

Item C3

Applications to vary permissions AS/90/608 and AS/90/1602 to allow working up to 60 occasions out of hours for a temporary period at Hothfield Works, Watery Lane, Westwell, Ashford – AS/08/733 & 821

A report by Head of Planning Applications Group to Planning Applications Committee on 29 July 2008.

Applications by Tarmac Limited:

- (i) AS/08/733 - Section 73 planning application to vary condition 5 of permission AS/90/608 to allow working up to 60 occasions out of hours for a temporary period until 31st December 2011; and
- (ii) AS/08/821 - Section 73 planning application to vary condition 6 of permission AS/90/1602 to allow working up to 60 occasions out of hours for a temporary period until 31st December 2011;

at Hothfield Works Watery Lane, Westwell Ashford.

Recommendation: Permission be granted for each application subject to conditions

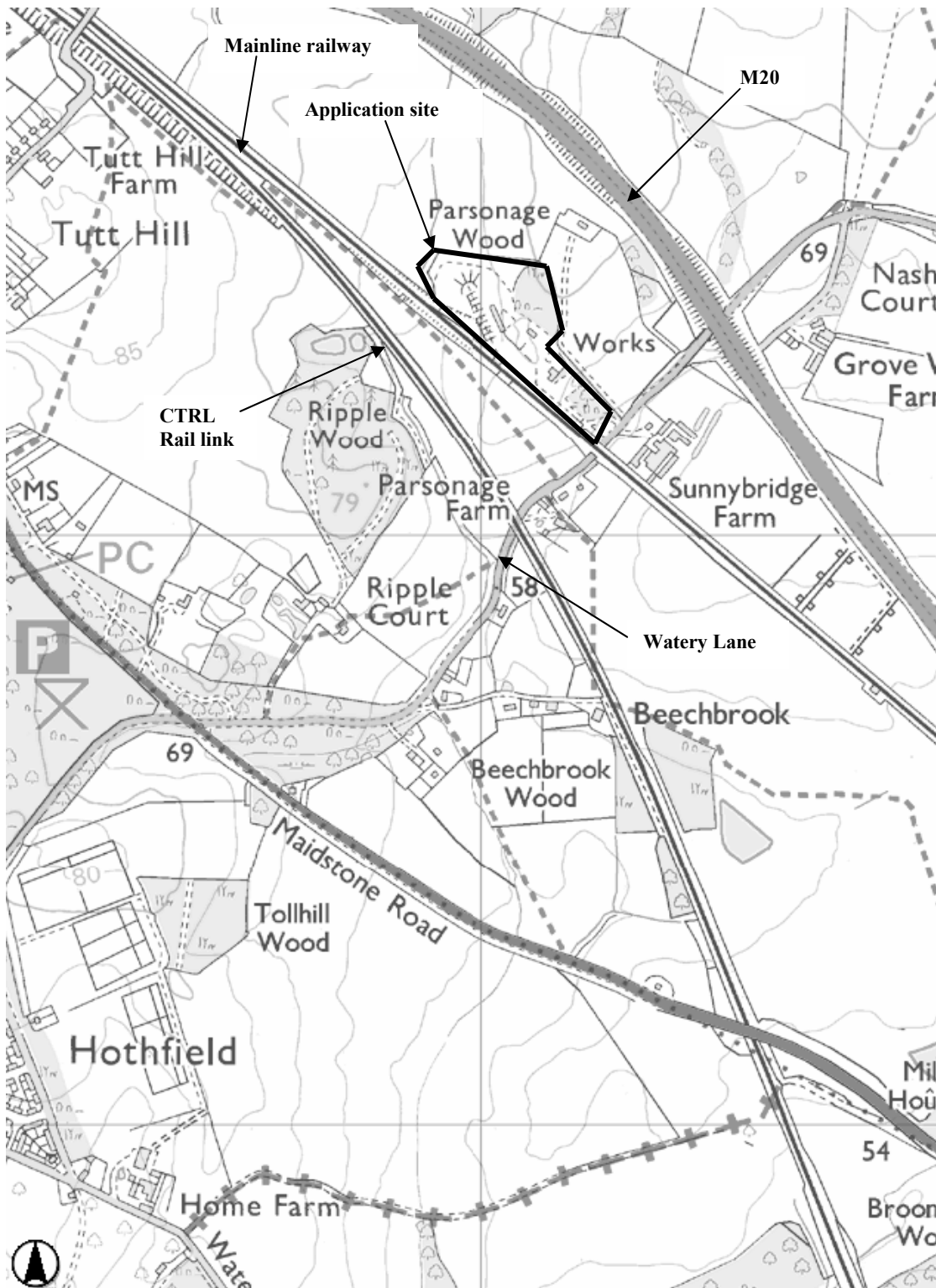
Local Member: Mr R. King

Unrestricted

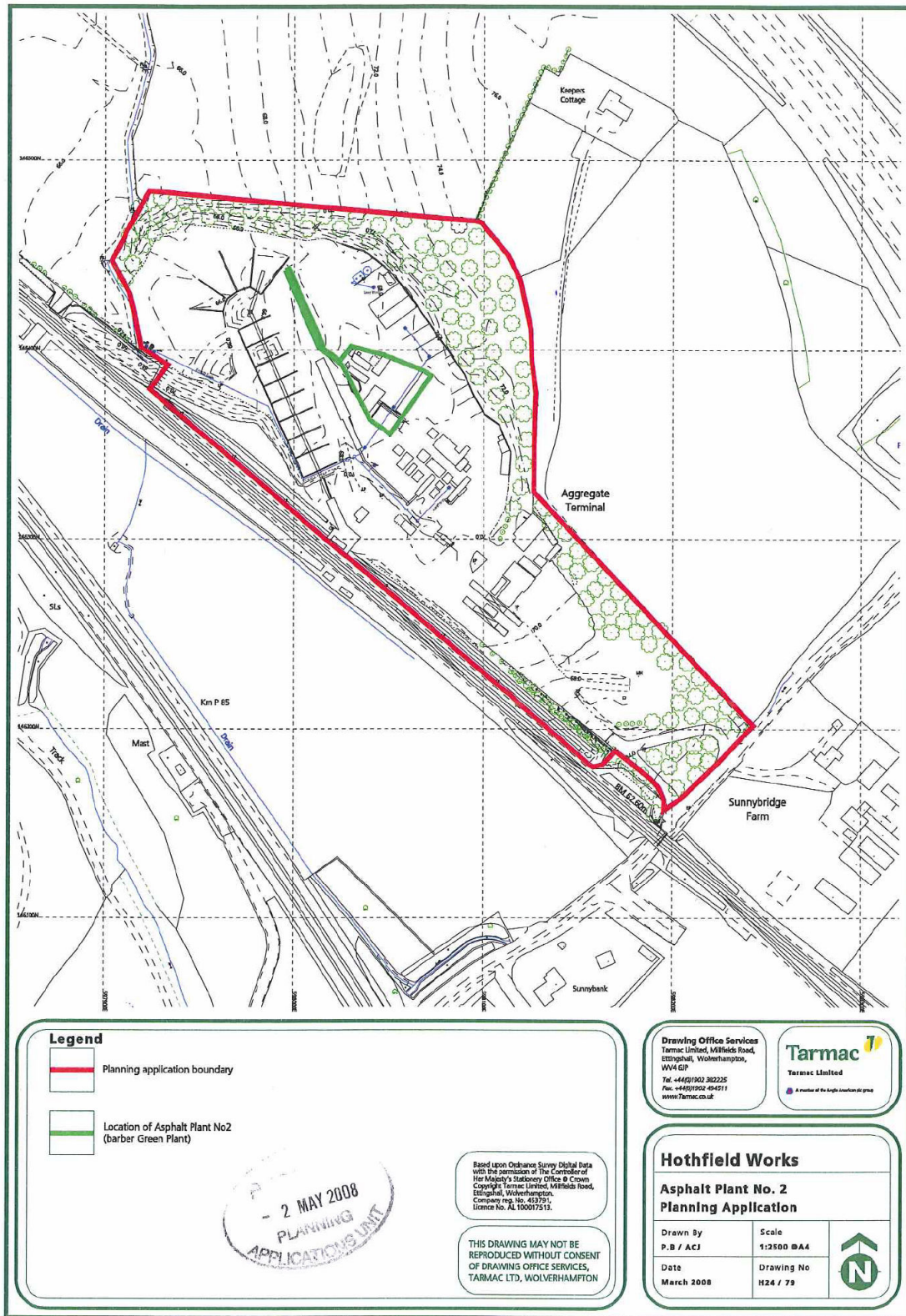
Site description

1. Hothfield Works is located off Watery Lane (also known as Station Road) approximately 1 kilometre (km) north-east of the Maidstone Road (A20) between Charing and Ashford. Watery Lane is a small country road that leads from the A20 toward the village of Westwell. The application site is approximately 1.5 km to the south-west of Westwell and 4 km north-west of Ashford. The site lies immediately adjacent to the Ashford to London mainline railway and comprises a railway siding for aggregate delivery and asphalt plant. The Works occupies approximately 4.5 hectares of land, located between the mainline railway and the M20 to the north-east. The High Speed Channel Tunnel Rail Link is located beyond the mainline railway to the south-east.
2. Access to the works is via a dedicated site road off Watery Lane. The operational areas of the site are set back approximately 100 metres from the public highway. The site is screened by a mature tree belt from the public highway to the south-east. This landscaping stretches the length of the eastern boundary and around to the north. The site is screened to the south and west by the railway lines and associated embankments.
3. The nearest residential property is located approximately 100m to the north-east of the site boundary. Further property is located to the south-east across Watery Lane, approximately 200m from the main works area – see attached location plan. There are a number of properties located to the south-west along Watery Lane, the route travelled by vehicles attending the site from the Maidstone Road.

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4. The works lie within the Kent Downs Area of Outstanding Natural Beauty (AONB) and the North Downs Special Landscape Area (SLA). The application site is not identified for any specific purpose on the Ashford Borough Local Plan Proposals Map.

Background

5. Hothfield Works is an established rail aggregate depot and includes a railway siding, feed hoppers, two asphalt plants, hot storage bins, associated plant and infrastructure. The site has been in operation since the mid 1950s and produces high specification asphalt used in the construction of roads as well as supplying private sector contracts. The applications are made on behalf of Tarmac Limited who operate the works.
6. The operation of plant equipment at the site is controlled by conditions under various planning consents, including AS/90/608 and AS/90/1602 which relate to the main plant on site which include asphalt plant and hot storage bins. Conditions within the above planning consents restrict the hours of operations on site as follows:

Monday to Friday	0500 – 1800 (No lorries to leave site prior to 0600)
Saturdays	0500 – 1300 (No lorries to leave site prior to 0600)
Sundays & Bank Holidays	No operations permitted

Planning consents AS/97/90 and AS/97/310 allow a permanent variation in the above normal hours of operation to include an additional forty 'out of hours' working periods of up to 8 hours duration each during any calendar year. Under the above consents there are no controls over the number of vehicle movements during out of hours working.

7. The conditions relating to hours of operation have been varied on two previous occasions for temporary periods to further increase the permitted out of hours working from 40 to 60 periods per annum, in a similar way to the current applications. The most recent variations were granted in 2002 under planning references AS/02/39 and 40 and expired in 2003. From this date the control of 'out of hours' working reverted back to the 1997 permissions above allowing 40 out of hours working periods each year.
8. The recent planning history for the site includes provision of a silo and feed system (reference AS/90/608). In 2005 similar applications to vary the out of hours working at the site for a temporary period were submitted to the Planning Authority. However, these applications were withdrawn on the advice of Officers as there was insufficient information included with the applications to formally assess the noise impacts of the proposals.

Proposals

9. The applications propose to vary the conditions governing the hours of operation of key plant and equipment on site. The variation would increase the permitted opportunities to work outside the normal hours (as set out in paragraph (6) above) from 40 each year up to 60 per year until December 2011.

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Application AS/08/733

10. Condition 5 of planning consent AS/90/608, as amended by planning reference AS/97/90 permits Tarmac to operate the asphalt plant no. 2 for 40 'out of normal working hours' periods in any one year. This application seeks to vary condition 5 of AS/90/608 to read:

*'Operations shall only take place on the site between 0500 and 1800 hours Mondays to Fridays, between 0500 and 1300 hours on Saturdays and for **sixty** additional working hour periods (of up to 8 hours duration each outside of the normal working hours) during any calendar year, for a temporary period of 3 calendar years expiring on the 31 December 2011, and no lorries shall leave the site before 0600 hours on Mondays to Saturdays unless in connection with additional working hours periods.'*

Application AS/08/821

11. Condition 6 of planning consent AS/90/1602, as amended by planning reference AS/97/310, allows the operation of the Hot Storage Bins for 40 'out of normal working hours' periods per year, in combination with the asphalt plant. This application seeks to vary condition 6 of AS/90/1602 to read as set out above, allowing the Storage Bins, which are integral to the production of asphalt at the site, to operate in addition to the plant for 60 'out of hours' periods per year until December 2011.
12. At the expiration of the 3 years applied for the hours of operation for the site would return to the existing permitted arrangements for out of hours working.
13. The application includes a noise assessment carried out to identify the potential impacts of the proposed operation of the site and associated traffic on nearby residential property during night-time activities. The report considers the potential impact of the 20 additional 'out of hours' work periods per year being applied for over and above the existing limit imposed on the site. The survey includes daytime measurements taken during operation of the site under the existing planning consents and night-time background noise measurements taken during a time when the Works were not operational. The noise assessment includes measurements from four locations that represent the surrounding dwellings, three of which were located on Watery Lane.
14. The application states that the number of Heavy Goods Vehicle (HGV) movements associated with the existing out of hours operation of the site is on average below 25 loads (50 movements) per 8 hour period. Typically the work involves on average 6 25-tonne HGVs, with each lorry making two trips during the 8 hours.
15. The movement of vehicles in association with the 40 'out of hours' periods permitted under the existing planning permissions is unrestricted. To address the issue of lorry movements on Watery Lane, the application proposes the following restrictions on the number of HGVs leaving the site during an 8-hour period of night-time operations:
- 1800 to 0000 hours – no more than 10 HGVs per hour;
 - 0000 to 0500 hours – no more than 6 HGVs per hour; and
 - During any 8-hour period, no more than 40 HGVs would leave the site.

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16. The application also includes details of a Code of Practice in place at the works that HGV drivers are required to adhere to. This includes a 20mph voluntary speed limit, driving with due care and consideration for the local community and other road users, and persistent disregard resulting in disciplinary action.

Planning Policy Context

17. **National Planning Policy** – the most relevant National Planning Policies are set out in PPS1 (Sustainable Development), PPS23 (Planning and Pollution Control), PPG24 (Planning and Noise), and MPS1 (Planning and Minerals).
18. **Regional Planning Policy** – the most relevant Regional Planning Policies are set out in RPG9 (as amended) and the emerging South East Plan. These include RPG9 Policy E1 (Landscape Quality), and emerging South East Plan Policies C2 (AONBs) and NRM8 (Noise).
19. **Kent and Medway Structure Plan (2006) (KMSP)** – the most relevant Policies include SP1 (Conserving Kent's Environment and Ensuring Sustainable Pattern of Development), EN4 (Areas of Outstanding Natural Beauty), TP15 (Development Traffic and Heavy Goods Vehicles), NR5 (Pollution Impacts), MN1 (Sources of Mineral Supply), and MN3 (Assessment Criteria for Minerals Proposals).
20. **Kent Minerals Local Plan Construction Aggregates (1993) (KMLP)** – the most relevant Saved Policies include CA16 (Traffic Considerations), CA18 (Noise, Dust and Vibration)
21. **Ashford Borough Local Plan (2000)** – Proposals Map

Consultations

22. **Ashford Borough Council** – no objection, subject to the conditions covering: no more than one asphalt plant and its associated loading shovel shall be operated between 2200 – 0600 hours, no articulated lorries shall be used on site between 1800 – 0600 hours unless agreed in writing by the Local Planning Authority, no more than 10 lorry movements an hour between 1800 and 0000 hours and no more than 6 lorry movements per hour between 0000 and 0500 hours.
23. **Westwell Parish Council** – no objection to the application.
24. **Union Railways** – no comment on the proposals.
25. **Network Rail** – no comments received on writing this report, any views received prior to the Committee Meeting will be reported verbally.
26. **The Divisional Transportation Manager** – no objection to the proposal in respect of highways matters.
27. **The County Council's Noise Consultant** – no objection comments as follows:

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“From the information provided, I am of the opinion that with the inclusion of the following planning conditions, the increase of working periods outside of the consented hours is unlikely to cause a significant detriment to the nearest residential receptors. I would wish to see a planning condition as per the noise assessment stating that only one asphalt plant is to be operated during out of hours periods. I would also wish to see a condition limiting the number of HGV movements as stated in the supporting documents.”

Publicity and Representations

28. The application has been publicised by a site notice and newspaper advertisement. 15 neighbouring properties were notified. 2 letters of representation have been received. The objections raised relate to the following issues: -

- Noise generated from vehicles travelling along Watery Lane causes a disturbance to sleep patterns, especially in the summer months when double glazed windows are open;
- Lorry movements along Watery Lane cause vibration impacting on residential property;
- Raises highway safety concerns over speed and the care and consideration of some vehicles using the road, the sudden application of air brakes generates increased noise that is particularly noticeable at night-time;
- Notes that drivers do not abide with the voluntary 20mph speed limit;
- Raises concern that lorries using the Watery Lane continue to cause damage to the verges causing debris on the highway, this also damages the natural drainage to such an extent that on numerous occasions the lane has flooded;
- Raises concern over potholes within the road;
- Suggests that if the potholes were repaired and the lorries respected their speed limit this would reduce local concerns;
- Requests details of the licensing governing the site, and information on monitoring of activities;
- Objects to the damage to the local environment and reduction in the quality of life that would result from heavier usage of the site on a 24-hour basis.

Local Member

29. The Local County Member for Ashford Rural West, Mr R. King, was notified of the application on 7 May 2008.

Discussion

30. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In considering this proposal the Development Plan Policies outlined in paragraphs (17 – 21) above are particularly relevant.

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31. In my opinion, the main determining issues relate to the following points:

- noise and amenity impacts;
- highway impacts;
- need for the proposal; and
- AONB.

Noise and amenity impacts

32. Kent and Medway Structure Plan Policy NR5 seeks to conserve and enhance the quality of Kent's environment including noise and levels of tranquillity. In addition, Policy MN1 supports importation and supply of minerals subject to environmental, transport and other material planning considerations. Policy MN3 seeks proposals only be permitted where they do not have an unacceptable adverse impact on residential communities; requiring measures to minimise harm to the environment and to local communities. Kent Minerals Local Plan Saved Policy CA18 seeks applications to demonstrate that noise, vibration and dust both from the site and haulage vehicles can be controlled.

33. Applications AS/08/733 and AS/08/821 seek to vary the hours of operation imposed at the Hothfield Works to allow an increase in 'out of hours' working periods from 40 to 60 periods each year until 2011. This would effectively allow the site to be operated up to 20 additional 8-hour periods per year outside the permitted working hours for the site (set out above). This would have the potential to increase activity at the Hothfield Works during night-time periods and/or on Sundays and Bank Holidays.

34. In order to demonstrate that the proposed increase in activity at the site would not cause an unacceptable impact on nearby residential properties, including those adjacent to Watery Lane on the route out to the A20, the application includes a noise assessment report. This report includes measurement of the existing background noise levels. The report states that road traffic, from the M20 and the Maidstone Road (A20) dominate the noise environment in the area. The night-time survey also registered occasional vehicle movements along Watery Lane and freight trains passing along the mainline. I note that this survey was carried out on a night when the application site was not operational under one of the existing permitted out of hours work periods. To survey on a night when the Works was not operational could be seen to represent a worse case scenario on the part of the applicant as this reduces the background noise that already exists, albeit intermittently, by removing the plant and associated operations for the noise environment.

35. The noise assessment report sets out that the operation of one of the asphalt plants on site along with associated loading shovel and a maximum of 10 lorry loads per hour would not exceed the existing background noise levels. However the operation of the two plant would generate noise levels approximately 3 dBA higher than the background levels at the closest residential properties. The appropriate British Standards 4142:1997 'Method for Rating industrial noise affecting mixed residential and industrial areas' sets out the accepted standard for determining whether the noise generated from a site of this nature would have the potential to give rise to complaint from persons living in the vicinity. BS 4142 states that if the Rating Level is no more than 5dBA above the

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background noise level the likelihood of complaints is “of marginal significance”. Taking this into account the application proposes that only one asphalt plant would be operated during any ‘out of hours’ working in order to minimise the likelihood of operations on site causing concern to nearby residents.

36. The noise assessment also considers the potential impact of vehicle movements on properties along Watery Lane. It is noted that currently the site operates during the night-time on up to 40 occasions each year. At present there is no limit on the number or frequency of lorry movements. To address the issue of lorry movements on Watery Lane, the application proposes that a restriction is placed on the number of loads exported from the site during night-time operations to reduce the impact of vehicle movements. The application also states that it is against the applicant’s policy to allow vehicles to leave the site in convoy in order to lessen the impact that several lorries passing on a single occasion would have on the nearby dwellings. The report concludes that subject to appropriate controls the proposed increase in ‘out of hours’ operations would not be expected to unduly affect residential amenity.
37. Members will note from the representations received from nearby residents that it is the movement of vehicles along Watery Lane during night-time operation that is causing the greatest concern to some local residents. The highway issues are discussed further below, however the noise impacts would appear to cause some disruption with a number of properties located adjacent to the public highway. I note that 40 ‘out of hours’ periods of working per year are already consented for the site, the applications propose to increase this limit for a temporary period. I also note that the principle of extending to the existing controls on hours of operation has been established by several previous temporary planning permissions at the site.
38. The County Council’s noise consultant has considered the noise assessment report accompanying the applications. The comments received recommend that, subject to the inclusion of appropriate planning conditions controlling operations on site during ‘out of hours’ working to one asphalt plant, and the number and frequency of HGV movements during any night-time period, the increase in working periods is unlikely to cause a significant detriment to the nearest residential receptors. I also note that Ashford Borough Council raises no objections subject to conditions controlling operations on site and the size and number of vehicle movements during night-time operations. These conditions would include a restriction on the use of articulated lorries between the hours of 1800 and 0600. The applicant has confirmed that they would not have a problem with the inclusion of this condition.
39. Whilst the current applications would allow an increase in ‘out of hours’ working on site for up to 20 additional periods, it has been established that, subject to the operation of one asphalt plant only, night-time working on site would not result in a significant change in background noise levels, or significantly impact on residential amenity. The movement of HGV traffic along Watery Lane has the potential to generate intermittent noise events set against a background of traffic movements on the surrounding network and freight movements on the mainline railway. The existing permissions do not allow any control over the number of vehicle movements. Although the proposed application would increase the number of opportunities for out of hours working and in turn the number of potential night-time HGV movements along the public highway, it would also

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allow the Planning Authority to apply tighter controls over operations including vehicle movements. I note that the applicant has offered up controls that seek to minimise the impact of all night-time activities. Previous planning permissions for similar variations have also limited the use of the 'out of hour' working periods to ensure the site is not operated continuously for more than 10 consecutive days. These conditions also required written notification of the intention to use any of the additional working periods to be submitted, including details of time / date, location of roadworks contract, amount of materials supplied and number of vehicle movements. Should planning permission be granted to the current applications I would recommend that the above conditions be included within any decision.

40. I note that local residents have also raised concern over vibration caused by vehicles travelling along Watery Lane. Whilst the Hothfield Works generates a number of HGV movements along Watery Lane the traffic using the road is not exclusive to the application site. The proposal would not involve a substantial increase in activity at the site being for only 20 additional out of hours working periods over a year. I note that no objection has been received from the Divisional Transportation Manager on behalf of Kent Highway Services, who are responsible for the maintenance and up keep of the public highway. I also note that Ashford Borough Council has not raised concern over vibration caused by vehicles travelling Watery Lane. Taking this into consideration along with the limited scale of the change in operations proposed I would not raise an objection to the application on the grounds of vibration caused by HGV movements.
41. Taking the above into consideration, subject to appropriate conditions controlling operations of plant equipment on site and control over the number and frequency of HGV movements, I am satisfied that the application would not have an unacceptable impact on nearby properties. I consider that the proposals accord with KMSP Policies NR5, MN1, and MN3 and KMLP Policy CA18. The application would offer the opportunity for greater control to be placed over night-time activities on site for the duration of any consent. In my opinion this has the potential to improve the existing situation by limiting the scale of activities that could take place. I also note that should planning permission be granted the temporary period would also allow the situation to remain under review, with the control over the site reverting back to the existing arrangements in 2011.

Highway Impacts

42. Policy TP15 of the Kent and Medway Structure Plan requires that any development that would generate an increase in heavy goods vehicle movements be well related to the primary and secondary road network, and seeks to direct HGV movements away from rural and residential areas. Policy CA16 of the Minerals Local Plan: Construction Aggregates requires mineral proposals to be acceptable in terms of highway safety and capacity, not to have a significant impact on the local environment and to seek off-site highway improvements from the developer where necessary.
43. The increase in the limit of out of hours working periods (over a temporary period) would generate additional Heavy Goods Vehicle (HGV) movements on the surrounding highway network. Two letters of objection have been received from nearby residents concerning, amongst other matters, the potential impact of an increase in traffic on the

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highway network, road safety considerations, damage to the verges and debris on the road, damage to highway drainage, damage to the road surface, and the impact on local residential properties.

44. I note that the application proposes to route all HGV traffic to and from the site via a 1km stretch of Watery Lane south-west from the site, connecting to the Maidstone Road (A20). Watery Lane is a country road, which has no pedestrian footways. However, the works site is relatively remote and there are only a small number of properties between the works entrance and the A20. Once out onto the A20 the site is well related to the primary and secondary road networks.
45. There are currently no restrictions on the number of HGV movements associated with the permitted operations at the works, including the permitted out of hours working periods. The application states that the existing operations generate on average 25 HGV loads per 8-hour period worked (50 movements). However, from the County Council's records of previous year's operations, I note that on occasion the number of movements has been much higher. To address the issue of HGV movements on Watery Lane the applicant is proposing restrictions on the number of HGVs leaving the site per hour during all out of hours working, and proposes to restrict the maximum number of vehicles leaving the site during any 8-hour period to no more than 40 HGVs. The application includes details of a HGV driver's code of practice the applicant has imposed on site operatives. The measures include all loads to be sheeted and safe to be transported without spillage, all vehicles travelling along the Lane to the A20 should adhere to a 20mph speed limit, where practicable priority to be given to non-works traffic, all drivers to have due care and consideration for other road users and be aware of their impact on the surrounding environment and its enjoyment by local residents.
46. I note that the concerns raised by nearby residents suggest that this code of practice is not always rigorously followed. I also note that there are other HGVs using the route and damage and/or discourteous driving may have resulted from other road users. I believe that the code of conduct represents the applicant's commitment to being a good neighbour and that the current proposals represent an opportunity for Tarmac to reinforce the importance of the provisions, particularly during out of hours working, when the manner in which a vehicle is driven along the road would have a bearing on its impact on the local noise environment.
47. The Divisional Transportation Manager has raised no objection to the application on highway grounds. Kent Highway Services are responsible for the maintenance and repair of the road surface, drainage, and verges. Should the general repair of the road network in the locality of the site be cause for considerable concern I would have expected the Transportation Manager to comment on the situation. Given that no such views have been received I would not consider that there is a cause for any particular concern. I would encourage local residents to report faults in the highway network, like potholes and drainage issues, to Kent Highway Services either by phone or through the County Council's website.
48. In my opinion, the proposed development is well related to the existing highway network and there is sufficient capacity to accommodate the proposed traffic, which would not be substantial when considering that the application only proposes an additional 20 out of

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hours working periods each year. I consider that the number of additional movements that would be generated by this proposal, over a temporary period, would not have a significant impact on the local environment. The proposal also allows additional controls to be placed on out of hours operation of the site that could not otherwise be imposed under the existing consents. The temporary nature of any planning permission granted would also allow the County Planning Authority to keep the situation under review. I therefore consider that the proposed development would be acceptable in highway terms and would accord with the above Development Plan Policies.

Need

49. The application states that deliveries of asphalt outside of normal hours has become increasingly common due to requirements by Councils and the Highway Agency that require a reduction in the disruption to traffic flow during highway construction and maintenance. The primary reason for the previous applications to vary the limit of out of hours working at the site were highway contracts. The applicant has been asked to supply asphalt to the A20 resurfacing contract that would potentially require additional out of hours working periods over and above the 40 permanent periods already granted. The application states that the site is strategically located close to the centre of the county with all aggregate requirements being imported by rail. The applicant believes that the Hothfield site, with its production capacity, its close link to the motorway is ideally suited to serve major contracts. Should the site be unable to service the existing contracts then other less suitable plants in North-West Kent or East London would be required which would potentially involve a round trip, in some instances, in excess of 100 miles. I am satisfied that the applicant has demonstrated a need for the proposed increase in out of hours working. Given that the nature and location of the contracts involved, I consider the Hothfield Works with its central location within the county, and rail fed operation, would serve to reduce vehicle movements and distances travelled which would represent a more sustainable approach to delivery of highway maintenance programmes.

AONB

50. The application site is positioned within an Area of Outstanding Natural Beauty. Kent and Medway Structure Plan Policy EN4 seeks to protect, conserve and enhance landscape character and natural beauty. Given the nature and restricted scale of the applications, I am satisfied that the proposed increase in the hours of operation of an existing aggregates depot would not be detrimental to the natural beauty, quality and character of the landscape.

Conclusion

51. The application demonstrates that any increase in vehicle movements in association with the proposed operation would be moderate and I am satisfied this could be accommodated on the highway network. The application includes a noise assessment that considers the potential impacts of the scheme and I am satisfied that this information demonstrates that there would be no unacceptable impact from the proposals in terms of noise levels generated or the impact on local amenity. The application offers an opportunity for the Planning Authority to exert an increased control

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over out of hours working that would not otherwise be possible under the existing consents. These controls would include limits on the numbers of HGV movements generated during all out of hours work periods and the frequency at which they depart through the night. I consider this should serve to mitigate for the impact that any change in the limits of out of hours working would bring about, and would potentially have a positive effect on the local environment by introducing controls on vehicle movements during out of hours working at the site. On this basis, I consider that the application accords with National and Regional Policy and the relevant policies of the Kent and Medway Structure Plan and Kent Minerals Local Plans referred to above.

52. Therefore, subject to the imposition of appropriate conditions as set out above and summarised below, I recommend that planning permission be granted.

Recommendation

53. I RECOMMEND that PERMISSION BE GRANTED for both applications AS/08/773 and AS/08/821 SUBJECT TO the imposition of conditions on both decision notices including (amongst other matters) the following:-

- the variation in condition shall be discontinued on or before 31 July 2011 and upon expiry the hours of operation shall revert to those set out in permissions AS/97/90 & 310;
- 60 additional working hour periods per annum shall not be exceeded at the Hothfield Works site;
- no more than one asphalt plant and associated shovel shall operate outside of normal working hours;
- the frequency of HGV movements leaving the site during the night shall be restricted to those set out in the application;
- not more than 40 HGVs in total shall leave the site during any 8-hour period of out of hours working;
- no articulated lorries shall be used on site between the hours of 1800 and 0600 unless agreed in writing by the County Planning Authority;
- the additional working hour periods shall not be used in conjunction with the normal working hours to operate the site continuously for more than 10 consecutive days;
- the applicant shall give prior written notification of its intention to use any additional working hour periods to the County Planning Authority, the Borough Planning Authority and the Parish Council; and
- the code of practice for HGV drivers included with the application shall be adhered to and made known to all drivers attending the site.

Case Officer: James Bickle

Tel. no. 01622 221068

Background Documents: see section heading.
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