

SECTION '2' – Applications meriting special consideration

**Application No :** 14/02081/RECON

**Ward:**  
Cray Valley East

**Address :** Compost Site On Land Off Cookham  
Road Swanley

**OS Grid Ref:** E: 549141 N: 169599

**Applicant :** Mr S Greaves

**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 add additional structures and amend the type and layout of proposed buildings for the reception and maturation process

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).

In April 2014 permission was granted to vary the approved application by amending the type of buildings proposed for the reception and maturation process and the addition of a gas flare and overground pipework (ref. 13/02654/VAR)

Permission is now sought to further vary the original scheme as follows:

- Reduction of footprint from 5450 sqm to 3800 sqm
- A single waste reception building is proposed which will be smaller than the footprint of the 2 buildings previously approved. The height of the reception shed will increase from 10m to 11.7m to allow a safe tipping height for delivery vehicles.
- Consolidation of biofilters into 1 unit on the southern elevation

- Addition of CHP ancillary equipment, backup boiler and gas clean up facility
- Additional gas holder to replace liquid fertiliser tank
- Relocation of gas engines and flare
- Reduction of gas engines from 3 to 2
- 2 storey site office in place of bio filter on northern elevation
- 2nd weighbridge to allow simultaneous entry and exit to the site
- Security fencing to secure the site and ensure safety for members of the public

The proposed buildings will be sited within the same envelope of approved buildings in terms footprint with the exception of some of the plant and equipment on the southern and western elevations.

The materials to be composted 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 and a Planning Statement to support the application.

### **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 is the nearby A20.

A Site of Importance for 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 which can be summarised as follows

- opposed to increase in activity on the site as it will increase odour which is unacceptable

- increased traffic resulting in increase in road hazard, pollution, increased noise levels,
- reduction in air quality,
- adverse impact on ecology and visible from viewpoints

Swanley Town Council consider that London Borough of Bromley should undertake an Environmental Impact Assessment of the site

### **Comments from Consultees**

The Council's Highways Officer raises no objection.

The Council's Housing Officer raises no objection.

The Council's Drainage Officer raises no objection.

The Council's Environmental Health Officer raises no objection.

The Environment Agency raise no objections.

The London Borough of Bexley raise no objection.

Sevenoaks District Council raise no objections

### **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 to the London Plan 2011 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).
3. Variation of Condition 2 of permission ref. 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 approved on April 24th 2014 (ref. 13/02654/VAR)

## **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 revised layout results in a smaller footprint of buildings overall, reducing from 5,450sqm to 3,800sqm. This is achieved by using tanks to compost the input material rather than a large shed that was proposed in the original application. This reflects changes made under ref. 13/02654. The main impact of the current changes are to increase the height of the reception building by 1.7m, provision of some plant and equipment outside the footprint of the approved buildings on the western and northern elevations, a 2 storey office building and an additional weighbridge.

The increase in height is a result of the need to provide a Reception building that is tall enough to allow vehicles to fully extend when tipping waste on arrival. This may also require lowering the existing ground level by a maximum of 2m. Plans also show the proposed composting tanks set below the existing ground level to keep the height of these structures to below the approved height of 10m.

The additional plant on the southern elevation will be located adjacent to the approved and proposed buildings. Two 14.5m biofilters stacks previously approved will be repositioned but still remain in the envelope of the proposed buildings.

A 2 storey office/welfare building will replace an approved biofilter on the northern elevation close to the entrance and an additional weighbridge will be provided to ensure a continuous flow of vehicles through the site.

The applicant has submitted a Landscape and Visual Impact Appraisal which concludes that the changes proposed will have no greater impact than the approved plans for both the original and previous amended scheme. The report recommends mitigation measures through boundary screening and a condition requiring the submission of a landscaping plan is recommended.

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).

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. 14/02081, 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  
ACK05R K05 reason

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 Boroughs 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 of 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  
AED02R Reason D02
- 21 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 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.
- 34 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.
- 35 All plant and machinery on the site shall be operated and maintained in accordance with the manufacturers 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.
- 36 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.

37 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.

38 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.

39 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.

40 No telecommunications equipment shall be installed or places on the roof of buildings hereby permitted without the prior approval in writing of the Local Planning Authority.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interests of the appearance of the building and visual amenities of the area.

#### INFORMATIVE(S)

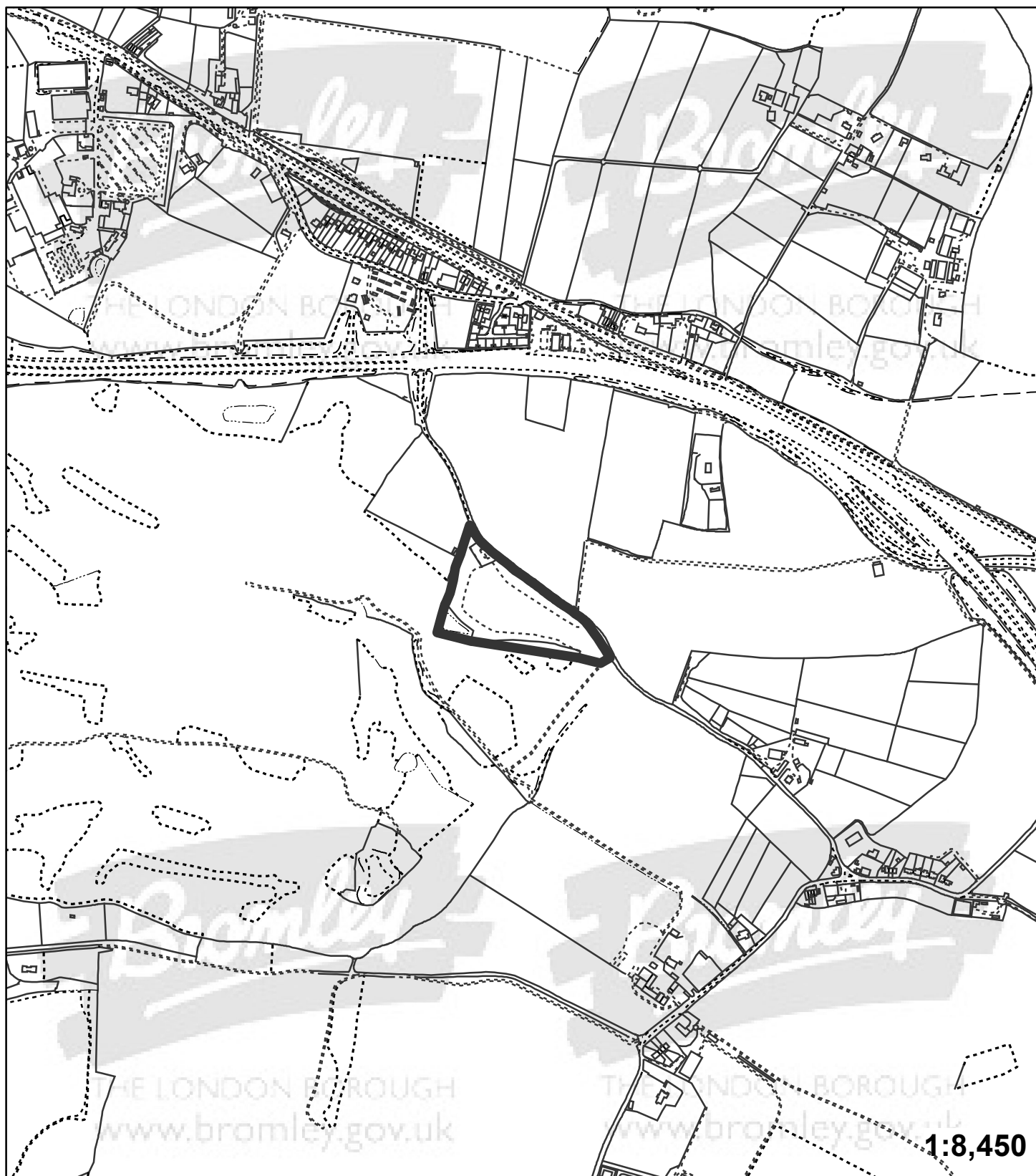
1 You should seek engineering advice from the Environmental Services Department at the Civic Centre regarding the need to obtain permits for the use of 20 tonnes vehicles under the London Lorry Control Scheme.

- 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:**14/02081/RECON

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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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