

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 13/02654/VAR

Ward:
Cray Valley East

Address : Compost Site On Land Off Cookham
Road Swanley

OS Grid Ref: E: 549141 N: 169599

Applicant : Tamar Energy Ltd

Objections : YES

Description of Development:

Variation of Condition 2 of permission 09/03618 granted for composting facility buildings for reception of food and green waste, anaerobic digestion process, digestate maturation process and conversion of methane gas to electricity together with liquid feed tanks, bays/structures to store finished products, biofilters beds, car parking, improvements to existing secondary vehicular access and upgrading of existing hard surfaces (to replace existing open window composting facility) to amend the type of buildings proposed for the reception and maturation process and the addition of a gas flare and overground pipework

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding

Proposal

In March 2012 planning permission was granted for an Anaerobic Digestion plant on the application site to process green and garden waste (ref. 09/03618).

The current application seeks to vary condition 2 on the application which requires the development to be carried out in accordance with the approved plans. The applicant advises that the reason for the change is that the digestate generated by the AD process will be a liquid fertiliser and, therefore, a maturation building is not needed for this process.

The applicant seeks permission to change the layout of the buildings that will be on the site as follows:

- The separate Reception Handling building and AD building that have been approved will be replaced by a single Reception and Material Handling building.
- The 'composting hall' has been replaced with 4 vertical Digester tanks (20mx10m) and associated pipework.
- An additional 3 liquid tanks (7m in diameter and 7m high)
- The gantry on the north-west elevation (facing the golf course) has been removed.
- The location of a surplus gas flare (burner) measuring 10m high by 1.5m in diameter is shown on the south west side of the buildings.

The proposed buildings will be sited within the same envelope of approved buildings in terms of height and footprint.

All other aspects of the approved scheme will remain the same, namely the storage areas, the biofilters, a liquid fertiliser tank, 3 gas engines, the existing weighbridge, portacabins, attenuation lagoon and car parking spaces. The materials to be used will be unchanged. The approved tonnage of 46,000 tonnes per annum of green and kitchen waste will remain the same.

The approved hours of operation will remain the same (0700 to 1900 Monday to Friday and 0700 to 1300 on Saturday).

The applicant has submitted a Landscape and Visual Impact Appraisal to consider the impact of the revised built form. The report concludes that there would be no greater impact on the Green Belt than the previously approved scheme and that the development has been carefully designed to assimilate itself into the surroundings. The report recommends native tree planting, particularly on the more exposed eastern boundary, to reinforce the existing landscape character.

The applicant has also submitted a Planning Statement which advises that the proposed changes will:

- not have any greater effect on the openness and visual amenity of the Green Belt than the current scheme,
- deliver operational benefits and a waster reception building that is legislative compliant,
- not result in any additional environmental impacts beyond those already considered and found acceptable for the approved scheme,
- assist the delivery of the consented scheme
- meet the ongoing need for local waste treatment identified as part of the original application,
- continue to comply with national and local policy.

Location

The application site is located on the south western side of Cookham Road approximately 250m to the south of the junction of Cookham Road and Old Maidstone Road. To the north is the A20, Old Maidstone Road and Joyden's Wood

beyond. To the south is Chapman's Lane, Hockenden Woods and Pauls Cray Hill Park beyond. To the west is the Cray Valley Golf Course and to the east is agricultural land.

There are residential properties and businesses in the area between the A20 and Old Maidstone Road, known as Upper Ruxley. There is one farm to the east of the site, Burnt House Farm, and Westview Nursery to the north with residential properties further east along Cookham Road and along Hockenden Lane.

The borough boundary with London Borough of Bexley is Old Maidstone Road and with Sevenoaks District Council it is the A20.

A Site of Importance to Nature Conservation is located at Hockenden Sand Pit approximately 500m to the south of the site.

Comments from Local Residents

Nearby properties were notified and representations were received. Several letters were accompanied by petitions signed by residents living in the residential properties near the site and along Maidstone Road. The objections can be summarised as follows:

- smell from existing compost use causes adverse impact for residents and this will be made worse by addition of food waste
- additional vehicle movements will make existing congestion worse, increase the number of movements on Old Maidstone Road and Maidstone Road that could lead to accidents and disruption in traffic flow.
- Cookham Road is not a no-through road and is used for deliveries at each end. Use by HGV's will be dangerous for horses that use the lane.
- second access to site not suitable for HGV's - will have an adverse impact on hedgerows and fauna and badgers that have a set 1m from the external bund. Previous plans did not show use of 2nd access
- the applicants original report supporting previous application for AD was incorrect and inaccurate.
- unfair that AD development was allowed in the Green Belt when other development has been refused.
- new buildings, with exposed pipework, look industrial and are not in-keeping with the character of the area and the Green Belt. Impact on visual amenity has not been properly demonstrated.
- tree planting take too long to provide screening from the golf course.
- provision of a 14.5m gas flare is out of keeping with the area and could have a harmful impact on wildlife. This was not required for the previous scheme.
- current operational hours require operation to cease at 18.00 and change to 19.00 is unacceptable
- increased lighting will be needed for longer operational hours which will impact on nocturnal fauna, including flight paths of bats. Bats feed on existing compost.
- notice has been displayed on gate which is left open most of the time so it's not visible.

Comments from Consultees

The Council's Highways Officer raises no objection.

The Council's Drainage Officer raises no objection.

The Council's Environmental Health Officer raises no objection.

Thames Water raises no objection.

Transport for London has no comments.

The London Borough of Bexley and Sevenoaks District Council raise no objection.

The Greater London Authority considers that the proposed changes do not result in a significant change to the approved scheme and advise that the Council can proceed to determine the application without further reference to the GLA.

Planning Considerations

The application falls to be determined in accordance with the following Unitary Development Plan policies:

- G1 Green Belt
- ER2 Waste Management Facilities
- BE1 Design of New Development
- BE3 Buildings in Rural Areas
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- NE12 Landscape Quality and Character
- EMP6 Development outside Business Areas
- IMP1 Planning Obligations

In strategic terms the most relevant London Plan (July 2011) policies are:

- 1.1 Delivering the Strategic Vision and Objectives for London
- 2.17 Strategic Industrial Locations
- 4.1 Developing London's Economy
- 4.4 Managing Industrial Land and Premises
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised energy in Development Proposals
- 5.7 Renewable Energy
- 5.8 Innovative Energy Technologies
- 5.13 Sustainable Drainage
- 5.16 Waste self-sufficiency
- 5.17 Waste Capacity

- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.14 Freight
- 6.13 Parking Strategy
- 7.10 Biodiversity and access to nature
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.16 Green Belt
- 8.2 Planning Obligations

A minor alteration was published in December 2009 setting out waste apportionment targets.

The London Plan Industrial Capacity Supplementary Planning Document.

The National Planning Policy Framework is also relevant.

Planning History

The site has been the subject of numerous previous applications, the most relevant of which are set out below.

1. Change of use of compost facility from open windrow compost system to an Anaerobic Digestion (AD) and In Vessel Compost (IVC) facility together with buildings necessary for the relevant operations. Request for formal screening opinion regarding need for Environmental Impact Assessment under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (ref. 08/03541/EIA). EIA not required - Dec 2008.
2. Composting facility buildings for reception of food and green waste, anaerobic digestion process, digestate maturation process and conversion of methane gas to electricity together with liquid feed tanks, bays/structures to store finished products, biofilters beds, car parking, improvements to existing secondary vehicular access and upgrading of existing hard surfaces (to replace existing open windrow composting facility) approved on March 30th 2012 (ref. 09/03618).

Conclusions

The main issues to be considered are whether the proposed changes to the form of buildings are acceptable in terms of their impact on the openness of the Green Belt and the amenities of local residents.

In terms of the impact on openness of the Green Belt, the proposed buildings have been designed so that the footprint and height do not exceed the dimensions already approved for this facility. In addition the approved composting hall was a continuous structure measuring 80m long by 25m wide. The proposed tanks are 4 individual structures with space between them and a curved roof shape. It is considered that this would result in a less bulky appearance and would result in

less visual impact on the Green Belt. This, in turn, would reduce the impact on openness when compared to the impact of the approved application. In this respect it may be considered that the application is acceptable.

With regard to the impact on local residents the current application is confined to alterations to the proposed buildings that will be provided on the site. The application does not seek to change the volume or nature of the waste that will be treated on the site. The conditions that were applied to the original application to control the extent of the use are repeated below and will need to be discharged prior to the commencement of the development.

Many of the points raised by residents in their submissions relate to the principle of the provision of an AD on this site. These matters were considered during the consideration of the primary application (ref. 09/03618). This is a variation of one of the conditions applied to the original permission and does not require the original principles of development to be revisited.

The existing S106 agreement will need to be varied to incorporate the current application if Members are minded to grant permission.

In summary it is considered that the impact on openness and on the amenities of local residents as a result of the change in built form of the buildings will not exceed the impact of the approved buildings and as such the current proposal is acceptable.

Background papers referred to during the production of this report comprise all correspondence on file ref. 13/02654, excluding exempt information.

RECOMMENDATION: PERMISSION SUBJECT TO THE PRIOR COMPLETION OF A SECTION 106 AGREEMENT DEED OF VARIATION to incorporate this application into the original agreement

and the following conditions:

- 1 The development to which this permission relates must be begun no later than March 30th 2015.

Reason: Section 91 of the Town and Country Planning Act 1990.

- 2 ACK01 Compliance with submitted plan
ACC01R Reason C01

- 3 The site shall only be used for the purposes of composting green and kitchen waste and for no other purposes and the throughput of material shall not exceed 46,000 tonnes per annum.

Reason: In the interests of the amenities of the locality and to comply with the terms of the permission and Policy BE1 of the Unitary Development Plan.

- 4 The composting facility shall not accept deliveries of green or kitchen waste other than between the hours of 0700 hrs to 1900 hrs Monday to Friday, 0700 hrs to 1300 hrs on Saturday and shall not accept green waste on Sundays, Public Holidays and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to comply with the terms of the permission and Policy BE1 to protect the interests of the amenities of the locality and nearby residents, particularly in terms of noise and disturbance from traffic movements.

5 Unless otherwise agreed in writing by the Local Planning Authority, no demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays to Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.

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

6 No raw materials (unprocessed organic waste) shall be stored or processed in any external area on the site at any time.

Reason: To protect the amenities of local residents in accordance with Policy BE1 of the Unitary Development Plan.

7 Records of daily tonnages of waste, including separately that received from the London Borough's of Bromley and Bexley shall be taken and shall be made available for the officers of the Waste Disposal Authority to see on request.

Reason: To accord with the terms of the application and to comply with Policies G1 and ER2 of the Unitary Development Plan.

8 Notwithstanding the provisions of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, replacing or re-enacting that Order) no plant or machinery, building, structures and erections whether fixed or moveable, shall be erected, extended, installed or replaces within the site without the prior approval in writing of the Local Planning Authority.

Reason: To comply with Policy G1 of the Unitary Development Plan and to protect the designated Green Belt.

9 Prior to the commencement of operation of the AD plant hereby approved a heat plan detailing the means of delivering energy and heat outputs from the facility, the identified heat users and the timetable for deliveries shall be submitted to and, following consultation with the Environment Agency, approved by the Local Planning authority. Unless otherwise approved in writing in advance by the Local Planning Authority the approved heat plan shall thereafter be implemented in accordance with the details and timetable so approved.

Reason: To comply with Policy 5.17 of the London Plan 2011 and to ensure the maximum benefit from the collection and delivery of sustainable power can be achieved.

10 Prior to commencement of the development hereby approved details of means of connection to the National Grid, together with the details of all related pipework and machinery shall be submitted and approved in writing by the Local Planning Authority. Prior to the commencement of the use of the AD this development shall be carried out in accordance with the details so approved and to enable compliance with the heat plan approved under Condition 9.

Reason: In order to ensure that the physical measures to export heat are implemented and ensure that the AD plant is operated efficiently in accordance with the requirements of Policy 5.17 the London Plan 2011.

11 No waste shall be processed by the AD plant until the electric link to the National Grid has been constructed and is capable of transmitting all the excess electrical power produced by the Plant. Thereafter, except during periods of maintenance and repair and unless required to do so by the National Grid no waste shall be processed by the plant unless power is being generated.

Reason: To ensure that the development complies with Policy BE1 of the Unitary Development Plan and Policy 5.17 of the London Plan 2011.

12 Prior to the commencement of development full details of all aspects of the appearance of all of the buildings and structures on the site, including finishes, colour and treatment of external materials, shall be submitted to and approved by the Local Planning Authority including the design and appearance of all of the individual component buildings, the proposed materials for the buildings and the associated hard surfaces. The buildings and structures shall be constructed in accordance with the submitted details and permanently retained thereafter.

Reason: To ensure that the proposed structures are relevant and necessary to the use of the site as specified in the application and to comply with Policy BE1 of the Unitary Development Plan.

13 ACA04 Landscaping Scheme - full app no details
ACA04R Reason A04

14 Prior to the commencement of development a plan to improve the biodiversity value of the site shall be submitted to and approved by the Local Planning Authority and implemented in accordance with the approved details.

Reason: In order to comply with Policy 7.19 of the London Plan 2011 and maximise the use of site in biodiversity terms.

15 ACA07 Boundary enclosure - no detail submitted
ACA07R Reason A07

16 ACC01 Satisfactory materials (ext'nl surfaces)
ACC01R Reason C01

17 Details of the location, height, design, sensors, hours of operation and luminance of internal and external lighting for the AD plant (which shall be designed to minimise the potential nuisance of light spillage on nearby properties and the countryside) shall be submitted and approved in writing by the Local Planning Authority before the commencement of the permitted use. Any scheme that is approved shall be implemented in accordance with the approved details and retained as such thereafter.

Reason: In order to comply with Policy BE1 and minimise the impact on the amenities of the area and nearby residential properties.

18 Following the receipt of any waste, no storage container, skip, unsorted or sorted waste material or residue of recycled materials or any other items shall be stored outside the building, other than within the designated bays or on operational vehicles.

Reason: To control the visual appearance of the site and protect the amenities of the surrounding area and nearby residents in accordance with Policy BE1 of the Unitary Development Plan.

19 ACK05 Slab levels - no details submitted
ACK05R K05 reason

20 ACD02 Surface water drainage - no det. submitt

- 21 ADD02R Reason D02
ACD04 Foul water drainage - no details submitt
ADD04R Reason D04
- 22 If during development, contamination not previously identified is found to be present at the site no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the LPA, details of how this unsuspected contamination shall be dealt with.
Reason: The site is underlain by Thanet Sands and Upper Chalk formations, classified respectively as secondary and principal aquifers. The site is also located within Source Protection Zone II for a groundwater abstraction.
- 23 No filtration of surface water drainage into the ground shall take place other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.
Reason: The site is underlain by Thanet Sands and Upper Chalk formations, classified respectively as secondary and principal aquifers. The site is also located within Source Protection Zone II for a groundwater abstraction.
- 24 ACH03 Satisfactory parking - full application
ACH03R Reason H03
- 25 ACH04 Size of parking bays/garages
ACH04R Reason H04
- 26 ACH16 Hardstanding for wash-down facilities
ACH16R Reason H16
- 27 ACH22 Bicycle Parking
ACH22R Reason H22
- 28 ACH26 Repair to damaged roads
ACH26R Reason H26
- 29 ACH27 Arrangements for construction period
ACH27R Reason H27
- 30 ACH29 Construction Management Plan
ACH29R Reason H29
- 31 ACH32 Highway Drainage
ADH32R Reason H32
- 32 Prior to the commencement of the development hereby permitted a Delivery and Servicing Plan relating to the operation of the approved facility shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall identify efficiency and sustainability measures to be undertaken once the development is in operation, identification of the optimum use of loading facilities, measures to encourage off-peak servicing and the management of additional vehicle movements generated as a result of the development and measures to minimise noise emissions from reversing vehicles.
Reason: In order to comply with Policy 6.14 of the London Plan 2011 and in the interests of the amenity and safety of the occupants of nearby residents and businesses.
- 33 Prior to the commencement of development an odour management plan for the AD plant hereby approved shall be submitted to and, following consultation with the Environment Agency, approved in writing by the Local Planning Authority. The plan shall outline details of measures necessary to

prevent offensive odours, as well as a proposed system of odour abatement and destruction in the event of offensive odours being identified. These shall include details of the operation and maintenance for the proposed biofilters. These preventive measures shall include the installation of fast opening/closing doors on all buildings, which shall be kept shut at all times except when a vehicle is entering or leaving. The AD plant shall be operated in strict accordance with the odour management plan so approved.

Reason: In the interests of the amenity of the area and to comply with Policy BE1 of the Unitary Development Plan.

34 No loaded lorries shall enter or leave the site unless the loads are fully sealed.

Reason: In order to protect the amenities of nearby sensitive receptors and to comply with Policy 7.14 of the London Plan 2011.

35 All delivery/loading bay doors within the development shall be kept closed at all times except to provide access for loading/unloading operations.

Reason: To avoid the unnecessary breakout of noise and odours from the operation of the units and to protect the amenities of local residents in accordance with Policy 7.14 of the London Plan 2011.

36 All plant and machinery on the site shall be operated and maintained in accordance with the manufacturer's instructions at all times and any attenuation measures necessary to achieve the predicted noise levels in the Environmental Noise Report shall be carried out prior to the first use of the plant and/or machinery and retained permanently thereafter.

Reason: In order to protect the amenities of nearby sensitive receptors and to comply with Policy 7.15 of the London Plan 2011.

37 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.

38 Prior to the commencement of development details of contingency measures and arrangements to deal with all aspects of the operation of the AD plant in case of emergency power failure shall be submitted and approved in writing by the Local Planning Authority. The approved generator shall be installed and be in working order prior to the first commencement of the use hereby permitted and shall be retained in operational good order permanently thereafter.

Reason: To ensure that the plant can remain operational at all times and to prevent the escape of odours and noxious substances in the event of power failure. This is in accordance with Policy 7.14 of the London Plan 2011.

39 If for any reason than for extended maintenance or repair, the AD plant ceases to be used for a period of more than 36 months, a scheme for the demolition and removal of the building and the related infrastructure (which shall include all buildings, structure, plant, equipment, areas of hardstanding and access roads) shall be submitted for approval in writing to the Local Planning Authority. Such a scheme shall include:

- (i) details of all structures and buildings which are to be removed,
- (ii) details of the means of removal of materials resulting from the demolition and methods for the control of dust and noise,
- (iii) timing and phasing of the demolition and removal,

- (iv) details of the restoration works, and
- (v) the phasing of restoration works.

The demolition and removal of the buildings and related infrastructure and subsequent restoration of the site shall thereafter be implemented in accordance with the approved plans.

Reason: In order to protect the amenities of nearby sensitive receptors and to comply with Policy 7.14 of the London Plan 2011.

40 Prior to the commencement of the use of the site a pest control plan should be submitted and approved in writing by the Local Planning Authority. This plan should include measures for the control and eradication of pests, including rodents, insects and larvae. The measures approved shall be implemented prior to the first use of the AD plant in accordance with the approved plan and retained permanently thereafter.

Reason: In order to protect the amenities of nearby sensitive receptors and to comply with Policy BE1 of the Unitary development Plan.

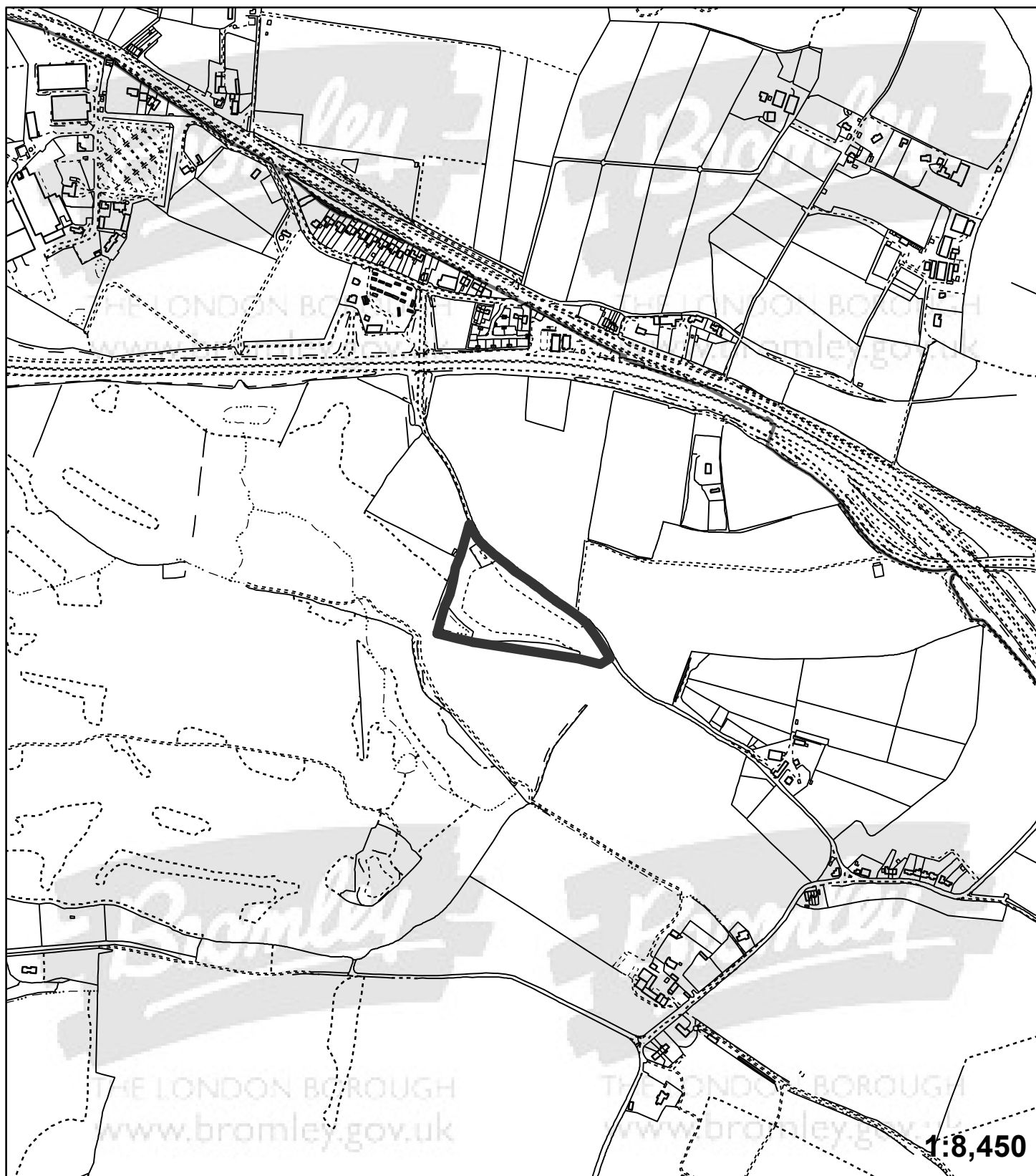
INFORMATIVE(S)

- 1 You should seek engineering advice from the Environmental Services Department at the Civic Centre regarding the need to obtain permits for the use of 20 tonnes vehicles under the London Lorry Control Scheme.
- 2 A public right of way runs across/is in close proximity to the development and the applicant's attention is drawn to the need to safeguard the public using the route, and that it must not be damaged or obstructed either during, or as a result of, the development. Attention is also drawn to the fact that the grant of planning permission does not entitle developers to obstruct public rights of way. Enforcement action may be taken against any person who obstructs or damages a public right of way. Development in so far as it affects a public right of way should not be started and the right of way kept open for public use until any necessary order under the Traffic Regulations for a temporary diversion/closure has come into effect.
- 3 In order to check that the proposed storm water system meets the Council's requirements, the following information shall be provided:
 - A clearly labelled drainage layout plan showing pipe networks and any attenuation soakaways
 - Where infiltration forms part of the proposed storm water system such as soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365
 - Calculations should demonstrate how the system operates during the 1 in 30 year critical duration storm event plus climate change

Application:13/02654/VAR

Address: Compost Site On Land Off Cookham Road Swanley

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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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