights must not exceed 3 metres.
- Any waste materials that do not leave the site within 1 month must be turned to ensure hot spots do not develop and the maximum retention time for waste materials on site is 3 months.
- Records of all waste throughputs shall be maintained and made available to the County Planning Authority upon request.
- The areas identified for parking, turning and manoeuvring shall be kept available for such use at all times.
- Adequate measures to ensure that vehicles leaving the site shall not deposit mud or other materials on the public highway shall be implemented.
- Submission and implementation of a Delivery and Servicing Traffic Management Plan detailing the routing of delivery vehicles to / from site, parking and turning areas for vehicles and site personnel, and timing and control of deliveries.

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Background Documents: see section heading	