

Item C2

Variation of planning conditions (6) (infilling and restoration) and (15) (noise) of planning permission DA/98/805/MR27, Stone Pit II, St James Lane, Greenhithe, Dartford, Kent.

A report by Head of Planning Applications Group to Planning Applications Committee on 14 July 2009.

Application by Stone Pit Restoration Limited for the variation of Conditions (6) and (15) of planning permission DA/98/805/MR27 in order to create a raised development platform for future housing development at Stone Pit II, St James Lane, Greenhithe, Dartford, Kent.

Recommendation: Permission be granted subject to conditions.

Local Member: Mrs P. Cole

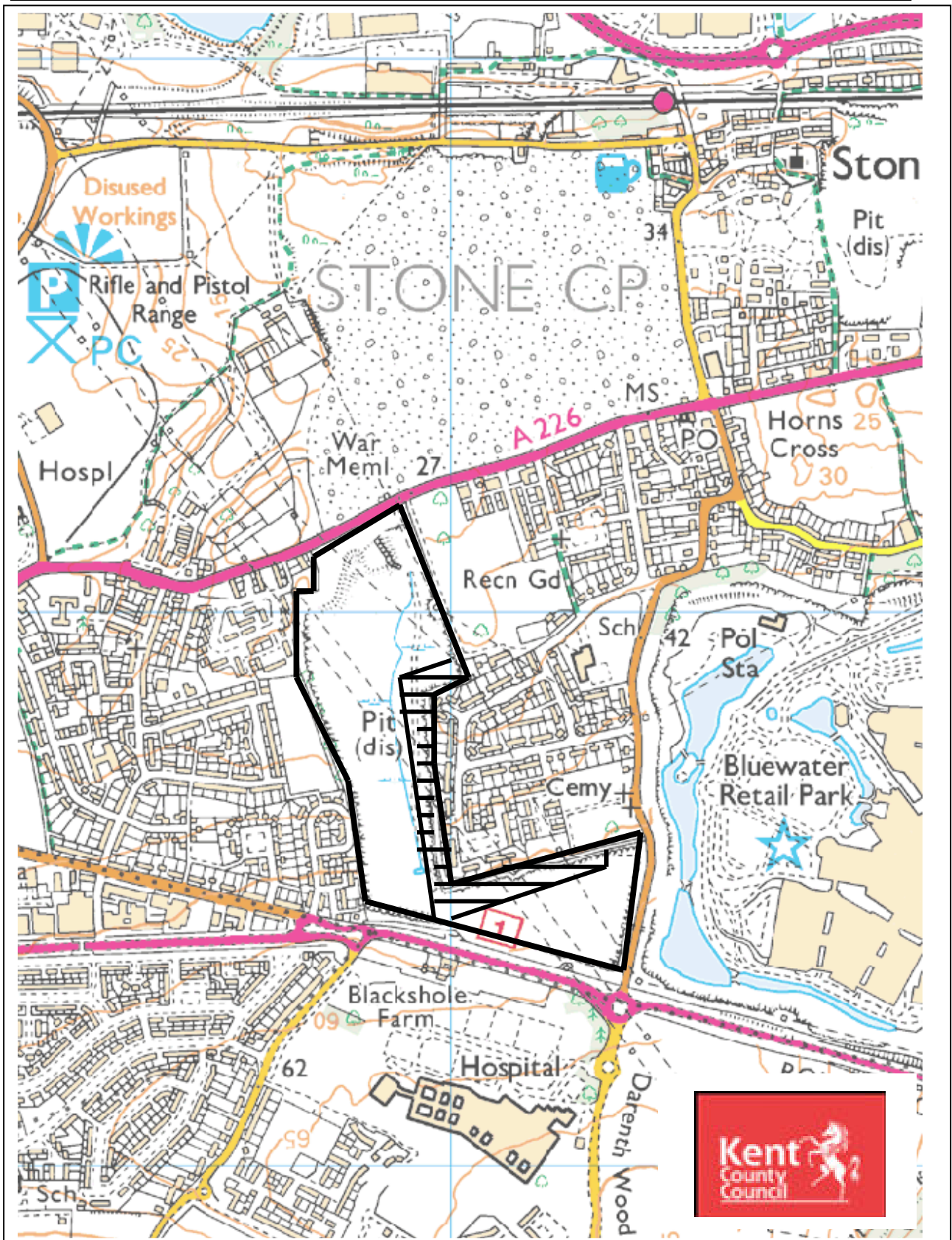
Classification: Unrestricted

Site description and Background

1. Stone Pit II is a former chalk quarry located to the east of Dartford which was quarried up until 1965. It is bounded by the A296, London Road and St James Lane. It covers approximately 23 hectares comprising of an 'L' shaped area that is currently being infilled and restored with inert waste materials under the terms of a permission granted in January 2000 (Ref. DA/98/805/MR27). The site is bordered by residential development along some 40% of its perimeter whose gardens back onto the site boundary. A site plan is attached.
2. The current permission under which the site is being infilled was granted under the provisions of the Environment Act 1995, which required all mineral sites such as Stone Pit II to be formally reviewed with the aim of bringing operations to modern day standards through the imposition of new schemes of conditions. The permission currently allows for the infilling of the site to within 5 metres of the quarry rim with restoration to a mix of tree planting and grassland. Condition (6) of the permission requires the site to be progressively infilled over a number of separate phases to approved restoration contours. Condition (15) stipulates the maximum noise levels that can be generated when measured at the nearest residential properties, which shall not exceed 55 dB Aeq. 1 hr. Provision is also made under this condition for regular noise monitoring to be undertaken by the operator at specified points around the perimeter of the site to ensure compliance with the noise restriction, the results of which are forwarded to the County Council.

Item C2

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Proposal

3. The applicants are seeking permission to vary conditions (6) and (15) of planning permission DA/98/805/MR27 to raise the approved restoration contours in order to create a suitable development platform for future housing development. The intention is that levels would be raised such that they would allow them to blend in more effectively with the surrounding undisturbed levels which the applicants claim would enable a smoother transition between adjacent areas of open space and enhance more effective connectivity between the wider urban areas. In order to achieve the levels proposed the applicants estimate this would require some 625,000 cubic metres of additional fill. The application states that the rate of infilling would remain the same as that currently permitted which generates some 625 vehicle movements per day (i.e. 325 in and 325 out). Furthermore, the additional infilling would not extend the permitted time scale for the completion of operations which is 31 December 2015.
4. The future housing development proposed at the site is currently subject to a separate outline application submitted to Dartford Borough council. In the event that permission for the housing development is either refused or granted but is not then carried out for a substantial period, provision is made for the implementation of an interim landscaping scheme upon completion of the proposed infilling, with the restored area being sown with a suitable grass seed mix.
5. The application is accompanied by a separate noise assessment report which assesses the additional impacts from noise on the surrounding residential properties as a result of the proposed increase in final restoration levels. Whilst the report concludes that for the majority of the additional infilling, noise levels would comply with the current limit of 55dBA, during the period when levels reach within 3 metres of the quarry rim along the eastern boundary of the site, noise levels are predicted to reach up to 61.2 dBA at times. The application is therefore also seeking to vary condition (15) of the existing permission such that noise levels when working within a defined area along the eastern site boundary (see *area shown hatched on site plan*) do not exceed 62dBA. To help mitigate against the potential impact on local residents when infilling takes place in this area, provision is made for this to be undertaken sequentially in a series of 16 separate bays each measuring some 40 x 60 metres. As a further measure the applicants have stated they would be willing to accept a condition that also restricts the hours during which operations take place in this part of the site to between 1000 and 1600 hours Monday to Fridays only with no operations taking place on Saturdays, Sundays or Public Holidays. This is as opposed to their intention to operate the rest of the site during the currently permitted hours which are 0700 to 1800 hours Mondays to Fridays and 0700 to 1300 hours Saturdays. The aim is to ensure that any disturbance to those residents most directly affected during the period in which the cell immediately adjacent to their property is being infilled, is kept to the minimum. Operating under the restricted hours proposed it is estimated each bay would take a maximum of 8 days to fill to final levels resulting in an overall total of 112 days during which noise levels would exceed those imposed under the existing permission within this part of the site. Similar to the existing noise monitoring regime employed at the site, it is proposed that noise levels are regularly monitored throughout operations at specific locations surrounding

Item C2

Variation of planning conditions (6) (infilling and restoration) and (15) (noise) of planning permission DA/98/805/MR27, Stone Pit II, St James Lane, Greenhithe, Dartford, Kent

the site. In the event that either noise limits are exceeded or complaints are received it is proposed additional mitigation measures are reviewed and employed, including where necessary reducing the numbers of plant and machinery working in one area at any one time. A telephone number would also be distributed to local residents for a point of contact on site for complaints to be made. In turn, residents would also be notified in advance of any particular activity which has the potential to be noisy near their properties.

6. The application is also accompanied by a separate Dust Assessment and Management Plan Report . The report sets out those activities most likely to create dust and lists a number of mitigation measures that could be employed. Having regard to the prevailing wind direction, the most sensitive receptors have been identified which it is considered fall along the north east boundary of the site. It recommends that regular monitoring be undertaken at these locations and also at other key points surrounding the site and a weekly update of dust deposition levels be carried out to monitor whether there have been any exceedances of recommended thresholds. The report claims this would enable the site manager to review the effectiveness of mitigation measures throughout the additional infilling operations proposed.

Planning Policy Context

National Planning Policy

7. The National Planning Policy Statements relevant to the determination of this application are set out in PPS 10 (Planning for Sustainable Waste Management), PPS 23 (Planning and Pollution Control) and Waste Strategy for England 2007.

Regional Planning Policy

8. The adopted South East Plan (Regional Spatial Strategy for the South East of England) May 2009 sets out the long term spatial planning framework for the region. It includes policies on landfill requirements (Policy W13) and seeks to secure high quality restoration where landfill is used as a means of reinstating old mineral workings (Policy W14).

Kent Waste Local Plan 1998

9. This includes policies which take into account need and harm (Policy W6), restoration of mineral workings which in planning terms would benefit from being returned as near as possible to original ground levels (Policy W12), noise and dust (Policy W18) and road traffic and access (Policy W22).

Consultations

Item C2

Variation of planning conditions (6) (infilling and restoration) and (15) (noise) of planning permission DA/98/805/MR27, Stone Pit II, St James Lane, Greenhithe, Dartford, Kent

10. **Dartford Borough Council:** Raise no objection and ask that the County Council, in reaching a decision consider the wider context in terms of the need to bring the site forward for housing development whose final contours are at an appropriate level in relation to the surrounding housing development thereby enabling better linkages ensuring the community is no longer split. In the event that permission is granted, recommend that conditions be imposed covering hours of working, particularly when the higher noise level are anticipated along the eastern site boundary. Recommends that conditions also be imposed in relation to dust and vibration mitigation along with details of proposed landscaping.
11. **Stone Parish Council:** Support the application, who consider the long term advantages of raising the existing restoration levels which in their opinion would improve the landscape profile and lead to better integration of the community, outweigh the short term impacts.
12. **Divisional Transport Manager:** No objections subject to traffic flows being limited to the same level as the existing permission.
13. **Highways Agency:** As the application for varying conditions for infilling and noise would not adversely affect the A282 at this location do not intend to issue a direction and would not wish to comment further.
14. **Jacobs (Noise/Dust):** The temporary increase in noise levels is within the criteria specified in MPS2. Whilst noise levels during infilling along the eastern boundary would be audible, the relatively short duration of these activities should mean complaints are minimal. If the measures proposed to mitigate noise and dust are implemented these should not be an issue.
15. **Jacobs (Landscape):** No objection to the proposed variations in terms of their visual impact.
16. **National Grid:** Having assessed the proposal with respect to the proximity of their operational electricity network and gas transmission network, conclude that the risk is therefore high and works must comply with the instructions included in the booklet "Specification for Safe Working in the Vicinity of National Grid High Pressure Gas Pipelines and Associated Installations."
17. **EDF:** No objections to the proposed works provided their rights are maintained as at present.

Local Member

18. The new local member Mrs P Cole was notified of the application on 26 June 2009.

Publicity

Item C2

Variation of planning conditions (6) (infilling and restoration) and (15) (noise) of planning permission DA/98/805/MR27, Stone Pit II, St James Lane, Greenhithe, Dartford, Kent

19. The application was advertised in the local newspaper and notices posted on site. I also wrote to some 384 local residents most directly affected by the proposal informing them of the proposal.

Representations

20. I have received 4 letters of representation one of which was from the Stone District Action Group and one from the Gravesend Friends of the Earth. Their views can be summarised as follows;

- The future housing development could be accommodated based on the currently approved restoration contours
- Adverse impacts from noise, dust and vibration
- Raising the levels compromises the security of the existing properties which surround the site.
- Adverse effect on property values
- Developing the site for housing at the increased levels proposed would result in the surrounding house being overlooked.
- Strongly object to the building of houses at the site on such a large scale.
- Object to built development on an infilled quarry because of the unknown dangerous materials that have been tipped at the site.

Discussion

21. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In the context of this application, government guidance and regional policy along with the Waste Local Plan policies referred to in paragraphs (7) to (9) of this report are of particular relevance.

22. Prior to the publication of PPS 10, Government advice required planning authorities to consider whether waste planning applications constituted the Best Practicable Environmental Option (BPEO). Case law established that the consideration of BPEO in respect of individual applications should be afforded substantial weight in the decision making process. PPS 10 moved the consideration of BPEO principles to the Plan making stage, where it is to be considered as part of a Sustainability Appraisal (SA)/Strategic Environmental Assessment (SEA) process applied to the Plan. However, where planning

Item C2

Variation of planning conditions (6) (infilling and restoration) and (15) (noise) of planning permission DA/98/805/MR27, Stone Pit II, St James Lane, Greenhithe, Dartford, Kent

authorities' current waste policies have not been subject to the SA/SEA process (as is the case with the Kent Waste Local Plan) it is still appropriate to consider planning applications against the principles of BPEO. Until such time as the Kent Minerals and Waste Development Framework (MWDF) reaches a more advanced stage, applications will be considered against both national and regional policy to ensure they deliver facilities that are "of the right type, in the right place and at the right time" in accordance with paragraph 2 of PPS10. This approach is also consistent with the recently adopted South East Plan.

23. As a matter of principle each application has to be considered on its merits having regard to the above mentioned policy guidance along with any other material considerations arising from formal consultations together with any representations received. In this context notwithstanding issues that have been raised in respect of the proposed future housing development post restoration of the site, these are matters to be specifically addressed by Dartford Borough Council during their consideration and determination of the application currently lodged with them. The merits or otherwise of future housing at the site is not therefore material to the determination of this application.

Main Determining Issues

24. There are two main determining issues arising out of formal consultations and publicity, these are the potential operational impacts from noise, dust and vibration during the extended infilling operations, along with the final landform in terms of whether it represents an acceptable alternative to the existing approved scheme.

Noise, Dust and Vibration

25. The approved restoration contours currently limit final restoration levels to some 5 metres below the quarry rim. This limit provides a natural acoustic barrier to those residential properties whose back gardens abut the edge of the site. The results of noise monitoring undertaken by the site operator to date, confirm that in the main, noise levels have remained within the current limit of 55dBA. A Noise Assessment Report accompanying the application concludes that for the majority of the site, with the exception of a strip of land adjoining the eastern boundary adjacent to housing, operations in respect of the increased levels of infilling would remain within the existing limit of 55dBA. The applicants recognise however, that owing to proposed levels along the eastern boundary being raised to blend in with the adjoining undisturbed land, where this occurs at the point at which existing housing is present, this will inevitably lead to an increase in noise levels experienced at these properties, albeit for a relatively short period of time.
26. In order to help mitigate the effects from increased noise levels experienced at those properties situated along the eastern site boundary, the applicants are proposing to adopt a method of infilling as described under paragraph 5. above involving separately defined cells, each of which would be sequentially infilled to proposed levels. This would effectively accelerate the rate of infill in this area such that operations would be completed over a relatively short period, with the aim of limiting the impact on individual clusters of houses most directly affected at any one time. In addition the applicants are proposing restricted

Item C2

Variation of planning conditions (6) (infilling and restoration) and (15) (noise) of planning permission DA/98/805/MR27, Stone Pit II, St James Lane, Greenhithe, Dartford, Kent

working hours during operations in this area and as a further safeguard would employ a complaints procedure by providing residents with advance warning of any particular noisy operation along with a point of contact on site.

27. With regard to dust and vibration the applicants have confirmed that they would be willing to accept conditions requiring the submission of details of how measures would be employed to mitigate against such impacts. These would be consistent with the principles set out under statutory guidance relating to such matters.
28. Jacobs, the County Council's advisor on noise, dust and vibration consider the temporary increase in noise levels falls within the criteria set out under MPS 2, and advise that whilst noise levels would be audible during the infilling along the eastern boundary, given the relatively short duration of these operations, provided proposed measures to mitigate against the impacts from noise and dust are implemented Jacobs are of the opinion these should not present an issue. They also advise that proposed measures to mitigate dust impacts should help prevent any issues arising in respect of dust.
29. Dartford Borough Council, whilst raising no objection in principle have recommended similar conditions to those advised by Jacobs. With regard to hours of working they recommend tighter restrictions be imposed than those proposed by the applicant whereby no operations including deliveries and collections to and from the site shall take place except between 0800 to 1800 hours Mondays to Fridays, with no working on Saturdays, Sundays or Public Holidays. Furthermore they recommend that where operations take place along the eastern site boundary noise levels should not exceed 62 dBA when measured at noise sensitive properties and that hours of working in this area should only take place between 1000 to 1600 hours Mondays to Fridays only. In order to address concerns raised over adverse impacts from noise, particularly from those local residents most immediately affected who live adjacent to the eastern site boundary, should members be minded to grant permission I would recommend that an hours of working condition be imposed as reflected in the above comments made by Dartford Borough Council.
30. On the basis of what is proposed, particularly in respect of the accelerated rate of infilling along the eastern boundary, having regard to comments from statutory consultees I am satisfied that provided appropriate conditions as recommended are imposed on any future permission, there are no overriding objections on the grounds of noise, dust and vibration.

Final Landform

31. As referred to in paragraph 24. above, consideration also needs to be given to whether what is proposed by way of increased levels compared to the approved scheme of restoration represents an acceptable alternative. The currently approved scheme provides for infilling to within 5 metres of the rim of the quarry and therefore upon completion of restoration the old quarry face would still be evident, albeit significantly reduced in height compared to the depth of the original mineral working. In my opinion, in pure landscape terms, allowing further infilling as proposed such that levels would be returned at or near to original ground levels would represent an improvement given that it would enable the site to blend in more naturally with the surrounding landscape. This would be consistent with the strategic

Item C2

Variation of planning conditions (6) (infilling and restoration) and (15) (noise) of planning permission DA/98/805/MR27, Stone Pit II, St James Lane, Greenhithe, Dartford, Kent

objectives set out in the South East Plan relating to the restoration of old mineral workings (Policy W14) and Policy W12 of the Kent Waste Local Plan. The County Council's landscape advisor Jacobs has raised no objection in terms of visual impact. Accordingly I am satisfied that there are no overriding objections on landscape grounds to the alternative scheme of restoration.

Conclusion

32. The principle of whether infilling is acceptable at this site was established under the current planning permission. In my opinion with the imposition of appropriate conditions any potential impacts during the proposed operations could be mitigated to an acceptable level and would not outweigh the longer term benefit that would derive from an improved landscape by allowing the site to be restored at or near to original ground levels. Accordingly I recommend that permission be granted.

Recommendation

33. I RECOMMEND that PERMISSION BE GRANTED as a variation to conditions (6) and (15) of planning permission ref. DA/98/805/MR27 SUBJECT TO conditions including; hours of working, operations being undertaken in accordance with the proposed scheme of infilling, noise limits, submission of noise, dust and vibration monitoring details and details of final landscaping and restoration.

Informatives

- (i) The applicant be informed that all other conditions imposed under planning permission reference DA/98/805/MR remain in force.
- (ii) The applicant be informed of the requirements of National Grid and EDF Energy in terms of the need to safeguard their interests

Case Officer: Mike Clifton

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Background Documents: See Section Heading
