

**ENVIRONMENTAL SERVICES DEPARTMENT**

Development Control Committee on 8th February 2005

**REPORT OF THE CHIEF PLANNER**

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**1. Application No : 04/04280/VAR** **Ward: Cray Valley East**

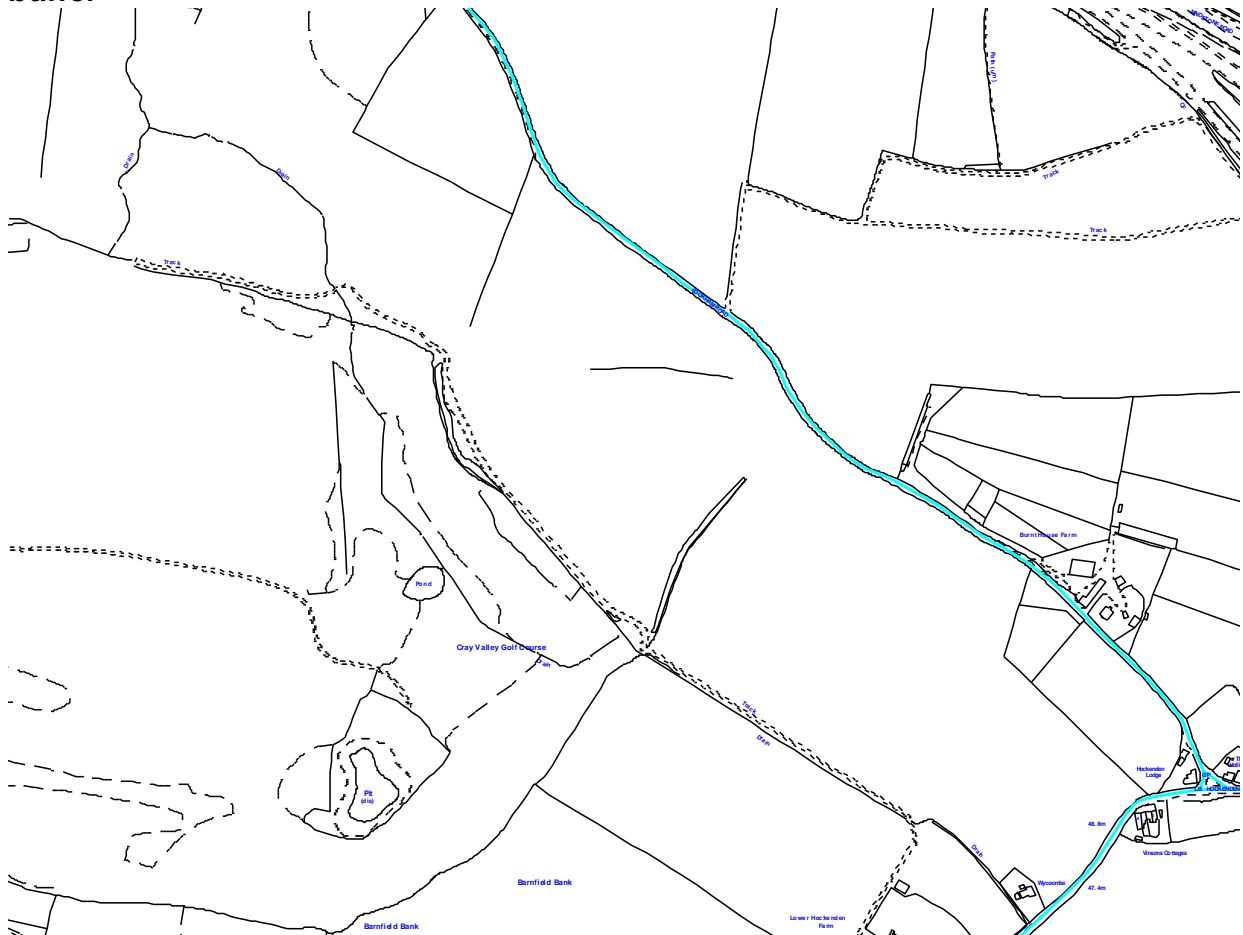
**Address :** Land At (Cookham Wood) Cookham Road Swanley Kent **Conservation Area:NO**

**OS Grid Ref:** E: 549151 N: 169470

**Applicant :** T J Composting Services Ltd **Objections : YES**

**Description of Development:**

**Removal of condition 1 of application 03/03110 to enable permanent use of the site for waste composting facility comprising access roads, weighbridge, portable building, car parking, storage lagoon, compost storage area and landscaping buffer**



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## **Proposal**

This case was recently presented to the Plans Sub Committee held on the 20<sup>th</sup> January 2005. Members resolved to defer taking a decision on this occasion and considered that this case be represented to the full Development Control Committee bearing in mind that temporary permission was granted by the Development Control Committee in April 2004.

Temporary permission (ref 03/03110) for waste composting facility comprising access roads, weighbridge, portable building, car parking, storage lagoon, compost storage area and landscaping buffer was granted by Development Control Committee on 20<sup>th</sup> April 2004 following a previous deferral and Members' site visit.

This application sought permanent planning permission but it was resolved to grant permission until 31<sup>st</sup> May 2007. The reason for the condition was to enable the situation to be reconsidered in the light of circumstances at that time in the interest of the amenities of the area.

This application seeks the removal of this condition to allow permanent use of the site and to discharge a condition of the original application relating to landscaping at the site.

The applicants state, " the reason to vary the condition is to allow a financially viable project to progress. In its current form the permission cannot be fully implemented because the capital expenditure building the site cannot be justified in the time span allowed by condition 1."

The applicants attended the meeting when planning permission was granted and state that they " were given to understand that the sole reason for the temporary permission being granted was to ensure that there would be a commitment to undertake works to put the site in order."

The agents state that this site is making a valuable long-term contribution to the managing of Bromley's green waste and as it is a site licensed by the Environment Agency it must always comply with licence conditions.

The site is located on the agricultural holding of Upper Hockenden Farm. The majority of land immediately surrounding the site is associated with the farm and is agricultural in character. Nevertheless there are a number of residential properties in the vicinity at a distance of approximately 250-300 metres.

## **Consultations**

There have been objections to this case during the consultation process. These comments are summarised below:

- this proposal will create more traffic in an already busy country lane;
- more noise, vermin;
- quality of life affected;

- a permanent period of time not appropriate until a trial has been successfully completed with the views of the local residents taken into account.

Sevenoaks District Council has no objections to the proposal so long as this Council is satisfied with the case for the removal of the condition.

Any comments from Bexley Council, Dartford Borough Council and the Environment Agency will be reported verbally at the meeting.

From a Highways point of view there is no objection to any change to condition 1.

There are no objections from an Environmental Health point of view

## **Planning Considerations**

Within both the adopted and emerging Unitary Development Plans, the site is shown as falling within Green Belt. The most relevant policies within the adopted UDP are G.2 and C18. Policy G.2 controls development in the Green Belt, stipulating permission will not be given, except in very special circumstances, for inappropriate development. Policy C18 requires waste recycling facilities to have no adverse effects in terms of noise, dust, visual intrusion and traffic impacts.

Policies G1, ER1, ER2 and ER3 in the second deposit draft UDP are also relevant. Policy G1 states there is a presumption against inappropriate development within the Green Belt, except in very special circumstances. Policy ER1 sets out the principles of Best Practical Environmental Option (BPEO), Regional Self Sufficiency, the Proximity Principle and Waste Hierarchy to be considered when assessing waste management proposals. Policy ER2 sets out criteria to assess proposals for waste management facilities to minimise adverse effects. Policy ER3 promotes recycling by ensuring an adequate network of local waste management facilities.

National policy guidance is also relevant: PPG2 sets out Green Belt policy and states that there is a presumption against inappropriate development within the Green Belt, unless there are very special circumstances. The encouragement of recycling waste is set out in national, regional and local policy, which follows on from European waste policy. PPG10 sets out policy on waste management and states that planning decisions should be based on the principles of BPEO, Regional Self Sufficiency, the Proximity Principle and the Waste Hierarchy. RPG3 gives guidance on waste issues and embraces the principles of the Waste Strategy 2000 including the targets to reduce land filled waste and to increase the recovery and recycling of waste.

In addition to the above, the London Plan addresses waste management issues and includes policies 4A.2 and 4A.3. These policies refer to strategic issues, targets, spatial matters and site selection criteria.

It should also be noted that the previous application proposal 03/03110 was not considered to be EIA development within the meaning of the 1999 Regulations.

## **Conclusions**

Members will need to assess whether the removal of condition 1 of permission 03/03110 to enable permanent use of the site is appropriate bearing in mind the recent history of the site, the existing short term permission for the use of the site, the location of the proposal within the Green Belt and the comments received from neighbouring properties.

It will be appreciated that the existing temporary permission still has over 2 years to run and it may be unusual for a permanent permission to be granted so far in advance of the expiry date, applicants are entitled to apply for such conditions at any time.

In this case, works have commenced on site in relation to this major proposal. The site appears to have considerably improved in appearance from before the original application was submitted. The temporary permission also gave the Local Planning Authority the opportunity to review the site once the time period had elapsed. Bearing in mind the progress that has been made the temporary permission would now appear unnecessary.

On this basis, permanent permission would appear to be appropriate also bearing in mind the advice contained within the conditions circular mentioned above.

Furthermore, it is noted that the site is strictly controlled by stringent conditions imposed by the Environment Agency's in its waste licence for this site.

The applicants explain that they are unable to commit the necessary financial resources to make the site fully operational when there is no guarantee of its long-term future. Facilities such as these make an important contribution to the waste recycling operations within the Borough and area generally and there is clearly a need for their continued provision.

On balance, it is recommended that permanent planning permission be granted.

Background papers referred to during production of this report comprise all correspondence on file ref(s). DC/04/04280 and 03/03110 excluding exempt information.

as amended by documents received on 04.01.2005

## **RECOMMENDATION: PERMISSION**

### **Subject to the following conditions:**

- 1 DCA04 Landscaping scheme full app no details  
DCA04R A04 reason
- 2 DCC01 Satisfactory materials  
DCC01R C01 reason
- 3 DCD02 Surface water drainage - no details  
DCD02R D02 reason
- 4 DCD04 Foul water drainage - no details  
DCD04R D04 reason
- 5 DCH01 Details of access layout (2 inserts) 1m Cookham Road  
DCH01R H01 reason
- 6 DCH04 Parking bays/garages  
DCH04R H04 reason
- 7 DCH16 Hardstanding for wash-down facilities  
DCH16R H16 reason
- 8 DCK08 Archaeological access  
DCK08R K08 reason
- 9 A suitable permanent hardstanding shall be provided with wash down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud on the highway

caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

**Reason:** In the interests of pedestrian and vehicular safety.

10 There shall be no discharge of contaminated drainage into groundwater or surface water whether direct or via soakaways.

**Reason:** To comply with the requirements of the Environment Agency.

11 In the case of handling/storage areas where waste is received, handled, treated or stored, an impervious base shall be provided with peripheral bunding (a minimum of 150mm bund height) and access ramp to ensure containment of potentially polluting process liquids and all contaminated surface water.

**Reason:** To comply with the requirements of the Environment Agency.

12 Any contaminated drainage resulting from the composting process shall be collected by a sealed drainage system, the preferred option being (i) public foul sewerage system with the permission of the relevant Water Undertaker; (ii) Sealed tank or cesspool for disposal off-site to a licensed facility; (iii) Controlled re-circulation into the compost.

**Reason:** To comply with the requirements of the Environment Agency.

13 No composting activities shall commence until such time as a closure report, detailing all the works at the site has been submitted to and approved by the Local Planning Authority. The closure report shall include summaries of all materials removed, relevant certificates for any imported materials, details of Hydraulic Conductivity tests and confirmation that the site is fit for the proposed use.

**Reason:** To comply with the requirements of the Environment Agency.

14 The site shall only be used for the purposes of composting green waste and for no other purposes and the throughput of material shall not exceed 20,000 tonnes per annum. Not more than 50% of the processed material shall be exported off site for sale.

**Reason:** In the interests of the amenities of the locality and to comply with the terms of the permission.

15 The composting facility shall not accept green waste other than between the hours of 0700 hrs to 1800 hrs Monday to Friday, 0800 hrs to 1300 hrs on Saturday and shall not accept green waste on Sundays, Public Holidays and Bank Holidays.

**Reason:** In the interests of the amenities of the locality and to comply with the terms of the permission.

16 Waste shall not be shredded within the site other than between the hours of 0800 hrs to 1800 hrs Monday to Friday and 0800 hrs to 1200 hrs on Saturday. Waste shall not be shredded or moved within the site on any Sunday, Public Holiday or Bank Holidays. Windrows shall only be turned within these hours.

**Reason:** In the interests of the amenities of the locality and to comply with the terms of the permission.

17 Any oil, lubricant and other potential pollutants shall be handled on the site in a manner as to prevent pollution of any watercourse, aquifer or soil. For any liquid other than water, this shall include storage in suitable tanks and containers which shall be housed in an area surrounded by bund walls of sufficient height and construction so as to contain 110% of the total contents of all containers and associated pipework. The floor and walls of the bunded areas shall be impervious to both waste and oil. The pipes shall vent downwards into the bund.

**Reason:** To prevent pollution of any watercourse aquifer or soil.

18 All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers.

**Reason:** In the interests of the amenities of the locality.

19 The use of reversing alarms on any mobile plant used on the site shall be restricted to modular or silent types.

**Reason:** In the interests of the amenities of the locality.

20 In order to minimise the raising of the dust the following steps shall be taken:

(a) All roadways and operational areas within the site shall be laid out and maintained in good condition. They shall be damped down as necessary using a water bowser or other suitable plant.

(b) All windrows shall be maintained in a moist condition by spraying with water as necessary and in particular before windrow turning or screening of the composted material.

(c) All other operations, including the construction, movement and maintenance of screening and soil storage mounds shall be carried out only when the prevailing conditions are such that dust will not be carried beyond the boundaries of the site.

**Reason:** In the interests of the amenities of the locality.

21 No waste or other materials shall be burnt at the site.

**Reason:** In the interests of the amenities of the locality.

22 Composting shall be carried out in accordance with best practice in order to prevent the creation of unpleasant odours. In particular windrows shall be turned at an appropriate frequency to avoid anaerobic conditions from developing within the waste.

**Reason:** In the interests of the amenities of the locality.

23 Details of any floodlighting shall be submitted to and approved in writing by the Planning Authority before use on site. These details shall include the height of floodlighting posts, the intensity of the lights (specified in lux levels), the spread of light including approximate light spillage to the rear of the floodlighting posts (in metres), and any measures proposed to minimise the impact of the floodlighting or disturbance through glare (such as shrouding) and at times when such lights will be illuminated. The development shall be carried out in accordance with the approved details and maintained permanently thereafter.

**Reason:** In the interests of the amenities of the locality.

24 The best practicable measures shall be adopted to prevent waste or litter being blown outside the boundaries of the site.

**Reason:** In the interests of the amenities of the locality.

25 No loaded lorries shall enter or leave the site unless the loads are sheeted, netted or otherwise adequately secured.

**Reason:** In the interests of the amenities of the locality.

26 There shall be no direct retailing of compost from this site and the site shall not be used by the general public either for purchasing compost, deliveries or collections.

**Reason:** To comply with the terms of the permission.

27 There shall be no more than 1 shredder on site at any one time.

**Reason:** To comply with the terms of the permission and in the interests of the amenity of the locality.

28 Details of the portable building shall be submitted to and approved in writing by the Local Planning Authority before the use commences on site and the portable building shall be installed in accordance with the approved details.

**Reason:** In the interests of the amenities of the locality.

29 AJ02 Justification UNIQUE reason OTHER apps

Policies (AUDP)

G.2 Green Belt uses

C.18 Waste disposal, recycling, transfer

Policies (2DDUDP)

G1 Green Belt uses

ER1 Waste management principles

ER2 Waste disposal, recycling, transfer

ER3 Promoting recycling

## INFORMATIVE(S)

- 1 The grant of outline planning permission does not entitle the applicant/developer to obstruct or interfere with a public right of way. Enforcement action may be taken against any person who obstructs or damages a right of way. Development, insofar as it affects public footpath 158A should not be started; and rights of way should be kept open for public use until a necessary order under s257 of the Town and Country Planning Act 1990 for any diversion or extinguishment of the rights has come into effect. Nor should it be assumed that because planning permission has been granted any order will invariably be made or confirmed. The applicant will be required to arrange for and meet the Council's costs in the making of any order(s) for the diversion or extinguishment of these public footpaths and/or the creation of any new rights of way.
  - 2 A copy of the terms of the planning permission including conditions imposed and all documents and plans hereby permitted and any documents subsequently approved in accordance with this permission shall be on site during working hours, shall be displayed at the site office and shall be known to any person(s) given responsibility for the management and control of operations.
  - 3 The Environment Agency requires a full Waste Management Licence to be in place incorporating a Working Plan and risk assessment for the scale of this proposed development. You should contact them before undertaking any further work on this site.
  - 4 You are advised that the sole means of access to and egress from the site shall be via the junction of Old Maidstone Road and Cookham Road, in the interests of pedestrian and vehicular safety.
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