

MC/13/2761

Date Received: 31 October, 2013

Location: Viridor Management Site, Clipper Close, Medway City Estate, Rochester, ME2 4QP

Proposal: Construction within the permitted waste management site (planning permission ref ME/98/0469/MR) of a building for the ancillary storage of recyclables the installation of two external conveyors and an air filter plant and a replacement high voltage building together with the external storage of baled recyclables and revised details of a riverside screen fence

Applicant: Viridor Waste Management Ltd

Agent: Mr H Jones Caulmert Ltd 8 St Georges Court Altrincham Business Park Dairyhouse Lane Altrincham Cheshire WA14 5UA

Ward Strood Rural

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 19 February, 2014.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved drawing numbers: 1741.PLG.01 Rev A, 1741.PLG.03 Rev B, 1741.PLG.05 Rev B, 1741.PLG.06 Rev A and 1741.PLG.12 Rev A received 1 November 2013; additional drawings 1741.PLG.14 and 1741.PLG.15 received on 13 December 2013 and revised drawing numbers 1741.PLG.04 Rev D, 1741.PLG.08 Rev D and 1741.PLG.16 received on 24 January 2014.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The rating level of the noise emitted from the development shall not exceed the existing background noise levels by more than 3dB. The noise levels shall be determined at the nearest noise sensitive premises within the Historic Dockyard, Chatham in accordance with BS4142: 1997.

Reason: To safeguard the interests of the amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 4 All vehicles engaged in commercial waste processing and transfer operations shall use the access in Royal Eagle Close. The Clipper Close access shall only be used by non-operational vehicles and exceptionally large loads of construction material or plant or equipment that are unable to clear the weighbridge office structure.

Reason: To safeguard the amenities of the occupants of neighbouring properties in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 The height of the open storage of baled material shall not exceed 3m at any time.

In the interest of visual amenity in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 6 Doorways on the main recyclable storage building hereby permitted shall remain closed at all times except for individual vehicular movements in and out of the building and essential maintenance purposes.

Reason: To ensure the amenity of the area is protected from litter in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 7 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 8 to 11 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 11 has been complied with in relation to that contamination.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 8 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 9 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 10 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 11 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 9 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 10.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 12 No infiltration of surface water drainage into the ground is permitted other than with the 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: To protect the underlying aquifer from the risk of pollution in accordance with Policy CF12 of the Medway Local Plan 2003.

- 13 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the 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 risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the underlying aquifer from the risk of pollution in accordance with Policy CF12 of the Medway Local Plan 2003.

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This application seeks full planning permission for the construction, within the permitted waste management site (planning permission ref ME/98/0469/MR), of a building for the ancillary storage of recyclables, the installation of two external conveyors and an air filter plant and a replacement high voltage building, together

with the external storage of baled recyclables and revised details of a riverside screen fence.

The storage building would be approx. 13.8m wide by approx. 42m long and would be approx. 11m high to the top of the curved roof. This building would be located to the west of the existing waste management building and would be connected to it by a conveyor.

The conveyor would be located approx. 5.6m back from the front elevation of the proposed recyclables storage building and would be approx. 1.2m wide.

The second proposed conveyor would be located to the eastern side of the side to the south of the existing waste management building. The conveyor would connect with the waste management building on its south elevation set in approx. 2.9m from the eastern side. The conveyor would be approx. 2.1m wide and would project approx. 11.4m.

The proposed air filter would be located to the northern side of the waste management building approx. 27m along when measured from the eastern side of the building and would be a cylindrical structure approx. 8.1m high by approx. 1.8m wide.

The replacement building to house the high voltage equipment would be located to the west of the car parking area for the site offices and to the south of the entrance gates to the main site. The replacement building would be approx. 4m by approx. 5m and approx. 3m high with a flat roof.

The proposed fencing has been revised to show a chain link fence approx. 3m high.

Relevant Planning History

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| MC/12/2874 | Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 - request for a screening opinion for changes to existing building and site layout. EIA Not Required |
| MC/06/1860 | Application for Lawful Development Certificate (proposed) for the use of land for storage, treatment and processing of waste using gasification technologies. Lawful Certificate Approved, 20 June 2008. |
| MC/01/2119 | Variation of condition 02 on planning consent MC2000/0034 to allow the site to be used for the permanent processing and storage of aggregates Approved, 7 July 2004 |
| ME/98/0470/MR | Change of use and construction of a waste recycling, treatment, processing transfer centre offices and ancillary development including access roads Approved |

ME/98/0469/MR Change of use and construction of a waste recycling treatment processing and transfer centre offices and ancillary development including access roads
Approved

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

The Environment Agency, Chatham Historic Dockyard Trust and Frindsbury Extra Parish Council have also been consulted.

The Environment Agency have no objection to the proposal but advise of the need for an environmental permit.

Frindsbury Extra Parish Council have written objecting to the application due to the Parish Council considering the open storage of bales of recyclables to be a potential fire hazard.

Development Plan Policies

The Development plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 (NPPF) and are considered to conform.

Planning Appraisal

Paragraph 14 of the NPPF puts sustainable development at the heart of the planning system stating that, '*a presumption in favour of sustainable development should be seen as a golden thread running through both plan-making and decision-taking*'. The Government's guiding principles of sustainable development are: living within the planet's environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance, and using sound social science. At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations. Paragraph 7 of the NPPF describes sustainable development as comprising three dimensions: economic, social and environmental.

The appraisal of the application below considers the elements of sustainable development and the material considerations relevant to this application.

Background

A request for a screening opinion was made under MC/12/2874. The Council adopted an opinion that the development proposed as part of this application did not constitute EIA development when considered under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Principles of Development

The proposed development is for a building and associated structures to further facilitate the use of the site for waste recycling, storage, treatment, processing and transfer with activities involving the receipt, sorting, baling and transfer of plastic waste. Paragraph 17 of the NPPF outlines a set of 12 core land-use principles, one of which states that planning should proactively drive and support sustainable economic development to deliver business and industrial units. This is further supported in the NPPF by the advice given in paragraphs 18 to 21.

The application site is located within the Medway City Estate, which is designated in the current Medway Local Plan 2003 as an existing employment area. As such Policy ED1 (B)(viii) is relevant. This policy states that business (Class B1), general industry (Class B2) and storage and distribution (Class B8) will be permitted within the designated area as defined on the proposals map accompanying the Local Plan.

Given the support of the NPPF and that the application site is within a designated employment area, the proposal is considered to be acceptable in principle and therefore in accordance with paragraphs 18-21 of the NPPF and Policy ED (B)(viii) of the Medway Local Plan 2003.

Street Scene and Design

Policy BNE1 of the Medway Local Plan 2003 promotes design that is appropriate to the character, appearance and functioning of the area. As stated above, the site lies within the designated employment area of Medway City Estate. However, the site also lies opposite the Historic Dockyard at Chatham which accommodates an extensive collection of listed buildings and scheduled ancient monuments as well as being within a conservation area. Paragraph 132 of the NPPF and Policies BNE14, BNE18 and BNE20 of the Medway Local Plan 2003 seek to ensure that any new development does not detrimentally affect the setting of designated conservation areas, listed buildings and scheduled ancient monuments.

The larger building proposed to store recyclables would be located behind an existing larger industrial unit when viewed from the Historic Dockyard therefore would be hardly visible when viewed from the Dockyard. The development also proposes other structures such as 2 conveyor belts and an air filter plant to be connected to the existing larger building but given the height and location of these structures in relation to the proposed building and the surrounding existing industrial buildings, they are not considered to result in any detrimental harm to the character and appearance of the Historic Dockyard and the surrounding area in general. A further smaller building is proposed as a replacement to house existing high voltage equipment that is located at the entrance of the site. The building is small and the design is in keeping with its surroundings.

The proposal also includes areas for the open storage of baled plastics. The site currently has planning permission to store baled materials in the open. As such the proposal would not introduce a new 'feature' within the site but just increasing an existing area of open storage.

Finally, at the request of the Local Planning Authority, the applicant has revised the design of the fence from a 3m high palisade fence to a 3m high chain link fence. This request was made as it was considered that the palisade fencing would be a permanent feature with a harsh and utilitarian appearance which would potentially result in more harm to the setting of the Dockyard than the now proposed 3m high chain link fence which is of a more open design.

Taking account of the above it is considered that the proposed development is acceptable in terms of design and appearance and would not have any detrimental impact on the surrounding area or the views to or from the Historic Dockyard. As such the proposal is considered to be in accordance with the NPPF and Policies BNE1, BNE14, BNE18 and BNE20 of the Medway Local Plan 2003.

Amenity Considerations

The proposed development would be located within the existing Viridor site, which extends to the west of the application and is located within the wider Medway City Estate employment area. As a result, the proposal would not result in any detrimental impact in terms of amenity considerations.

The proposed development is considered to be in accordance with Policy BNE2 of the Medway Local Plan 2003.

Noise

A noise impact assessment has been submitted with the application. The submitted noise impact assessment demonstrates that the proposal would not result in unacceptable noise levels and therefore would not result in any detrimental impact on the amenities of the occupiers of surrounding properties including within the Historic Dockyard.

It is considered that the proposal would be in accordance with the NPPF and Policy BNE2 of the Medway Local Plan 2003.

Highways

Access to the site would be via the existing arrangements for the site which is via Royal Eagle Close for HGVs and Clipper Close for non-operational vehicles. The site currently operates under planning permission ME/98/0469/MR which allows for 670,000 tonnes per annum capacity. The proposal would not result in the site operating over this tonnage and therefore would operate within the capacity of the existing planning permission. Taking this into account it is considered that the proposal would be in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

Contaminated Land

Policy BNE23 of the Medway Local Plan 2003 seeks to ensure the appropriate investigations have been undertaken at the appropriate stage of the development

and to ensure adequate measures are put in place if necessary to minimise risks.

The use of the application site could have given rise to contamination. A phase 1 desk study has been submitted as part of the application. The investigation identified the site is over made ground and infilled ground associated with former land filling. This presented a potential risk to site users, controlled waters and buildings from contaminants and ground gas. It is recommended in the report that a phase 2 intrusive investigation be carried out including gas monitoring. Paragraph 7.2.6 of the report states that phase 2 ground investigations and site investigations have been carried out and the results are awaited.

There is no objection to the proposed development but due to the potential contamination issues, it is recommended that conditions be imposed requiring further assessment and remediation of contaminated land.

With the inclusion of the recommended conditions, it is considered the proposal is in accordance with the NPPF and Policy BNE23 of the Medway Local Plan 2003.

Local Finance Considerations

None relevant to this application.

Conclusions and Reasons for Recommendation

Having regard to current National Planning Policy and the Local Development Plan Policies, the proposal is acceptable in land use terms with the provision of employment uses, with regard to design and impact on the historic environment, amenity concerns and highways considerations. The proposal is considered to be in accordance with the NPPF and Policies ED1 B(viii), BNE1, BNE2, BNE14, BNE18, BNE20, BNE23, T1 and T13 of the Medway Local Plan 2003 and is recommended for approval.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the extent of representations received (including the Parish Council) expressing a view contrary to the recommendation.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://planning.medway.gov.uk/dconline/AcolNetCGI.gov>