

APPLICATION: MA/10/0167 Date: 1 February 2010 Received: 3 February 2010

APPLICANT: Mr G East

LOCATION: SBS RECYCLING LTD, TOVIL QUARRY SITE, STRAW MILL HILL,
TOVIL, MAIDSTONE, KENT, ME15 6FL

PARISH: Tovil

PROPOSAL: An Article 10 Consultation with Maidstone Borough Council by Kent
County Council for the development of a Materials Recycling Facility
and Transfer Station for waste recovery.

AGENDA DATE: 18th March 2010

CASE OFFICER: Geoff Brown

The recommendation for this application is being reported to Committee for decision because:

- Councillor Chittenden has requested it be reported for the reasons set out in the report

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ED2, ENV6
The South East Plan 2009: CC1, CC3, CC4, CC6, W1, W2, W3, W4, W5, W6, W7, W16,
W17, BE1, BE6, NRM5, NRM7, NRM9, NRM10
The Kent Waste Local Plan 1998: W3, W6, W7, W9, W18, W19, W20, W21, W22, W25,
W25A, W31, W32
Village Design Statement: N/A
Government Policy: PPS1, PPS4, PPS9, PPS10, PPG13, PPG15, PPS23, PPG24

1. HISTORY

The site can be used for the conversion of waste paper as a result of permission MA/83/0048, although that permission is 'personal' to "a company owned by Reed International PLC". Subsequent permissions MA/86/1675 and MA/88/1338 allowed minor built development pursuant to the permitted use. The site is currently disused.

2. CONSULTATIONS

3.1 This is a scheme that will be determined by Kent County Council as the Waste Planning Authority: Maidstone Borough Council is a formal consultee and was originally given until 1 March 2010 to comment. In view of Councillor Chittenden's 'call-in' to Planning

Committee KCC has granted an extension of time for the receipt of comments to 19 March 2010.

KCC has carried out the consultation, publicity and notification for this application and I have therefore only carried out internal consultations.

3.2 Internal Consultation

The Environmental Health Officer raises objection on noise grounds (see discussion below).

The Landscape Officer has no objection.

The Conservation Officer has no objection.

3.3 Consultation responses forwarded by KCC

Natural England raises no objection but recommends that KCC's in-house ecologist be consulted.

The Kent Wildlife Trust has no objection.

The Environment Agency has no objection.

Kent Fire and Rescue Service objects to the development on the basis that the local road network is not capable of safely accommodating the additional traffic generated. Also that the development is not 'environmentally friendly'.

4. REPRESENTATIONS

4.1 Councillor Chittenden states:

"I am writing to ask that this application be called to committee on the following basis:

1. This is a highly contentious application that will have a major impact on the area, and is causing considerable concern to local residents.
1. There will be a significant increase in heavy duty vehicles which will further add to the heavy traffic movement and congestion already experienced at times in the area due to the existing recycling centre, recent completed new developments. Planning permission has also been granted for a further large development close by. It should also be noted that the promise from KCC to provide an additional re-cycling Centre on the other side of Maidstone to serve parts of Maidstone and outlying areas of Tonbridge and Malling is having the money allocated by KCC withdrawn in the budget going through County Council

at the present time. The current Tovil re-cycling Centre will continue to serve the whole of Maidstone, as well as Larkfield, Malling etc.

2. There is major concern relating to noise and dust from crushing and other equipment that would be used by the plant, bearing in mind its close proximity to existing housing including new developments.
3. There is serious safety concerns relating to entry and exit of large heavy vehicles from a busy narrow road. Those of us who already use the roads regularly know the difficulty and concerns drivers have when exiting from Cave Hill onto Straw Mill Hill because of the short site lines resulting from the bends in the road."

4.2 I have received letters of objection: 37 letters from local residents; and letters from the North Loose Residents Association, the Valley Conservation Society and 2 local businesses. A petition of objection with over 250 local resident names has been submitted. These documents have been submitted either direct to this Council or forwarded by KCC.

4.3 The main grounds of objection are:

- a) This is the wrong location for a facility such as this. It should be located closer to the sources and end destinations of the materials involved.
- a) The local road network is not capable of safely accommodating the extra traffic generated (particularly HGV's). Straw Mill Hill is narrow and its junction with Tovil Hill is dangerous. The development would present significant dangers to vehicles and pedestrians.
- b) The highway, its verges and environs would suffer physical damage from the passage of lorries, etc.
- c) The use would cause noise, dirt, dust, fumes, vibration and pollution to the detriment of the living conditions of existing and proposed housing. It would pose a health risk. The passage of vehicles along unsuitable roads would cause excessive noise and disturbance.
- d) The development would adversely affect the character of the area generally and the nearby Conservation Area particularly.
- e) Local fauna and flora would be adversely affected.
- f) There may be damage to the foundations of property.
- g) Local house prices would be adversely affected.

5. CONSIDERATIONS

5.1 Description of the Site

The application site is located within the defined urban area of Maidstone off the west side of Straw Mill Hill. It is a former quarry, currently disused, but with a lawful use as a waste paper recycling centre. A sunken access track leads off south-westward from Straw Mill Hill leading to the base of the former quarry where a range of dilapidated buildings, portable structures and hardstandings are found. The north western boundary is marked by extensive earth banking that separates the site from the 'Burke site' which has detailed planning permission for a new housing development (reference MA/01/0686 and MA/01/0686/01). That permission expires in April 2010 but an application to renew that permission has been lodged with this Council (reference MA/10/0256).

5.2 The Proposed Development

- 5.2.1 This application proposes the development of a materials recycling facility and transfer station on this land. The site would be adapted to accept and process mixed industrial and commercial skip waste which would involve two main processes:
- a) The sorting of mixed wastes using a materials recovery facility to recover those wastes with value.
 - a) The sorting and treatment of mixed construction and demolition wastes to produce secondary aggregates and topsoils.
- 5.2.2 Waste would arrive in skip lorries, tipper lorries and roll-on, roll-off waste containers and would be sorted within the main building. Sorted and recovered materials would be transferred to outside storage bays for export off site. No hazardous materials would be handled.
- 5.2.3 The plans show the main building in the eastern part of the site, with open storage, a concrete crusher with screen, a soil screen and a wood shredder and chipper on the western part. Recycled and recovered waste materials would leave the site in 20 tonne or 25 tonne capacity HGVs. 10 full time and 6 part time staff would be employed on site and the opening hours would be:
- 0700 – 1800 hrs Monday to Friday
0700 – 1300 hrs Saturdays
Closed on Sundays/Bank Holidays
- 5.2.4 The access road would be raised and widened to a width of 7.3m to accommodate two way traffic and its junction with the highway would be moved to a position marginally to the south of the existing. A 2.5m wide cycle way leading from the Burke site along the north west side of the revised access road would be formed emerging onto Straw Mill Hill at the existing access point.

5.2.5 The application addresses the issue of housing on the Burke site through the provision of emergency access and the cycle way from the housing site along the access track and through mitigation measures to protect residential amenity. These are discussed below under the residential amenity section.

5.3 The Principle of Development

5.3.1 There is clear support in policy and guidance for recycling infrastructure, notably Policy W7 of The South East Plan which requires Waste Planning Authorities to provide for an appropriate mix of development opportunities to support the waste management facilities needed to achieve recycling targets. To my mind, this form of development constitutes essential infrastructure to divert waste from landfill sites. The question is whether the site identified here is appropriate and Policy W17 of The South East Plan is the most relevant in this regard: I enclose the relevant extract from that plan as an appendix hereto. This is land allocated for economic development purposes in the Local Plan and has a lawful use as a waste paper recycling centre.

5.3.2 I consider that in principle, and in broad policy terms, this area of derelict land, on a designated industrial estate, with an existing lawful use for recycling could be suitable for the purposes put forward. However, as can be seen below, I have concerns as to the detail of the scheme and its impact on residential amenity; and in terms of safety on the local road network. The general thrust of policies in the Local Plan, the South East Plan and the Kent Waste Local Plan 1998 is that waste management facilities need to be properly located in terms of impact on residential amenity, the appearance of the area, highways considerations, etc.

5.4 Residential Amenity

5.4.1 The application site is well separated from existing residential property (the nearest existing dwelling is approx. 140m away to the north) but borders the housing site approved under references MA/01/0686 and MA/01/0686/01 (and proposed to be renewed under current application reference MA/10/0256). The approved layout for that housing shows dwellings close to the north west boundary of the site and clearly this issue must be given due weight. A noise assessment has been submitted with the application. That report concludes that there would be no significant impact on residential amenity from construction activity or road noise. However, in terms of noise from plant working on the site, whilst the impact on existing dwellings would not be significant, housing on the Burke site would be affected to the extent that "complaints may be received". The effects of such noise on housing on the Burke site are proposed to be mitigated by way of acoustic barriers or earth bunding up to the eaves level of the new houses and acoustic barriers to screen the external plant. Further possible measures are suggested, including the enclosure of plant with acoustically treated structures, restricting the hours of operation of the plant, and adjustments to the type and number of acoustic barriers. The Council's Environmental Health Officer has examined the report and raises objection. He considers that the proximity of the

approved housing is such that he doubts that the mitigation measures will be effective: they are vague and in his view unlikely to prevent significant noise problems to the new housing. Against this background, I recommend that objection be raised on the basis that, in absence of adequate evidence on the effectiveness of mitigation measures, the proposals are likely to cause significant noise problems to the detriment of the amenities of the occupiers of the new housing.

- 5.4.2 An air quality report is submitted with the application which addresses issues concerning pollutants and dust; a dust management plan would be drawn up to mitigate any adverse effects. The Environmental Health Officer is satisfied that the proposals are unlikely to cause a significant air quality issue.

5.5 Highways Issues

- 5.5.1 A transport statement has been submitted with the application. This statement recognises that the site has a lawful use for the recycling of waste paper. The conclusion of the report is that, having regard to the potential of the existing site to generate traffic, the total amount of vehicle traffic would be likely to be reduced, but the number of goods vehicles would increase by 6 to 7 trips per hour. The total number of goods vehicle trips per day is forecasted to be 163. The report states that this represents a level that should not be detrimental to existing levels of transport amenity, capacity and road safety. A transport management plan would be put in place. On more detailed matters, the report concludes that the new access arrangements are an improvement on existing, whilst the emergency and cycle route to and from the neighbouring residential development has been improved.
- 5.5.2 At the time of writing, I have not received a copy of the views of Kent Highways. Whilst the detail of the revised access road and access point would seem to be an improvement on the existing, I share the concerns expressed by local residents that it is doubtful whether the local road network, and particularly the junction of Straw Mill Hill with Tovil Hill (with its poor visibility for emerging traffic), could cope adequately with the anticipated increase in HGV traffic. I consider that this should form the basis of a second objection to the scheme.

5.6 Visual Amenity

- 5.6.1 I consider that the visual impact of the proposals would not be great, given the location of the development in the base of the old quarry. Clearly the site would continue to accommodate utilitarian buildings, plant and the open storage of materials but, in my estimation, there would be no greater impact than that of the existing lawful uses. In considering visual impact, it should be noted that this is a designated industrial site within the defined urban area. I note the intention to mitigate noise with earth mounding which would have a visual impact but, notwithstanding the lack of detail on this matter, I am not convinced that such mounding would cause significant harm to the appearance of the area.

5.7 Landscape and Ecology

- 5.7.1 Comprehensive reports on these issues have been submitted with the application. Trees on the upper slopes of the quarry slopes would be unaffected but there would be a need to remove poor quality specimens as part of the access alterations. A detailed landscaping programme would be put in place. The Council's Landscape Officer concurs with the recommendations of the arboricultural assessment and raises no objection. With the exception of a beech tree (which is to be retained), all the trees on site are categorised as being of low quality or to be removed due to disease or decay.
- 5.7.2 On ecology, the study reveals a site of low value. The most valuable elements of the quarry slopes would not be affected. Occasional roosting of bats was discovered and this would be mitigated by a new bat roosting facility in an existing building. Habitat enhancement for dormice would be made through the enhancement of scrub, new planting and the provision of nesting boxes. Mitigation is proposed during the appropriate season to manage the presence of reptiles through an exclusion programme. I note that there is no objection from Natural England or the Kent Wildlife Trust and I recommend that no objection be raised on ecological grounds.

6. Other Matters

- 6.1 I consider the above to be the main issues. The Loose Valley Conservation Area is located on the east side of Straw Mill Hill but, given the existing use of the site, I agree with the Conservation Officer that there are no grounds for objection on heritage issues. External lighting would be provided by columns and on buildings below eaves level which would seem reasonable in the interests of safe working. The application indicates that the treatment of effluent, surface water drainage and foul water disposal would all be dealt with in consultation with the Environment Agency.

7. Conclusion

- 7.1 Policies in the Development Plan seek to ensure that waste management facilities are properly located. I have major concerns as to the impact of this development on the living conditions of occupants of the proposed housing on the Burke site and the impact on highway safety of additional HGV traffic using Straw Mill Hill and I therefore recommend that objection be raised on those issues.

RECOMMENDATION

OBJECTION BE RAISED for the following reasons:

1. In the absence of evidence to the contrary, the noise generated by plant, machinery and general working on the site is likely to cause significant harm to the residential amenities of the occupants of the proposed dwellings to the north west of the site.

The application is therefore contrary to The South East Plan 2009 Policies NRM10 and W17 and The Kent Waste Local Plan 1998 Policies W7, W9 and W18.

2. The application documentation predicts a significant increase in the volume of goods vehicle traffic visiting the site. The Council is concerned that the local highway network (particularly Straw Mill Hill and its junction with Tovil Hill) is not adequate to deal satisfactorily with this additional traffic to the detriment of highway safety. The application is therefore contrary to The South East Plan 2009 Policy W17 and The Kent Waste Local Plan 1998 Policies W3, W7, W9 and W22.