

Snodland
Snodland East

570644 161587 30 April 2014

TM/14/01342/FL

Proposal: New paper bailing plant on former water treatment works
Location: Former Water Treatment Plant East Street Snodland Kent
Applicant: Smurfit Kappa UK Ltd

1. Description:

- 1.1 Full planning permission is sought for the erection of a new industrial building to house a paper bailing plant. The building would measure 10.5 metres high to its ridge, constructed of precast concrete on the northern and eastern elevations and brick clad on the western and southern elevations at lower level and with a grey metal cladding to the upper levels and roof. In association with the main building a porta cabin type office would also be provided as well as two weighbridges serving incoming traffic.
- 1.2 The entire bailing process is proposed to be carried out inside the building with the external area to be used for bale storage and for the parking and turning of lorries associated with the use. As such, this land would remain laid to hardstanding as existing on the site with the exception of the area to be used as a weighbridge.
- 1.3 The proposed development would process a total of up to 20,000 tonnes of paper per annum with an average input of 80 tonnes of paper and cardboard for recycling per day. This would be delivered to the site in approximately 10 vehicle movements per hour during off peak times.
- 1.4 It is also proposed to provide an additional off road parking area to serve the use and provide parking for the residents of May Street on land to the west of the site. This would involve the creation of five extra spaces, increasing the number for residents from 18 to 23. These works would not require physical alteration to the land other than demarcating the parking bays. A 1.2m wide footpath would also be provided on the south eastern side of East Street to improve pedestrian access.
- 1.5 It is also important to note that the development proposes alterations to Brook Street to better accommodate lorry movements, and installing lining to the road on East Street. These works are controlled by KCC Highways and the developer would need to enter into a separate agreement with the highway authority to carry out this aspect of the development.
- 1.6 As background to this proposal, it has been highlighted that the applicants are currently constructing a new paper mill with associated works on the site of their existing mill on the eastern side of the railway line. At the present time paper and cardboard are delivered loose to the paper mill and stored on site before being recycled and used in the paper making process. As part of the new paper making process however, the recycled paper will need to be provided in a baled form for

use in the new machine. It is stated that the new facility is required for the efficient conversion of recycled paper for the new mill process.

2. Reason for reporting to Committee:

2.1 High level of public interest and receipt of a petition.

3. The Site:

3.1 The application site is a former water treatment works which has most recently been used as a car parking area and is in the ownership of Snodland Paper Mill. The site is accessed from East Street which is a small road located to the north and which in turn is accessed from Brook Street which sits to the west. To the east is a railway line which effectively separates the site from the main paper mill, although there is a pedestrian link under the railway line. To the south is a watercourse which supplies water to the paper mill from Leybourne Lakes; this watercourse cuts under the railway line in several places. The western boundary directly adjoins the industrial buildings occupied by Fleet Paper which fronts onto Brook Street.

3.2 The site is located on the boundary between the industrial and residential areas of Snodland with residential properties to the north of East Street, and industrial premises situated to the south, east and north. There is a Conservation Area which bounds the north eastern side of the proposed car parking area, encompassing All Saints Church located on Mill Street. The application site is also located in flood zones 2 and 3.

4. Planning History (relevant):

TM/06/02146/OA	Application Not Proceeded With	6 October 2014
----------------	-----------------------------------	----------------

Outline Application for the redevelopment of redundant industrial area to provide a range of industrial units of varying sizes including starter units class B1

5. Consultees:

5.1 Parish Council: No objection.

5.2 KCC (H+T): Detailed comments have been made including the need for highway improvements to take place at the junction between East Street and Brook Street. These would include a pedestrian link, road widening, car parking provision and would need to be secured by a Section 278 Highway Agreement.

5.3 Environment Agency: Raise no objection subject to various conditions being imposed concerning groundwater and contaminated land, foul and surface water drainage, flood risk and fuel storage.

- 5.4 Network Rail: Notes that as the site lies adjacent to the Network Rail boundary and its operational infrastructure, the applicants should contact its Asset Protection team regarding construction, piling, drainage, lighting, fencing etc.
- 5.5 Natural England: Initially raised concerns about potential impacts of pollution from the proposals on the nearby Holborough to Burham Marshes SSSI via contaminated groundwater and surface water run-off and discharge. It is noted that the applicants have indicated that these issues will be addressed through a Phase 3 Site Investigation and that the risk of construction will be addressed through the Construction Environmental Management Plan which will deal with any mitigation measures and during operation will be controlled under the site's existing Environmental Permit. Natural England is satisfied that the potential risk of pollution to the SSSI resulting from the proposals can be sufficiently minimised through appropriately worded planning conditions to secure the above measures.
- 5.6 LIMDB: Generally supports the Environment Agency's recommendation to make details of drainage the subject of a condition. It is also considered that existing drainage arrangements should be established and that runoff should be reduced by 50%. The EA guidance should be followed in respect of pollution prevention and control.
- 5.7 Kent Fire & Rescue: Confirm that the means of access is considered satisfactory.
- 5.8 Private Reps: 39 + site notice and press notice/0X/5R/0S. 4 letters of objection and a petition signed by 26 residents representing 17 households:
- Address of the site is wrong/misleading.
 - Increase in traffic congestion, likely to result in lorry stacking in Brook Street.
 - Increase in parking problems which already exist in May Street and East Street. Suggestion that the Smurfitt Kappa site could be used for overflow residents parking.
 - Increased noise, vibration and pollution from lorry movements, both within the site and entering and leaving, particularly as the lorries will be in low gear. Conflicting information within the application relating to the number of lorry movements.
 - Increased disturbance to residential amenity, particularly the proposed starting hour of 6am – this should be later e.g. 8am.
 - Design of the building is unsightly.
 - Inappropriate siting of an industrial use in a residential area.
 - Loss of property values.

6. Determining Issues:

- 6.1 Paragraph 18 of the NPPF highlights the key emphasis that central Government places upon economic growth and development. Paragraph 19 states that planning should operate to encourage and not act as an impediment to sustainable growth, with significant weight to be placed on the need to support economic growth through the planning system.
- 6.2 The application site is located within the urban confines of Snodland town. Policy CP11 of the TMBCS seeks to concentrate new development within the built confines of urban areas and to seek to promote the re-use of previously developed land.
- 6.3 The application site is not overtly protected for employment purposes by development plan policy but is surrounded by industrial land to the west, south and east, all of which is allocated for such purposes. This includes the paper mill site to the east which is in the same ownership as the application site. The development seeks to enhance the existing paper mill facilities by providing a paper bailing facility which is required as part of the enhancement and redevelopment of the paper mill and the changes to the paper machine processes. This development would therefore actively support economic development in the local area for a well-established business, which should be encouraged. The site is located in the built confines of Snodland town and would allow for the redevelopment of existing brownfield land. These factors all weigh in favour of the principle of the development but must be balanced against the other material considerations.
- 6.4 Policies CP1 and CP24 of the TMBCS and policy SQ1 of the MDE DPD require high quality design which reflects the local distinctiveness of the area and respects the site and its surroundings in terms of materials, siting, character and appearance.
- 6.5 The application proposes the erection of one industrial building on the eastern part of the application site. The proposed building would have a height of 10.5 metres to the ridge and have a footprint area of 2147 sq. metres. The building would therefore be large in size and scale; however, when considered in relation to the overall size of the site in which it would be situated and its location in relation to surrounding large industrial buildings, it would not result in an overdevelopment of the application site, or appear as a visually incongruous feature within the local context.
- 6.6 The majority of the site would remain as hardstanding which is of the same appearance as the existing site, with the exception of the weighbridges which would be small low level features which would not be highly visible within the street scene. The weighbridges are a necessity for the operation of the business from the site, and due to their minimal visual impact, would be acceptable.

- 6.7 It is also proposed to store bales of paper externally on the site in a relatively small area to the south. The outside storage would be in close proximity to large industrial buildings and therefore visually would not appear as overly dominant within the street scene. In light of the scale of buildings in the local area, I do not consider it necessary to restrict the height of external storage in this instance.
- 6.8 There is a Conservation Area situated to the north east of the application site, adjoining the area which is proposed to be used for car parking. Paragraph 131 of the NPPF states that LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets (in this case the adjacent Conservation Area). Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The significance of such an asset can be harmed or lost through alteration of the asset or through development within its setting.
- 6.9 The proposed building would be located a considerable distance from the Conservation Area boundary and therefore would not adversely impact upon its setting, being visually read in relation to the existing industrial development rather than the more historic areas surrounding All Saints Church. The proposed car park would be the part of the site most directly related to the Conservation Area but this would not cause any harm to its setting in visual terms.
- 6.10 Development plan policy along with the NPPF requires that all new development does not result in harm to the residential amenities of neighbouring properties in order to allow for an environmental and social sustainability. The application site is largely bounded by industrial development to the east, west and south. The closest residential neighbours to the site are located to the north on May Street and to the north west on Brook Street. The proposed building is located far enough away from the neighbouring dwellings to prevent the structure itself being overbearing to the residential properties. The main potential for impact in this regard would arise from noise and disturbance from industrial processing within the building and from the vehicular movements to and from the site.
- 6.11 It is understood that vehicles entering the site will be weighed on arrival and before leaving on two separate weighbridges. The vehicles will circulate around the building in a clockwise one way system. All vehicles will be supervised from a portacabin type building close to the entrance and a compulsory "call before arriving" system will be used so that drivers request permission to arrive on site. Vehicles will not be allowed to arrive unannounced to prevent vehicles having to pass in East Street. This level of considered management will, in my view, minimise disturbance for the local area.
- 6.12 In support of the proposal a Noise Assessment was carried out using baseline noise conditions and the predicted noise levels of the proposed building. The results indicate that noise levels from the activity within the site and from vehicles

accessing the site will be negligible in May Street and will have only a marginal impact upon receptors in Brook Street. The assessment also indicates that predicted noise levels from increased traffic flows on the local road network will be negligible. The assessment concludes that the development would be acceptable in terms of the NPPF and NPSE.

- 6.13 In addition, changes have been made to the hours of operation requested by the applicants in order to protect residential amenity. It should be borne in mind that the residential properties in this area are sited in close proximity to a large established paper milling business where a certain level of activity and noise would be expected. Notwithstanding this, it is considered that an acceptable standard of residential amenity will be secured in this location. Conditions can be attached to a planning permission restricting hours of use and the operation of the proposed use.
- 6.14 The NPPF states that planning decisions should take into account improvements that can be undertaken within the transport network that cost effectively limits the significant impacts of a development. Development should only be refused on transport grounds where the residual cumulative impacts of development are severe. Policy SQ8 of the MDE DPD states that development will only be permitted where it would not significantly harm highway safety and where traffic generated by the development can be adequately served by the highway network.
- 6.15 The application site is located on East Street, a small road which is restricted by vehicles parking along the highway edge. The application site itself is large in size and offers the opportunity for the provision of a significant amount of off road car parking. This parking area serves both the existing mill site and the new development as well as providing additional off road car parking for the residents of May Street. This parking provision has been identified and justified within the submitted Transport Statement and offers some opportunity to improve the parking situation for existing local residents. This would prevent harm from being caused to highway safety through vehicles parking on the public highway.
- 6.16 There have been discussions between the applicant and KCC (H+T) regarding improvements to East Street that would enable it to more easily accommodate the additional traffic movements arising from the proposed development. These include improvement works to the junction between East Street and Brook Street, a widening at the eastern end of East Street, a pedestrian link, parking restrictions, and dropped crossing and tactile paving where appropriate. These works will require a S.278 agreement between the applicant and KCC (H+T) and a planning condition requiring completion of the works prior to the commencement of the use should be imposed on any planning permission granted.
- 6.17 The submitted Transport Statement also proposes that HGV movements between the existing site and the proposed building plant shall consist of left turns out of and right turns into East Street from Brook Road, with five trips a day between the

application site and the mill. The junction has been designed to make this a preference and the journeys between the two sites would naturally direct lorry movements in this way and again this should be required by planning condition.

- 6.18 Similarly the Transport Statement states that the Mill site operates a shift pattern which allows for the spread of traffic movements throughout the day and minimises conflicts with traditional peak periods. Although there would not be a significant highway safety impact should this change, KCC (H+T) has requested that they are notified should this shift pattern change, which can be suggested to the applicant by way of an Informative but this is not a matter that could be controlled by imposition of planning condition.
- 6.19 The Transport Statement also states that lorries will not be scheduled to arrive at East Street during the peak hours. During off peak hours it is proposed that 10 vehicles per hour would be expected to exit East Street. It would not be possible for lorries to turn into East Street if there was a car waiting to exit. As such, lorries would need to wait in Brook Street to wait for any queue of cars to clear. During the off peak hours, the risk of articulated lorries being required to wait for more than one car would be minimal.
- 6.20 A local business has raised concern with regard to the loss of parking to serve their unit at 2 East Street as a result of the proposed highway works. The off road parking for 2 East Street is limited which means that a large amount of staff park on the public highway. Although the development would remove on road parking opportunity for this business, this is not in the control of the Local Planning Authority. The development would not result in the loss of any area reserved for parking to serve 2 East Street and therefore would not result in additional pressure to park on the public highway.
- 6.21 The concerns of the neighbours have been given very careful consideration, in particular the impact upon existing amenities in terms of vehicle activity and noise. As highlighted above, the highway aspects of this proposal have been the subject of detailed consideration and amendments have taken place to ensure a satisfactory situation for drivers accessing the site as well as pedestrians in the vicinity and the provision of additional parking spaces for residents.
- 6.22 A Flood Risk Assessment has confirmed that the site is partly within Flood Zones 2 and 3, but that the risk of flooding from fluvial and tidal sources is low and no additional mitigation measures are required. The proposed development will not cause an increase in flood risk within the site and it will not impact elsewhere. The EA has indicated that it would not raise objections provided that various conditions are imposed covering ground water contamination, drainage etc. This information is not required prior to the application being determined, but without these conditions the development would pose an unacceptable risk to the environment. The conditions requested by the EA are reflected in the recommendation that follows.

- 6.23 During the consideration of the application concern has been expressed regarding the potential for bats being present on site. As a result, further work has been carried out by the applicant to establish the presence of bats. Bat emergence surveys were carried out in May and June of this year which show that although bats forage across the site, no bats were actually found to be roosting there. The report states that there is no reason not to demolish the building that exists on the site. In the event that bats are found at the site during the demolition process then work should cease so that full evaluation can be carried out by a licensed bat surveyor. This matter would need to be covered by an appropriately worded condition. Any further feedback received from Natural England or Kent Wildlife Trust on the matter of bats will be reported as a supplementary matter.
- 6.24 In support of the application an Environmental Preliminary Risk Assessment was submitted. This reviewed all historical uses of the site, including use as a gas works and water treatment plant for the adjoining paper mill. It is likely that residual contamination remains in the soil beneath these features and therefore a full intrusive investigation is required together with details of any mitigation measures. This matter can be covered by a safeguarding condition.
- 6.25 In conclusion, the location of this site, in close proximity to the main Paper Mill buildings, is ideal from a business point of view and will greatly assist in the employment opportunities that the business brings to the local economy. Additionally, this application has however been the subject of detailed consideration and negotiation to ensure acceptability in all respects and, subject to the imposition of various conditions, I consider that the proposed development is acceptable in all respects. As such, the following recommendation is put forward:

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Design and Access Statement dated 10.04.2014, Noise Assessment dated 10.04.2014, Report Road Safety Audit dated 10.04.2014, Environmental Assessment dated 10.04.2014, Flood Risk Assessment dated 10.04.2014, Transport Statement dated 10.04.2014, Ecological Assessment dated 10.04.2014, Location Plan 14/00101 01 dated 10.04.2014, Existing Site Plan 14/00101 02 dated 10.04.2014, Site Layout 14/00101 03A dated 29.10.2014, Elevations 14/00101 04A dated 29.10.2014, Email Fm Agent DTD 29.10.14 dated 29.10.2014, Other Additional Information dated 29.10.2014, Noise Assessment dated 29.10.2014, Letter dated 01.12.2014, Drawing C1002 P3 proposed junction engine dated 10.12.2014, Ecological Update dated 31.3.2015, Bat Emergence Survey Report dated 30.6.2015 subject to the following:

Conditions:

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

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

- 2 All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure that the development does not harm the visual amenity of the locality.

- 3 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

- 4 No development shall be commenced until:

(a) a site investigation has been undertaken to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land.

The scheme submitted pursuant to (b) shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority of the presence of any such unforeseen contamination.

Prior to the first occupation of the development or any part of the development hereby permitted

(c) the approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, and

(d) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity and public safety.

- 5 The business shall not be carried on outside the hours of 07.00 - to 18.00 Mondays to Fridays and 08.00 to 15.00 Saturdays with no working on Sundays or Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority

Reason: To avoid unreasonable disturbance outside normal working hours to nearby residential properties.

- 6 The development shall be operated and managed in accordance with the Transport Statement referenced 13376 Rev A unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

- 7 The use of the building hereby permitted shall not be commenced until such time that the highway improvement works as detailed in the Transport Statement referenced 13376 Rev A and shown on drawing number 13376 C1002 P3 have been completed and are fully operational.

Reason: In the interests of highway safety.

- 8 Prior to the commencement of the development hereby approved, details of the foundation methods to be used in the construction of the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Reason: In the interests of amenity and public safety.

- 9 Prior to the commencement of the development hereby approved, details of the foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Reason: In order to protect controlled waters.

- 10 Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to the oil, fuel or chemical and water.

Reason: In the interests of pollution control.

- 11 If during the demolition works bats are found to be roosting within the building then all work should cease, to enable a licensed bat surveyor to access the site and survey the situation. Any identified mitigation measures should be carried out concurrently with the development, to the satisfaction of the Local Planning Authority.

Reason: In the interests of nature conservation.

- 12 No development shall take place until details of finished floor levels have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: To ensure that the development does not harm the visual amenity of the locality.

- 13 No external lighting shall be installed in connection with the building hereby approved without the prior approval of the Local Planning Authority.

Reason: In the interest of the amenity of the area.

Informatives

- 1 You are advised of the need to enter into a Section 278 Agreement with the Highway Authority regarding the road and footway widening proposals and to establish the associated proposed off site traffic management measures, as outlined in the email from Kent County Council Highways and Transportation letter dated 5.1.2015 and the submitted Transport Statement.
- 2 You are advised to notify Kent County Council Highways & Transportation of any alterations to the shift patterns as detailed in the Transport Statement.

Contact: Hilary Johnson