

SECTION '2' – Applications meriting special consideration

Application No : 14/04870/FULL1

Ward:
Cray Valley East

Address : Land Opposite Econ House Old
Maidstone Road Sidcup

OS Grid Ref: E: 548787 N: 170200

Applicant : Mr D Cheriton

Objections : YES

Description of Development:

Use of land as a waste transfer station and recycling facility involving minor change of land levels, the erection of a facilitative building, associated plant, site office, and provision of car parking and associated landscaping

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Flood Zone 2
Flood Zone 3
Gas HP Zones Gas HP Zones:
Green Belt
London City Airport Safeguarding
London City Airport Safeguarding Birds

Proposal

Planning permission is sought to expand recycling facilities by reorganising two separate sites under the applicant's control. These comprise an area to the south-west of Old Maidstone Road (defined as Site No 3 on the proposed site plan); and Chalk Pit Caravan Park (defined as Site No 2 on the proposed site plan) part of which is currently used for recycling activities and which would be given over for amenity space for the caravan park use. The applicant wishes to consolidate activities within Site No 3, simultaneously vacating its presence at Site No 2.

The Planning Statement advises that the main proposal involves using approximately half of Site No 3 to provide a materials recycling and recovery facility for non-liquid inert, hazardous wastes from industrial, commercial, municipal and household sources. Wastes will be sorted using specialist machinery and segregated into homogenous streams and sent to dedicated treatment plants off site where they will be used as raw materials or included as recyclates in product manufacture. There would be potential employment for up to 30-40 new staff. It is proposed that the vehicular trip generation will involve a catchment of all areas

within the confines of the M25. The waste streams will be derived from the Industrial, Commercial, Municipal and Household sectors as defined by the Environmental Protection Act 1990. The proposed hours of operation listed on the application form are: Monday - Saturday: 08:00 to 18:00, and Sundays and Bank Holidays: 08:00 to 14:00.

In regard to the proposed site layout, the recovery and recycling equipment will be housed within a 10m high steel framed single span portal framed building, whose dimensions will measure 60m x 35m. A site office will be situated to the NW corner of the site immediately adjacent to the site entrance off Old Maidstone Road, and adjacent to the staff/general car park. A parking area for up to 10 lorries will be provided at the NE corner of the site. Land levels across the site from north to south will be sculptured and changed to form a gradual slope down to the main building's hopper, and there will be a strip of planting across the width of the site at approximately the mid-point. The level change will mean that the building and material piles will be positioned at a lower ground level with only the upper parts exposed. Storage areas will be delineated by the use of concrete A-frames for each recyclates stream. Details of the types of materials to be recycled and recycling processes are outlined in the Planning Statement. The proposed site plan outlines the proposed site layout, the position of the proposed steel framed building, parking areas, site office and screener, concrete and spoils heaps.

A Unilateral Undertaking dated 9.11.14 has also been submitted in connection with this application. This sets out to change the use of part of the land within Site No 2 (the Chalk Pit Caravan Park) that is currently used for storage purposes to that of open amenity space.

The Planning Statement also sets out details of current waste management provision in Bromley Borough, together with waste policies and details of an appeal decision concerning a site at Knockholt.

In addition, the supporting documentation includes a Noise Assessment Report, Flood Risk Assessment, Phase I Environmental Assessment, Phase I & II Geo-Environmental Assessment, and a Transport Statement. In addition, the Agent has provided a copy of a letter from the Environment Agency dated 21.8.14 concerning a previous similar withdrawn application, and an "initial" Sequential Test Report dated 27.4.15.

Location

The application site comprises of two separate areas of land fronting Old Maidstone Road. The main development site within which it is proposed to develop the proposed waste transfer station (defined as Site No 3 on the proposed site plan) occupies an area of approximately 1.7 hectares and fronts the SW side of Old Maidstone Road. At the time that the site was inspected (on 8.4.15) the site did not appear to be in use, although it was in part the subject of a Lawful Development Certificate for an Existing Use issued in 2012 concerning its use for storage. The site stretches to within relatively close proximity of the A20 which is situated approximately 30m to the south. The site is bounded by palisade fencing and there is a layer of coniferous screening adjacent to the western site boundary.

The associated site (defined as Site No 2 of the proposed site plan) is separated from the main site (No 3) by two detached houses, which occupy an overall site area of 0.2 hectare. Site No 2 forms "Chalk Pit Caravan Park" which at present is partly used for storage purposes (which it is proposed to be changes to amenity use). Aside from that use, the area is occupied by a number of caravans.

The facing side of the road is made up predominately of detached bungalows located on plots that adjoin the B2171 Old Maidstone Road and Maidstone Road, although the houses themselves front Old Maidstone Road. The applicant also utilises an area of land to the NW corner of Old Maidstone Road which is occupied by Econ House (defined as Site No 1 on the proposed site plan).

The site falls within the Green Belt.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and a number of representations were received which can be summarised as follows:

- unnecessary additional development in the Green Belt
- inappropriate development in the Green Belt
- additional noise, odour, dust, pollution and vibration
- air quality will be undermined
- proposal will form an eyesore
- surrounding ground would be contaminated
- proposal seeks to process hazardous waste
- high noise levels in the area will be increased
- proposal will undermine local drainage and lead to a flood risk
- sufficient recycling facilities exist in the area within a 1.5 mile radius, including at Cookham Road
- close proximity to residential properties
- structural soundness of neighbouring properties could be undermined
- loss of neighbouring privacy
- proposal will undermine highway safety, particularly given the proposed access arrangements and HGV route
- Transport Plan is outdated
- residential character of the area is being eroded
- neighbouring compost plant already results in a potent stench in the area
- noise report does not address all noise generators
- site has never been properly landscaped and put back to agricultural use
- site sits on and adjacent to natural water aquifers
- wildlife has been rehabilitated in the surrounding area which could be undermined
- further additional HGV movements will be in breach of historic regime when planning A20(M) bypass, resulting in additional nuisance
- inappropriate use within the Green Belt
- inability of Council to control and enforce management of waste transfer station
- existing businesses already result in intensive use of the highway

- health hazard
- proposal will undermine neighbouring property values
- concern that this proposal will lead to similar problems as at waste site at Cornwall Drive, Orpington ("Waste4Fuel") in the form of fires, smoke and fumes
- inherent problem of fly-tipping in the area does not justify this proposal
- such sites are difficult to control or monitor

Objections have been raised by the North Cray Residents' Association on the basis that the proposal represents inappropriate development in the Green Belt without any mitigating very special circumstances to support it; that the proposal will undermine highway conditions along Old Maidstone Road and surrounding roads; that the processed waste will include asbestos; that any fires will be likely to generate noxious asbestos fumes which would undermine neighbouring living conditions and soil conditions; and that there have been recent bad experiences relating to other waste sites in the wider area.

Objections have been raised by the Old St. Paul's Cray Residents' Society on the basis that the proposal constitutes inappropriate development in the Green Belt is harmful to its visual amenities, will lead to highway disruption, and that very little has changed since a previous application for a similar development was withdrawn (ref. 13/02279).

Representations were also received from the Member of Parliament for Bromley & Chislehurst objecting to the proposal on the basis that the proposal is situated within the Green Belt; will undermine neighbouring amenity; goes well beyond what can be attributed to local need; and that the proposed nature of the hazardous waste to be processed is of serious concern.

Comments from Consultees

No objection has been raised by the Environment Agency, subject to conditions regarding contamination remediation, no infiltration or surface water drainage, and provision of a surface water drainage scheme.

The Council's Environmental Health Officer has raised no objection in respect of the proposal.

No objection has been raised by Transport for London, subject to conditions regarding a construction logistics plan, a delivery and service plan, and a Travel Plan.

The Greater London Authority has advised that the applicant should undertake a separate alternative site search to demonstrate meaningful comparison has been undertaken. There is a need to demonstrate that this is the most sequentially preferable site, given NPPF requirements and Green Belt designation. There is also a need to reconsider the layout of the proposal to minimise the impact on surrounding residents and the openness of the Green Belt.

The Council's Drainage consultant has requested a condition to ensure that the scheme complies with the terms of the Floor Risk Assessment.

No objection has been raised by Thames Water in regard to surface infrastructure capacity.

The London Borough of Bexley does not consider that there will be a significant impact to either the residential environment of Bexley or to the safe and efficient operation of the highway network within that neighbouring borough. However, the application does not provide robust justification for the loss of a significant area of Metropolitan Green Belt to inappropriate uses and associated buildings and structures. The proposal is therefore contrary to Green Belt policy.

The Metropolitan Police has noted that there is no specific reference to Secure by Design standards in the application. The proposal should therefore achieve those standards by incorporating Secure by Design principles. Measures should include perimeter fencing measuring 2.4m in height; adequate lighting to comply with BS5489-1:2013; and CCTV coverage. As such, a Secure by Design condition should be attached to any planning permission.

No technical Highways objections have been raised.

Any further comments will be reported verbally at the meeting.

Planning Considerations

National Policy for waste management is set in the "National Planning Policy for Waste" document published in October 2014. (The application has referred erroneously to the former policy in PPS10 the Planning Statement.) The new policy differs in several ways and is accompanied by a section in the NPPG. The emphasis on the protection of Green Belt has been enhanced from the stance in the superseded PPS10.

Supporting the new policy, the NPPG sets out guidance:

"There is no expectation that each local planning authority should deal solely with its own waste to meet the requirements of the self-sufficiency and proximity principles.... Furthermore, there could also be significant economies of scale for local authorities working together to assist with the development of a network of waste management facilities to enable waste to be handled effectively."

This supports the Council's position, along with the policy, that it is neither necessary nor perhaps sensible to require all waste to be managed in one's own area.

The 2014 policy was launched by the Secretary of State stating: "I am crystal clear that the green belt must be protected from development so it can continue to offer a strong defence against urban sprawl." The Press Release states that the new policy means councils can no longer give special consideration to locational needs,

or wider economic benefits the site could bring, over other considerations, as justification for building waste facilities on green belt land.

Bromley is currently assessing and analysing capacity for a range of land uses as part of developing the Local Plan. The Council will be consulting in the summer on the methodologies and the recommendations for site allocations. This consultation is part of several under Regulation 18 - without prejudice to the results of that consultation we aim to consult on our Draft Local Plan for Examination this winter.

The Technical Paper is a collaborative document in which five South East London boroughs, and the City of London, set out their waste apportionment targets, their waste arising and their waste facility capacity. This enables the boroughs to show that they can meet, and exceed the apportionment targets as a group. The Paper is updated in order to inform the Local Plan of each borough as they look to meet policy requirements and allocate waste management sites. The last published iteration of the Paper was for Greenwich's Local Plan Examination, and it will be reviewed as part of Bromley's evidence base during the summer.

The following saved policies from the Unitary Development Plan are applicable:

- BE1 Design of New Development
- G1 The Green Belt
- NE7 Development and Trees
- T3 Parking
- T18 Road Safety
- ER2 Waste Management Facilities

London Plan Policies: 5.16 (Waste Self Sufficiency) & 5.17 (Waste Capacity)

Planning History

Under ref. 88/00182 planning permission was granted in respect of the retention and enlargement of the existing caravan site to provide 30 units on a permanent basis.

Under ref. 12/01293 a Lawful Development Certificate was granted in respect of the use of the land and building for the storage of furniture, bricks, window frames, container lorry trailers and portable building. The Certificate which was granted related to the NW corner of what comprises Site No 3 on the proposed site plan.

Under ref. 13/02279 a similar planning application to this scheme and involving the use of the land as a waste transfer station and recycling facility with minor change of land levels the erection of a facilitative building, associated plant, site office, and provision of car parking and associated landscaping was withdrawn by the applicant September 2014.

Conclusions

The main issues for consideration relate to the appropriateness of the proposal, in the context of the Green Belt designation of the site, and whether the site benefits

from a sequential test assessment to support the proposed use. Further considerations relate to the impact of the proposal on neighbouring amenity, its impact on the surrounding highway network, and matters relating to land contamination and pollution.

As noted above, under the terms of the National Planning Policy for Waste published in 2014, the Government has sought to enhance protection of the Green Belt and discourage such development within the Green Belt. By definition, this proposal constitutes inappropriate development in the Green Belt, and no very special circumstances have been identified which might justify such a scheme.

Where such development is to occur within the Green Belt, the National Planning Policy for Waste requires a sequential test which demonstrates that there are no alternative viable sites. Whilst an "initial" Sequential Test Report accompanying this application suggests that a "sequential approach will be unlikely to identify new locations which would be policy compliant" this in itself does not provide the necessary justification to support this scheme. Such an assertion, lacking a substantive evidence base, fails to address the need for a sequential analysis.

Whilst the Environmental Agency and Highways Engineers have not raised objections to the proposal (subject to conditions) concerns are raised in respect of the impact of the proposal on residential amenity, given the close proximity of the site to neighbouring houses. Policy ER2 of the UDP advises that proposals for new waste management facilities will be assessed against the various criteria, including the following:

- proposals do not result in significant traffic-related environmental effects in residential areas or along lorry routes to and from the facility;
- adverse effects on the amenities of residential areas by reason of noise, smell, dust, odours, litter, vermin and birds can be minimised;
- visual intrusion is minimised

The site adjoins two residential properties along its eastern boundary, whilst a number of houses and a caravan site, are situated along the opposite side of Old Maidstone Road and beyond the two neighbouring houses to the east. Given the associated activity relating to the proposed use, including the use of heavy goods vehicles to transport waste to and from the site, it is considered that this scheme will result in an unacceptable decline in living standards. There will be a significant increase in activity beyond the existing activities which take place at the site. Whilst the application is accompanied by a Unilateral Undertaking which will result in the removal of all commercial activity from Site No 2 (which forms the Chalk Pit Caravan Park), it is considered that the adverse impacts resulting from this proposal on the wider area and, in particular, residential amenity, far outweigh any benefit that this Unilateral Undertaking will provide.

Background papers referred to during production of this report comprise all correspondence on the file refs set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 In the absence of a sequential test to demonstrate the suitability of the site to accommodate a waste transfer site, the proposal conflicts with the objectives of the National Planning Policy for Waste 2014.
- 2 The proposal constitutes inappropriate use in the Green Belt, and in the absence of very special circumstances is contrary to Policy G1 of the Unitary Development Plan, Section 9 of the National Planning Policy Framework - 'Protecting Green Belt Land', and the National Planning Policy for Waste 2014.
- 3 By reason of the close proximity to neighbouring residential development, the development would adversely affect the living conditions by reason of noise and disturbance associated with the proposed use, thereby contrary to Policies BE1 and ER2 of the Unitary Development Plan.