

Variation of conditions 14, 15, 20, 26 & 27 of Planning Permission reference SE/05/2526 (New transfer station and modification of existing household waste recycling centre) at Dunbrik Household Waste Recycling Centre and Green Waste Composting Facility, Main Road, Sundridge, Near Sevenoaks, Kent – SE/08/621.

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

Application for variation of conditions 14, 15, 20, 26 & 27 of Planning Permission reference SE/05/2526 (cessation of existing green waste composting facility and transfer station, with the development of new transfer station, modification of the existing household waste recycling centre and improvements to landscaping of the site) at Dunbrik Household Waste Recycling Centre and Green Waste Composting Facility, Main Road, Sundridge, Near Sevenoaks, Kent.

Recommendation: Planning permission be granted subject to amended conditions.

Local Member: Mr Richard Parry

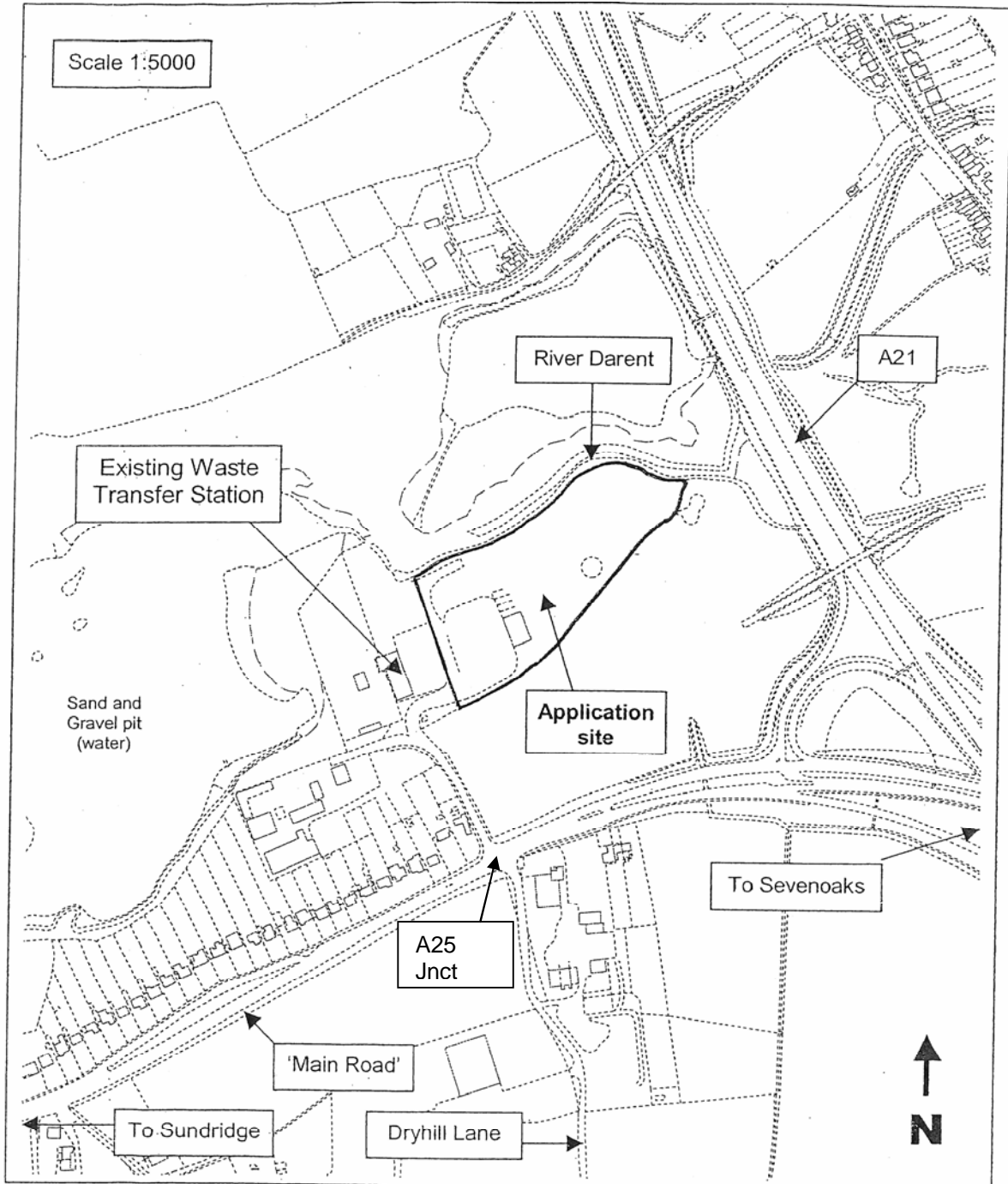
Unrestricted

The Site and Background

1. The application site is 1.6 hectares in area, located to the North of the Main Road, Sundridge. The eastern part of the site is currently occupied by a green waste composting facility and the western part by a Household Waste Recycling Centre (HWRC). To the west of the site is the existing Waste Transfer Station (WTS), the access to the A25 and a number of other uses (including a Sevenoaks District Council Depot, two private builders yards and a private fishing lake). The River Darenth lies immediately to the north of the site, and the A21 just to the east. The boundary of the nearest residential property is approximately 50 metres away. The site lies within the Metropolitan Green Belt (MGB), the Kent Downs Area of Outstanding Natural Beauty (AONB) and the North Downs Special Landscape Area (SLA). It is also within an aquifer protection zone and land susceptible to flooding and to landfill gas. A site location plan is included at page C2.2. The site is accessed via a dedicated junction with the A25. This junction was upgraded about 15 years ago.
2. Planning permission SE/05/2526 for the redevelopment of the 1.6 ha site (which this application seeks to vary) was granted on 15 February 2007. The permission provides for the cessation of the current green waste composting facility, the development of a new waste transfer station, modifications to the existing HWRC and improvements to existing landscaping. This permission has not yet been implemented and redevelopment of the site has not begun.

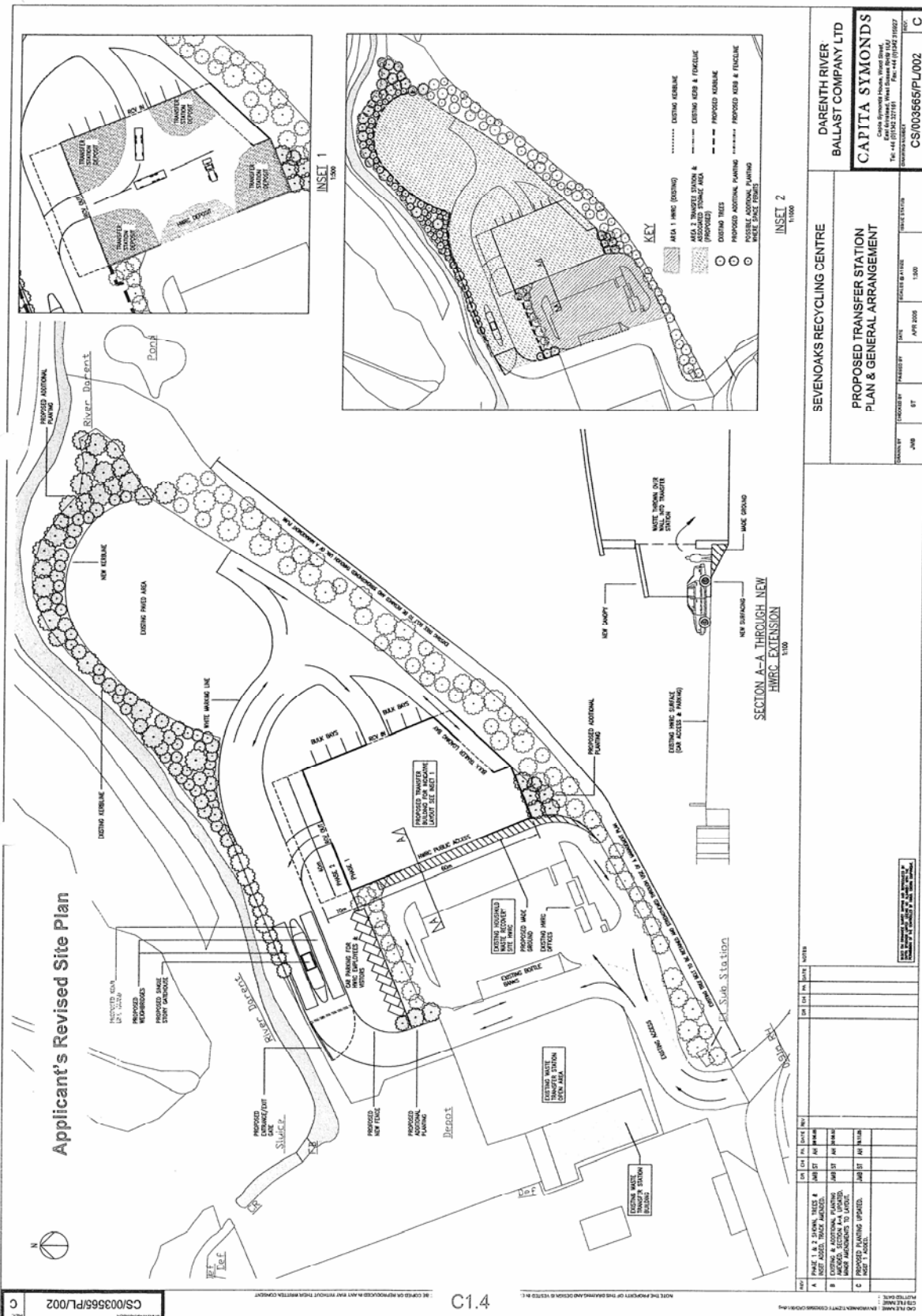
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Location Plan



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CS/003565/PL/002

C1.4

DARENTH RIVER BALLAST COMPANY LTD		SEVENOAKS RECYCLING CENTRE	
CAPITA SYMONDS Capita Symonds House, Pound Street, Sevenoaks, Kent TN11 7AB Tel: +44 (0)1323 321151 Fax: +44 (0)1323 319227		PROPOSED TRANSFER STATION PLAN & GENERAL ARRANGEMENT	
DATE: 11/10/00	SCALE: 1:500	DATE: 11/10/00	SCALE: 1:500
DESIGNED BY: JMB	CHECKED BY: GT	APPROVED BY: JMB	DATE: 11/10/00
PROJECT NO: CS/003565/PL/002	CLIENT: DARENTH RIVER BALLAST COMPANY LTD	PROJECT: SEVENOAKS RECYCLING CENTRE	DATE: 11/10/00

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Proposal

3. The application seeks to vary conditions 14, 15, 20, 26 and 27 of planning permission SE/05/2526 in the following ways:-

Condition 14:

4. Condition 14 currently states:

“14. The roller shutter doors of the vehicle access points of the waste transfer building hereby permitted shall be kept fully closed unless required for vehicular access.”

This could be interpreted as meaning that the doors should be closed after each vehicle enters or leaves the building. The applicant states that this would cause health and safety, logistical problems and vehicles delivering or collecting waste queuing unnecessarily outside the building. The applicant proposes that the condition be varied to allow the roller shutter doors to remain open during hours of operation and that condition 14 be reworded to read:

“14. The roller shutter doors of the vehicle access points of the waste transfer building hereby permitted shall be kept fully closed outside the hours of operation of the waste transfer station.”

Condition 15

5. Condition 15 currently states:

“15. All external illumination shall only be operated at those times when it is specifically required to enable work to be carried out while the premises are open for business.”

As the applicant proposed that conditions 26 and 27 be varied to allow essential repairs and maintenance to take place outside normal hours of operation it also wishes to vary condition 15 to facilitate this should external lighting be required during such times. Accordingly, it proposes that condition 15 be reworded to read:

“15. All external illumination save for the low level security lighting shall be extinguished outside the hours when the premises are open for business except where such lighting is required for repairs or maintenance which can only be carried out when the premises are closed for business.”

Condition 20

6. Condition 20 currently states:

“20. No more than a total of 112 HGV movements (56 in/56 out) associated with the operation of the household waste recycling centre and waste transfer station

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shall enter or leave the site in any one day (i.e. between 00.01 and 24.00 hours).”

The applicant states that there was a misinterpretation of the term “vehicle movements” in the original planning application which resulted in the condition allowing far fewer HGV movements than actually required to enable the facility to operate as intended. It now wishes to correct this error. It proposes that condition 20 be reworded to read:

“20. No more than a total of 256 HGV movements (128 in/128 out) associated with the operation of the household waste recycling centre and waste transfer station shall enter or leave the site in any one day (i.e. between 00.01 and 24.00 hours).”

The application is supported by a new traffic report which explains this and corrects that submitted previously.

Condition 26

7. Condition 26 currently states:

“26. No operations shall take place at the Waste Transfer Station, nor shall there be any movement of waste transporting vehicles to or from the Waste Transfer Station, except between the following times:-

Monday to Friday:	0700 to 1800 hours
Saturday (immediately following a Bank Holiday):	0700 to 1600 hours
Saturdays (other):	0700 to 1500 hours
Sundays, Bank or other Public Holidays:	No Operations”

As explained in paragraph 5 above, the applicant wishes to be able to undertake essential repairs and maintenance outside these hours. The applicant states that such works can only be undertaken when the facility is closed and is necessary to ensure that health and safety is not compromised. It proposes that the first part of the condition be reworded as follows (the second part to remain the same as above):

“26. No operations save for repairs and maintenance which can only be carried out when the premises are closed for business shall take place at the Waste Transfer Station, nor shall there be any movement of waste transporting vehicles to or from the Waste Transfer Station, except between the following times:-“

Condition 27

8. Condition 27 currently states:

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“27. No operations shall take place at the Household Waste Recycling Centre, nor shall there be any movement of waste transporting vehicles to or from the Household Waste Recycling Centre, except between the following times:-

Monday, Tuesday, Thursday, Friday and Saturday:	0800 to 1630 hours
Wednesday (1 October to 31 March inclusive):	0800 to 1630 hours
Wednesday (1 April to 30 September inclusive):	0800 to 2000 hours
Sunday, Bank Holidays and Public Holidays:	0900 to 1600 hours
Christmas Day, Boxing Day, 27 December and New Years Day:	None (site closed)”

The applicant wishes to vary the condition to allow essential repairs and maintenance outside these hours (for the reasons above) and to correct the inclusion of 27 December as a day on which no operations are permitted. It states that 27 December was included in the original application in error as it happened to be a bank holiday in 2005. Accordingly, the applicant proposes that the condition be reworded as follows:

“27. No operations save for repairs and maintenance which can only be carried out when the premises are closed for business shall take place at the Household Waste Recycling Centre, nor shall there be any movement of waste transporting vehicles to or from the Household Waste Recycling Centre, except between the following times:-

Monday, Tuesday, Thursday, Friday and Saturday:	0800 to 1630 hours
Wednesday (1 October to 31 March inclusive):	0800 to 1630 hours
Wednesday (1 April to 30 September inclusive):	0800 to 2000 hours
Sunday, Bank Holidays and Public Holidays:	0900 to 1600 hours
Christmas Day, Boxing Day and New Years Day:	None (site closed)”

9. The application originally sought to vary condition 7(e) of planning permission SE/05/621 but this element was withdrawn.

Planning Policy Context

10. **National Planning Policy:** PPS1 (Delivering Sustainable Development), PPG2 (Green Belts), PPS7 (Sustainable Development in Rural Areas), PPS10 (Planning and Waste Management) and PPG13 (Transport).
11. **Regional Planning Policy:** Policies E1 (Landscape Quality), E3 (Green Belts), E7 (Air and Water Quality), W16 (Waste Transfer), W17 (Location of Waste Management Facilities) of RPG9 (as amended). Policies C2 (AONBs), CC10a (Green Belts), NRM7 (Air Quality), NRM8 (Noise), W16 (Waste Transfer) and W17 (Location of Waste Management Facilities) of the emerging South East Plan.
12. **Kent and Medway Structure Plan (September 2006):** Policies SP1 (Conserving and Enhancing Kent’s Environment and Ensuring a Sustainable Pattern of

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Development), SS1 (Green Belt), EN1 (Protecting Kent's Countryside), EN3 (Protecting and Enhancing Countryside Character), EN4 (AONB), QL1 (Quality of Development and Design), TP12 (Development and Access to the Primary / secondary Road Network), TP15 (Development Traffic and HGVs), NR5 (Pollution Impacts), WM1 (Integrated Waste management) and WM2 (Assessment Criteria for Waste Proposals).

13. **Kent Waste Local Plan (March 1998):** Policies W3 (Locational Criteria), W6 (Need), W9 (Waste Separation and Transfer), W18 (Noise, Dust and Odour), W22 (Road Traffic and Access) and W25 (Lighting, etc).
14. **Sevenoaks District Local Plan (March 2000):** EN6 (AONB), GB1 (Green Belt), EN31 (Outdoor Lighting) and NR10 (Pollution of the Environment).

Consultations

15. **Sevenoaks District Council:** No objection. Asks that the County Council consider the amenity implications of the increase in HGV traffic movements.
16. **Sundridge with Ide Hill Parish Council:** Objects to the proposed variation to condition 20 (HGV movements). States that even if it is accepted that the issue was misunderstood previously a doubling of HGV movements would be 224 not 256 (i.e. a further 14%). Expresses concerns about the impact of additional HGVs (when added to the increased number of cars already envisaged for the site) on the junction with the A25. States that KCC Highways had accepted that the junction (which also serves Dryhill Lane on the other side of the A25) was dangerous but have reversed a decision to implement improvements. Considers that improvements are still necessary. Requests that KCC Highways consider the matter before the application is approved.

Has no objection to the other elements of the application but requests that any increased hours for maintenance be restricted to between 07:00 and 22:00 hours.

17. **Chevening Parish Council:** Expresses considerable concern about any increase in vehicle movements (particularly HGVs) at the site access from the A25 Westerham Road and states that these should only be permitted as part of improvements to that junction and its approaches and if cars within the facility are managed so that they do not back up to the A25.

Has no objection in principle to the use of low level security lighting to allow repairs and maintenance outside the hours when the station is open for business but would object to any operations outside the hours of 07:00 and 22:00.

18. **SEEDA:** No comments to make on the proposal.
19. **SEERA:** Considers that based on the information provided, the proposed variation in planning conditions would not materially conflict with or prejudice the implementation of the regional spatial strategy (RPG9) and the draft South East Plan. Advises the

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County Council to secure appropriate mitigation measures to reduce adverse environmental impacts in line with the objectives of Policies W16 and E7 of RPG9 and Policies NRM7 and NRM8 of the draft South East Plan.

20. **Natural England:** Raises concerns about the potential impact or incremental degradation which the variations would have on this part of the Kent Downs AONB in terms of increased noise and pollution from additional traffic movements and increased light pollution from use of lighting. States that there is nothing in the application to suggest how the variations to the conditions can be designed with landscape as the prime driver for design leading to incremental improvements. Urges the County Council to seek the views of the Kent Downs AONB Unit and to incorporate their suggested improvements so that the proposal does not erode the quality of the AONB at this location.
21. **Kent Downs AONB Unit:** No comments received.
22. **Transportation Planning Manager:** No Objection as the proposals are unlikely to have a significant impact on highway safety.

Advises that the site is well related to the residential areas it serves and is well located in terms of access to the main road network. Is satisfied that there has been a misunderstanding relating to HGV movements and that the proposed total of 256 HGV movements (128 two-way movements) in a 24 hour period is unlikely to give rise to an increased risk of accident or result in significant delays. Notes the concerns that have been raised with regard to sight lines and the ability of vehicles to access and egress from the site in a safe manner. Advises that the accident records for the past three years show that there have been three incidents (two slight and one serious), however, states that these can not be attributed to the use of the access for the purposes of waste disposal. States that the allowing repairs and maintenance outside normal operating hours would be unlikely to have an impact on highway safety. Given the proximity of the A21 and M25 recommended that the Highways Agency be consulted.

23. **Highways Agency:** No comments received.
24. **Environment Agency:** No objection.
25. **KCC Noise, Dust and Odour Consultant (Jacobs):** Advises that subject to suitable odour management being employed the proposed variation of condition 14 would not present any particular problems in terms of noise and odour as the proposed building would be orientated away from residential properties.

Local Members

26. The local Member Mr R Parry was notified of the application on 25 February 2008. At the time of writing this report no comments have been received.

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Representations

27. The application was advertised in a local newspaper and with site notices and 23 local properties were notified. Two written representations have been received. These object to the application on the grounds that the development would result in an unacceptable impact in terms of:
- Lighting, particularly during any working outside normal operating hours – any lighting should be kept to an absolute minimum and designed to minimise impacts on local amenity (floodlighting should not be allowed);
 - Opening hours (generally) – these should be further restricted than currently permitted;
 - Noise (current and future), including reversing beepers on dustcarts, HGVs and loading shovels and the movement of skips – audible reversing warning devices should be toned down or alternatives used;
 - Maintenance hours – should be limited and not open-ended as proposed;
 - Landscape screening – further landscaping should be required to help screen the development given the AONB status and to help reduce noise impact (e.g. quick growing evergreen trees on the northern boundary);
 - Odour – Smells from the site (and in particular the green waste composting facility) have been a problem for many years and the issue needs to be properly controlled at the new facility; and
 - Cumulative impacts.

Discussion

28. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.
29. As the principle of development of a new waste transfer station (WTS) and household waste recycling centre (HWRC) has only recently been established by the granting of planning permission SE/05/2526 on 15 February 2007, following the completion of a Section 106 Agreement which secured (amongst other things) the cessation of the existing green waste composting operation and use of the existing WTS¹, it is not necessary or appropriate to reconsider the principle of its development. However, any issues arising from the proposed variations of conditions must be considered.
30. The main issues arising from the application are:-
- Whether the requirement that the roller shutter doors of the vehicle access points of the WTS be closed after each individual vehicle enters or leaves is reasonable and whether not doing so during the normal working day would give rise to unacceptable impacts (e.g. odour or noise);

¹ The former on implementation of planning permission SE/05/2526 and the latter within 14 days of waste being imported to the new WTS.

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- Whether it is necessary to allow essential repairs and maintenance outside normal working hours and whether such use is acceptable even if this requires external lighting (e.g. noise, light pollution and general disturbance);
- Whether 256 HGV movements (128 in/128 out) each day would be acceptable in terms of highway capacity and safety and potential environmental impacts (on local amenity and the AONB status of the site);
- Whether it is reasonable for the HWRC to open on 27 December each year; and
- Whether any of the proposed changes themselves give rise to the need for further changes or controls.

Each of the proposed variations of condition will be considered against the above issues, development plan policy and other material planning considerations.

Condition 14 (roller shutter doors)

31. No specific objections have been received in relation to the proposed variation to condition 14 although concerns have been expressed by two local residents about noise and odour associated with existing waste operations at the site (i.e. the green waste composting facility, WTS and HWRC). The County Council's noise, dust and odour consultant has advised that not closing the doors during normal working hours should not present problems in terms of odour subject to the use of suitable controls or noise as the doors in question are orientated away from local properties. The WTS and HWRC will both need to be operated in accordance with an Environmental Permit (issued by the Environment Agency) which will provide detailed controls in respect of odour. The Environment Agency has raised no objection to the proposals.
32. On the basis of the above, I consider that the proposed variation of condition 14 would not result in unacceptable adverse impacts and would be consistent with the above adopted and emerging development plan policies.

Condition 15 (external illumination)

33. Concerns have been expressed by Chevening Parish Council, Natural England and local residents about potential light pollution associated with poor design or unrestricted use of external lighting. It should be noted that with the exception of low level security lighting the proposed variation to condition 15 would only allow external lighting to be used exceptionally to facilitate essential repairs and maintenance that could not be undertaken during normal working hours. It should also be noted that condition 7 of planning permission SE/05/2526 does not allow development to take place on the site until details of (amongst other things) external lighting have been submitted to and approved in writing by the County Council. Condition 7 is clear that external lighting shall be designed to avoid light pollution and minimise impacts on the surrounding area and that the details that are approved must be implemented, maintained and complied with at all times. In this way, and since any details that are submitted would be considered in the context of those hours of potential use that are actually permitted at that time, I am satisfied that condition 7 provides the necessary safeguards to ensure that external lighting would not give rise to the unacceptable adverse impacts that are of concern to the above respondents.

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34. On the basis of the above, I consider that the proposed variation of condition 15 would not result in unacceptable adverse impacts and would be consistent with the above adopted and emerging development plan policies.

Condition 20 (HGV movements)

35. The proposed variation of condition 20 has given rise to the greatest concern. Objections have been received from Sundridge with Ide Hill Parish Council, Chevening Parish Council and local residents to the proposed increase from 112 to 256 HGV movements per day associated with the WTS and HWRC. These objections primarily relate to concerns about the safety of the junction with the A25 (including sight lines) and traffic impacts more generally. Concerns about related impacts have also been received from Natural England due to the AONB location and Sevenoaks District Council has asked that the County Council consider the amenity implications of the proposed increase.
36. The Transportation Planning Manager has considered the objections and related concerns that have been raised, together with relevant traffic surveys and other highways information for the site and surrounding area, and has advised that he has no objection to the proposed increase in HGV movements.
37. The supporting information submitted with planning application SE/05/2526 in 2005 stated that HGV movements associated with the existing WTS were 76 per day in 2005 and that they would remain so in 2020. It also stated that expected HGV movements for the proposed WTS and HWRC would rise from 76 per day in 2005, to 88 per day in 2010, to 100 per day in 2015 and to 112 per day in 2020. The supporting information submitted with the current planning application explains the extent of the misinterpretation referred to in paragraph 6 above and provides a corrected interpretation of anticipated traffic movements from the site (including other uses at Dunbrik). The new figures show that the existing WTS already generates 138 HGV movements per day and could, if working at the maximum tonnage allowed by the current Environmental Permit, generate 196 movements per day by 2020 if the new WTS and HWRC were not implemented. It also states that expected HGV movements for the new WTS and HWRC would rise from 214 per day in 2010, to 256 per day in 2015 and to remain at 256 per day in 2020. It should be noted that the current planning permission for the WTS (SE/90/1302) contains no restrictions in terms of HGV movements. Indeed, none of the other permissions at Dunbrik contain any such restrictions. Whilst some caution should be afforded to such expected figures since theoretical figures are not always achievable in practice, it is clear that HGV movements could easily exceed the 112 currently permitted by condition 20 without any further changes to the current WTS planning permission. All these figures need to be placed in the context of other HGV and vehicle movements from all operations located at Dunbrik (including the Sevenoaks District Council Depot, building and construction yards, the existing HWRC and (currently) the green waste composting facility). The Transportation Planning Manager has considered these in reaching his recommendation.

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38. Given that the Transportation Planning Manager has no objections on the basis of highway capacity or safety there would be no basis to refuse the application on these grounds. Since there are no HGV movement restrictions on the current WTS or any other of the operations at Dunbrik, such that actual HGV movements could potentially be similar if the permitted WTS and HWRC were not to be implemented, I do not consider that the proposed variation of condition 20 would necessarily lead to unacceptable adverse amenity impacts. On this basis, I consider that the proposed variation of condition 20 would not conflict with the above adopted and emerging development plan policies.

Conditions 26 and 27 (amended days / hours of use)

39. The proposed variation of conditions 26 (WTS) and 27 (HWRC) have given rise to concerns by Sundridge with Ide Hill Parish Council, Chevening Parish Council and local residents on the grounds that the proposed change could lead to repairs and maintenance taking place at all hours of the night. Whilst they accept that essential repairs and maintenance may need to be undertaken outside normal working hours, they wish them to be restricted in some way. Both Parish Councils have asked that such use be restricted to between 07:00 and 22:00 hours. Natural England's concerns also relate to the proposed variations to hours of use but are primarily related to potential light pollution which has been addressed above. Local residents have also raised concerns about audible reversing devices.
40. Given the desirability of the WTS and HWRC being able to operate efficiently during normal working hours to avoid problems with local authority waste and recyclable materials collections or deliveries of similar materials by members of the public, I consider that the ability to undertake repairs and maintenance outside these hours is necessary. Clearly, any additional operations during the early morning, evening or night would be likely to result in some adverse impacts and I share the concerns of the Parish Councils about removing restrictions on such use altogether. Whilst audible reversing devices can result in disturbance, their use also raises health and safety issues. Planning permission SE/05/2526 includes measures designed to minimise adverse impacts from such devices, most notably in the design of the new larger WTS building capable of better accommodating operations and incorporating a one-way system to reduce the need for reversing. It has previously been accepted that the new WTS and HWRC would result in an improvement on the existing position. However, the possibility of operations taking place outside normal operating hours has not previously been considered.
41. On balance, I consider that the restriction proposed by the Parish Councils on the hours during which repairs and maintenance which can only be carried out when the premises are closed for business should be allowed (i.e. between 07:00 and 22:00 hours) is reasonable and should therefore form part of any amended planning permission. Given the relative proximity of residential properties and potential impacts that could otherwise arise, I also consider that audible reversing devices should not be employed during such periods unless essential to meet health and safety requirements. These issues can be satisfactorily addressed by further amendments to conditions 26 and 27.

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42. The proposed removal of the reference to 27 December in condition 27 (relating to the HWRC) has attracted no objections. Since this obviously relates to an error in the earlier planning application, is required to facilitate the effective operation of the HWRC and would give rise to no additional impacts that have not been considered to be acceptable on other days, I consider that condition 27 should be amended to remove reference to 27 December.

Other issues

43. A number of the issues raised by local residents are not directly related to the proposed variations of conditions or are related to current activities at the site. These include concerns about landscape screening and the suggestion that the permitted hours of working be further restricted. Condition 31 of planning permission SE/05/2526 already includes a requirement for a full tree survey, a scheme of landscaping and a management plan for the adjoining woodland belt to be submitted to the County Council for its approval and for this to be implemented as approved and maintained for at least 5 years. The landscaping scheme must also be designed to accord with the Kent Downs AONB Landscape Guidelines. Although the requirements of condition 31 have yet to be met I am satisfied that the condition includes the necessary safeguards on landscape and related issues as development cannot take place until it has been addressed. I see no reason to further amend the permitted hours of working as these were only recently considered as being acceptable and are not affected by the changes now proposed.

Conclusion

44. Planning permission SE/05/2526 already provides for the development of a new WTS and HWRC at Dunbrik. However, this permission has not yet been implemented – at least in part because the applicant does not believe that the facility could operate as intended given the constraints currently imposed by conditions 14, 15, 20, 26 and 27. If the current application is permitted this should provide the applicant with the necessary confidence to progress the development of the new facility which is needed in order to improve waste management capacity in Sevenoaks and enable more efficient recycling in the years ahead. Having considered the views of consultees and other respondents and relevant material planning considerations, and subject to the further restrictions on “out of hours” use set out in paragraph 41 above, I am satisfied that the proposed variations to the conditions would not lead to unacceptable adverse impacts either individually or cumulatively and would accord with adopted and emerging development plan policies. I therefore recommend accordingly.

Recommendation

45. I RECOMMEND that PERMISSION BE GRANTED for the proposed variations to conditions 14, 15, 20, 26 and 27 of planning permission SE/05/2526 subject to conditions 26 and 27 being further amended to only allow repairs and maintenance which can only be carried out when the premises are closed for business to be undertaken between 07:00 and 22:00 hours and for no audible reversing devices to

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be employed outside of normal working hours unless specifically required to meet health and safety requirements.

Case Officer – Shaun Whyman

Tel no. 01622 221055

Background Documents - see section heading
