

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 other documents as might be additionally indicated.

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**Item C1**

**Retrospective application to vary conditions 1 and 15 of planning permission SH/07/589 to allow the erection of a 5.5m high close boarded fence and the installation of a surface mounted weighbridge. Rear of Century House, Park Farm Close, Folkestone, Kent, CT19 5DW. SH/09/806**

A report by Head of Planning Applications Unit to Planning Applications Committee on 17 February 2010.

Retrospective Application by Jenner Group Ltd for erection of 5.5m close boarded fence and weighbridge at Rear of Century House, Park Farm Close, Folkestone. SH/09/806.

Recommendation: Permission be granted subject to conditions

**Local Members:** Mr Richard Pascoe

**Classification:** Unrestricted

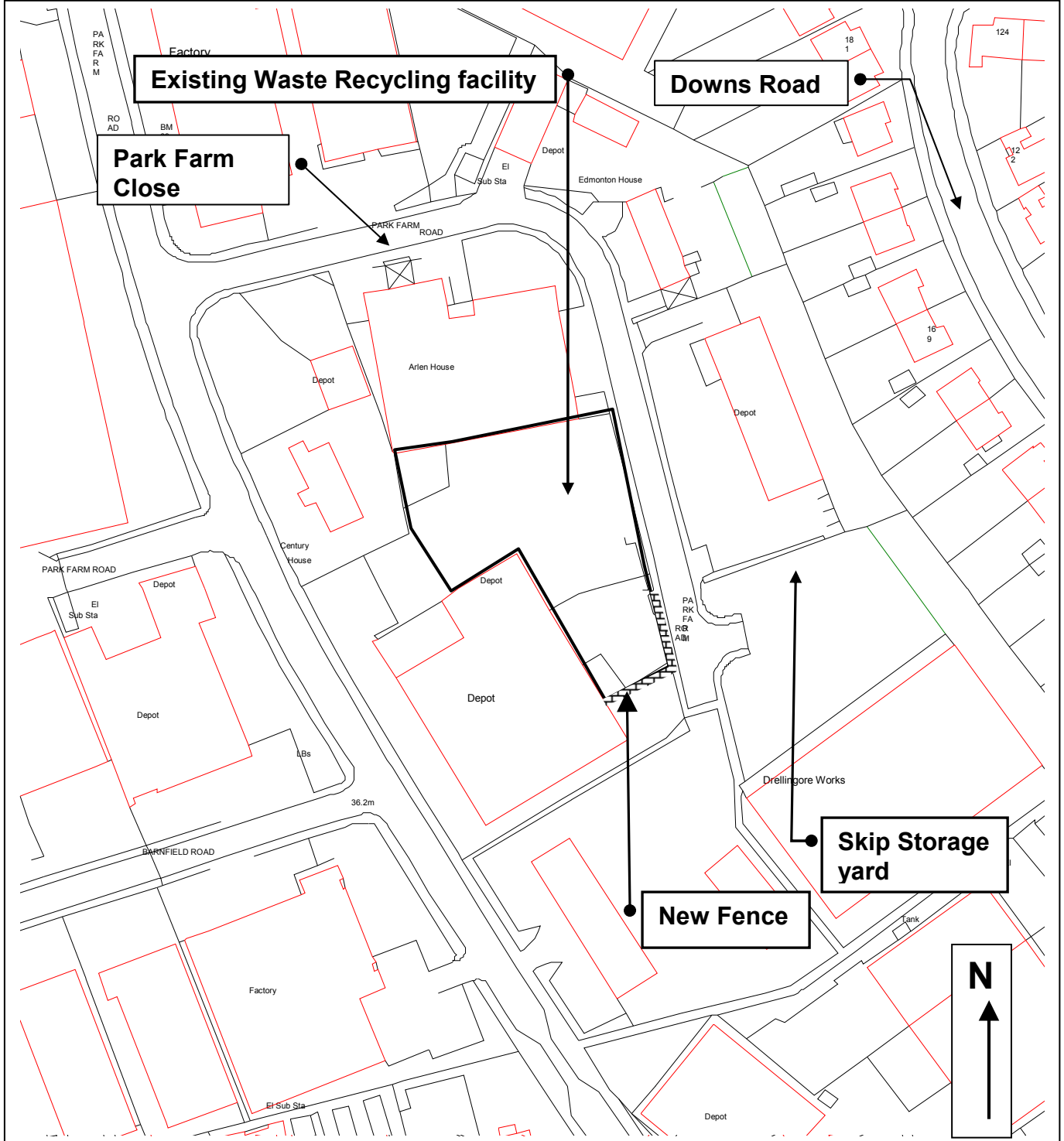
**Site Description**

1. The application site is located in Park Farm Close, Folkestone. The site is located within Park Farm Industrial Estate, which has good access to the primary and secondary road network within the area, particularly the M20, A20 and A259. Park Farm Close is in a shallow valley at the base of Sugarloaf Hill. The residential properties of Downs Road are the nearest sensitive receptors occupying rising ground some 70 metres east of the site.
2. The site is set on land sloping down to Park Farm Close with the highest ground being in the north-west corner of the site. The rear gardens of Downs Road rise up to the elevated level of the road itself and the land continues to rise to the east. The site is accessed from Park Farm Road on the periphery of the Industrial Estate. The immediate neighbours are mixed industrial, storage, distribution and construction companies. Across Park Farm Close from the site lies a skip storage yard which was once linked to the operators of the application site. The skip storage yard abuts the rear gardens of the residential properties of Downs Road. The skip storage yard had the benefit of a temporary planning permission issued by Shepway District Council. A submission to renew the temporary consent is currently under deliberation by Shepway District Council.
3. The application site consists of an approximately 0.17 hectare irregularly shaped parcel of land as illustrated in the plan below. The north eastern area of the site has permission for open waste storage and sorting. This includes various sorting equipment and stockpiles. The remainder of the site is used for the storage of various recyclables in designated storage areas and containers whilst awaiting export, as well as for vehicle loading and manoeuvring. The site is located on land designated for employment use within the Shepway District Local plan. A site location plan is attached.

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### Site Location Plan

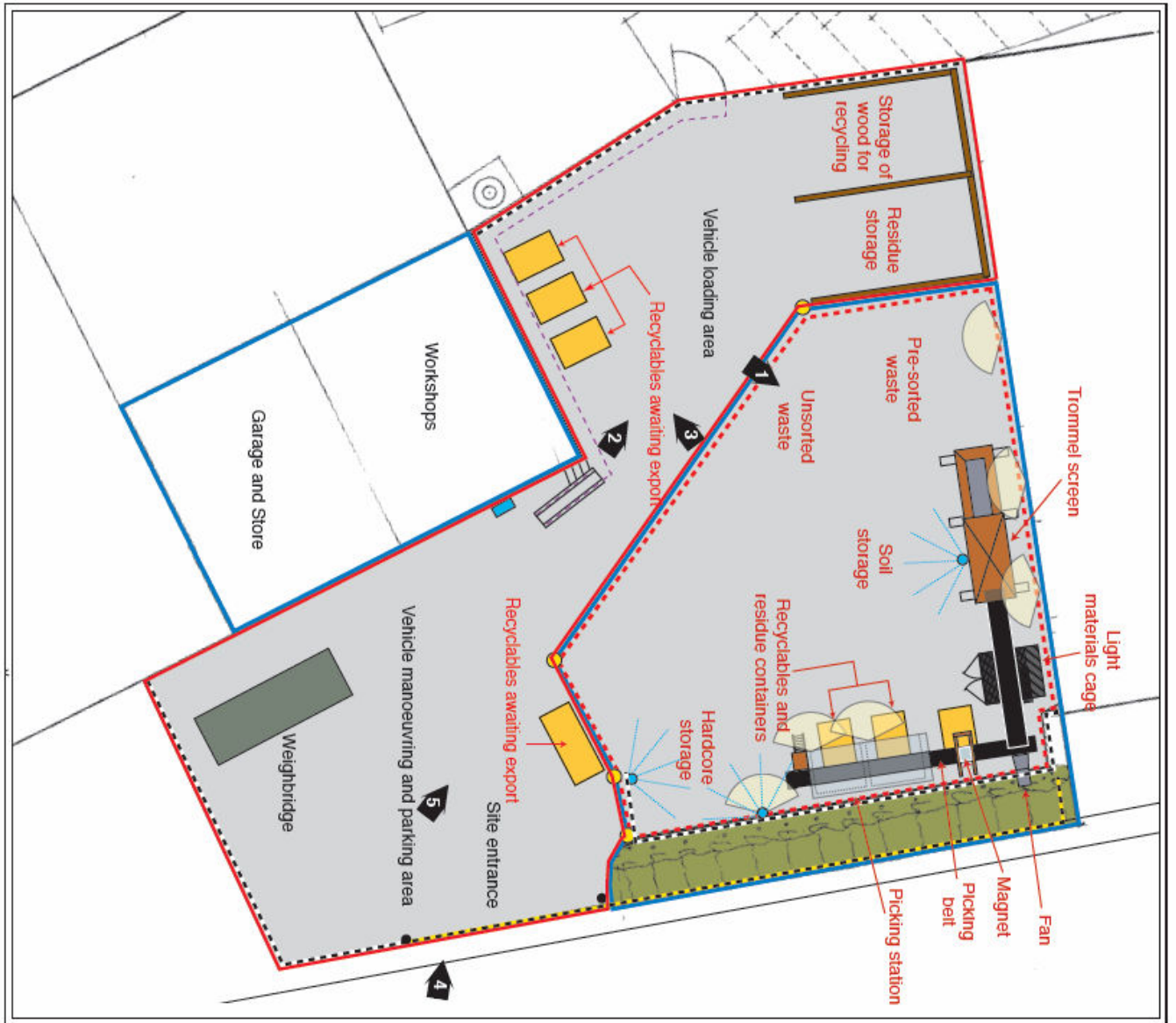


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Scale 1:1250

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## Retrospective application for installation of weighbridge and erection of 5.5m close boarded fence. SH/09/806



**davies planning**  
**Waste Recycling Facility**  
 Park Farm Road, Folkestone

**Figure 2 Rev 5**

Existing site layout and indicative changed use of adjoining land

Scale 1 : 250 @ A3  
 October 2009

**Key**

- Application site
- Other land under applicant's control
- Site permitted site under permission SH/05/274 and open storage area
- Paved area
- Landscaping
- 5.5m close boarded fence
- 1.8m palisade fence with matching gates
- 1m post and rail safety fence
- 500w sodium floodlights 5-7m above ground level
- Low volume mist water sprinklers approx 5m above ground level
- Water rose point
- Demarcation points for open storage area permitted by SH/05/274
- ▶ Photograph locations (for photos see Drawing No HPS 202)

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**Background**

4. The site was granted planning permission for waste transfer and recycling on the 8<sup>th</sup> of April 1998 (SH/98/09). The approval was for a 10m by 17m area within the greater area of an operational plant hire site.
5. Subsequently application SH/01/50 was approved on the 9<sup>th</sup> of March 2001 to extend the area to conform to the area covered by the Waste Management Licence. This approval did not change the permitted operations that included waste separation and bulking by hand sorting and mechanical screening using specified equipment.
6. In 2005 a further planning permission was granted (SH/05/274) to improve working practices, install more efficient plant for increased waste recovery and recycling. This permission tightened up controls on site, with regard to vehicle movements, hours of operation, and provided mitigation measures to control noise, dust, odour and provide landscaping.
7. In 2007 planning permission was granted for change of use of part of the existing landholding to allow ancillary use of land to the south of the waste recycling facility. The use of this land was permitted for the storage of bulked up recyclables awaiting export and for the manoeuvring of vehicles. This was granted in order to allow more efficient handling of the waste transfer activities.
8. In regards to the waste recycling facility, the subject of this application, the current 2007 permission was tailored specifically to include further mitigation measures and controls in order to ensure protection of local amenity. These controls are explained in more detail later in this report but in short contained conditions around the use of dust suppression equipment, noise restrictions, limits on hours of working, storage areas and vehicle movements. Schemes pursuant to these conditions where necessary have been submitted. This current application is however specifically for elements already installed on site that were not subject to the earlier planning permissions. Specifically the development in this application is detailed in a submission which includes a site layout plan showing the current arrangement on the site.

**Proposal**

9. This retrospective application has been submitted to regularise the erection of a 5.5m close boarded fence and installation of a weighbridge at the site via variation of conditions 1 and 15 of planning permission SH/07/589. Condition 1 is being varied to approve details including site layout changes. Condition 15 removed the permitted development rights for buildings, fixed or mobile plant or machinery to be erected on the site without the approval of the planning authority; this is proposed to be varied to allow the erection of the fence and installation of the weighbridge. The 5.5m close boarded fence is constructed from wood and supported by universal column steel posts. The fencing is identical in appearance to the currently permitted fencing to the western, northern and eastern boundaries of the site. The new close boarded fencing is located on the eastern and southern boundaries of the site to the south of the site entrance. The purpose of the fencing is to further enclose the site and provide screening to reduce local amenity impacts.

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10. The weighbridge is located on the southern area of the site as illustrated on the site layout plan on page C2.3. This area is designated as an area to be set aside for vehicle manoeuvring and parking. The weighbridge is of standard construction from steel plate measuring 9m by 3m. The weighbridge assists in the efficient running of the site on a day to day basis. This enables accurate measurement of the waste throughput of the site and enables the operator to ensure compliance with the current waste management licence.
11. Figure 2 revision 5 on page C2.3 has been submitted as part of the application and shows the respective locations of the new close boarded fence to the south of the site as well as the location of the weighbridge. It shows details of the operational aspects of the waste recycling facility and the site layout and the relationship of the fence and weighbridge to the site layout.

**Development Plan Policies**

12. Proposals for waste management development must be assessed against relevant development plan policies, the advice in Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) and other material planning considerations including both European and National Waste Policies (e.g. the EU Waste Framework Directive and Waste Strategy for England 2007).
13. The key Development Plan Policies relevant to the consideration of the application are set out below.
14. **National Planning Policies:** PPS1 (Delivering Sustainable Development), PPS10 (Planning and Waste Management), PPS23 (Planning and Pollution Control) and Waste Strategy for England 2007.
15. **South East Plan Policies (May 2009):** Policies CC1 (Sustainable Development), CC7 (Infrastructure and implementation), NRM9 (Air Quality), NRM10 (Noise) W3 (Regional Self-Sufficiency), W4 (Sub-Regional Self-Sufficiency) and W17 (Location of Waste Management Facilities).
16. **Kent Waste Local Plan (March 1998) (Saved Policies):** Policies W18 (Noise, Dust and Odour) and W19 (Groundwater)
17. **Shepway District Local Plan (2006) (Saved Policies):** SD1 (Sustainable Development), BE1 (respect of setting), E1 (Employment sites), U4 (Groundwater protection), U7 (Locations for recycling),

**Consultations**

18. **Shepway District Council:** Shepway District Council raise no objection to the granting of this application (they acknowledge comments from local residents and that some of those concerns relate to possible breach of planning restrictions for the site, these

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however are not related to the current application). Given the unsuitable nature of the fence for permanent retention it is recommended that conditions are attached requiring it to be maintained in a good condition and that it is removed when the waste recycling activities cease on the site.

I have also received a separate submission from Shepway District Council Environmental Health officer, along with copies of complaint letters sent directly to Shepway District Council. The letters were sent to Shepway as the complaints were largely relating to the skip storage site that was operating under a temporary planning permission granted by them. An application to renew this permission is currently with Shepway District Council for determination.

19. **Divisional Transport Manager:** Does not object to the location of the weighbridge in its current position.
20. **Environment Agency:** No comments received to date.
21. **Folkestone Town Council:** No comments received to date

**Local Member(s)**

22. The local County Member for Folkestone, Mr Richard Pascoe was notified of the application on 18<sup>th</sup> of August 2009. No comments have been received to date.

**Publicity**

23. The application was publicised by the posting of one site notice, an advertisement in a local paper and the notification of 23 nearby properties.

**Representations**

24. A letter from a Shepway District Councillor, 2 Letters and 1 petition signed by 18 residents of Downs Road have been received.
25. Shepway District Councillor Lynne Beaumont has written to express her concerns in regards to the running of the site. She raises concerns relating to the level of operations at the site, particularly in regard to noise and dust pollution. Her concerns are generally about the operation of the site rather than in specific objection to the erection of the close boarded fence and the weighbridge.
26. In general the objections received are not related in planning terms to the acceptability of the close boarded fence and the weighbridge itself. The objections largely relate to concerns about waste management operations at both this site and the skip storage site across Park Farm Close. The main concerns are;
  - Noise – concerns with banging of skips early in the morning and general operation of existing site.

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- Dust – Problems with current activities emitting dust which is carried over to residential properties.
- Out of hours working – working beyond the permitted hours including some working on Saturdays.
- Exceeding vehicle movements at site (Currently limited by condition to 25 per day)

### **Discussion**

#### **Introduction**

27. 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. In the context of this application, the policies outlined in paragraphs [12 -17] are of greatest relevance.
28. Until the Kent Waste Development Framework has been adopted as a replacement for the Kent Waste Local Plan (1998), and any identified sites and locational criteria have been subjected to a Sustainability Appraisal and Strategic Environmental Assessment as part of that process, PPS10 requires that planning authorities should ensure proposals are consistent with its policies.

#### **Key Issues**

29. This site has a complex history which has been discussed in the background section of this report. Activities at this site and the skip storage yard opposite have led to objections being raised by local residents on noise and dust related grounds as well as allegations of breaches in the permissions. This retrospective application seeks to regularise the sites current position in regards to the erection of a close boarded fence, the installation of the weighbridge and the site layout. It should be noted that this application does not seek in any way to intensify operations, extend hours or increase vehicle movements currently permitted at site.
30. The principle of this development at this location has already been established through previous planning permissions. In policy terms the site, although compact, is the right kind of facility in the right kind of location. The site is on land designated for employment use in the Shepway District Council local plan, on an existing industrial estate and is in close proximity to the main transport links of the M20, A20 and A259. In light of past problems at this site the 2007 planning permission (SH/07/589) was drafted to include extensive restrictions and imposition of mitigation measures to minimise the impact from the site on local amenity. This established industrial site is bordered to the east by residential properties. The application site lies on the opposite side of Park Farm Close, and therefore provided it is operated within the planning constraints set out through the 2007 permission there should be no unacceptable detriment to amenity.
31. It should be noted that this application is for the regularisation of the close boarded fence and weighbridge, elements which themselves are not considered to have detrimental impacts on amenity of the area. These elements in my view would assist in monitoring and controlling operations at the site. Both elements of this application assist in containing the sites impact and provide a mechanism via the weighbridge records to

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ensure that the limits to site throughputs are being adhered to.

32. In light of the above I consider that the key determining issues in regards to this retrospective application for the installation of the close boarded fence and weighbridge are concerning amenity impacts and site layout.

**Amenity impact**

Visual Impact

33. The close boarded fence acts to further enclose the site on the southern boundary. The fence has an impact on increasing the massing of the site when compared with the previous palisade fencing. The new close boarded fencing is however identical in construction and appearance to that currently permitted on the northern boundary of the site. This offers continuity in appearance across the site and is not visually unacceptable in this location.
34. Shepway District Council seek a condition to ensure that if the waste use were to cease, then removal of the fencing plant and machinery would be required. This could be addressed via condition.

Noise and dust.

35. Policy W18 of the Kent Waste Local Plan requires the Planning Authority to be satisfied as to the means of control of noise, dust, odour and other emissions particularly in respect of the potential impact on neighbouring land uses and amenity and criterion (a) of Policy W9 requires that the proposal seeks to minimise impacts on the local and natural environment.
36. The proposed fencing and the weighbridge themselves do not give rise to any further noise, dust or odour issues. There is no intention to intensify waste activities on site, nor to change working practice operations as a result of the proposed fence or weighbridge. During the consultation exercise issues were raised in regards to the noise and dust emissions from the current activities at site. These however are not related to the installation of the weighbridge and fence themselves. Updating of the site layout would be of benefit as this would strengthen the base through which activities at site can be controlled.

*Noise:*

37. The current application does not involve additional waste processing. The installation of the weighbridge and the fence do not incur any additional noise impacts to that already permitted. Noise controls currently in place would remain should permission be granted and include an acoustic fence.

*Dust:*

38. The proposal assists in reducing the impact from dust as it would further enclose the site and therefore help in minimising the amount of dust leaving the boundaries of the



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site. Concerns have been raised by local residents over the dust issues experienced at their properties. It is unclear whether dust is arising from this site or the skip storage yard which is adjacent to the residential properties themselves. The 2007 permission (SH/07/589) for the application site included dust mitigation measures. These include the dampening down of the access and all concreted areas to settle any dust, the removal of any deposits as required and the height of the stockpiles being kept to a minimum. There is also dust suppression system (mist) installed and currently in operation. Subject to the effective operation of these measures, dust should be adequately controlled at this site.

**Site layout**

39. The proposed site layout would allow the more effective operation of the site. The weighbridge is located on a part of the site previously used for vehicle manoeuvring and parking. The Divisional Transport Manager has been consulted on this aspect and does not oppose the location of the weighbridge.

**Conclusion**

40. This application is for the regularisation of the current position at the site and seeks retrospective permission for a fence and weighbridge. There is no other change to permitted waste activities on the site. The close boarded fence and the weighbridge themselves are not considered to have detrimental impact on either local amenity or the environment. The proposals assist in enabling the more efficient enclosure of the site, thus helping to further contain dust and noise emissions. The weighbridge would enable more efficient monitoring of site throughputs and therefore would assist monitoring compliance with the planning permission and waste management licence. The application also provides details of site layout which will assist the planning authority in providing a stronger base to control operations and activities.
41. Some concern has been raised by local residents in particular regards to noise and dust emissions from this site and the waste activity taking place. These are not determining factors for this current application. Notwithstanding this, the current permission for this site includes extensive control via conditions to minimise any negative affects on amenity from operations at site. This application would assist in reducing the amenity impacts from the site by further enclosing and allowing throughput monitoring of activities at site. The site will be monitored on a regular basis, as with all other sites, to ensure compliance with conditions. The new layout plan will provide a sound basis to ensure proper planning control at the site.
42. As such I am satisfied that the current proposal will on balance do no harm to the local amenity and I therefore recommend accordingly.

**Recommendation**

43. I RECOMMEND that PERMISSION BE GRANTED for the variation of condition 15 of planning permission SH/07/589 to allow for the erection of the close boarded fencing and the installation of the weighbridge as shown on the submitted drawing no Figure 2 Revision 5 dated October 2009, subject to inclusion of conditions attached to

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SH/07/589 covering amongst other matters limitations on stockpile heights, hours of operation, vehicle movements, noise, dust, windblown litter, site layout and for the maintenance of the fence and removal of both the fence and weighbridge upon cessation of the waste use at the site.

Case officer – Shaun Whyman	01622 221055
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Background documents - See section heading
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