

Application Number	24/1363/FH
Location	Land adjacent to Ashford Road/A20 Westenhanger, Hythe, CT21 4HU
Application Description	KCC Regulation 3 application KCC/FH/0115/2024 for the erection of a waste transfer station together with an enhanced site access to the A20, amenity blocks, staff and commercial vehicle parking, weighbridge and fuelling areas plus landscaping/ecology areas and SUDS
Applicant	WW Martin and KCC Waste Management
Agent	Hume Planning Consultancy Ltd
Officer Contact:	Andrew Byrne

Recommendation

That the Council raises no objection to the general principle of developing the site for a waste transfer facility. However the following specific concerns are raised to the development as currently proposed, which should be addressed through the submission of amendments and additional information. Further consultation should be undertaken with Folkestone and Hythe District Council once such amendments and information are received:

- **Following the correction of irregular drawings, further information should be sought on the assessment of heritage and landscape impacts.**
- **Improvements should be made to the scale and design of the main waste facility building, specifically to the roof form to raise the standard of design.**
- **The odour assessment does not include an assessment of likely odour impacts on surrounding land planned for development as part of the garden settlement.**
- **The application does not include an assessment of existing trees on or surrounding the site and whether these can be suitably protected and safeguarded.**
- **Further landscape mitigation.**

1. Reason for consideration by the Committee

- 1.1. This application is reported to Committee because the development will provide a large-scale strategic waste facility for the district, and falls within the Otterpool Garden Settlement allocation and immediately adjacent to land

subject to the Otterpool Park outline planning application in which the Council has a substantial interest.

2. Site and Surroundings

- 2.1 The application site comprises an undeveloped parcel of land of approximately 2.1 Hectares in size and is located adjacent to the railway line and A20 Ashford Road. There is an existing access to the site via a spur on the A20 roundabout immediately adjacent to the site, although this is currently closed to traffic. The site lies at a lower level to the roundabout with a difference in levels in the region of 6 metres. The railway line to the north is approx. 3 metres lower than the site, and the farmland to the east is roughly at the same level. The levels across the site itself rise from north to south generally by 3-4 metres. There is some landscaping adjacent to the site, mainly a tree belt on the east boundary between the railway line and roundabout.
- 2.2 The site is located in the north east corner of a significant area of land allocated in the Core Strategy for development as a new settlement (Otterpool Park). Although allocated as part of the garden settlement, it does not form part of the Otterpool Park outline application (Y19/0257/FH) for which the Council has resolved to grant permission subject to completion of a S106 Agreement.
- 2.3 The site and surrounding land is Grade 2 agricultural land and within the North Downs Special Landscape Area. Land to the east and south of the site, on the opposite side of the A20 falls within the Kent Downs National Landscape. This land also forms part of Sandling Park, a Grade II Historic Park and Garden.
- 2.4 A motorway service station and KCC highways depot are located immediately to the north of the railway line, together with the M20 and junction 11 interchange. Other than this and the road infrastructure, the site and surrounding area presently has a rural and undeveloped character. The landscape is generally undulating with some long-range open views.
- 2.5 Westenhanger Castle, a Scheduled Ancient Monument and including a Grade 1 listed Manor House and barns, is located approx. 1000m to the west of the site. Twin Chimneys Farm, a Grade II listed building is approximately 750m to the south west of the site.
- 2.6 The closest public rights of way are public footpath HE227 immediately to the north of the railway line and public footpath HE221A approximately 230 metres to the west. House Wood Ancient woodlands are sited approximately 230m to the east.
- 2.7 A site location plan is attached to this report as **Appendix 1**.

3. Proposal

- 3.1. This proposal relates to a planning application made by Kent County Council (KCC) to itself as a planning authority under regulation 3 of the Town and Country Planning General Regulations 1992. In addition, KCC is the relevant planning authority for waste-related development. FHDC has been consulted by KCC for its observations on the proposal. It is important from the outset to be clear that KCC is the determining authority for this application, and that FHDC takes the role of a consultee in such applications.
- 3.2 The planning application seeks permission for a waste transfer station, which would provide facilities to sort household waste collected from within the district prior to being taken onwards to third party sites for recycling, energy generation, and further processing / disposal. The waste will be transferred to the site by the District Council's collection fleet. Activities on site will be limited to sorting, with waste held and managed within the proposed buildings together with additional containers / bays. Food waste collections would be held in specially designed and sealed containers. The facility is not open for use by members of the public.
- 3.3 The main building would be 90 metres in width, 33m in depth with an eaves height of 13m and a ridge height of 14.7m. It would consist of 6 bays and would be clad in steel / aluminium. The building would be located towards the north of the site. Small welfare buildings, a weighbridge and office, water tank and external waste containers would also be constructed. Access to the site would be via the roundabout with car parking for staff, and lorry turning and holding areas – although no lorries would be parked at the site overnight.
- 3.4 To manage the difference in land levels the service yard and vehicle parking areas and manoeuvring areas would be cut into existing levels by up to approximately 2 metres to the north of the site. The building would also be cut into existing land levels on the east side by approximately 1.7m.
- 3.5 The application sets out that further landscaping would be incorporated into the development, including landscaping along the north boundary of the site in a belt of approx. 15 metres width to be undertaken as part of the Otterpool Park advance planting scheme. However, this land falls outside of the red edge line defining the application site, and as such outside of the control of the applicant. Further landscaping would take place on the east boundary to strengthen existing planting, and on the southern boundary either side of the access, as well as a narrower buffer on the west boundary.

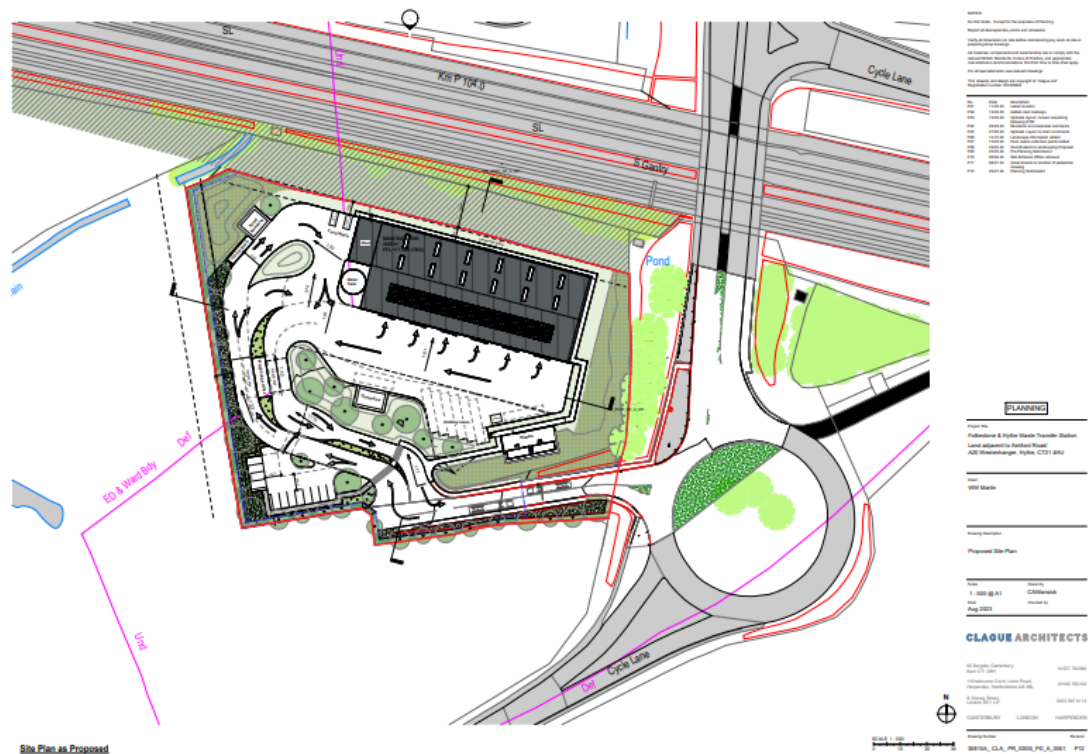


Figure 2 Aerial photograph of site

- 3.2. The following reports were submitted by the applicant to KCC in support of the proposals:

Highways Statement

- 3.3. This calculates an average of 30 refuse freighter visits to the site per day, and 7 articulated vehicle loads taking material from the site. The report concludes that the development will have a negligible impact on peak AM and PM traffic.

Landscape and Visual Appraisal

- 3.4. The report identifies the national and local landscape character for the site and surroundings, including the Kent Downs National Landscape which extends at its closest point to the east and south of the site. It assesses the existing landscape character and sensitivity and the impacts of the development at construction, year 1 of operation and year 15 of operation, including mitigation through proposed landscaping. It describes the site as in a semi-rural setting with major infrastructure detractors located adjacent to the site in the form of transport corridors and the service station and depot areas. It assesses that the building has been sited in the least visually dominant location behind the A20 embankment, and that important views to and from the Kent Downs escarpment are maintained with the building assimilated into the landform and amongst a backdrop of dense vegetation and similar development around the motorway junction. It assesses that impacts on the site and immediate landscape will range from moderate adverse at the construction phase / Year 1 operation phase to slight minor adverse in Year 15 and will be negligible when considered cumulatively with the garden settlement development. It calculates impacts on the setting of the National Landscape to be minor adverse (construction) to neutral (Year 15). The LVA identifies a smaller visual envelope generally over an area to the south of the railway line and recommends further secondary landscape mitigation to the site to reduce visual impacts primarily from the south and east.

Heritage Impact Assessment

- 3.5 This identifies a number of heritage assets within the vicinity of the site and assesses the potential harm to each asset as follows. Sandling Park (Grade II listed historic park and garden) – low level and less than substantial harm, Westenhangar Manor and Castle (Grade I listed and Scheduled Ancient Monument) – no harm, Twin Chimneys Farm (grade II listed) – no harm, The Royal Oak PH (Grade II listed) – no harm, Newingreen Farm and Sign (Grade II listed) – no harm, Stanford Windmill (Grade II* listed) – no harm and Hillhurst Farm (undesignated heritage asset) – low level and less than substantial harm. The majority of assets identified are assessed as not harmed due to intervening distance, topography and landscaping. Sandling Park is the closest designated asset to the site, but the development has been assessed as causing less than substantial harm on the basis of the

intervening A20 / Ashford Road, the topography of the application site that sits at a lower level to the road, and existing landscaping adjacent to the road. The report concludes that the low level of harm identified is outweighed by the public benefits of the proposal.

Air Quality and Odour Assessment

- 3.5. This identifies that traffic flows arising from the development will be below the levels for air quality screening, and that as such impacts on local air quality will not be significant. It assesses odour impacts on existing surrounding sensitive receptors and concludes that effects will be negligible except at one location (a dwelling to the north east approximately 440m from the site) where effects are calculated as being slight adverse.

Noise Assessment

- 3.6. This report identifies existing background noise levels (consisting mainly of road and rail traffic noise) and existing surrounding receptors. It identifies the likely noise impacts arising from the development including HGV activities occurring within the yard and noise breakout from the main building. The level of predicted noise is calculated to have a negligible impact on prevailing existing noise levels in the vicinity and a low impact on all receptors assessed.

Energy Strategy / Sustainability Strategy / Sustainable Construction Report

- 3.7. These identify that the main building, due to the nature of use, will be unheated. 150sqm of solar panels are proposed to the roof. The welfare building will be designed to exceed building regulations by 5%.

Lighting Assessment

- 3.8. The report provides details of external lighting within the site and that the site falls within category E1 (intrinsically dark environment) of ILP guidance for the reduction of light pollution. Lighting has been designed to minimise spill beyond the site and uses downward angle heads to avoid upward light spill.

Preliminary Ecological Assessment

- 3.9. Identifies the land as being largely modified grassland. Identifies a requirement for further surveys relating to reptiles, amphibians, bats and badgers, to determine the risk of potential adverse impacts, mitigation and compensation or enhancement where necessary.

Biodiversity Net Gain

- 3.10. The assessments submit identify a deficit in on-site BNG and that off-site enhancements will be required to meet BNG requirements.

Flood Risk assessment and Drainage Report

- 3.11. Identifies that the site is located within Flood Zone 1 and at the lowest risk from flooding. Surface water will drain to an attenuation tank and discharged via a hydrobrake to a watercourse abutting the site. Foul water will be directed to a packaged treatment plant in the north-west corner of the site.

Phase 1 and 2 Geo-Environmental Assessment

- 3.12. Identifies no evidence / low risk of ground contamination. Identifies the site as being on a Principal Aquifer and the soils classed as having a high vulnerability.

Archaeological Assessment

- 3.13 Identifies a moderate possibility for archaeological remains to be encountered on the site, and that further archaeological works should take place prior to development on the site.

4. Relevant Planning History

Y19/0257 (Otterpool Park on land immediately adjacent to the site)	Outline application, with all matters reserved, Resolution to for a comprehensive residential led mixed use Grant outline development comprising: Up to 8,500 planning residential homes including market and permission, affordable homes; age restricted homes, subject to assisted living homes, extra care facilities, completion of care homes, sheltered housing and care a S106 villages; demolition of identified existing Agreement. buildings; a range of community uses including primary and secondary schools, health centres and nursery facilities; retail and related uses; leisure facilities; business and commercial uses; open space and public realm; new planting and landscaping, and ecological enhancement works; sustainable urban drainage systems; utility and energy facilities and infrastructure; waste and waste water infrastructure and management facilities; vehicular bridge links; undercroft, surface and multi-storey car parking; creation of new vehicular and pedestrian accesses into the site, and creation of a new vehicular, pedestrian and cycle network within the site; improvements to the existing highway and
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	local road network; lighting; engineering works, infrastructure and associated facilities; together with interim works or temporary structures required by the development and other associated works including temporary meanwhile uses	
88/0746/SH (on the application site)	Erection of a hotel with 125 guest rooms and associated parking	Approved with conditions 08/09/88

5. Consultation

- 5.1 As Kent County Council is the local planning authority, it is responsible for ensuring that all necessary consultations have been undertaken and taking such comments into account during the assessment of the application. It is noted that KCC has consulted with a number of internal and external organisations, including parish councils, Natural England, the Kent Downs National Landscape Unit, National Highways, The Environment Agency, Kent Fire and Rescue, and Historic England.

As FHDC is a consultee in this process, officers have undertaken the following internal consultations.

- 5.2 FHDC Environmental Health team – Accept the findings of the Noise Assessment submitted with the application. Advise that as the report is based on hours of operation between 07.30hrs- 17.30 hrs weekdays only, these should be adhered to as the opening hours. Also accept the findings of the Air Quality and Odour Assessment. Advise that the site must have a robust odour management plan to mitigate any nuisance to any nearby sensitive receptors.

Public/Neighbour Consultation

- 5.3 As KCC is the local planning authority, it is responsible for carrying out neighbour consultations and complying with publicity requirements. It is noted that the following Parish Council comments have been received by KCC:
- 5.4 Saltwood Parish Council – No objections as long as vehicles do not use minor roads (Sandling Road) more than is absolutely necessary)
- 5.5 Postling Parish Council – The application is acceptable on condition that lighting is switched off overnight to avoid light pollution, and that construction

vehicles do not use Sandling Road through Postling, which is unsuitable for HGV's.

6. Planning Policy

6.1 The Development Plan comprises the Core Strategy Review (2022) and the Places and Policies Local Plan (2020). The Kent Minerals and Waste Local Plan is the relevant development plan for minerals and waste related development.

6.2 The relevant development plan policies are as follows:

Places and Policies Local Plan 2020

HB1	-	Quality Places Through Design
T1	-	Street hierarchy and site layout
T2	-	Parking Standards
NE2	-	Biodiversity
NE3	-	Protecting the District's Landscape and Countryside
NE5	-	Light Pollution and External Illumination
CC1	-	Reducing Carbon Emissions
CC2	-	Sustainable Design and Construction
CC3	-	Sustainable Drainage Systems
HE1	-	Heritage Assets

Core Strategy Local Plan (2022)

SS1	-	District Spatial Strategy
SS2	-	Housing and the Economy Growth Strategy
SS3	-	Place Shaping and Sustainable Settlements Strategy
SS5	-	District Infrastructure Planning
SS6	-	New Garden settlement – Development Requirements
SS7	-	New Garden Settlement – Place Shaping Principles
SS8	-	New Garden settlement – Sustainability and Health New Towns Principles
SS9	-	New Garden Settlement – Infrastructure, Delivery, Phasing and Management
CSD5	-	Water and Coastal Environmental Management

The Kent Minerals and Waste Local Plan

CSW1	-	Sustainable Development
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CSW2/3	-	Waste Hierarchy and Reduction
CSW4	-	Strategy for Waste Management Capacity
CSW5	-	Strategic Site for Waste
CSW6	-	Location of Built Waste Management Facilities
DM1	-	Sustainable Design
DM2	-	Environmental and Landscape Sites of International and Local Importance
DM3	-	Ecological Impact Assessment
DM5	-	Heritage Assets
DM6	-	Historic Environment Assessment
DM8	-	Safeguarding Minerals Management, Transportation Production and Waste Management Facilities
DM10	-	Water Environment
DM11	-	Health and Amenity
DM13	-	Transportation of Minerals and Waste

- 6.3 The following are also material considerations to the determination of this application.

Supplementary Planning Guidance/Documents

Kent Downs AONB Management Plan

- 6.4 Paragraph 3.3 includes a section on setting. It states that proposals affecting the setting of the AONB (now National Landscape) are not subject to the same level of constraint as those which affect the AONB itself. The weight to be afforded to setting will depend on the significance of the impact. Matters such as the size of proposals, their distance, incompatibility with their surroundings, movement, reflectivity and colour are likely to affect impact. Where the qualities of the AONB instrumental in its designation are affected by proposals in the setting, then the impacts should be given considerable weight in the decision-making process.

Government Advice

National Planning Policy Framework (NPPF) 2023

- 6.5 Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:

Paragraph 11	Presumption in favour of sustainable development.
Paragraph 47	Applications for planning permission be determined in accordance with the development plan.
Paragraph 100	delivery of public service infrastructure
Paragraph 114	promoting sustainable transport.
Paragraph 131	creating high quality buildings and places.
Paragraph 135	ensuring developments function well, are visually attractive through good architecture, layout and landscaping, sympathetic to local character including landscape setting, and create safe accessible places with a high standard of amenity.
Paragraph 180	Protecting and enhancing valued landscapes.
Paragraph 182	that development within the setting of National Landscapes (AONB's) should be sensitively located and designed.
Paragraph 186	Biodiversity
Paragraph 195	conserving heritage assets
Paragraph 200	assessing the significance of heritage assets.
Paragraph 201	assessing the significance of heritage assets.
Paragraph 205	the weight to be given to conserving designated heritage assets.
Paragraph 208	development leading to less than substantial harm to the significance of a designated heritage asset.
Paragraph 209	effects on the significance of a non-designated heritage asset

National Planning Policy for Waste

- 6.6 This sets out detailed waste planning policies for waste planning authorities.

National Planning Policy Guidance (NPPG)

- 6.7 Waste – 15th October 2015
 Natural Environment – 14th February 2024
 Light Pollution – 1st November 2019
 Historic Environment – 23rd July 2019

Levelling Up and Regeneration Act 2023

- 6.8 S245 of the Act amends the Countryside and Rights of Way Act and states “*In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other*

than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty”.

7. Appraisal

7.1 In light of the above the main issues for consideration are:

- a) Whether the principle of development is acceptable?
- b) Whether the location and nature of the proposals are appropriate to the development of Otterpool Park as set out in the outline planning application?
- c) Whether the proposal would result in any unacceptable landscape or visual impacts?
- d) Whether the proposal would preserve the setting of Heritage Assets?
- e) Whether the proposals result in harm to Highway safety?
- f) Whether the proposal would harm neighbouring amenity?
- g) Would the proposal secure energy efficiency in construction?
- h) Does the development include EV charging facilities?
- i) Does the development protect and enhance biodiversity?
- j) Is the development acceptable in terms of flood risk and drainage?

a) Whether the principle of development is acceptable?

- 7.2 The site is located in what is currently a predominantly rural setting, but forms part of the large area of land allocated for the new garden settlement at Otterpool Park under policies SS6-SS9 of the Core Strategy and as such there is overarching policy support for large scale residential-led development in the area. Such development brings a need for supporting infrastructure and facilities. Policies SS8 and SS9 of the Core Strategy set out (amongst many other criteria) that development of the settlement should be subject to a site-wide waste strategy, and that the settlement should be self-sufficient in terms of infrastructure, and where necessary allowing for the expansion and improvement of nearby facilities including waste.
- 7.3 Although allocated in the Core Strategy as part of the garden settlement, the site does not form part of the Otterpool Park outline application (Y19/0257/FH) for which the Council has resolved to grant permission subject to completion of a S106 Agreement but is immediately adjacent to the application site. It represents a small pocket of land excluded from the application site.
- 7.4 This application has been made on the basis that a new waste facility is required to support household growth within the district to 2041, a significant proportion of which is forecast to be through new residential development at Otterpool Park. In submissions to FHDC as a consultee for the Otterpool Park application, Kent County Council has confirmed that there is not sufficient capacity within existing facilities in the district, nor is there short or longer-term

capacity in any adjacent authority area. The draft Heads of Terms appended to the committee report for the outline planning application identify that to mitigate the impacts of the development on waste disposal, either a financial contribution and/or provision for land to be safeguarded and transferred for use as a waste facility are to be secured.

- 7.5 It is evident from this and the policy requirements that a need exists for a waste management facility within the administrative boundary of FHDC to deal with the household growth primarily focused at Otterpool Park. Whilst the site is currently undeveloped land within a predominantly rural environment, it does form part of the land allocated within the Core Strategy for the new settlement. As such, the principle of built form on the site to provide wider supporting facilities required in connection with this large-scale development is considered acceptable and would assist in meeting the criteria in policies SS6-SS9 of the Core Strategy that require the settlement to be self-sufficient.

b) Whether the location and nature of the proposals are appropriate to the development of Otterpool Park as set out in the outline planning application?

- 7.6 The site is located in the north-east corner of the land allocated in the Core Strategy for the garden settlement. It is shown on the indicative strategy diagram within the Core Strategy as forming part of a wider business hub area. Although the site does not form part of the current outline application for Otterpool Park, the masterplan submitted with the application identifies the land immediately to the west and south of the site to be developed for business purposes. The masterplan also identifies that residential development would be located approximately 350m from the site, to the south and west of the proposed business area.
- 7.7 The parameter plans submitted with the outline application specify the height of buildings within the business area to be up to a maximum height of 16 metres. The height of the largest building within the proposed waste facility at 14.7m would be compatible with these parameters. In the longer term and as the development of a business area comes forward at Otterpool Park, the facility would form one of a number of large units in the surrounding landscape. Areas to the north, east and south of the proposed waste site are shown to incorporate significant areas of structural landscaping as part of the outline proposals, and this would assist in screening the development in the longer term, when implemented. However, it is noted that such landscaping would not come forward with the waste transfer facility, and this is discussed further in the landscape section below. The site is well located in terms of access to the strategic road network and would be unlikely to cause any amenity issues to the new garden settlement in respect of traffic movements or road noise, given its peripheral location and separate vehicle access from the roundabout.
- 7.8 Policy SS9 of the Core Strategy identifies that the new garden settlement should be self-sufficient in dealing with various infrastructure including

“allowing for the expansion and improvement of nearby facilities such as secondary education and waste”. In the committee report (4th April 2023) for the Otterpool Park outline application, paragraphs 7.742-7.767 dealt with waste matters arising from the new settlement. It set out that officers from KCC and FHDC have been collaborating to find an alternative site nearby (which includes the site subject to this application). The proposal would accord with the assessment in the committee report insofar that it would provide a waste facility on the edge of the settlement and would cater for waste collection needs arising at the new settlement. However as it is a collection only waste facility, it would not meet all the waste needs of future residents – for example there is no nearby household facility that residents can use to dispose of waste.

- 7.9 As also set out in the committee report for the outline application, the proposed new facility has the potential to facilitate the removal of an existing permitted (but not operational) waste facility at Otterpool Quarry. The benefit of this is that Otterpool Quarry, is more centrally located within the proposed garden settlement, and can potentially be utilised for more appropriate forms of development related to the new settlement in this location.
- 7.10 The application includes an odour assessment that identifies a number of existing sensitive receptors in the area and concludes that the impacts are acceptable. The Council's Environmental Health team raise no objection in this respect. However, the report does not assess impacts on the development likely to come forward as part of the proposed garden settlement and in close proximity to the waste transfer station. It is considered that such impacts should be assessed to ensure that the waste facility would not compromise reasonable levels of amenity for future neighbouring uses (likely to be a business park), and that the waste transfer station would not prejudice the development of this adjacent land for such purposes through unacceptable odours.

c) Whether the proposal would result in any unacceptable landscape or visual impacts?

- 7.11 The site is located within the North Downs Special Landscape Area. Policy NE3 of the Local Plan states that proposals should protect or enhance the natural beauty of such areas, unless outweighed by the need to secure economic and social wellbeing. The site is also located immediately adjacent to the Kent Downs National Landscape (formerly AONB). Policy NE3 of the Local Plan states that the impact of proposals and cumulative effects on the Kent Downs National Landscape and its setting will be carefully assessed, and permission will be granted where it can be demonstrated that the natural beauty and locally distinctive features of the National Landscape are conserved and enhanced, that proposals reinforce and respond to the distinctive character and special qualities of the National Landscape, that development does not undermine the integrity of the predominantly open and undeveloped rural character of the National landscape and its setting, that development is appropriate to the

economic, social and environmental wellbeing of the area, and meets the policy aims of the Kent Downs AONB Management Plan and supporting guidance.

- 7.12 In allocating the site and wider area through the Core Strategy to accommodate a garden settlement, it is accepted that a significant degree of change to the landscape over time will occur. Policy SS7 of the Core Strategy states that a landscape-led approach to development will be taken and must include structural landscaping to avoid or minimise impacts on the Kent Downs National Landscape and views in and out of it. The area immediately surrounding the waste transfer facility is shown on the masterplan submitted with the outline application for Otterpool Park as a business development area, with maximum building heights of 16m and structural landscaping proposed to the south of the site along the A20 road and to the north along the railway line. The structural planting plan for the outline application for Otterpool Park states that advance planting on the south-east boundary will be in place by year 5 and on the north boundary by year 10.
- 7.13 The application includes landscaping within the site to mitigate the visual impact of the development. The proposed landscape buffer on the east side of the application site would range in depth between 6.5 and 20 metres and would consist of native woodland planting, using tree sizes of 175-200cms in height. Just beyond the eastern edge of the site is a band of existing tree planting adjacent to the A20 which would supplement the buffer and extend the overall depth of planting to approximately 30 metres in depth, albeit outside the application site. This eastern boundary is also where the difference between the site levels and the higher level of the A20 is most pronounced. Proposed screening on the north boundary of the site is more limited and does not provide any meaningful mitigation other than reference to the implementation of a 15m wide buffer strip to be secured as part of the Otterpool Park outline application, but outside of the application site for the waste transfer station. Screening on the southern boundary is shown in layers, punctuated by the access and internal road layout. It consists of a narrow planting strip on the southern boundary and wider areas of planting generally of between 7 and 8 metres in depth within the site. The landscape drawing submitted identifies that specimen tree planting of extra-heavy standard stock sizes generally between 425-600cms in height would take place on the southern and western boundaries of the site. The mix of species and sizes / standards are generally to the satisfaction of the Council's Arboricultural Officer. However no detail has been provided to demonstrate the impact of the proposal on existing trees and whether they can be reasonably retained and protected.

- 7.14 The Landscape and Visual Appraisal submitted with the application is summarised in paragraph 3.4 of this report. The Appraisal identifies a range of landscape effects, ranging from moderate adverse at the construction phase / Yr1 operation phase to slight minor adverse in Yr15 for the site and its immediate landscape context, and minor adverse (construction) to neutral (Yr15) in relation to the setting of the National Landscape. When the cumulative effect of the Otterpool Park development is taken into account, the impacts are assessed as being negligible / neutral for both the local landscape context and setting of the National Landscape. The LVA identifies a smaller visual envelope generally over an area to the south of the railway line and recommends further secondary landscape mitigation to the site to reduce visual impacts primarily from the south and east, which is shown in the landscape drawings submitted.
- 7.15 The Kent Downs National Landscape Unit (NL Unit) has provided comments to KCC on the application. The NL Unit strongly disagrees with the LVA assessment that the site is semi-rural, and advises that given the scale of the building, views from the national landscape are likely to be possible, especially in winter. It also notes that the proposal is justified in part by the structural landscaping proposed as part of Otterpool Park, but that the provision of such landscaping is not within the applicant's control. The NL unit advises that if permission is granted, it would be appropriate for the main and supporting buildings to be finished in an olive-green colour to assimilate with the rural context of the site, and for fencing to be coloured in black.
- 7.16 The main visual impact arising from the development would be of the large building occupying the north part of the site. It would be cut into existing land levels and the floor level would be approximately 6.5m lower than the road level to the east of the site. The section drawings submitted indicate that at 15 years growth, the landscaping on the east boundary would largely screen the building. Although the section drawings show that the Otterpool Park advance planting to the north of the building would provide similar screening by year 15, the timing and implementation of this is not under the control of the applicant. Due to rising topography, the main building would be approximately 4 metres lower than the level of the access road and landscaping to the south of the site. Whilst the tree planting is again shown to screen much of the building at 15 years growth, the upper part of the building would still be potentially visible. The landscaping is also more limited on the west side of the site boundary and upper parts of the building are likely to remain visible beyond year 15 of tree growth.

- 7.17 Whilst the functional requirements of the main waste building are noted, the landscape appraisal and accompanying drawings do indicate that the building and particularly the upper part and roof would be visible beyond year 15 of completion. Furthermore, whilst the section and landscape drawings have been amended to rectify an inaccuracy in building height, there is no further supporting information to demonstrate whether this has affected the assessment of landscape impacts in the LVA document. The current design for the main waste building also incorporates a very shallow pitched roof, which provides very little definition or relief to the scale of the building and results in a utilitarian box-like appearance. The proposed building would be clad in muted dark colours which would help reduce prominence in the landscape. Whilst it is recognised that the building has a functional use, it is considered that the sensitive peripheral location of the site requires a high quality design approach and that the design of the upper part of the building should be improved through a higher quality roof form, noting that the large motorway service station building to the north of the railway line incorporates a butterfly style feature roof and the KCC depot also to the north includes a large domed structure, both of which assist in either providing distinctiveness to the buildings or assist in mitigating visual impacts. Sensitive high-quality design is a requirement under Policy SS7 (1) and (4) of the Core Strategy
- 7.18 Officers are in general agreement with the National Landscape Unit comments. Given the scale and height of the building, it is likely to remain visible with the mitigation proposed. In addition, whilst the east boundary would be relatively well screened over time through existing and proposed landscaping and levels changes, the southern site boundary is more open and exposed to views. Users of the public footpath to the north of the railway line would also experience the impact of the building at close quarters, although it is accepted at this point that users would be walking past other large buildings such as the service station. The functional appearance of the building would likely detract from the special landscape area and the setting of the National Landscape but could be improved through better design and/or reduced scale. The National Landscape Unit recommends an olive / green finish to the building on the basis that it would be a stand-alone building within a rural setting. However over time and through development of the garden settlement this setting will change. The proposed building will in time form part of a wider grouping of business units and it is considered that the dark grey finish as proposed would be more appropriate for this eventual setting.
- 7.19 The application includes details of external lighting. It is noted that the operation of the facility will take place between 7am and 5pm and that lights would be motion controlled outside of these hours.

- 7.20 Given the allocation of the garden settlement and location of this site adjacent to a busy road and railway line and close to the M20, it is not considered that any significant impacts on tranquillity would arise. The noise report submitted with the application sets out that noise impacts are likely to be negligible when taking into account existing background noise, and this is accepted by the Council's Environmental Health team.
- 7.21 In conclusion on landscape impacts, it is considered that the utilitarian form and scale of the building would have some detrimental impacts. Proposed landscaping would help mitigate this, but the upper parts of the building would be likely to remain visible in some sensitive viewpoints. Policies SS7(1) and (4) require development at the garden settlement to be landscape-led, to avoid or minimise impacts on the setting of the National Landscape, and to achieve high-quality design. Taking the above factors into account it is considered that the development as currently proposed would be in conflict with policies NE3 of the Local Plan and SS7 of the Core Strategy.

d) Whether the proposal would preserve the setting of Heritage Assets?

- 7.22 Sandling Park, a Grade II historic park and garden, is located immediately to the east of the site beyond the A20 road. There are areas within the park close to the A20 where views of the site are attained, although much of the park is screened from views through topography and woodland cover. The Heritage Statement identifies a low level of less than substantial harm arising to the setting of the Sandling Park. This has been calculated taking into account the lower land levels, intervening road infrastructure, existing screening, and proposed landscape enhancements. The Council's Conservation Officer similarly identifies an impact of less than substantial harm, although recommends that the impact could be further lessened by reducing the scale of the building.
- 7.23 Local Planning Authorities have a duty to pay special regard to the preservation and enhancement of heritage assets under Section 66 of the Town and Country Planning (Conservation Areas and Listed Buildings) Act. Paragraph 205 of the NPPF places great weight to the conservation of heritage assets. Paragraph 208 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal. The weighing exercise is a matter for Kent County Council to apply as the relevant planning authority. However, taking into account the degree of weight that should be given to any harm to heritage assets or their setting, and that the boundary and setting of Sandling Park closely matches the National Landscape boundary, it is considered that the harm to the setting of the Park, although less than substantial, could be further reduced by improvements / amendments to

the scale and design of the main building as set out in the landscape section above.

e) Whether the proposals result in harm to Highway safety?

- 7.24 The site would be well connected to the strategic road network to facilitate the removal and transfer of waste. The Highways Assessment submitted sets out that 30 refuse freighter visits and 7 articulated vehicle loads per day are predicted on average, and that this would have a negligible impact on the local network. This appears to be acceptable in highways terms, although Kent County Council as the local highway authority would provide detailed comments on the application regarding the acceptability of the access and impact on the road network.

f) Whether the proposal would harm neighbouring amenity?

- 7.25 Policy HB1 of the Local Plan states that for all proposals, development should not lead to an adverse impact on the amenity of future occupiers, neighbours or the surrounding area.
- 7.26 The site is presently in a relatively isolated location. The closest neighbours include the service station and lorry park to the north of the railway line, Hillside Farm approximately located 340m from the site, and Honeywell Cottages approximately 460m to the east of the site. Given the nature of existing uses to the north of the site, and the distance to the closest residential properties, the proposal would be unlikely to cause any undue harm in relation to light, privacy or outlook.
- 7.27 The application includes a noise assessment and odour assessment which conclude that impacts on existing surrounding receptors would be negligible, other than a slight adverse impact on odours to Honeywell Cottages. However, at this level, no mitigation is deemed necessary. The Council's Environmental Health Officer accepts the findings of these reports.
- 7.28 The reports do not assess potential impacts on the land uses to come forward as part of the garden settlement development. Although permission has not been granted yet for the development, a resolution to grant permission has been made and the site is allocated for a garden settlement in the local plan, and as such the effect on future use of the land is a material consideration that can be given weight.
- 7.29 The Core Strategy and the outline application for Otterpool Park both allocate the land immediately adjacent to the waste facility as a business area. Whilst

noise impacts are not calculated to be above existing background noise levels, it is considered that odours could affect the adjacent land. It is considered that the odour assessment should also assess impacts on the proposed business area to determine whether a suitable environment can be maintained for future business development.

g) Would the proposal secure energy efficiency in construction?

- 7.30 Policy CC1 of the Local Plan states that proposals for non-residential buildings of 1000sqm or more will be required to reduce carbon emissions by a minimum of 10% above Target Emission rates in the Building Regulations. Policy CC2 states that non-residential development should achieve the BREEAM "Very Good" standard.
- 7.31 The application includes a sustainable construction report and energy statement, which set out that the main building would be an unheated and uninsulated structure. However the development is proposed to be constructed using low-CO2 steel and metal cladding which can be recycled once it reaches the end of its life. Photovoltaic panels are proposed on the roof of the main building.
- 7.32 The offices and welfare facilities would be modular buildings built off-site to reduce construction waste. Only the welfare office and weighbridge office would be heated. The reports state that these will be constructed and insulated at levels significantly above current minimum building regulation requirements. Overall the reports conclude that carbon emissions are predicted to be 5% less than the Building Regulations.
- 7.33 Although this does not represent a 10% reduction or a BREEAM Very Good rating, it is recognised that the main building on the site is an unheated and uninsulated structure which limits the extent to which it can meet these requirements. On this basis a 5% reduction is considered to be acceptable in the circumstances taking into account the nature of the use.

h) Does the development include EV charging facilities?

- 7.34 The application proposes 12 car parking spaces and would provide 2 x EV charge points. This would meet the target as required under Policy T2 of the Local Plan that 10% of spaces provide active charging points.

i) Does the development protect and enhance biodiversity?

- 7.35 The application includes a Preliminary Ecological Appraisal which identifies a need for further survey work to establish impacts on protected species including bats, amphibians, reptiles and badgers. It is noted that such survey work is

normally required to be undertaken prior to the determination of a planning application. The Council would normally be advised on such matters by the KCC Ecology team. Whilst it would be unusual for an application to be approved prior to further survey work being undertaken, it is considered that KCC as the planning authority will take advice from its own Ecology team on this application.

- 7.36 The application also includes a Biodiversity Net Gain (BNG) assessment which identifies that a net gain deficit would arise, and off-site compensation will be required. This will be a matter for KCC to secure via relevant planning conditions or a S106 Agreement as part of its statutory duty to consider BNG.

j) Is the development acceptable in terms of flood risk and drainage?

- 7.37 The site is located within Flood Zone 1 and is at low risk from flooding. The application includes foul and surface water drainage strategies that include use of a sewage package treatment plant and treatment / storage / discharge of surface water to a nearby watercourse. It is noted that no objection is raised to these proposals by either the Environment Agency or Natural England, subject to suitable conditions. On this basis, officers are satisfied that the flooding and drainage impacts have been suitably considered by the relevant expert consultees.

8. CONCLUSION

- 8.1. The provision of a waste transfer station to meet the needs of the new settlement at Otterpool Park and wider district needs is generally supported and waste management for the settlement is required under policies SS6-SS9 of the Core Strategy. However, whilst the site falls within the garden settlement boundary, it is at a sensitive peripheral location, close to the setting of the National Landscape and Sandling Park, a Grade II Historic Park and Garden. Officers consider the key issues to be the height, scale and appearance of the development and relationship with these designations and their settings, and the relationship with the adjacent land to be developed as part of the garden settlement. Whilst the facility is generally supported, concern is raised over the design and visual impact of the facility as currently proposed, and the potential effect of odours on adjacent land to be brought forward as part of the garden settlement. Officers consider that these matters should be raised to KCC in the response from FHDC on this application.

9. BACKGROUND DOCUMENTS

- 9.1. All papers referred to in this report are background documents for the purposes of the Local Government Act 1972 (as amended). The documents and drawings for the planning application are published on the Kent County Council website (www.kent.gov.uk) under the reference KCC/FH/0115/2024. Details of the consultation are published on the Folkestone & Hythe District Council website (www.folkestone-hythe.gov.uk) under the reference 24/1363/FH.

10. RECOMMENDATIONS

That the Council responds to this consultation on the following basis.

Folkestone and Hythe District Council raise no objection in principle to a waste transfer station on this site to meet the needs arising from household growth and particularly the development of the garden settlement at Otterpool. However, a number of specific concerns in relation to the development as proposed are set out below and which should be addressed prior to determination of the application:

- **Although differences in the height of the main building between the elevation drawings and section / landscape drawings as submitted (approximately 2 metres) have now been corrected, there is no further information to demonstrate whether this has altered the assessment of impacts within the Landscape and Visual Impact Assessment and Heritage Assessment submitted.**
- **The application does not include any arboricultural information on existing trees within or adjacent to the site, or the effects of the development on such trees and whether they can be safeguarded and protected as part of the development.**
- **FHDC agrees with the Kent Downs National Landscape Unit that views of the building, particularly in winter months, are likely to still be attained even after the landscape mitigation proposed. Whilst the drawings annotate advance landscaping to come forward as part of the garden settlement development, the implementation and timing of this falls outside of the control of the applicant. Further landscape mitigation should be secured for the site itself.**
- **Given the height of the proposed building, the upper section and roof would be visible above the existing and proposed landscaping beyond year 15. The design of the building is utilitarian in appearance with a poor roof form and fails to achieve a suitably high-quality design or respond in an appropriate way to the sensitive location of the site adjacent to the Kent Downs National Landscape and a Grade II registered park and garden.**
- **The odour assessment submitted with the application does not take into account the likely effects of the development on**

**adjacent land forming part of the proposed garden settlement.
Further assessment of these impacts should be undertaken.**

FHDC would request that it is given the opportunity to comment further on any amendments / further information submitted. FHDC would also recommend that the following conditions are imposed on any planning permission granted:

- **Details of a construction management plan**
- **Illumination to be limited to operating hours only.**
- **A long-term landscape management and maintenance plan to be submitted.**
- **An odour management plan to be approved and operated.**
- **Operating hours to be controlled.**
- **EV Charging and energy efficiency measures to be secured.**
- **Protection of existing trees during construction**