

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.

Item C1

Amendment to the site layout provided for by planning permission AS/12/518 (involving the demolition of an existing shed, alterations to weigh-bridges, repositioning the shear and altering the surface water drainage system, fencing and boundary treatment and landscaping) and the erection of a replacement End of Life Vehicle shed, associated storage tanks, additional boundary fencing and new non-ferrous metal storage/reception building at European Metal Recycling Ltd, Eclipse Business Park, Brunswick Road, Ashford, Kent TN23 1EL - (KCC/AS/0056/2019)

A report by Head of Planning Applications Group to Planning Applications Committee on 9th October 2019.

Application by European Metal Recycling Ltd for Amendment to the site layout provided for by planning permission AS/12/518 (involving the demolition of an existing shed, alterations to weigh-bridges, repositioning the shear and altering the surface water drainage system, fencing and boundary treatment and landscaping) and the erection of a replacement End of Life Vehicle shed, associated storage tanks, additional boundary fencing and new non-ferrous metal storage/reception building at European Metal Recycling Ltd, Eclipse Business Park, Brunswick Road, Ashford, Kent TN23 1EL - (KCC/AS/0056/2019)

Recommendation: Permission be granted, subject to conditions

Local Member: Mr Paul Bartlett

Classification: Unrestricted

Site

1. Eclipse Business Park is the site of a former industrial building located on the Cobbs Wood Industrial Estate at the junction of Brunswick Road and Carlton Road. Both these roads provide the main spine road for the Industrial Estate. The former building has been demolished, with two buildings remaining - an office building at the front and an open sided structure to the rear of the site. The total site measures just over 1 hectare and has one existing vehicular access point on to Brunswick Road. The mainline Ashford to London railway line lies immediately to the south of the site, with light industrial units and waste recycling activity lying to the east and west of the site boundaries.

Amendment to the site layout provided for by planning permission AS/12/518 at European Metal Recycling Ltd, Eclipse Business Park, Brunswick Road, Ashford, Kent TN23 1EL - (KCC/AS/0056/2019)

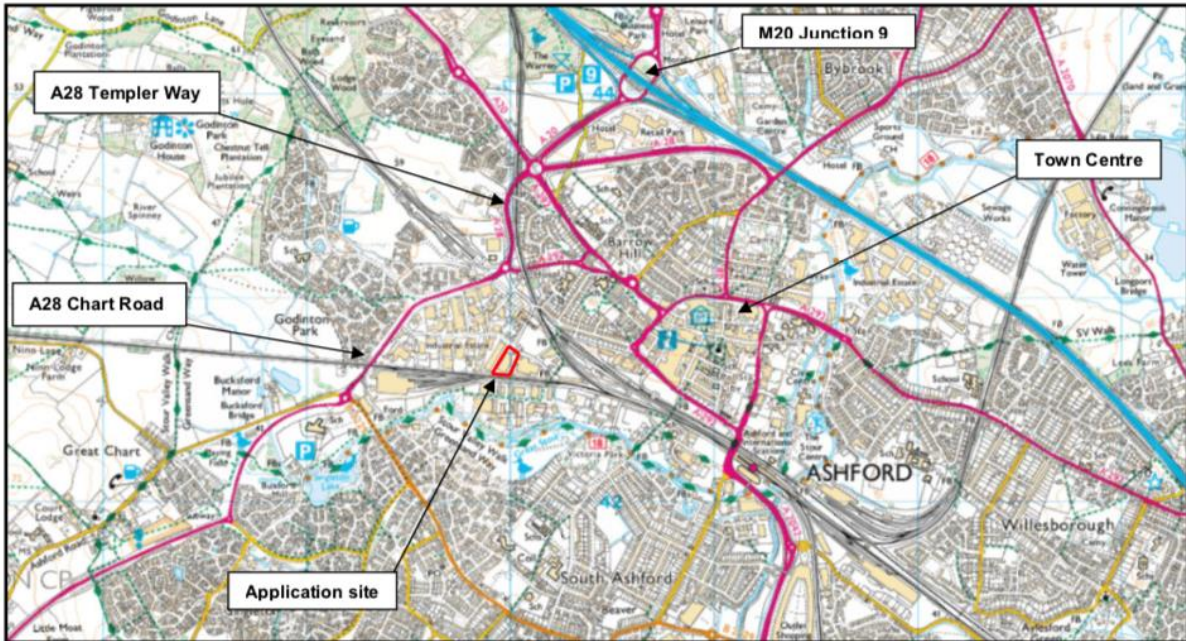
2. The Cobbs Wood Industrial Estate contains a mix of land use activities, predominantly focussing around light industrial units. Several waste recycling/processing activities already take place within the Estate, including GreenBox Recycling immediately to the east of the site, and Viridor Waste Management as well as the County Council's household waste recycling centre and waste transfer station. The nearest residential properties to the application site are those located to the north-east in Godinton Road (250 metres) and Sackville Crescent (260 metres) to the north east of the site, in between which is the Carlton Business Park. The site is bounded to the east by two other waste management premises, and to the south beyond the railway is a concrete batching plant. Further down Brunswick Road is the Civic Amenity site. The Chart Industrial Estate, containing a mix of commercial development, is located south of the application site and railway line.
3. The site is within the Ashford Urban Area, as identified in the Ashford Local Plan 2030, and it is not allocated for a specific land use within the existing Development Plan. Site Location Plans are provided on page C1.3 below.

Background / Recent Site History

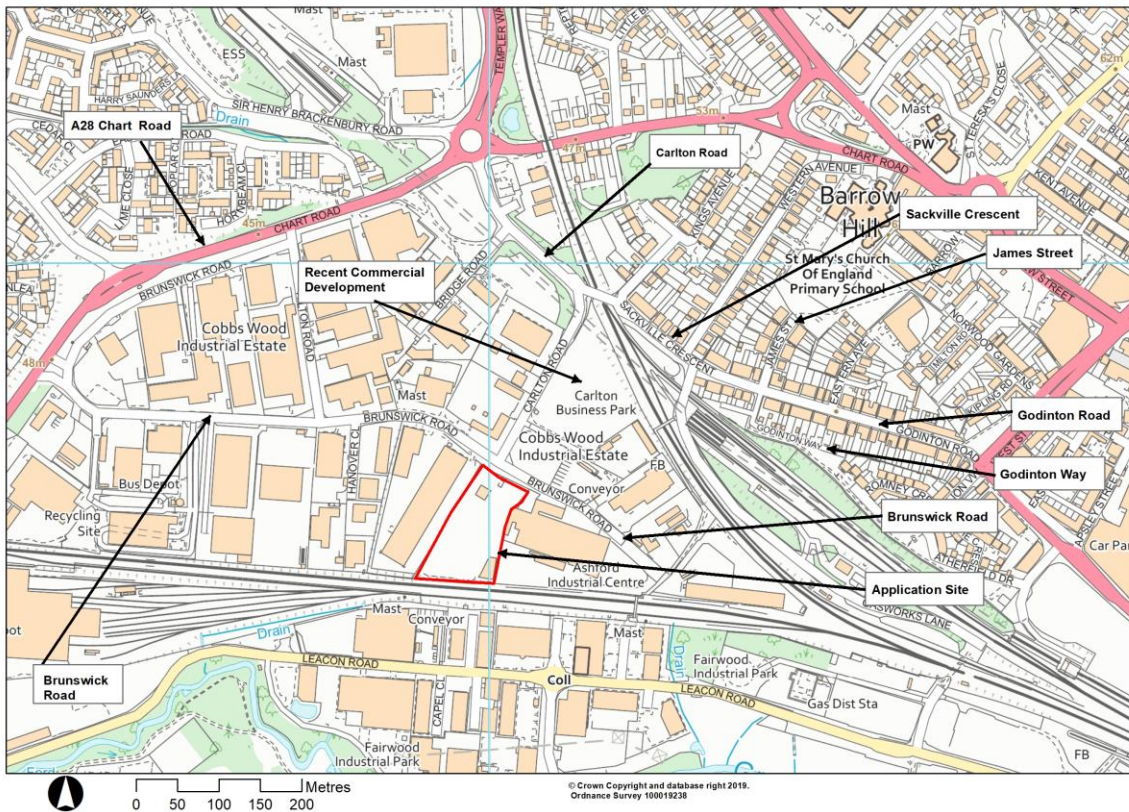
4. Planning permission was granted (reference AS/12/518) on 21st November 2012 for development of land situated at Eclipse Business Park, Brunswick Road, Ashford, for change of use for the whole site to a Scrap Metal Storage and processing facility, including the conversion of the front of the existing building into a two storey weighbridge office/staff amenity block; construction of a non-ferrous compound; creation of a new entrance from Brunswick Road; addition of palisade and site fencing/screening; installation of a weighbridge, tanks to hold fluids drained from End-of-Life Vehicles and a shear/densifier in the ferrous yard
5. The permission was granted subject to 30 conditions. The Conditions included: Condition 1. Time Limits (Commencement and Duration) requires the development to which the permission relates to be commenced not later than expiration of 5 years beginning with the date on which the permission is granted. The development commenced within this period in 2015.

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General Location Plan

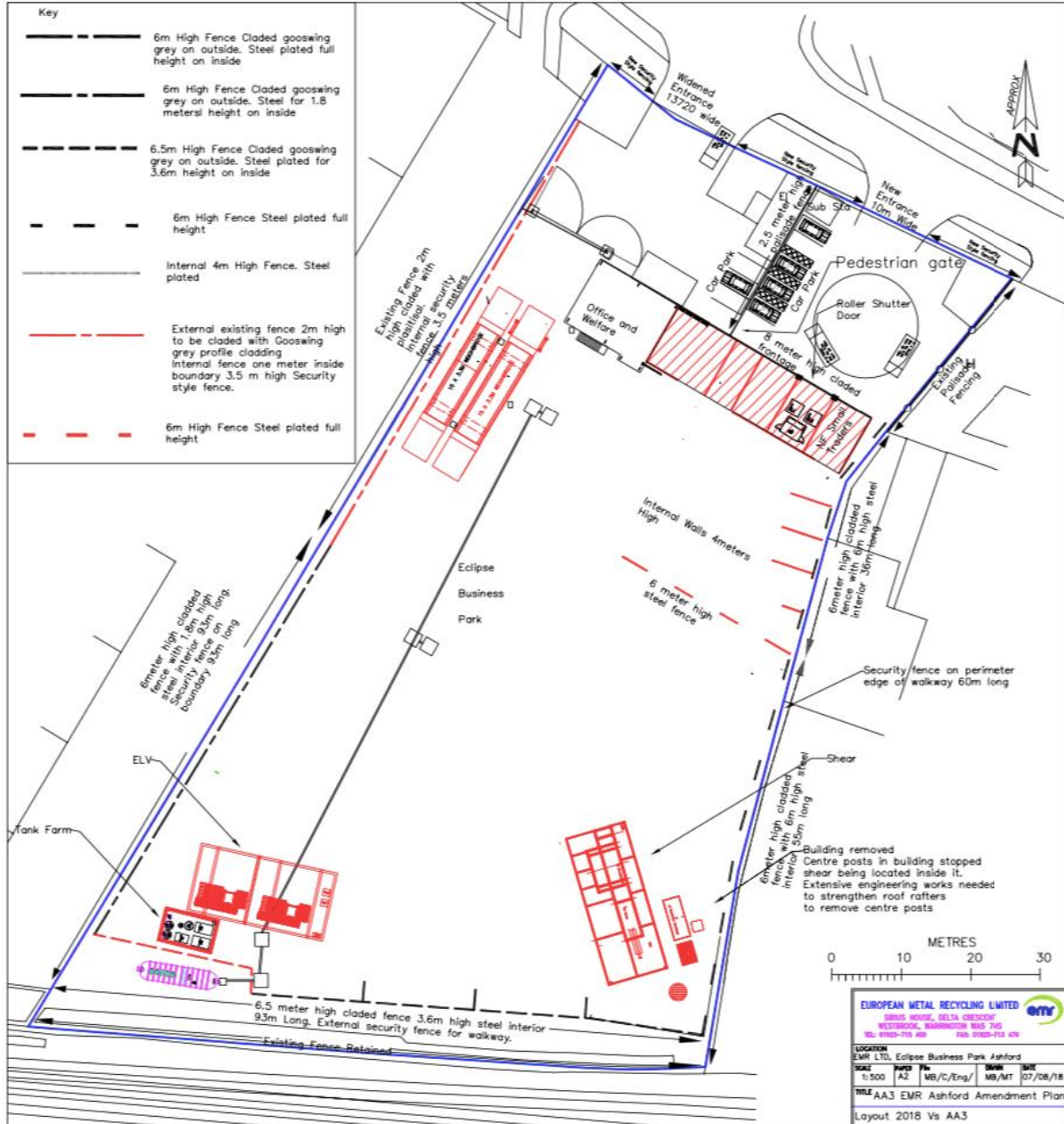


Site Location Plan



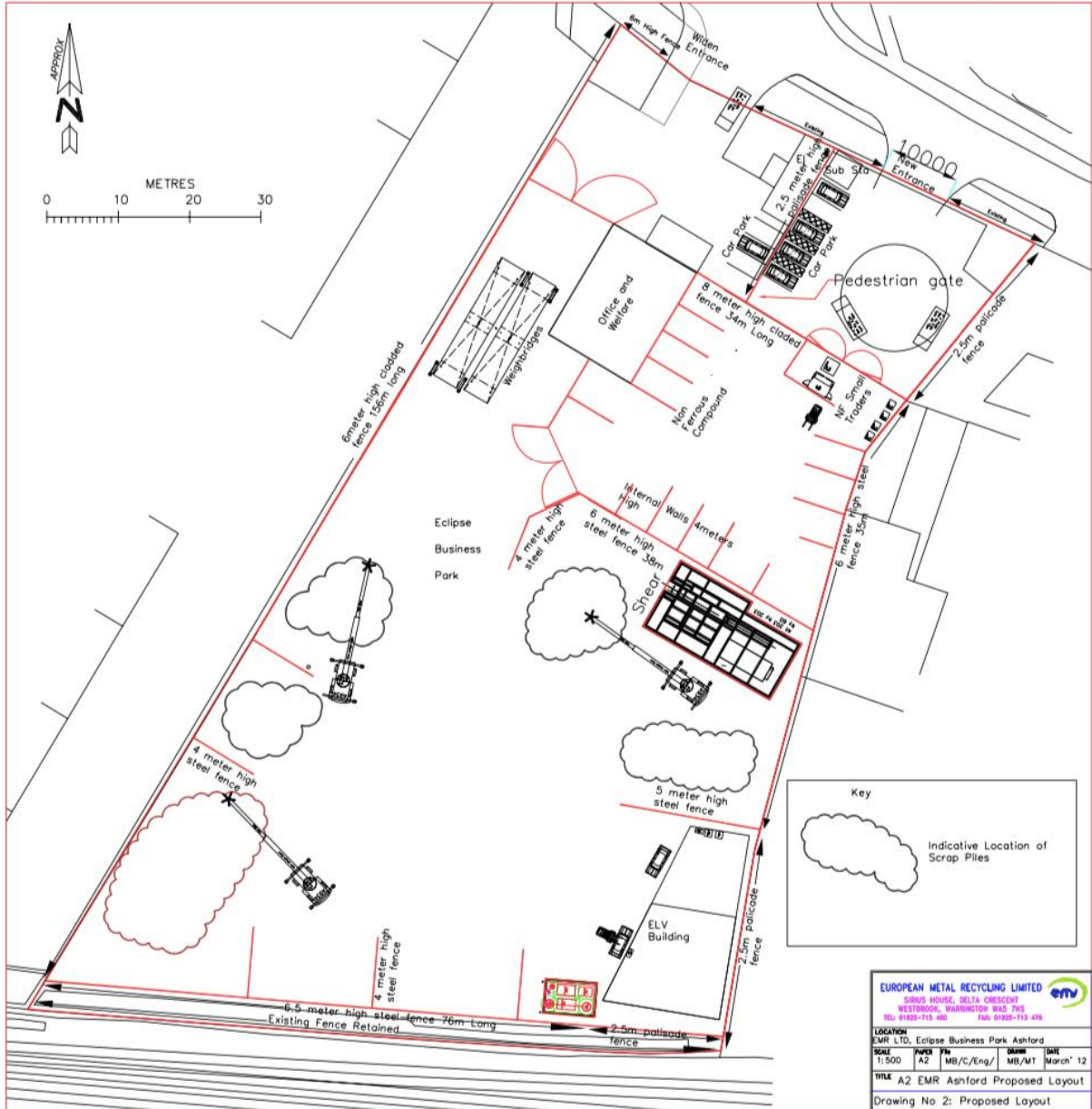
Amendment to the site layout provided for by planning permission AS/12/518 at European Metal Recycling Ltd, Eclipse Business Park, Brunswick Road, Ashford, Kent TN23 1EL - (KCC/AS/0056/2019)

Proposed Site Layout (Amendment to layout permitted under AS/12/518) ('Layout 2018 Vs AA3')



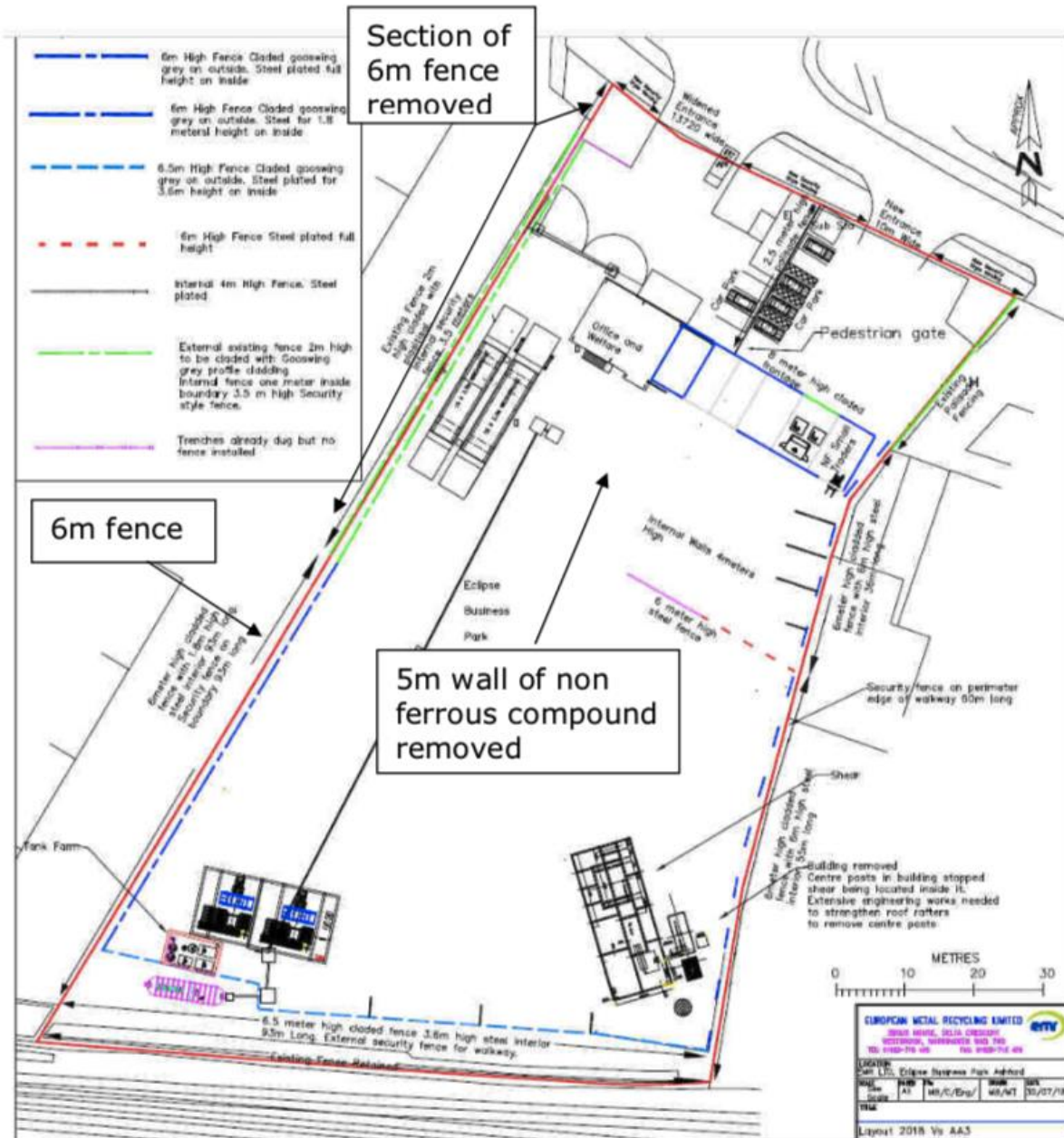
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Layout Permitted under AS/12/518 ('Drawing No.2 Proposed Layout')



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Summary of proposed changes to fencing and screening



6. In addition, an application was approved on 10th December 2012 to extend the period for submission of a verification report (demonstrating completion of works set out in the approved remediation strategy required pursuant to condition 4) required by condition 26 from 6 months to 2 years (by 1 July 2016). My records show that this has not yet been discharged, although the applicant has advised that post-development monitoring has been undertaken and an application for discharge is expected shortly.

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7. Other conditions particularly relevant to the current application include:

Condition 12: No more than a combined total of 70,000 tonnes of scrap metals (split into the following proportions: 60,000t per annum of ferrous and 10,000t per annum of non-ferrous) shall be imported to the site in any calendar year.

Condition 13: No more than 400 vehicle movements (200 in/200 out) associated with the import and export of materials to and from the development ... shall take place in any one day.

Condition 14: Only ferrous, non-ferrous and End of Life Vehicles (as specified in the application) shall be imported to, stored or processed at the site, and the site shall be laid out as specified in the application. No waste shall be stored or processed outside of the ferrous and non-ferrous compounds.

Condition 15: All operations on site shall only take place between the hours of 07.00 and 18.00 Monday to Friday and 07.00 and 13.00 on Saturday. No operations shall take place on Saturday afternoons, Sunday, Bank or Public Holidays.

Condition 20: The site fencing shall be maintained at all times at the heights shown on 'Layout Proposals' drawing.

Condition 24: At no time during the operation of the development hereby permitted shall the noise rating level $L_{A,T}$ calculated in accordance with the method provided in BS:4142:1997, attributable to the operation of all fixed and mobile plant together with machinery installed or otherwise used at the premises exceed the background noise level $L_{A90,T}$ at any noise sensitive property.

8. This permission was implemented in 2015 with installation of the entrance, drainage, weighbridge office, workshop and part of the fencing.

Proposal

9. The application is submitted on behalf of European Metal Recycling Ltd (EMR) for amendments to the site layout provided for by planning permission AS/12/518 and for approval of the proposed structures (involving the demolition of an existing shed, alterations to weigh-bridges, repositioning the shear and altering the surface water drainage system, fencing and boundary treatment and landscaping) and the erection of a replacement End of Life Vehicle shed, associated storage tanks, additional boundary fencing and new non-ferrous metal storage/reception building.
10. The application is necessary as, during excavation and construction works implementing the permission (digging out for the foundations of the 6m screen along the western barrier and western wall of the non-ferrous compound), a water main was uncovered which means that the necessary foundation depth to support the 6m screen is not achievable. Structural concerns were also identified with one of the existing sheds on site that was proposed to be used for the plan end of life vehicle process. The amended layout includes changes to the perimeter fencing and screening long the north west perimeter, and to the location of components of the recycling operation, described in more detail below.
11. The application does not seek to make changes to the scale or types of operation proposed at the site and previously permitted subject to conditions. The application is for full planning permission and the area of the application is the same as that covered by the extant permission.

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12. The application was submitted on 12th March 2019. The development was completed in November 2018 and is now is fully operational, and so the application is for retrospective planning permission.
13. The table below sets out the information submitted to assess the changes proposed and their implication over planning permission AS/12/518:

Approved ref. AS/12/518	Proposed changes (subject of application)	Supporting documents
Change of use of the site to a Scrap Metal Storage and processing facility. (Inc. waste types, throughputs, HGV movements, hours of operation, vehicle parking and proposed access).	Unaltered	
Conversion of the front of the existing building into two storey weighbridge office/staff amenity block.	Unaltered	
Construction of a non-Ferrous Compound.	Replaced/re-positioned	5306.C001-EMR-Non-Ferrous-Cladding Section 5306.C002-EMR-Non-Ferrous-Roof Plan 5306.C003-EMR-Non-Ferrous-Gable-Cladding- Elevations 5306.C004 EMR-Non-Ferrous-Side-Cladding-Elevations 5306.C005 EMR-Non-Ferrous-Roof Details 5306.C006 EMR-Non-Ferrous-Corner Details 5306.C007 EMR-Non-Ferrous-Opening-Details-on- Gridline C 5306.C008-EMR-Non-Ferrous-Opening-Details-on-Gridline A 5306.C009-EMR-Non-Ferrous-Liner-Details
Creation of new entrance from Brunswick Road	Unaltered	
Addition of palisade and site fencing/screening	Altered	AA.3-EMR-Ashford-Amendment-Plan
Installation of 2no. weighbridges	Minor Alteration	A7 Proposed Weighbridge Plan

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Tanks to hold fluids drained from ELV and shear/densifier in the ferrous yard	Replaced/re-positioned	AA.3-EMR-Ashford-Amendment-Plan
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14. In summary the proposed changes are (as illustrated in Drawing Layout 2018 Vs AA3 and Proposed Site Layout on page C1.4, and summary of proposed changes to screening and fencing on page C1.6):
- Re-location of the shear (used to process scrap metal through compression and cutting) to the south eastern corner of the site (in place of the building proposed to be demolished) – a change from the location permitted by planning permission AS/12/518;
 - Demolition of the existing building in south east corner of the site, originally intended to house the End of Life Vehicle (ELV) operation, which was found to be unsuitable for this purpose;
 - Re-location of the ELV processing area and associated tanks to the south west corner of the site;
 - Re-location and construction of the non-ferrous compound (an enclosed area to the east of the existing office building and to the south of the screening façade) 8m height at its northern side/the north facing façade, 6m height on its southern facing side;
 - Installation of a double weighbridge 15m in length which, including ramps, is slightly longer than those permitted;
 - Changes to layout of internal fencing and walls including removal of 5m wall around the western side of the originally proposed non-ferrous compound;
 - Changes to perimeter fencing/screening
 - Western perimeter (northern part): Cladding existing 2m high fence with ‘Goosewing grey’ Plastisol on outside and installation of 3.5m high internal security fence, 63m length (to replace 6m high cladded fence permitted under AS/12/518);
 - Western perimeter (southern part): 6m high cladded fence, with 1.8m high steel interior security fence, 93m long;
 - Southern perimeter: Installation of 6.5m high 93m long clad fence with 3.6m high steel interior security fence;
 - South west corner: Installation of 6m high steel plated fence and drainage interceptor;
 - Eastern perimeter: Installation of 6m high 55m long clad fence with 6m high internal security fence (southern section) and 6m high 36m long clad fence with 6m high steel internal security fence (northern section).
15. The applicant considers that the submitted detailed layout amendments and new (ancillary) buildings are required to address the issues encountered during site excavations and that the proposed reconfiguration is essential for the plant to operate at capacity.
16. An updated ‘Assessment of noise impact’ (MAS Environmental Ltd) was submitted with the application, which assesses the impact of re-location of the shear to the south east of the site and the revised screening proposals described above in order to mitigate potential noise impacts on sensitive receptors.

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17. The potential noise impacts resulting from the proposed changes to layout and perimeter screening, particularly removal of planned 6m high fencing on the north western portion of the perimeter, are the main issue for consideration in determination of this application. Therefore, the methodology, results and conclusion of the updated Noise Assessment is described in this report.
18. Overall, the updated Assessment of Noise concludes that:
- The proposed site is located in an established area of industrial/commercial activity where relatively high levels of residual and background noise arise from road & rail traffic and industrial activity;
 - The revised layout changes do not affect noise immission (the sound heard) at the closest residential dwellings with no increase in noise level. This is to be expected as the 6m and 8m screening has the greatest effect breaking the line of sight from activity within the EMR site towards receptors to the north and east;
 - The noise impact is below any point that could be considered to constitute either a 'significant observed adverse effect' level or 'adverse effect' level;
 - The site is considered suitable for a new metals recycling facility with regards to noise impact. The noise measurements and predictions indicate this locality is acoustically acceptable for new industrial/commercial development;
 - Worst case predicted sound levels, compared to the lowest daytime background sound levels, indicate the potential for adverse impact does not occur. This worst case is reduced to a minimum by the noise mitigation scheme, as required by national noise policy and guidance - National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and Noise Policy Statement for England (NPSE). In those circumstances it falls well within acceptable criteria;
 - The proposed mitigation options are shown to reduce noise a minimum of 2dB below a level considered to indicate adverse impact to residential properties;
 - Increases in noise were predicted at the closest affected commercial/industrial premises. However, in context of the activities that are likely to be affected, character of the area and existing ambient sound levels, the increase in noise is considered acceptable.
 - The construction of new buildings on the corner of Brunswick Road and Carlton Road may provide additional screening to that assumed within the MAS assessment.

Planning Policy

Development Plan

19. The most relevant policies to the determination of this application are:

Kent Minerals and Waste Local Plan (KMWLP) 2013-30 (July 2016)

CSW1 Sustainable Development

CSW2 Waste Hierarchy

CSW4 Strategy for Waste Management Capacity

CSW6 Location of Built Waste Management Facilities within existing industrial estates

CSW7 Waste Management for Non-Hazardous Waste

CSW12 Identifying Sites for Hazardous Waste

DM1 Sustainable Design

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DM10 Water Environment
DM11 Health and Amenity noise
DM12 Cumulative Impact
DM13 Transportation of Minerals and Waste

Ashford Local Plan 2030

SP1 Strategic Objectives
EMP2 Loss or Redevelopment of Employment Sites and Premises
TRA7 The Road Network and Development
TRA9 Planning for HGV Movement
ENV4 Light Pollution and Promoting Dark Skies
S22 Chart Industrial Estate

20. As the principle of this form of development (scrap metal storage and recycling) has been considered and accepted at this location, the key issue is the potential effect on amenity, particularly due to noise. KMWLP Policy DM11 is therefore of most relevance, namely that development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from noise, dust, vibration, odour, emissions, bioaerosols, illumination, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment.
21. An Early Review of the Kent Minerals and Waste Local Plan is also underway, in which amendments to Policies including of relevance CSW4, CSW6, CSW7, CSW8,. The Plan has been submitted to the Secretary of State for Examination with hearings scheduled for October 2019.
22. The most relevant National Policy, Guidance and Development Plan Policies relevant to the consideration of this application are summarised below are relevant to the consideration of this application:
23. **National Planning Policies** – the National Planning Policy Framework (NPPF, 2018) and National Planning Policy for Waste (NPPW, 2014) are material planning considerations. Further advice on implementation of national policy is provided in Planning Practice Guidance, including for waste.
24. Of particular relevance to this application is NPPF paragraph 180, which states that:

Planning policies and decisions should also 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, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; [footnote refers to the Noise Policy Statement for England. Defra 2010]
25. The National Planning Policy for Waste (NPPW) advises in paragraph 7 that when determining applications waste planning authorities should:

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- consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies.

26. Appendix B of NPPW sets out locational criteria, including:

j. Noise, light and vibration: Considerations will include the proximity of sensitive receptors. The operation of large waste management facilities in particular can produce noise affecting both the inside and outside of buildings, including noise and vibration from goods vehicle traffic movements to and from a site. Intermittent and sustained operating noise may be a problem if not properly managed particularly if night-time working is involved. Potential light pollution aspects will also need to be considered.

27. Planning Practice Guidance (PPG), revised in July 2019, includes specific advice on noise. Paragraph 003 addresses how noise impacts can be determined:
Plan-making and decision making need to take account of the acoustic environment and in doing so consider:

- *whether or not a significant adverse effect is occurring or likely to occur;*
- *whether or not an adverse effect is occurring or likely to occur; and*
- *whether or not a good standard of amenity can be achieved.*

In line with the Explanatory note of the noise policy statement for England [NPSE], this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation.

28. PPG paragraph 004 addresses the observed effect levels:

- *Significant observed adverse effect level: This is the level of noise exposure above which significant adverse effects on health and quality of life occur.*
- *Lowest observed adverse effect level: this is the level of noise exposure above which adverse effects on health and quality of life can be detected.*
- *No observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected.*

Although the word 'level' is used here, this does not mean that the effects can only be defined in terms of a single value of noise exposure. In some circumstances adverse effects are defined in terms of a combination of more than one factor such as noise exposure, the number of occurrences of the noise in a given time period, the duration of the noise and the time of day the noise occurs.

29. PPG (paragraph 006) outlines the factors that influence an assessment of whether or not noise could be a concern, stating that:

The subjective nature and objective outcomes of noise means there is not a simple relationship between noise levels and impact on those affected. It will depend on how various factors combine in any particular situation. These factors include:

- *the source and absolute level of the noise together with the time of day it occurs. Some types and level of noise will cause a greater adverse effect at night than if they*

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occurred during the day – this is because people tend to be more sensitive to noise at night as they are trying to sleep. The adverse effect can also be greater simply because there is less background noise at night;

- *for a new noise making source, how the noise from it relates to the existing sound environment;*
- *for non-continuous sources of noise, the number of noise events, and the frequency and pattern of occurrence of the noise;*
- *the spectral content of the noise (i.e. whether or not the noise contains particular high or low frequency content) and the general character of the noise (i.e. whether or not the noise contains particular tonal characteristics or other particular features), and;*
- *the local arrangement of buildings, surfaces and green infrastructure, and the extent to which it reflects or absorbs noise.*

30. The Noise Policy Statement for England (2010) and the National Planning Practice Guidance therefore encourage assessment of noise based on whether or not a significant adverse effect is likely to occur; whether or not an adverse effect is likely to occur; and whether or not a good standard of amenity can be achieved. For noise levels that exceed the lowest observed adverse effect level (the level of noise exposure above which adverse effects on health and quality of life can be detected) it recommends development is mitigated and reduced to a minimum. In instances where the significant adverse effects level is exceeded development should be avoided, and only when the unacceptable adverse effect level is exceeded should development be prevented. This latter state is defined as noise resulting in extensive and regular changes in behaviour and/or an inability to mitigate effect of noise leading to psychological stress or physiological effects, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm.

Consultations

31. **Ashford Borough Council - No objection** subject to the following conditions:
- i) All existing relevant conditions from the previous planning approval should be carried over onto granting of any new permission granted under the variation application. This should provide safeguards previously approved to be re-applied and for the situation to be monitored to ensure these safeguards prevent any potential harm to the amenity of residents in the immediate area;
 - ii) Following consultation with the Council's Environmental Health Officer, relevant consideration should be paid to the concerns regarding uncertainty of the impact regarding the neighbouring commercial units as outlined in the officer assessment. Relevant conditions to mitigate any impact would need to be considered prior to any determination of the application required.
32. The Ashford Borough Council **Environmental Health Officer** has **No objection** but has the following comments:
- i. Background noise survey is within a short two-hour window. There appears to be no reporting of the level of uncertainty associated with the report and such a short background measurement.
 - ii. Impact on residential – a worst case gives a rating level of +3dB against background, however assuming the most representative background will be higher than the minimum used it could be assumed that the actual representative impact will be less than this.

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The rating can be compared with the BS4142:2014 assessment of impact;

- a. A difference of around +5dB is likely to be an indication of an adverse impact, depending on the context.
- b. The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact.

Additionally, the residential to the north may be liable to benefit from further barrier effects associated with now built ABC development in Carlton Road (Carlton Business Park). The context of the location is also be applied with respects to rating taking into account the other industrial noise sources, and transport related noise sources than mean that there will be an expectation of industrial type noise.

- iii. KCC will need to be satisfied that the increase of up to 11dB at neighbouring commercial receptors ('Menzies' to the west) is acceptable, if this includes any form of penalty for acoustic character, and that the assumptions with reference to the sensitive uses not being on that façade are indeed correct. I would suggest some clarification is needed here to ensure that there are not adverse impacts on these existing units/businesses.
- iv. The assumption of an internal noise level of 42 dB LAeq at 'Practical rent a car' relating to a design criteria of 45-50 dB LAeq for open plan offices where the objective is to provide acoustic privacy is shared spaces. BS8223:2014 gives further design ranges for other general office spaces such as staff/meeting room or training rooms of 35-45 dB LAeq, and, executive offices of 35-40 dB LAeq).

The above criteria generally apply to steady noise sources such as road traffic or continuously running plant (as stated in BS8233:2014)

No allowance appears to have been applied due to the characteristics of the noise in question and the fact that the noise source is not liable to be a 'steady noise source' I would suggest some clarification is needed here to ensure that there are not adverse impacts on these existing units/businesses.

Although I have **no immediate objection** on the basis of the predicated outcome in relation to the residential, I would recommend that KCC seek further clarification on the uncertainty associated with the short-term background measurement, and the potential impacts on the nearby commercial units/businesses.

33. Kent County Council's technical noise consultants (Amey) have reviewed the updated Assessment and are satisfied that the residential properties to the north and north east of the site will not be significantly adversely affected by noise from the proposed metal recycling operations. They are also satisfied that the amended layout, necessitating the removal of the western noise barrier, gives rise to no additional noise effect on the residential premises.
34. **Environment Agency (Kent Area) - No issues** with the amendments to the site layout. The application form indicates that both surface and foul water are to be disposed of via discharge to mains sewer therefore EA has no concerns from a groundwater protection point of view.

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35. **County Flood and Water Management (as Lead Local Flood Authority)** - Has the following comments:
- Note that the application involves amendments to a previously approved application on the same site. It is unclear whether any changes to the previously approved drainage scheme are required. Should those details be identical to those agreed under Condition 5 of AS/12/518 then we would regard the development as low risk;
 - Recommend that the LPA seeks confirmation from the applicant to describe any proposed changes to the drainage system. If any significant changes to the surface water drainage scheme are required, we would expect to be re-consulted with further details provided on the proposal;
36. **County Transportation Planning - No objection** providing the following requirements are secured by planning condition or obligation:
- i. Submission of a Construction Management Plan before commencement of any development on site to include;
 - a) Parking and turning areas for construction and delivery vehicles and site personnel
 - b) Provision of wheel washing facilities
 - ii. Provision and permanent retention of the vehicle parking spaces shown on the submitted plans Drawing No.2 Proposed Layout prior to the use of the site commencing
 - iii. Use of a bound surface for the first 5 metres of the access from the edge of the highway
 - iv. Provision of measures to prevent discharge of surface water on to the highway
 - v. Provision of permanent retention of vehicle loading/unloading and the turning facilities shown on submitted plans Drawing No.2 Proposed Layout prior to the use of the site commencing
 - vi. Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority
 - vii. Completion and maintenance of the access shown on the submitted plans Drawing No.2 Proposed Layout prior to the use of the site commencing.
37. **County Archaeological Officer** - No response/comment
38. **Local Member – Paul Bartlett, Ashford Central Division** – has the following comments:
- The site adjoins a dense residential area and has been a cause of concern by residents for the sudden and unexpected noises, particularly early in the morning. The noise can be before the site operations times in the existing consent of 7am. To 6pm, Monday to Friday and 7am-1pm on Saturdays.
- I see this application as an opportunity to improve the quality of life for residents. I understand the point being made by the applicant that the 'application will not have a material impact on matters such as highways, dust or visual impact' (page 2 para 5 of the application letter) but note they do not mention noise. The applicant does say (page 2 para 1) that the noise impact will be acceptable but I disagree. It is my view that this

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application would have a material impact if the application does not have the following conditions:

- i) The hours of operation limited from 7am to 6pm should be altered to include deliveries as my assessment is that pre-7am noise is deliveries to site and these are not prevented from happening before 7am under present conditions. This is because the conditions refer to 'operations on site'.
- ii) The start time of operations should be altered to 8am with deliveries permitted from 7.30am. I accept that the applicant do try and 'push the envelope' with start times and this new starting time should see no noise before 7.30am

I do accept the applicant is making significant efforts to mitigate the additional noise that will be generated by the 4.1m hopper that will be located on site. However, the problem with this hopper is that it will be the source of noise as operations commence and it is elevated. The noise will be generated by the mechanised grab used at height that feeds the hopper. The efforts made by the applicant include installing an 8m barrier for the retained office to the eastern boundary. This will mitigate the effect on properties on Sackville Crescent. But there is a problem with this in that there will be an opening between the office and the 6m wall; this will allow noise to spill out to the adjoining area, potentially reaching as far as Sackville Crescent/Godington Road. This is illustrated on the plan on page 29 of the MAS Environmental Report.

So, a further condition is required:

- iii) The applicant should be asked (a reserved matter) to agree with the planning authority the materials used in the 6m and 8m barriers and should aim to use the same acoustic barrier as that used on the Sevington Sidings recently to mitigate nearby residents from noise from that site. This is because the nature of the barrier used as Sevington seems very effective in reducing noise. It is noted in the application that the barrier is a solid steel barrier (page 19 of 45 in the MAS Environmental Report [2011]) and this is not good enough as technology has moved on since then and much better options are now available. The applicants should confirm that ground conditions permit its construction (noting that the previous fence had to be abandoned due to a water pipe)
- iv) Similarly, it should be investigated whether any mitigation can be offered from the noise emanating from the gap between the office and the 6m high noise barrier. Other conditions should include:
 - v) A condition that waiting HGVs should not leave their engines idling.

Previous applications on this site have benefitted from a site visit by members and the original application was approved by just one vote so I would ask members to consider again a site visit to see how the site has developed and the greater impact that it is now having on residents.

39. Since receiving these comments, I met with Councillor Bartlett to discuss the proposals and understand that he will be addressing the Committee.

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Publicity

40. The application was publicised by the posting of a site notice(s), an advertisement in a local newspaper, and the individual notification of 209 nearby properties. In addition, as the proposed development is within 10m of railway land, a separate site notice was posted and consultation letters were sent to Network Rail Freight and Network Rail Infrastructure on 20th August 2019.

Representations

41. In response to the publicity, **3 letters objecting** to the application have been received: from an owner of properties in Sackville Crescent (to the north east of the site); from 'Godinton Residential Community' - a group of 43 residents of Godinton Road, Sackville Crescent, Western Avenue, James Street and Kings Avenue, and a family residing in the vicinity of the site . The key points raised can be summarised as follows:

Noise:

- A growing number of residents are complaining about noise;
- Current measures to control noise emissions are inadequate and existing noise is problematic;
- The recycling process that fragments the waste is at a higher level than the existing process raising the likelihood that sound will travel further;
- Sound emissions will travel further than existing;
- Concerns over the noise assessment and lack of consideration of weather, and need for independent scrutiny of the method and results;
- Cumulative effects of waste management and industrial activity, as well as train and road traffic;
- Existing noise from the site and the industrial estates, and cumulative effects;
- The perimeter wall not including noise absorbing material;
- The height of the all being inadequate;
- Noise from vehicles entering the site;
- Operating hours too long.

Dust and airborne pollution:

- Machines used to process ELVs cause release loose dust and debris during fragmentation
- Existing problem with dust – source unknown

The Planning Committee should consider the following:

- Condition that requires improved design of containment wall that incorporates sound-absorbing materials and a new design to overcome the difficulties with ground conditions;
- Ground surveys are undertaken first to confirm no obstacles to construction of the new barrier design to full 8m height;
- Accept that if the combination of new machinery height and low level of existing wall is allowed, complaints from residents will escalate;
- Applicant asked to present evidence that dust and airborne pollution will not be an issue;
- Current working hours are reduced to ones that re more socially acceptable

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- The Committee should undertake a site visit.

42. In addition, the Borough Council Member for Repton Ward has the following comments:

I am very concerned about the environmental impact that this application will have on my property and the surrounding residential area. The following list contains my objections and observations on this application.

- It seems that the main source of noise from the proposed new machinery will emanate from 4 metres above ground level. This situation makes the construction of 8-metre-high wall which is made from the latest acoustic mitigation materials imperative. In addition, I'm concerned about the entrance to the site on this proposed wall which by the applicant's calculations will omit an unacceptable level of noise when opened. This problem needs to be addressed.
- The noise from the existing plant is unacceptable and can take place well before 7 am. In my view the hours of working for this new application should be 8 am to 6 pm Monday to Friday and 8 am to 1 pm on Saturdays. This should include hours of delivery too.
- In 2012 when the present site application was made I as the Ashford Borough Council Ward Member requested that the KCC Planning Committee make a site visit. In reality the location of this site is far too close to our residential area and I thought it was prudent that the KCC Members of the Committee could only appreciate this fact by a site visit. As a consequence, it was subsequently only passed by one vote. The positioning of this plant to our residential area is highly contentious.
- The proposed new activity and equipment on this site is highly controversial with local residents who are already being plagued with unacceptable noise and disturbance with what takes place there at present. What is advocated in this application could potentially make the situation much worse.

Discussion

Introduction

43. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 19 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore, the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. The application is being reported to the Planning Applications Committee as it has met with an objection from an owner of nearby residential property and the concerns raised by the Local Member.

Need and Acceptability in Principle

44. The acceptability of the need for this form of waste development and the suitability of the location has been demonstrated and accepted in the grant of planning permission AS/12/518 and its subsequent implementation. The development of a new purpose-built metal recycling facility enables existing waste streams to be dealt with more efficiently towards the top of the waste hierarchy and be likely to improve recycling rates. The

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application site is within the established Cobbs Wood Industrial Estate which contains a mix of light industrial and warehouse uses together with a number of other waste management uses, including the Council's own HWRC and Waste Transfer Station.

45. Since the permission was granted in 2012, there have been changes to the development plan, namely adoption of the Kent Minerals and Waste Local Plan (2016) and of the Ashford Local Plan 2030 (2019) together with changes to national planning policy through publication of the National Planning Policy for Waste (2014), of the revised NPPF (2018).
46. In the context of the extant planning permission, the use of the application site for the proposed waste metal uses remains consistent with the relevant development plan policies, subject to detailed consideration of the amended site layout and related aspects.
47. It was previously considered, in granting the planning permission in 2012, that the transport aspects of the development (including highway safety and capacity issues on the local road network) would be satisfactory subject to the imposition of a number of conditions to cover: the provision for construction vehicles parking, loading, off-loading and manoeuvring space on-site during construction activities; details of onsite parking ; the submission of a site drainage scheme to avoid off-site run off towards the highway; measures to prevent mud or other substances being deposited on the highway; the requirement to provide 3 cycle parking spaces within the site; and details of the new access.
48. The relevant detailed schemes have been subsequently approved and largely implemented and therefore, subject to the inclusion of similar controls, the amended proposals are considered satisfactory and in conformity with the transport policies. This will meet the requirements of Ashford Local Plan Policy TRA7 (The Road Network and Development), and KMWLP Policy CW6 (Location of Built Waste Management Facilities), DM12 (Cumulative Impact), and DM13 (Transportation of Minerals and Waste), requiring developments that would generate significant traffic movements to be to be well-located in relation to the road network, and that movements can be accommodated, resolved or mitigated to avoid unacceptable adverse or cumulative residual impacts. There will be a limit on the total vehicular movements to meet Ashford Local Plan Policy TRA9 (Planning for HGV Movement), which requires proposals which generate significant heavy goods vehicle movements to be limited to appropriate times.
49. Determination of the previous application also considered the visual impact of the development, against development plan policies. The scale of the metal fence screening/walling was raised as a concern by objectors and additional information was provided by the applicant, including details of the 8m high north facing false façade between the existing building and eastern boundary, to fit with the scale and appearance of the existing building and others on the industrial estate.
50. The pre-commencement conditions to planning permission AS/12/518 were discharged. During initial works, a water mains was uncovered which prevented the completion of the load-bearing foundations for the northern section of the 6m high screen fence along the western boundary, and western wall of the non-ferrous compound. In response, the applicant has decided to amend the layout of the site, requiring this application. This includes a shorter length of screening along the western boundary and the complete

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removal of the non-ferrous compound western wall, with the shear facility (cutting and condensing metals) re-located to the south-eastern corner of the site to help reduce noise impacts outside of the site. The amendments to the layout of the site and erection of various structures are proposed to enable the sustainable operation of the facility.

51. This application seeks planning permission to amend the layout of the scrap metal storage and processing facility, including an End of Life Vehicle facility which was granted planning permission in November 2012 and subsequently commenced. The capacity, vehicular generation and other aspects of the development would be unchanged with up to 60,000 tonnes of ferrous and 10,000 tonnes of non-ferrous scrap metals processed each year. It does not propose any operational changes to those permitted under the previous extant permission. Supporting evidence submitted with this application include revised layout plan, demolition plan (of the existing building in the southeast corner of the site), an amended Noise Assessment, and technical drawings illustrating details of the non-ferrous compound and weighbridges.
52. KMWLP Policy DM 1 (Sustainable Design) seeks to ensure that emissions are minimised; the re-use or recycling of materials is maximised; sustainable drainage systems are utilised wherever practicable and proposals protect and enhance the character and quality of the site's setting. To comply with Policy DM 11 (Health and Amenity) the development will need to demonstrate that it is unlikely to generate unacceptable adverse impacts from noise, dust, vibration, odour, emissions, bioaerosols, illumination, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. Waste development will also be required to ensure that there is no unacceptable adverse impact on the use of other land for other purposes. To comply with Policy DM 12 (Cumulative Impact) development needs to show that it does not result in an unacceptable adverse, cumulative impact on the environment or communities.
53. In the determination of the previous application AS/12/518, it was considered that, with conditions attached, the development would be acceptable in terms of noise, dust and odours and the permitting process would ensure negligible impact on air quality.
54. The key material considerations, therefore, relate to the acceptability of the proposed amendments to the layout of the site, particularly in respect of potential noise impacts, and the issues arising from consultation and publicity. The updated Assessment of Noise undertaken by the applicant's consultants MAS Environmental Ltd (July 2018) and submitted with the application is of particular importance in determining this application.

Acceptability of the proposed amendments to the layout in terms of Noise Impact

55. The proposed development has the potential to have adverse noise impacts, particularly on the nearest sensitive receptors comprising the residential dwellings 280-300m to the north and north-east of the site at Sackville Crescent, Godminton Way and Atherfield Drive/Romney Crescent.
56. The development plan policy of most relevance is the Kent Minerals and Waste Local Plan Policy DM11 (Health and Amenity) which, as described above, provides for waste development to be permitted if it can be demonstrated that it will not be likely to

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generate 'unacceptable adverse impacts from noise'. Also of relevance is Policy DM12 (Cumulative Impact) which provides for development here it does not result in an 'unacceptable adverse, cumulative impact on the environment or communities'.

57. The NPPF and NPPW are material considerations. The NPPF (paragraph 180) advises that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and the quality of life. The NPPW advises (paragraph 7) that when determining applications waste planning authorities should consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies; Appendix B advises (clause j) that considerations will include the proximity of sensitive receptors. The operation of large waste management facilities in particular can produce noise affecting both the inside and outside of buildings, including noise and vibration from goods vehicle traffic movements to and from a site. Intermittent and sustained operating noise may be a problem if not properly managed particularly if night-time working is involved.
58. The updated Assessment of Noise, undertaken in July 2018 and submitted in support of the application, provides detailed consideration of the potential effect on noise impacts of the proposed changes to the screening of the site and the re-location of the shear to the south east part of the site (compared with the location towards the centre of the eastern boundary as permitted by planning permission AS/12/518).
59. I describe the methodology, results and conclusions in some detail below, as these are key to informing the determination of this application and whether the proposed development accords with the development plan and is consistent with national policy and guidance.
60. The assessment explains that the main noise guidance used for assessing the likely impact of industrial noise on humans is BS4142 2014 *Methods for rating and assessing industrial and commercial sound* (2014). The Assessment provides an update to the assessment undertaken in support of the original application in 2011, reflecting the re-location of the shear and taking account of mitigation options, primarily internal and external screening, and the updated BS4142 and Planning Practice Guidance.
61. The principles of BS4142 consider the specific sound level of the proposed industrial/commercial use and compare this against the background (masking) sound level. The greater the difference between the background sound level (no scrap metal recycling operation) and the specific sound from the site (from the proposed scrap metal recycling), the greater the likelihood that sound will cause adverse and/or significant adverse impact.
62. It identifies that positive indication of adverse impact is likely when the rating sound level exceeds background sound level by around 5dB, and of significant adverse impact when the rating sound level exceeds the background level by around +10dB (depending on context).
63. Revisions to the BS4142 standard in 2014 introduce penalties for sound characteristics, with the highest penalties applied for impulsive noise, such as bangs and crashes associated with scrap metal processing. Given the character of the area and reductions

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due to distance and screening, the applicant's consultants considered it to be appropriate to apply a decibel penalty of +6dB for clearly perceptible impulsive noise.

64. The updated Assessment involved:

- updated noise monitoring undertaken by MAS Environmental Ltd in December 2017 (at the nearest residential receptors in Sackville Crescent and Godinton Way, as well as within the site). The noise monitoring shows similar but slightly higher background sound levels than those measured in 2011, at around 45-48dB LA90,T;
- Using noise modelling software to predict the likely noise levels from the metal recycling at existing noise sensitive receptors;
- Identifying noise mitigation required to achieve acceptable noise levels at existing residential dwellings in the context of national government planning and noise policy.

65. Observations during the noise monitoring demonstrated a variety of noise sources affecting existing dwellings including the cement batching/aggregates site adjacent to the application site, road traffic and frequent passenger train movements.

66. Noise sources assumed from the proposed development include metal handling, loading and operation of the shear. The noise modelling considered these noise sources, their location and height, pathway, receptor conditions and receptor type. Mitigation measures were then considered and modelled, which comprise the amended layout and perimeter screening set out in the application and supporting drawings:

- A continuous screen along the northern frontage to a minimum height of 8m from the retained office building to the eastern boundary (as provided for in permission AS/12/518).
- A 6m along the southern part of the western boundary and the southern and eastern boundary to a minimum height of 6m.
- Non-ferrous compound southern wall minimum height 6m.
- Main metals handling area and shear located to the south east of the site to maximise screening effects and maximise separation distance to the closest residential dwellings.

67. The modelling used data from other metals recycling sites and assumed a worst-case scenario of continuous metal handling and loading of the shear, assumes the layout and mitigation measures outlined above are in place, and takes account of topography. Noise levels were modelled at 1.5m and 4.5m height at receptors, to reflect location of living rooms and bedrooms respectively.

68. The results indicate that, with all screening implemented, the initial estimate of impact indicates a low likelihood of adverse noise impact (at +3dB) at the nearest residential properties in a worst-case of the lowest measured background sound level and the highest predicted noise level. This is 2dB below a point that could be 'adverse' noise impact and 7dB below the point at which 'significant adverse' noise impact is predicted to arise.

69. The conclusion of the updated Assessment is that 'adverse' and 'significant adverse' impact from noise at the closest dwellings is unlikely to occur. It concludes that

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residents may perceive industrial noise from the industrial estate, including peaks of noise from metals handling, but this would be 'not noticeable' or at worst, 'noticeable and not intrusive' following the implementation of acoustic screening.

70. The modelling indicates there would be an increase in noise at the closest commercial receptors. This is due to the removal of part of the 6m western boundary screen. There is a predicted increase of 11dB at Menzies distribution, 8dB increase at Practical vehicle hire, and 1dB at Medway.
71. Menzies, to the west of the site, has a façade facing the application site with a small number of non-opening windows, and there are unlikely to be noise sensitive uses within this façade. Given the character of the area and activities that could be affected, the assessment concludes that the increase in noise is considered acceptable.
72. For Practical Rent-a-Car to the north, a +8dB increase in noise is predicted. The assessment concludes that, in terms of the absolute noise level, this falls within the typical range of 15-minute average noise levels and assuming a typical reduction through an open window of 12dB, would give an internal noise level of 42dB LAeq,T which would be within typical levels for an unoccupied office.
73. At Medway, to the immediate east, the predicted noise increase from metals handling is around 1dB. The Assessment concludes that this is not considered significant given typical measured ambient noise levels within the area.
74. Overall, the updated Assessment concludes that:
 - The revised layout changes do not affect noise immission (the sound heard) at the closest residential dwellings with no increase in noise level. This is to be expected as the 6m and 8m screening has the greatest effect breaking the line of sight from activity within the EMR site towards receptors to the north and east;
 - The noise impact is below any point that could be considered to constitute either a 'significant observed adverse effect' level or 'adverse effect' level;
 - Worst case predicted sound levels, compared to the lowest daytime background sound levels, indicate the potential for adverse impact does not occur. This worst case is reduced to a minimum by the noise mitigation scheme;
 - The proposed mitigation options are shown to reduce noise a minimum of 2dB below a level considered to indicate adverse impact on residential receptors;
 - Increases in noise were predicted at the closest affected commercial/industrial premises. However, in context of the activities that are likely to be affected, character of the area and existing ambient sound levels, the increase in noise is considered acceptable;
 - The construction of new buildings on the corner of Brunswick Road and Carlton Road may provide additional screening to that assumed within the MAS assessment
75. Kent County Council's technical noise consultants (Amey) have reviewed the updated Assessment and are satisfied that the residential properties to the north and north east of the site will not be significantly adversely affected by noise from the proposed metal recycling operations. They are also satisfied that the amended layout, necessitating the removal of the western noise barrier, gives rise to no additional noise effect on the residential premises.

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76. However, the increase in noise at the nearest commercial operation to the immediate west of the site, and the assumption that there are unlikely to be noise-sensitive uses in the façade facing the site, was identified as a concern by Amey. They recommend that the use of space inside the façade (and the row of windows facing the site) is confirmed, and if the use is shown to be non-sensitive, then the development may be approved, incorporating the proposed site layout/design elements, and no further detailed noise studies are required.
77. During a site visit on 27th August 2019 I viewed the façade and frontage of the 'Menzie's' building (distribution) and confirm that the windows are non-opening. I also noted that all vehicles operating on site used 'white noise' reversing alarms to mitigate noise. The applicant subsequently provided photographic evidence that the internal use of the Menzie's building behind the windows is general warehousing and so non-sensitive in terms of noise assessment considerations.
78. Ashford Borough Council and the local Member for the Ashford Central Division raise concerns over noise, with two representors (one a group of 43 residents) objecting on these grounds. Concerns include the assessment itself, and the effectiveness of the proposed noise mitigation measures, particularly the type of fencing and screening, with the suggestion that noise-absorbing materials that are more effective than concrete walls should be used and required through condition. The Ashford Borough Council Environmental Health Officer highlighted the uncertainty over the potential impact on the neighbouring commercial use (Menzie's) of an increase in noise levels of 11dB. In addition, concerns were raised over existing noise levels experienced at residential properties, cumulative effects of development, potential noise emanating through gaps in the perimeter barrier, and further potential issues with ground conditions which may constrain the erection of the barriers to their full height.
79. Having considered the findings of the updated Assessment of Noise, and the views of the County Council's technical consultants outlined above, I consider that the objective evidence shows that there would be no 'adverse' or 'significant adverse' noise impacts at the closest residential receptors, namely the properties to the north and north east of the site at Sackville Crescent, Godinton Road, Godinton Way, and Atherfield Drive/Romney Crescent.
80. Having visited the site and confirmed the closest commercial property to the immediate west of the site is not a sensitive receptor, I consider that, in line with the advice from the technical consultants, the increase in noise predicted on adjacent commercial properties would be acceptable.
81. The updated Assessment of Noise takes account of the fencing and screening proposed in the application and now installed and concludes that this will provide adequate mitigation of noise impacts so these are not adverse or significant adverse. Therefore, a requirement for different materials or additional noise attenuation measures would not be justified in this instance.
82. I am, therefore, satisfied that the impact of the development on noise levels would not have an unacceptable impact and is in accordance with development plan policies and national policy.

Other issues raised by consultees and representations

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83. The local Member for Ashford Central Division has also requested that hours of operation and for deliveries to the site be limited, with operations not commencing before 08.00 am and deliveries not before 07.30am (currently Condition 15 of the extant permission limits 'operations on site' to between 07.00-18.00 Monday-Friday, and 07.00-13.00) as deliveries to site are causing pre-operation noise.
84. The restriction on hours of operation applied to the permitted operation (Condition 15) are normal for this industry and use. Planning permission can only control movements within the site and therefore any delay of opening times would either cause vehicles to queue on the public highway or generate journeys towards the peak of the rush hour. In addition, Condition 16 of the extant permission restrict deliveries to or exports from the development outside of the operational times stipulated in Condition 15. For these reasons, as well as being the start time and delivery times being within the existing consent, it is not considered that a reduced operating or delivery period is justified.
85. A number of consultees have advised that conditions should be attached to any permission in order to provide further details of on-site parking and turning, drainage, and materials and finish of the proposed perimeter fencing and screening barriers. In addition, it has been recommended that all of the conditions applied to the extant permission to be applied to any new permission. I consider that the same suite of conditions should be attached to a new planning permission to ensure that it accords with the current development plan, with some amendments to some conditions to reflect those that have been discharged and current policy and guidance, and also to ensure issues raised in representations and by consultees are addressed. My recommendation below addresses this.
86. In addition to the grant of planning permission, the applicant will need to ensure that it complies with the requirements of other regulatory regimes such as those provided for by the Environmental Permitting Regulations. The NPPF (paragraph 183) is clear that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.
87. The amended layout involving construction of a covered non-ferrous metal compound immediately behind the new façade facing Brunswick Road at the north of the site, re-location of the shear to the south east corner of the site, and re-location of the End-of-Life-Vehicle processing building to the south west corner would not result in any change in visual impact, as these structures can only be viewed from within the site. The changes to the boundary fencing, with removal of the 6m high fencing along the north western part of the site, allow limited views into the site but only from the rear and carpark of the neighbouring industrial buildings. Therefore, these changes would not result in any adverse visual impacts.

Conclusion

88. The principle and acceptability of a scrap metal storage and processing facility on the site has been established in the grant of permission (AS/12/518) in 2012. This

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permission was commenced in 2015 with construction of the new entrance, site drainage system, weighbridge office and workshop.

89. The current application is for amendment to the layout provided by that permission and applies to the whole of the site (red line area). No changes to the type, operation or scale of development are proposed. The development has been completed and the site is operational, and so this application is for retrospective planning permission. Determination of the application, however, needs to be considered on the basis of its planning merits and as if the development has not taken place.
90. There have been changes in national and local planning policy since the permission was granted. In my view, the principle and acceptability of the development at this location is not affected by these changes.
91. The key issue for consideration in determining this application is the potential impact of noise on sensitive receptors, due to the changes proposed in the layout and perimeter fencing and screening. The site is within an industrial estate with relatively high levels of residual and background noise from road and rail traffic and industrial activity. It is approximately 250m from the nearest residential dwelling.
92. The updated Assessment of Noise follows the most up-to-date methodology as set out in BS4142 20914 and is consistent with the approach described in Planning Practice Guidance and the Noise Policy Statement for England. It provides detailed evidence that demonstrates that the revised layout would not affect noise immission (the sound heard) at the closest residential dwellings with no increase in noise level. This is to be expected as the 6m and 8m screening has the greatest effect breaking the line of sight from activity within the site towards receptors to the north and east. The noise impact at these residential properties would be below any point that could be considered to constitute either a 'significant observed adverse effect' level or 'adverse effect' level. Increases in noise are predicted at the neighbouring industrial premises, but given their commercial use, design, and existing ambient sound levels, the increase is considered acceptable.
93. I recommend that conditions are attached to a new planning permission to ensure that it accords with the current development plan. These will replace those attached to the original permission to ensure that it would be acceptable.
94. With regard to noise specifically, the wording of condition number 24 on permission AS/12/518 should be altered to take account of updated British Standard, development plan policy, and Planning Practice Guidance, and the modelled predicted noise levels from operation of the site with the amended layout (considered further below). This should be to require that the noise rating level calculated in accordance with BS4142 2014 attributable to the operation of all fixed or mobile plant together with machinery installed or otherwise used at the premises should not be at the level at which an adverse effect is likely to occur.
95. Given the above considerations, I consider that the proposed development and amended layout would accord with the development plan, particularly Policy DM11 of the Kent Minerals and Waste Local Plan, as it is unlikely to generate unacceptable or adverse impacts from noise, and associated damage to the quality of life and wellbeing to communities and the environment. Permitting the development would be consistent

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with the NPPF that requires decisions to ensure new development is appropriate to its location and they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development.

96. To conclude, I consider that, in accordance with the NPPF and the presumption in favour of sustainable development, the proposal accords with the development plan and represents sustainable development.

Recommendation

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

- Remediation Verification Report to be published
- Restriction of permitted development rights
- Development in accordance with submitted plans and drawings
- Restriction of throughput to 70,000 tonnes per annum of scrap metals (60,000tpa ferrous, 10,000tpa non-ferrous)
- Restriction of materials imported to, stored and processed on site to ferrous, non-ferrous and End-of-Life Vehicles
- Restriction of vehicle movements to no more than 400 (200 in/200 out) per day
- Hours of operation 07.00-18.00 Monday-Friday, and 07.00-13.00 on Saturday, with no operations on Sunday, Bank or Public Holidays
- No deliveries outside of operational hours
- All mobile plant operating on site to be fitted with and only use white noise reverse alarms
- Measures to ensure vehicles leaving site do not deposit materials on the public highway
- External illumination only when required for operation and site security
- Material stockpiles, including skip storage, not exceed 6 metres above existing ground level
- Fencing maintained at heights shown on drawing 'Layout 2018 2018 Vs AA3'
- Plant and machinery operated from ground level
- Storage of 3 cycles
- Noise control – noise rating level calculated in accordance with BS4142 2014 attributable to the operation of all fixed or mobile plant together with machinery installed or otherwise used at the premises should not exceed the background level by +5dB or more at any residential receptor and the operator shall take measures, including the insulation of fixed plant, effective noise suppression of vehicles and mobile machinery and the erection of acoustic fencing, to ensure that these levels are not exceeded.
- No piling or foundation works unless otherwise approved
- Maintenance of landscaping
- Tree protection during construction and development

Case Officer: David Payne

Tel. no: 03000 415441

Background Documents: see section heading

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