

PLANNING APPLICATIONS COMMITTEE

Tuesday, 8th November, 2011

10.00 am

**Council Chamber, Sessions House, County Hall,
Maidstone**



AGENDA

PLANNING APPLICATIONS COMMITTEE

Tuesday, 8th November, 2011, at 10.00 am Ask for: **Andrew Tait**
Council Chamber, Sessions House, County Telephone: **01622 694342**
Hall, Maidstone

*Tea/Coffee will be available from 9:30 **outside the meeting room***

Membership (18)

Conservative (16): Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman),
Mr R E Brookbank, Mr A R Chell, Mrs V J Dagger, Mr T Gates,
Mr W A Hayton, Mr C Hibberd, Mr P J Homewood, Mr R E King,
Mr J D Kirby, Mr J F London, Mr R F Manning, Mr R J Parry,
Mr R A Pascoe and Mr A T Willicombe

Liberal Democrat (1): Mr M B Robertson

Independent (1) Mr R J Lees

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

A. COMMITTEE BUSINESS

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes - 11 October 2011 (Pages 1 - 6)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application TM/11/2143 (KCC/TM/0360/2011) - Development of a Hazardous Waste Transfer Station at Unit 19, Mills Road, Quarry Wood industrial Estate, Aylesford; Cleansing Service Group Ltd (Pages 7 - 22)
2. Application DA/11/1043 (KCC/DA/0350/2011) - Variation of Conditions 5,6 and 16 of Permission DA/07/1 (as amended) to allow modifications to phasing and soil storage arrangements and to increase the depth of excavation and resultant landfill of part of the Northern Extension at Pinden Quarry, Green Street Green Road, Dartford; Pinden Ltd (Pages 23 - 56)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal SH/11/738 (KCC/SH/0330/2011) - New modular classroom, fire access road and car park at Highview School, Moat Farm Road, Folkestone; KCC Property and Infrastructure Support (Pages 57 - 68)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 69 - 72)
2. Consultations on applications submitted by District Councils or Government Departments (None)
3. County Council developments
4. Screening opinions under Environmental Impact Assessment Regulations 1999
5. Scoping opinions under Environmental Impact Assessment Regulations 1999 (None)

F. OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Peter Sass
Head of Democratic Services
(01622) 694002

(Please note that the background documents referred to in the accompanying papers may be inspected by arrangement with the Departments responsible for preparing the report. Draft conditions concerning applications being recommended for permission, reported in sections C and D, are available to Members in the Members' Lounge.)

Monday, 31 October 2011

KENT COUNTY COUNCIL**PLANNING APPLICATIONS COMMITTEE**

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 11 October 2011.

PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr R E Brookbank, Mr A R Chell, Mrs V J Dagger, Mr T Gates, Mr W A Hayton, Mr C Hibberd, Mr P J Homewood, Mr R E King, Mr J D Kirby, Mr R J Lees, Mr J F London, Mr R F Manning, Mr R J Parry, Mr R A Pascoe, Mr M B Robertson and Mr A T Willicombe

ALSO PRESENT: Mrs S V Hohler

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr M Clifton (Team Leader - Waste Developments), Mr J Crossley (Team Leader - County Council Development), Mr J Wooldridge (Team Leader - Mineral Developments), Mr R White (Development Planning Manager) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS**51. Minutes - 6 September 2011**

(Item A3)

(1) The Head of Planning Applications Group reported the outcome of the planning appeal by Pinden Ltd against the decision of the Committee to refuse permission for the proposed materials recycling facility and transfer station at Straw Mill Hill, Tovil (Minute 61/1010). The Inspector had confirmed the Committee's decision for refusal.

(2) RESOLVED that the Minutes of the meeting held on 6 September 2011 are correctly recorded and that they be signed by the Chairman.

52. Site Meetings and Other Meetings

(Item A4)

The Committee noted that comments made by Members at the draft National Planning Policy Framework training session on 6 September 2011 had been taken into account by Cabinet in its response to the draft.

53. Applications TM/10/3056 and TM/09/3231/R5 - (i) Installation of renewable electricity generating equipment with associated alterations to the design of part of the consented southern composting hall with additional car parking spaces and (ii) details pursuant to Condition 5 (working programme, design and layout, etc) of Permission TM/09/3231/R5 at Blaise Farm Composting Facility, Kings Hill, West Malling; (i) New Earth Solutions (Kent) Ltd and William Riddle and (ii) New Earth Solutions Group Lt

(Item C1)

(1) Mrs S V Hohler was present for this item pursuant to Committee Procedure 2.24 and spoke.

(2) In agreeing the Head of Planning Applications Group's recommendations, the Committee amended the final proposed condition for Application TM/09/3056 to read that all material transfer between the waste reception halls and energy building "must" (rather than "should") be undertaken via fully enclosed infrastructure linked to the odour control system.

(3) The Committee also amended the condition proposed for Application TM/09/3231/R5 as set out in paragraph (4) below.

(4) RESOLVED that:-

(a) permission be granted to Application TM/10/3056 subject to conditions, including conditions covering a 5 year implementation period; the development being carried out in accordance with the permitted details; the movement of oversize biomass from the Composting Facility to the proposed electricity generating installation, the delivery of ancillary supplies and collections of process outputs being confined to between 07:00 to 18:00 Monday to Friday, 07:00 to 13:00 on Saturdays, no movements on Sundays, 07:00 to 17:30 on Bank and Public Holidays, and no movements on 25 and 26 December and 1 January; the external colour treatment of the exhaust stack being 'brown-green' (RAL 6008) with the construction materials of the new energy building matching the existing one; details of surface water drainage being agreed prior to commencement; the operation being time-limited to the life of the site as stipulated for the main Composting Facility (i.e. 20 years from first commercial composting operations in 2008); the site being restored as part of the details approved for the main Composting Facility in Permission TM/09/3231; the pyrolysis plant operating with only the waste imported to the site pursuant to the existing Composting Facility (as covered by Permission TM/09/3231); the combined numbers of site HGV movements being restricted to those detailed in the main Composting Facility Permission (TM/09/3231); appropriate measures to guard against mud and debris being tracked to the public highway; noise levels not exceeding those provided for by Condition 24 of the composting Permission (TM/09/3231); and with the exception of any material that has first been treated in the composting process, all material transfer between the waste reception halls and energy building must be undertaken via fully enclosed infrastructure linked to the odour control system; and

(b) approval be given in respect of Application TM/09/3231/R5 subject to a condition requiring that the transfer of all waste materials between the waste reception buildings and phase 1 and phase 2 composting halls must take place via fully enclosed infrastructure linked to the odour control system unless it is not possible to transfer waste through the western phase 1 composting hall because it is full.

54. Application AS/11/256 - Variation of Conditions 2 and 7 of Permission AS/10/1010 to allow for a minor re-alignment to the approved site access intended to serve the Waste Transfer Station at Waterbrook Park, Water Avenue, Sevington, Ashford; Robert Brett and Sons Ltd
(Item C2)

RESOLVED that permission be granted for a variation to Conditions (2) and (7) of Permission AS/10/1010. Accordingly these Conditions shall now read:-

- (a) Condition (2): “The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the details submitted with the application and applications AS/06/4 and AS/10/10 together with those further details to be submitted for approval.

Reason; For the avoidance of doubt and to maintain control over the site”; and

- (b) Condition (7): “The detailed access improvements including those necessary to upgrade Waterbrook Avenue to adoptable standards and which makes provision for footways/cycleways as shown on the Cannon Consulting Engineers’ Phase 1 Location Plan Detail’ drawing no. WB/P1/TS/1001 Rev D, shall be constructed before the completion of the development.

Reason; In the interest of highway safety pursuant to policy W22 of the Kent Waste Local Plan March 1998.”

55. Proposal AS/11/994 - 1 FE Primary School including school building, outdoor recreational and learning areas, planted and hard surfaced areas (including pedestrian and vehicular access and parking) at Goat Lees School site between Hurst Road and Guernsey Way, Kennington, Ashford; KCC Capital and Premises
(Item D1)

(1) The Head of Planning Applications Group reported correspondence from the Engineering Services Officer of Ashford Borough Council raising concerns about the parking provisions within the Proposal.

(2) In agreeing the Head of Planning Applications Group’s recommendations, the Committee asked for an additional Informative relating to parental traffic. This is set out in (3) below).

(3) RESOLVED that subject to the applicant making a contribution to the Ashford Carbon Fund (as referred to in paragraph 38 of the report):-

- (a) permission be granted to the proposal subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; the submission of details of the design of any outbuildings and structures; the submission of all materials to be used externally; details of all external lighting; a scheme of landscaping, including ecological enhancement measures,

the green roof, and hard surfacing (including car parking and access areas), its implementation and maintenance; measures to protect those trees which are to be retained; details of fencing, gates, walls, the refuse enclosure, and other means of enclosure, including heights and colour finishes; no tree removal taking place during the bird breeding season; the development according with the recommendations of the ecological surveys; a BREEAM rating of "Very Good" being achieved; the submission of a detailed surface water drainage scheme; land contamination; the provision of access, car parking, pick-up/drop-off, circulatory space, and cycle parking prior to first occupation, and their subsequent retention; ongoing monitoring and review of the School Travel Plan; no floodlighting being erected on the site without the written permission of the County Planning Authority; hours of working during construction and demolition being restricted to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays with no operations on Sundays and Bank Holidays; a construction management strategy, including access, parking and circulation within the site for contractors and other vehicles related to construction and demolition operations; and measures to prevent mud and debris being taken onto the public highway; and

- (b) the applicants be advised by Informative that:-
- (i) account should be taken of the Environment Agency's advice relating to drainage and the storage of fuel, oil and chemicals;
 - (ii) their attention is drawn to the letter from KCC Public Rights of Way, which contains general informatives with regard to works adjacent to and/or on a Public Right of Way. It is also advised that " the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highways Authority";
 - (iii) any new vehicular and pedestrian access onto the public highway might need to be subject to a Section 278 Highway Agreement with Kent Highway Services; and
 - (iv) the Planning Applications Committee was concerned about the potential impact of the parents' traffic on the local environment. The dropping off facility as shown on Drawing 718/006/01 Rev F is an integral part of the development, and close management by the School and its Governing Body is required to avoid serious congestion. The use of the drop off facility should be reviewed as part of the regular review of the Travel Plan, and walking buses should be explored and promoted by the School as part of the Travel Plan.

56. Matters dealt with under delegated powers
(Item E1)

RESOLVED to note matters dealt with under delegated powers since the last meeting relating to:-

- (a) County matter applications;
- (b) consultations on applications submitted by District Councils and Government departments (None);
- (c) County Council developments;
- (d) Screening opinions under Environmental Impact Assessment Regulations 1999; and
- (e) Scoping opinions under Environmental Impact Assessment Regulations 1999.

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SECTION C
MINERALS AND WASTE DISPOSAL

Background Documents: the deposited documents; views and representations received as referred to in the reports and included in the development proposals dossier for each case; and other documents as might be additionally indicated.

Item C1

Development of a hazardous waste transfer station at Unit 19, Mills Road, Quarry Wood Industrial Estate, Aylesford, ME20 7NA – TM/11/2143

A report by Head of Planning Applications Group to Planning Applications Committee on 8 November 2011

TM/11/2143 - Application by Cleansing Service Group Ltd for the development of a hazardous waste transfer station at Unit 19, Mills Road, Quarry Wood Industrial Estate, Aylesford.

Recommendation: Planning permission be granted subject to conditions

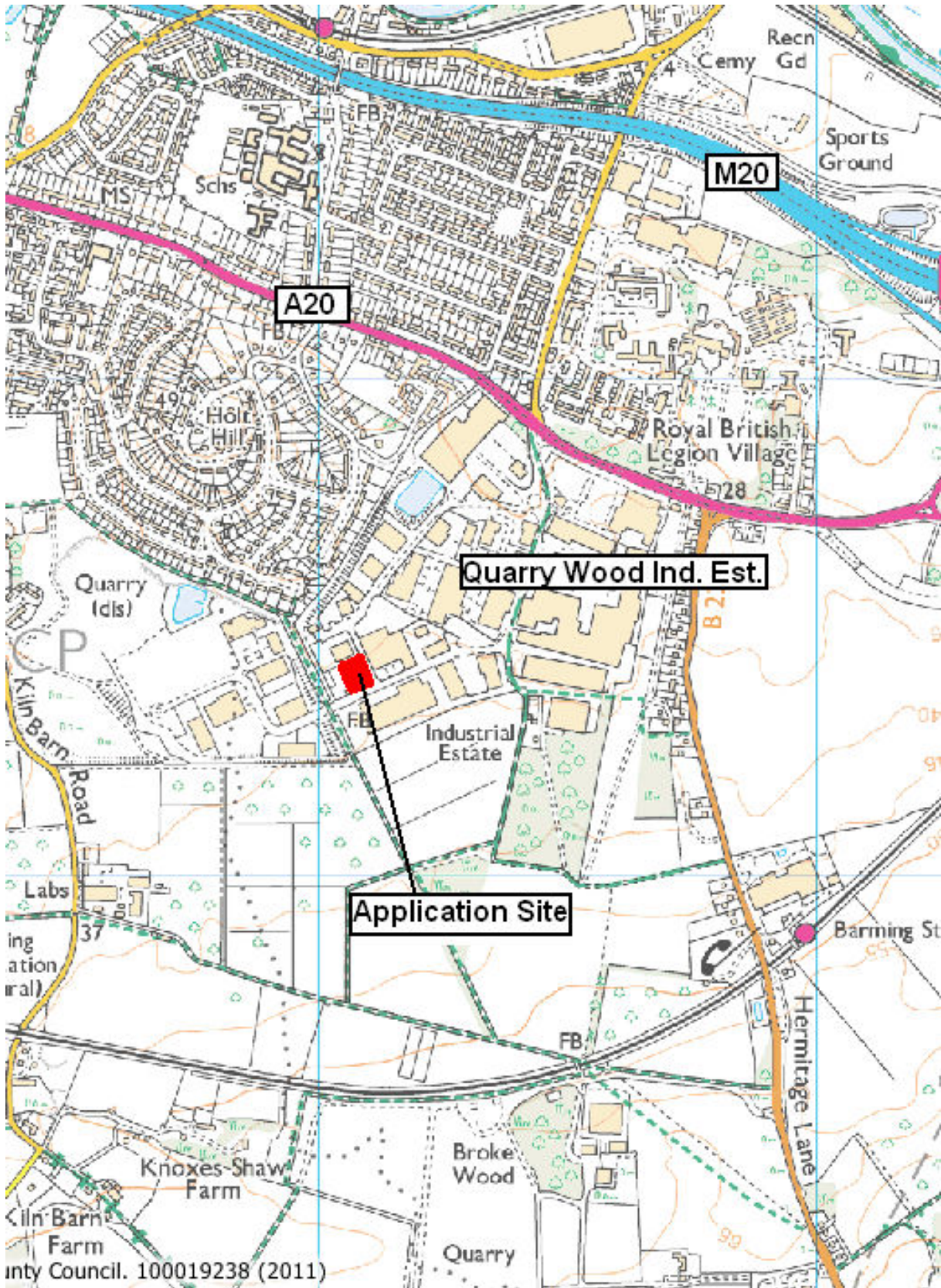
Local Member(s): Mr P.Homewood

Classification: Unrestricted

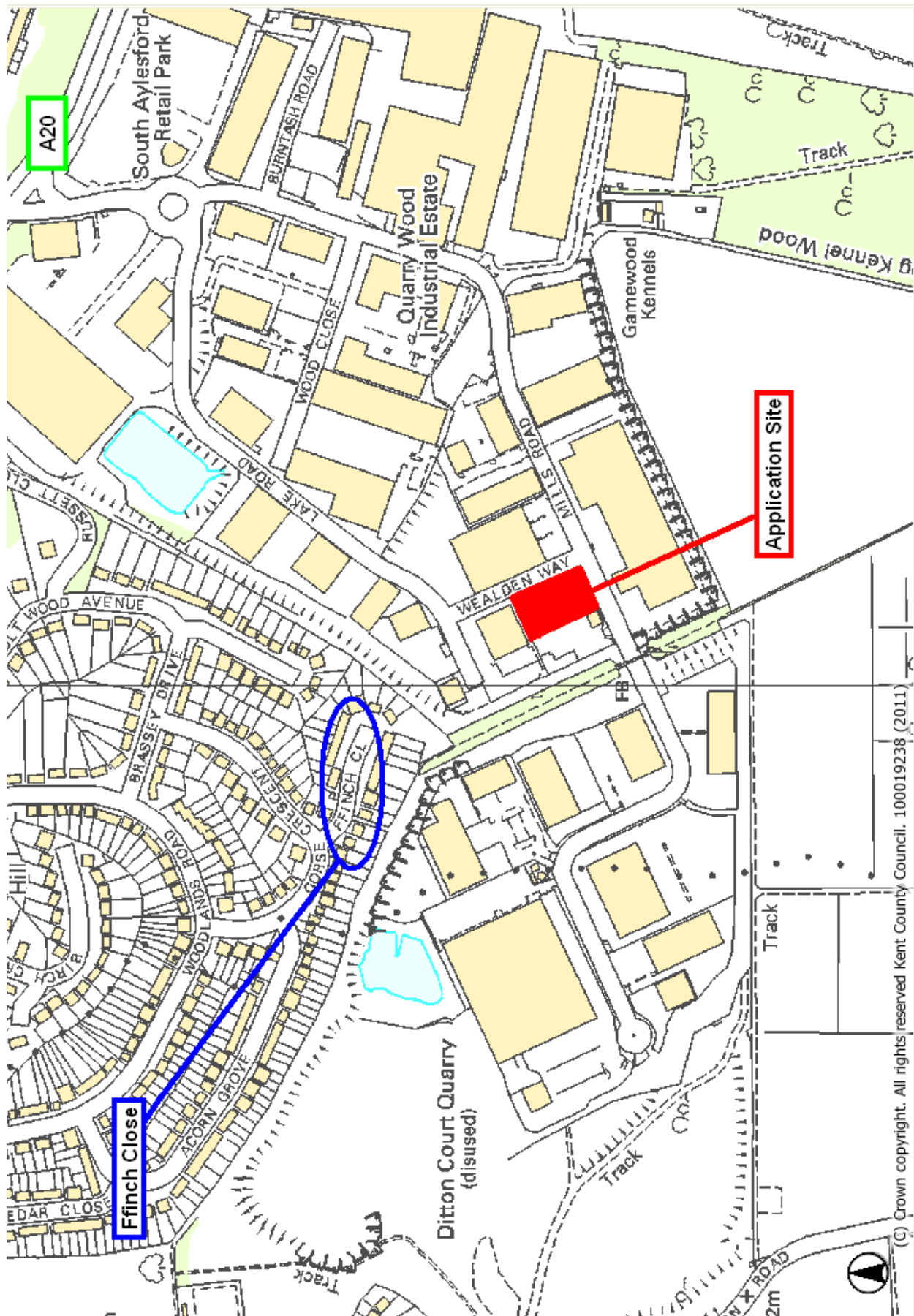
Site Description

1. Unit 19 is located on Mills Road, on the corner of Wealden Way, within the area known as the Quarry Wood Industrial Estate, which is a large industrial estate built within a disused quarry to the West of Maidstone, and adjacent to the South Aylesford Retail Park. The estate is accessed via Mills Road, which connects to the A20 London Road which links to Junction 5 of the M20, approximately 2 miles to the East.
2. The application site measures approximately 0.29ha and is bordered by a liquid waste treatment facility to the West, which is owned and under the control of the applicant, Cleansing Service Group Ltd (CSG). To the North there are a number of small industrial units, and Wealden Way and Mills Road form the boundaries to the East and South. The surrounding estate has a number of industrial units of varying size and use. Across Wealden Way is a large postal delivery and distribution depot which is currently disused. The industrial estate lies within a former quarry, and is set down approximately 5m in the surrounding landscape, with steep quarry faces covered with mature plants and trees creating the physical limits of the estate.
3. The Quarry Wood industrial estate is split into two, with a footpath bridge crossing Mills Road, beyond which are more recent developments within the disused Ditton Court Quarry including the Tesco home delivery distribution centre and Kent Frozen Foods.
4. The nearest residential properties are approximately 150m to the North, along Finch Close. The properties within this road are raised approximately 5m from the floor of the estate and the development site due to the legacy of the quarry workings. Finch Close is a Cul-de-sac extending off a large residential area around Holt Hill, and is separated from the industrial estate by the former quarry face and mature trees.

Hazardous waste transfer station, Aylesford – TM/11/2143

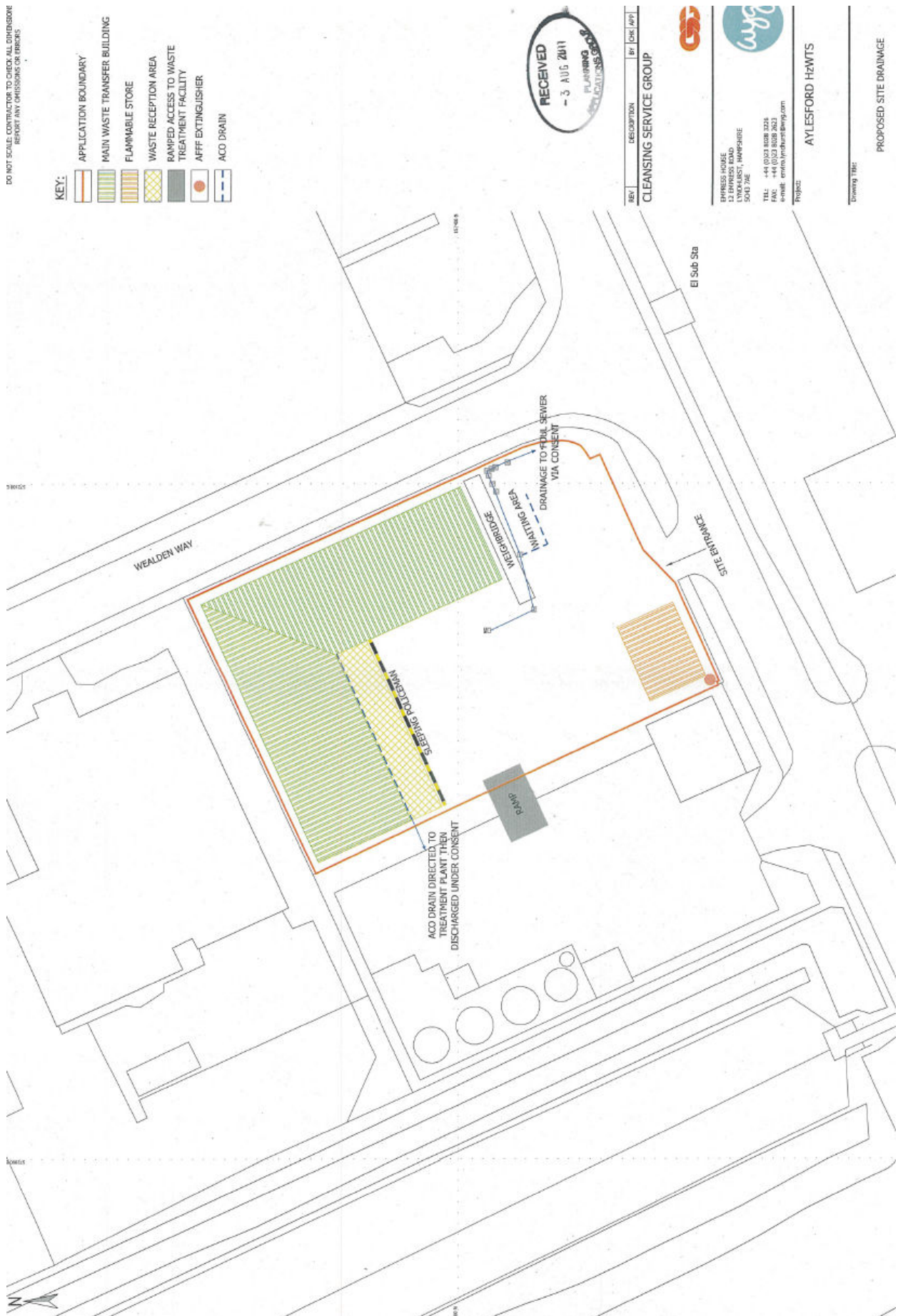


Hazardous waste transfer station, Aylesford – TM/11/2143



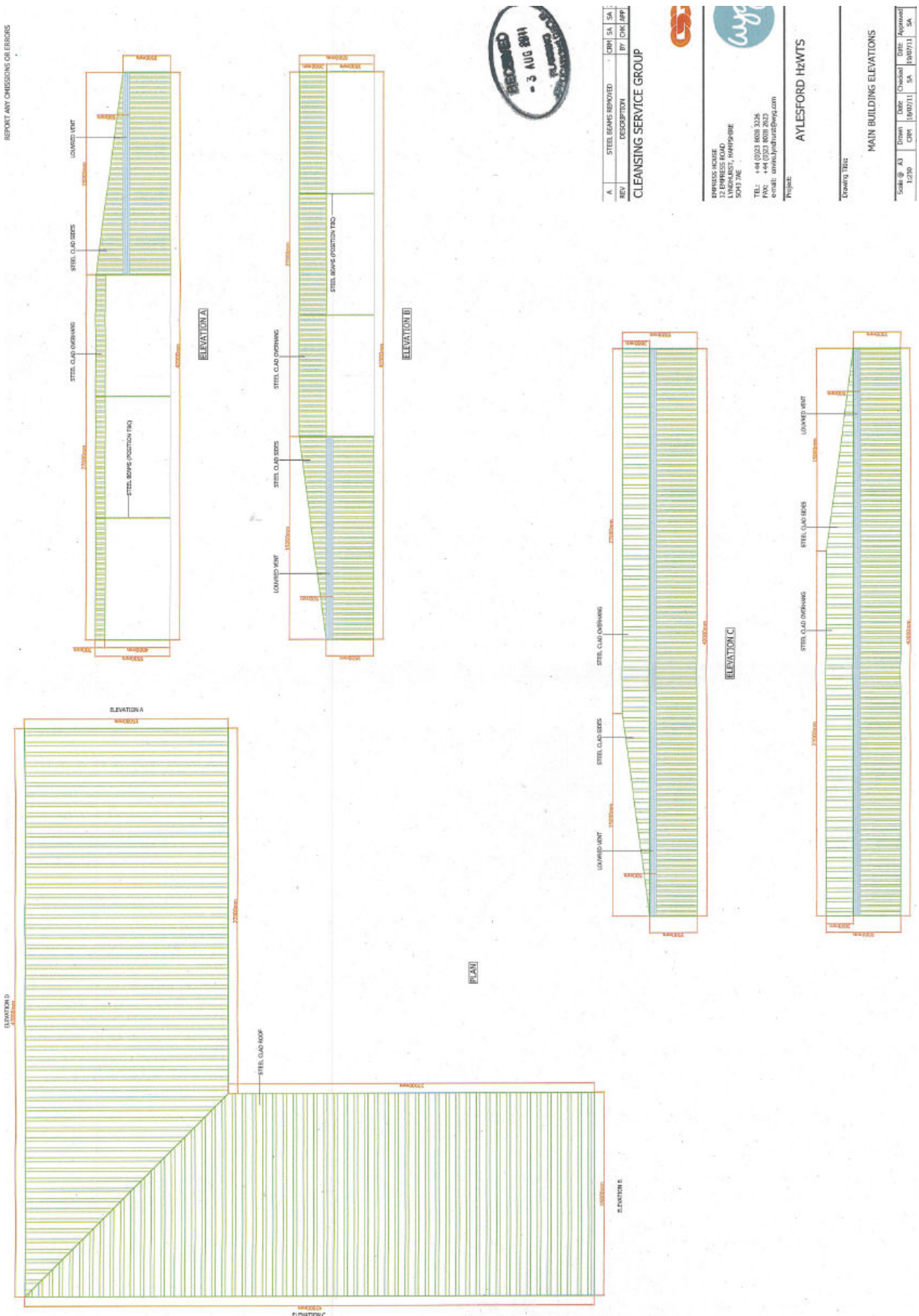
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Hazardous waste transfer station, Aylesford – TM/11/2143



Hazardous waste transfer station, Aylesford – TM/11/2143

REPORT ANY OMISSIONS OR ERRORS



REV	DESCRIPTION	DRN	SA	SA
A	STEEL BEAMS REMOVED			

BY: CHK/MP

CLEANSING SERVICE GROUP



EMERSON HOUSE
 11-13 THE SQUARE
 LINGHEPSTEY, HAMPSHIRE
 SP13 7AE
 TEL: +44 (0)1329 6605 5246
 FAX: +44 (0)1329 8639 2623
 e-mail: emerson@aylesfordhwt.com

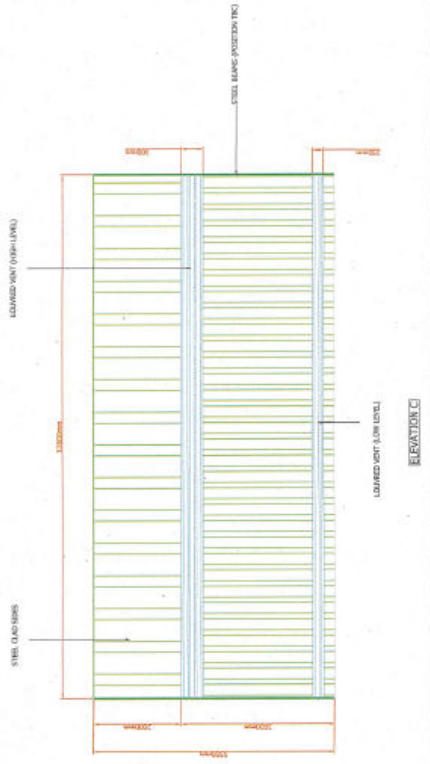
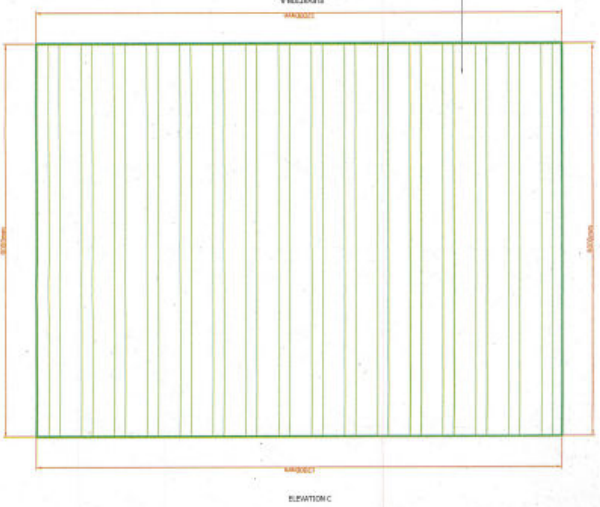
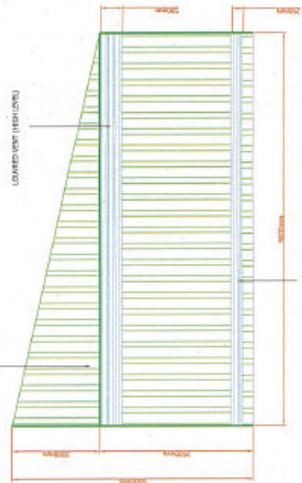
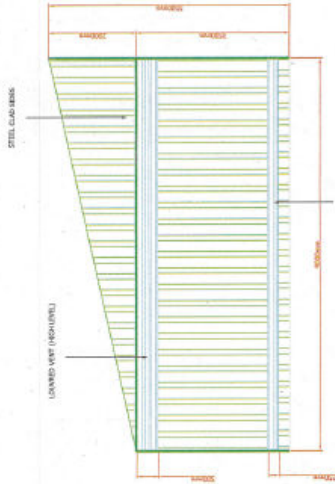
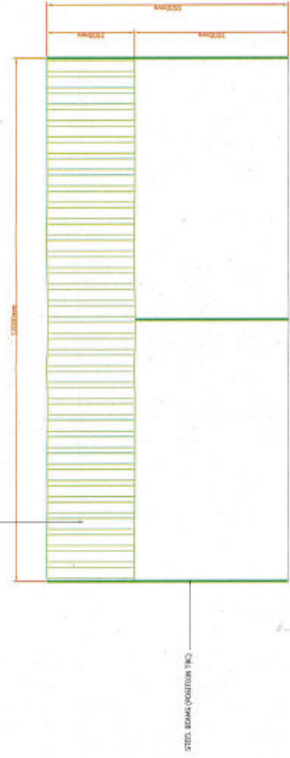
Project: AYLESFORD HAWTS

Drawing Title: MAIN BUILDING ELEVATIONS

Scale	Drawn	Checked	Drawn	Checked	Approved
1:250	CHK	SA	SA	SA	SA

Hazardous waste transfer station, Aylesford – TM/11/2143

DO NOT SCALE. CONTRACTOR TO CHECK ALL DIMENSIONS AND REPORT ANY OMISSIONS OR ERRORS



REV	DESCRIPTION	BY	CHK	APP	DATE
A	STEEL BEAMS REMOVED	CPH	DA	DA	24/07/11

CLEANSING SERVICE GROUP

WYG

EMERGENCY SERVICE
 12 EXPRESS ROAD
 LINCOLN, LINCOLNSHIRE
 LN5 7JF

TEL: +44 (0)1522 822820
 FAX: +44 (0)1522 822821
 EMAIL: enquiries@wytgroup.com

PROJECT: **AYLESFORD HAZWTS**

DRAWING TITLE: **FLAMMABLE STORE BUILDING ELEVATIONS**

Scale	Drawn	Checked	Issue	Approved	Date
1:100	CPH	DA	DA	DA	24/07/11

Project No: A053790
 Date: 28/06/11
 Rev: 01

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Hazardous waste transfer station, Aylesford – TM/11/2143

Proposal

5. This applicant is applying for the development of a hazardous waste transfer station comprising the construction of a 3 sided L-shaped light industrial building with a sloped steel roof and steel cladding of approx. 1035m², and a smaller separate steel clad building of 108m². Two existing temporary buildings would be removed from site, and the existing weighbridge relocated as shown on the site plan. The hard landscaping would involve a concrete skin and drainage system designed to Environment Agency guidelines, to allow assessment of any contaminated spill run-off and collection to prevent contamination entering the sewer system and prevent pollution to underlying groundwater.
6. The site operations would be to accept, assess, store, bulk and prepare wastes for onward transportation to another site for treatment or disposal. Waste would be delivered to the site by van or lorry in sealed containers, drums, tins, intermediate bulk containers (IBCs) or boxes, on pallets, and stored within the relevant section of the main building according to waste type, with flammable materials in the separate smaller building. Wastes would arrive, be stored and leave within sealed containers and are only opened to allow the materials to be tested at the onsite laboratory. Materials would be bulked up, by collating similar waste streams and those with the same destination for treatment, and then materials would be removed by HGV. Currently the applicant sends materials from Kent and South London on to its existing transfer facility in Dorset, before suitable material is bulked up and sent to its speciality treatment facility in Manchester. The quantities of waste being stored on site will vary dependent on levels of receipt, and is limited by the capacity of the proposed building and ultimately by the Environmental Permit.
7. The applicant has stated that the wastes to be received are predominantly from the printing and photographic industry (inks, toner, paints, fixer solutions), but other wastes would be collected such as household chemicals (bleach, garden pesticides, rat poison, solvent based paints) and Laboratory clearances (small quantities of chemicals), although the list is broad, it would be regulated by the Environmental Permit issued by the Environment Agency. The site does not intend to accept wastes classified as explosive or radioactive, nor those which are especially odorous, such as those from the food industry. Wastes would be sampled and assessed at the collection point by the CSG sales team before assessment at site, in order to ensure no nuisance-creating or non-permitted wastes are brought to the site. All wastes that enter the site would be required to be in the appropriate containers before receipt, in order to comply with safety procedures and to minimise the risk of spillages or leaks.
8. Unit 19 is immediately adjacent to the applicant's liquid treatment facility on Unit 20, and both sites would be managed from the existing site offices with a ramp providing access between the two sites. Parking would also be provided on the adjacent site with a combined total of 6 staff. However, each site would remain as a distinct planning unit governed by separate permissions and environmental permits operating independently of each other.
9. The proposed hours of operation are between 06:00 to 18:00 Monday to Friday and 06:00 to 16:00 on Saturdays, with no operations on Sundays or Bank Holidays. The hours of work have been justified by the applicant as to match those of the adjacent treatment facility which operates these hours under planning permission TM/07/2416 granted by KCC. The operations would involve 30 LGV and 10 HGV movements per day.

Hazardous waste transfer station, Aylesford – TM/11/2143

10. Unit 19 is currently used by the applicant, Cleansing Service Group Ltd, as a transport depot for its fleet of collection vehicles and for parking by the drivers, and is predominantly undeveloped and open apart from two temporary buildings. The applicant has stated that although the site is not restricted to vehicle movements within its existing permission, the current operations create approximately 60 HGV movements and 20 car movements per day. The transport depot would be moved to another site owned by CSG Ltd. The built form of the proposed development would prevent the use as a transport depot due to the reduction in open area for the parking of HGV tankers and cars.
11. The proposal site previously held permission for the storage and distribution of industrial gas propane cylinders under TM/86/1358 which was varied under TM/96/1679 to increase the limits on the number of cylinders allowed to be stored under the baseline permission. This permission was again amended to increase storage levels under TM/00/756. The land of the development site lies within an area safeguarded for employment uses under policy E1 of the Tonbridge & Malling Development Land Allocations DPD.

Planning Policy

12. The Development Plan Policies summarised below are relevant to consideration of the application:
 - (i) **Planning Policy Statement 10: Planning for Sustainable Waste Management**
 - (ii) **Planning Policy Statement 1: Delivering Sustainable Development**
 - (iii) **Planning Policy Statement 23: Planning and Pollution Control**
 - (iv) The adopted (2009) **South East Plan**

Regional policy is contained within the South East Plan 2009. However, it is important to note that as a result of the judgement in the case brought by Cala Homes in the High Court, which held that the powers set out in section 79 [6] of the Local Democracy, Economic Development and Construction Act 2009 could not be used to revoke all Regional Strategies in their entirety, Regional Strategies (the South East Plan in the case of Kent) were re-established as part of the Development Plan on 10 November 2010. Notwithstanding this, DCLG's Chief Planner Steve Quartermain advised Local Planning Authorities on 10 November 2010 that they should still have regard to the Secretary of State's letter to Local Planning Authorities and to the Planning Inspectorate dated 27 May 2010. In that letter he had informed them of the Government's intention to abolish Regional Strategies in the Localism Bill and that he expected them to have regard to this as a material consideration in any planning decisions. As a result of the legal challenge Members will be aware that they have to have regard to the policies in the SEP and the Government's intention to abolish the RSS as material considerations. However the weight to be accorded is a matter for the decision makers. The relevant policies to this application are:

Policy CC1 Seeks to achieve and maintain sustainable development within the region.

Policy NRM1 Sustainable water resources and groundwater quality

Policy NRM2 Water quality

Hazardous waste transfer station, Aylesford – TM/11/2143

- Policy W3** Regional self-sufficiency
- Policy W4** Sub-regional self-sufficiency
- Policy W17** Location of waste management facilities

(v) The adopted **Kent Waste Local Plan** (1998)

- Policy W3** Locational criteria for waste processing and transfer facilities
- Policy W9** Development proposals for waste separation and transfer
- Policy W18** Control of noise, dust and odours from waste operations
- Policy W19** Protection of ground and surface water
- Policy W25** Control and design of operations

(i) **Tonbridge & Malling Core Strategy** (2007)

- Policy CP1** Sustainable Development
- Policy CP21** Employment land provision

(ii) **Tonbridge & Malling Development Land Allocations DPD** (2008)

- Policy E1** Safeguarded employment land

Consultations**13. Tonbridge & Malling Borough Council RAISE ISSUES:**

- (i) Tonbridge & Malling Borough Council recommends that the following issues are fully examined in the determination of this application and that KCC are satisfied that the application will not result in any unacceptable impact upon the general amenity of the area and the residential amenity of nearby dwellings.
- (ii) Full consideration be given as to the acceptability or otherwise of the siting of the application within the existing industrial estate.
- (iii) Full consideration should be given to the impact of the application in terms of odour, dust or any other emissions.
- (iv) The Environmental Protection Officer comments that the proposed site will operate as a Waste Transfer Facility and that the only treatment of wastes will be the sorting of wastes into similar streams prior to onward transportation. Wastes will arrive on site in sealed containers and leave the site in larger sealed containers. The Officer understands that the site will be subject to Permitting by the Environment Agency as a waste management activity and as such he does not perceive there to be an environmental protection issue associated with this application.

Aylesford Parish Council OBJECTs to the proposal:

Hazardous waste transfer station, Aylesford – TM/11/2143

There is an issue regarding odour from the existing operation on this site. The proposed development lacks detail for odour control and the handling and storage of the hazardous wastes.

KCC Highways & Transport: No objection. The application reports that there will be a reduction in the number of traffic movements to the site. The existing use generates approximately 60 HGVs and 20 cars per day, and the proposal would generate 10 HGV movements and 30 LGV movements per day. There are no issues to raise.

Environment Agency: No objection in principle, however advise the applicant as to the content of the Environmental Permit application including the need for a complete drainage plan for foul and surface water systems.

Southern Water: Seek clarification of the location or water mains positions.

Local Member

14. The local County Member for Malling Rural North East, Mr Peter Homewood was notified of the application on the 10 August 2011. No comments have been received.

Publicity

15. The application was advertised by the posting of a site notice and the notification of 100 neighbours and businesses.
16. The application was also advertised in the Kent on Sunday 21 August 2011.

Representations

17. There have been 19 letters of objection from nearby residents and businesses, and the main points of objection can be summarised as follows:

Odour

- No detail of any measures to contain odours on site
- Reference to 'bulking up' of liquids but no detail of any measures or precautions to prevent spillage or odours
- It is not clear how the occupiers of Priory Park will be protected from the inevitable increase in dust and odours from the site.
- Neighbours are not reassured that they would be protected from the escape of migrating dust particles, debris and smells arising from the transfer of hazardous materials. Additional detail is required.
- Cleansing unit has caused problems with strong gas smell which caused locals to call the gas company. There was also an explosion a few years ago which shook the houses. The company has a poor track record with safety therefore shouldn't accept hazardous waste.

Operations

- No detail as to whether asbestos will be handled on site
- No detail whether reversing beepers on Lorries could be addressed by white noise, as per nearby Tesco Depot.

Hazardous waste transfer station, Aylesford – TM/11/2143

- The application, should consent be granted, would change the nature of the site from an open transport depot to a site handling tons of hazardous material with a large amount of hazardous material stored in an industrial building.
- It is likely that noise emanating from the site will increase as a result of increased vehicle movements and transfer operations. The hours of operation are also quite long.
- A detailed method statement relating to the waste transfer process would assist the understanding of those consulted. Neighbours would like information on the size and content of materials in transit, how they are offloaded and stored; how they are kept and protected; and how they are transferred for onward journeys. Does this involve forklift vehicles working on site, tipping and/or other measures? Is it guaranteed that there can be no damage to protective packaging?
- It is suggested that CSG provide evidence from other similar facilities that they operate – including photographs – so that the application is supported by clear evidence of how the site will operate and appear.
- Neighbours would like to know that the flammable goods store to be constructed near the boundary will be robust and adequately protected.
- Information about proposed external and shed lighting is required.
- The development of a hazardous waste transfer station is too near residential development and a public footpath.
- The Priory Park environment is commercial in character but a great proportion of the buildings are relatively new, well designed and well maintained. The character of this area would be adversely affected by construction of a large shed structure 42m by 5.5m high with open sides and storing waste.
- There would be a risk of explosion, and has been an explosion on the site in the past – there would definitely be a “disaster waiting to happen” if another explosion were to occur when hazardous wastes are on site.

Traffic and Access

- No reference to addressing the affects of extra traffic so may be a need for extra conditions – including taking into account the nature of the lorry loads.
- Believe the proposal would generate approximately 40 vehicle movements per day. There is no evidence comparing this to the present day activities and no indication of vehicle movement patterns. This could have a detrimental effect on the users and occupiers of Priory Park in particular, as they have to pass the CSG premises to gain access to Priory Park.

Discussion

18. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph (12) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of Development Plan Policies, Government Guidance and other material planning considerations including those arising from consultation and publicity.
19. This application has been brought for determination by the Planning Applications Committee following the objections of a number of local residents, the Parish Council and local businesses. The objections raise a number of issues and concerns relating to the proposed transfer station and to wider issues. It is important when considering this application to focus on the material planning merits of the proposal as contained within

Hazardous waste transfer station, Aylesford – TM/11/2143

the application. The main issues to discuss relate to the location of the development; noise, dust and odour; visual impact; highway considerations and impact on local residents.

20. The development proposal involves the construction of one large L-shaped industrial building and another smaller building. The operations would consist of the receiving, storage and transfer of a variety of hazardous wastes received primarily from the printing and photographic sector, with household and school lab wastes included within the list applied for within the Environmental Permit (as para. 7 of this report). The wastes would arrive in sealed containers, and be assessed by the on site laboratory, before storage and bulking-up in the relevant area of the main building. After being bulked-up, the sorted wastes would be sent by HGV to the appropriate site for treatment or disposal. The appropriateness and impact of this activity in relation to the surrounding forms the basis of the discussion.

Location

21. Unit 19 lies within the Quarry Wood Industrial Estate. There are a number of adjacent industrial and commercial units including CSG's liquid waste treatment facility, a DHL sorting/delivery depot (now closed), a solvent waste company and a bank storage facility. Access is provided via Mills Road, which links the estate to the primary road network at the A20 London Road. Unit 19 has previous permission for the storage and distribution of industrial gas canisters, and has most recently been used by CSG as a transport depot for its fleet of collection lorries for another area of its business.
22. Policy W9 of the Kent Waste Local Plan 1998 relates to the locations of waste separation facilities, and lists a number of suitable locations. Applications for other locations must seek to minimise impact on local natural environments; secure ready access to the primary road network and should be considered against whether they are within or adjacent to existing waste management facilities or are part of a location within a committed general industrial-type area (that is those with as significant proportion of B2 to B8 uses). The site is not specifically identified within the Waste Local Plan, and therefore the development needs to be considered against the locational criteria identified above. In my view, the proposed location for the development applied for is appropriate within Unit 19, in accordance with Policy W9, as the area is a designated industrial estate safeguarded within the Tonbridge & Malling Development Land Allocations DPD for B1, B2 and B8 uses. Although the proposal constitutes a *sui generis* use, it would continue to operate as an employment site and therefore is acceptable under Policy CP21 of the Tonbridge & Malling Core Strategy 2007, Policy E1 of the TMBC Development Land Allocations DPD, and also by Policy W17 of the South East Plan by being located on land with a previous or existing industrial use. The site is well linked to the primary road network, with the A20 nearby and the M20 two miles to the East. The estate does not lie within a sensitive environmental location, and there are no sites of international or national ecological importance near the application site. However the impact of the development and its operations is discussed below.

Noise, Dust, Odour and Safety

23. A principle cause of concern for neighbours and businesses relates to the impact of the proposed development in terms of noise, dust and odour. However, the main odour concern is directed at the adjacent liquid treatment facility, which is not part of this planning application, and already benefits from planning permission. Neighbours have stated that there have been continuous problems from the treatment facility however the operators dispute these claims stating that they have only received a few complaints, and none have been verified as being generated from the CSG site, which holds an 'A'

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compliance rating from the Environment Agency. There are no records on the files relating to that site, showing that the County Council have received any complaints regarding odour. It should be noted here that there are a number of other businesses within the industrial estate which create odours, including a nearby solvent transfer company which is much closer to the residential properties and footpath. With regards to the proposed operations, in my opinion, the risk of odours being emitted and creating a nuisance can be considered extremely low. There is no treatment proposed for the wastes being received, and all materials will arrive, be stored and leave within sealed containers. The Environmental Health Officer at Tonbridge & Malling Borough Council supports this view, advising that as the proposal is for a transfer facility, and for the sorting of wastes into similar streams for onward transportation, then there is no environmental protection issue. The process and operations would be governed by an Environmental Permit issued by the Environment Agency therefore any risks would be managed under the terms and conditions of this permit. Odour, emissions and drainage will be regulated stringently by detailed submissions of an 'Odour Management Plan', 'Fugitive Emissions Procedure' and drainage plan submitted under the Environmental Permit procedures.

24. Whilst the operations proposed on site would be governed by an Environmental Permit, the applicant has submitted information regarding dust protection. The materials being sorted and received at site would be predominantly in liquid or sludge form. The activities on site would take place on a concrete surface, with a site speed limit of 10mph thereby reducing the risk of dust generation from physical activities. The proposed facility would generate fewer vehicle movements, particularly HGVs, than the existing use and previous planning permissions therefore there would be a net reduction in the impact of the site on the local area in terms of emissions and the physical disturbance and noise of vehicle movements within the site. The activities proposed for the site are modest in scale and level of activity in comparison to other units within the industrial estate, and the level of noise created would not be inappropriate nor out of place in this context. Forklift trucks would be fitted with white-noise reverse beepers to reduce noise impact and this can be conditioned to ensure compliance.

Visual Impact

25. The proposed built development would comprise a 3 sided L-shaped light industrial building with a sloped steel roof and steel cladding, finished in green, of approx. 1035m², and a smaller separate steel clad building of 108m². The buildings would have the appearance of a warehouse unit, similar in style to some of the industrial units within the Quarry Wood Industrial Estate. The visual impact of the operations would comprise the movement of pallets and containers from and onto vehicles, and into and out of the buildings. The design of the building can therefore be seen to appropriate within its context and compliant with policy W9 of the Kent Waste Local Plan.
26. The nearest residents are approximately 150m to the North of the application site, and are separated by a large bank security building and a solvent transfer facility, and a group of mature trees. The larger proposed building would be largely screened by the intervening landscaping and built environment features, and coupled with the design, would not appear incongruous within the context of the industrial estate. The operations of the proposed transfer station would be screened by these features and the orientation of the main building, which would house operations on the opposite side of the building to the residential development, thereby providing visual and acoustic screening.

Traffic & Parking

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27. Concern has been raised about the impact of the proposed development on the road network, in particular cars waiting and parking on the adjacent roads, and lorries turning into and out of the site. The applicant submitted a parking plan, showing parking spaces provided on the adjacent site and a waiting area for lorries within Unit 19, which satisfied the Divisional Transport Manager. The proposal demonstrates that there would be a net reduction in vehicle movements from 60 HGV and 20 cars, to 10 HGV and 30 LGV. This assurance can be confirmed by the imposition of an appropriate condition, and would provide an opportunity to place a control on vehicle movements, which are currently unrestricted.
28. The route which vehicles would take to access the proposal site goes through an Air Quality Management Area, at the junction of Mills Road and the A20 London Road. However, due to the proposed reduction of vehicle movements, and in particular the reduction of HGV movements, the net result would be to reduce the impact of the site's activities on the AQMA and contribute to a reduction in emissions at this point providing an environmental benefit as highlighted as a material consideration in PPS23 Planning and Pollution Control.

Water Resources and Drainage

29. The planning application contains a drainage plan and information regarding measures to prevent spillages which have to the potential to pose a risk to groundwater and effluent. Information supplied with the application states that the hard surfacing of the site area would be a concrete skin, with raised edges, and a raised sleeping policeman at the 'waste reception area' to create a self-contained drainage system. Any contaminated run-off from this portion of the facility would be collected and sent for treatment at the adjacent CSG liquid treatment facility, to ensure that no contaminated run-off enters the sewerage system.

Need

30. The proposed development is justified as it would reduce the number of road miles travelled, by providing a sorting and receiving facility closer to the sources of waste in Kent, whereas currently CSG's collections are sorted and bulked up at their transfer station in Dorset, consistent with the objectives of sustainability and the emerging MWDF. Collections operate on a campaign basis, and by their nature the materials collected are often in small quantities, thereby making direct transfer to the relevant treatment facility inefficient and uneconomical. The co-location of the proposed transfer station with CSG's existing liquid treatment facility is in accordance with KWLP Policies W3 and W9, and would allow suitable wastes received at the transfer station to be treated nearby. Therefore the proposal abides by the proximity principle by providing waste facilities closer to source and the principles of sustainable development in accordance with PPS1, Policy CC1 of the South East Plan 2009, and Policy CP1 of the TMBC Core Strategy 2007 and is supported by Policies W3 and W4 of the South East Plan 2009 relating to Regional and Sub-regional self-sufficiency for waste facilities.

Cumulative Impacts

31. The applicant has proposed that the hours of operation are to be between 06:00 to 18:00 Monday to Friday and 06:00 to 16:00 on Saturdays, with no operations on Sundays or Bank Holidays. These hours have been justified on the grounds that these are the permitted operating hours of the adjacent CSG owned treatment facility. In my view, the location, planned levels of activity on the site, combined with the distance to the nearest residential receptor, and the reduction of traffic movements, would make these hours acceptable in principle. A desk based assessment of planning permissions

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nearby to the proposal site, shows that some industrial units operate on a 24 hour basis, although with some limitations to activities taking place outside buildings.

32. Residents have commented that they are concerned about the quantities of material intended to be brought on to site. However, due to the nature of the proposed use as a transfer station, and not as a treatment facility, the quantities will be governed on a campaign basis (sporadic quantities of different materials), and by the capacity of the main proposed building. Therefore, as there is no processing taking place, it is more relevant to evaluate the activity on the basis of vehicle movements. In this respect, the impact of the activities can be controlled by planning condition, and by limiting the movements proposed by the applicant this would result in a net reduction of impact, and the imposition of limits where there were previously no controls on vehicle movements.
33. The hours of operation proposed, would result in the site operating during hours of darkness through the winter. Therefore, in accordance with PPS23 and the desire to reduce the likelihood of light pollution, I recommend a condition be attached requiring the submission of a lighting scheme detailing all external lighting to be installed on site.
34. I am satisfied that in land use planning terms the development is acceptable and that all pollution control matters can be adequately controlled and regulated by the environmental permit process and the ongoing compliance checks and management required under the permit.

Conclusion

35. In my opinion the proposed waste transfer facility is an appropriate development, both in physical design and operation, within the context of the industrial estate, and accords with the development plan and other material planning considerations. The perceived risks associated with odour, dust, noise and health will be tightly controlled by the Environmental Permitting process, and all other matters relating to lighting, parking, design, vehicle movements and hours of use can be adequately controlled by conditions.

Recommendation

36. I RECOMMEND that PERMISSION BE GRANTED subject to conditions:

- The standard time condition for implementation;
- The development to be completed in accordance with the approved plans;
- A scheme of lighting be submitted, showing all external lighting to be used
- Vehicle movements to be limited
- Hours of operation to be limited to the proposed

Case officer – Jeff Dummett	01622 221975
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Background documents - See section heading
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Item C2**Application for the variation of conditions 5, 6 and 16 of planning permission DA/07/1 (as amended) to allow modifications to phasing and soil storage arrangements and to increase the depth of excavation and resultant landfill of part of the northern extension at Pinden Quarry, Green Street Green Road, Dartford, Kent – DA/11/1043**

A report by Head of Planning Applications Unit to Planning Applications Committee on 8 November 2011.

Application by Pinden Limited for the variation of conditions 5, 6 and 16 of planning permission DA/07/1 (as amended) to allow modifications to phasing and soil storage arrangements and to increase the depth of excavation and resultant landfill of part of the northern extension at Pinden Quarry, Green Street Green Road, Dartford, Kent.

Recommendation: Permission be granted.

Local Members: Mr J Kite

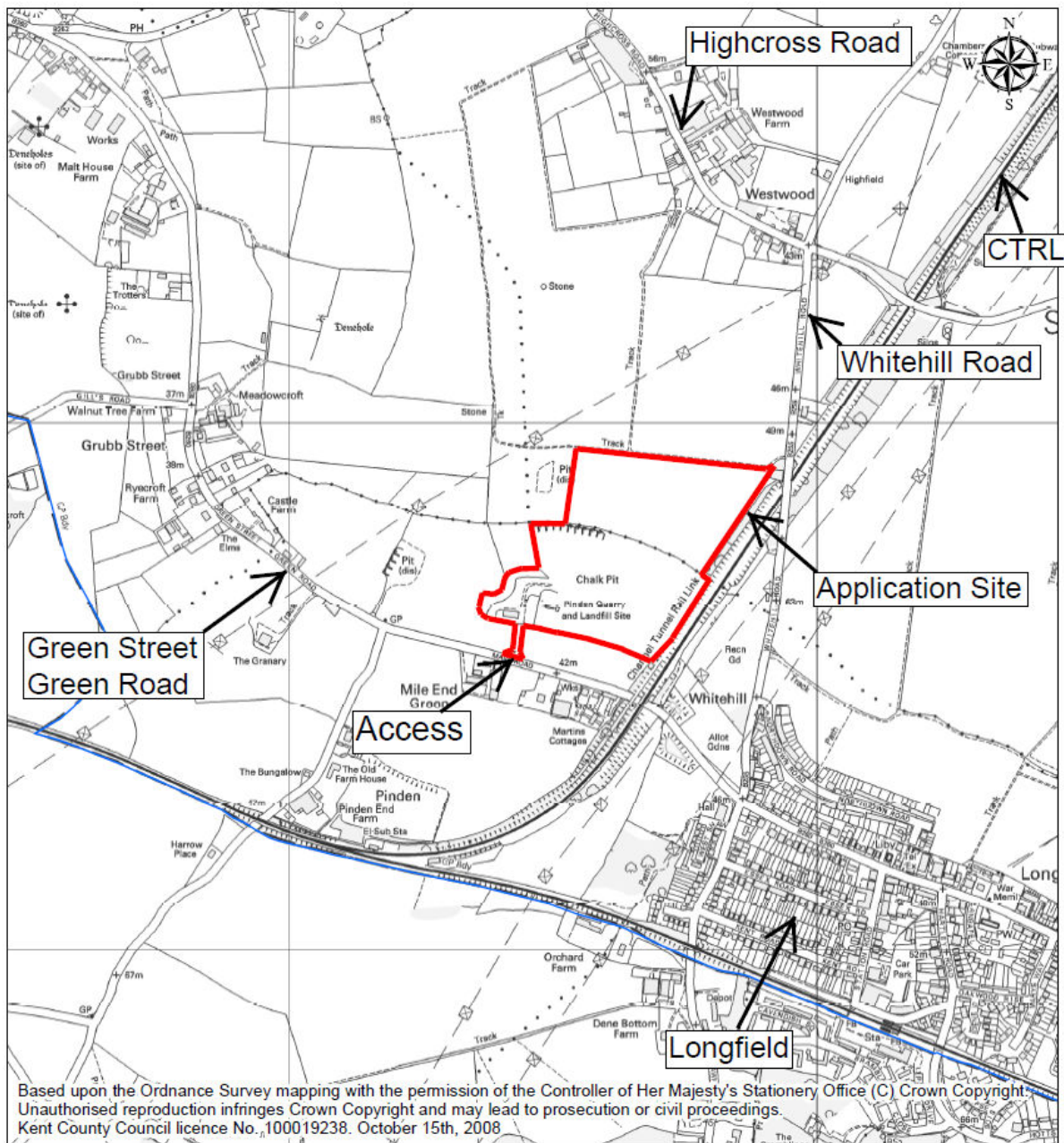
Unrestricted

Site description and background

1. Pinden Quarry lies to the north east of Longfield, to the north of the B260 Green Street Green Road (from which access to the site is obtained), to the west of the Channel Tunnel Rail Link (CTRL), to the east of previously worked and restored land and to the south of farmland. It is surrounded by high landscaped screening bunds and natural topography which assists in minimising views into the site from the surrounding area. Overhead power lines, a high pressure gas pipeline and Footpath DR48 pass to the west and north of the site. The site has a long history of minerals and waste related planning permissions and some refusals.
2. The site lies in the Metropolitan Green Belt and is partially within land subject to a CTRL safeguarding direction. The site lies approximately 300m to the south east and 100m to the west of Areas of Special Significance for Agriculture and 500m to the south of the Highcross Road, Westwood Area of Special Character. It also lies adjacent to the Longfield Local Wildlife Site (LWS) associated with the previously disused railway cutting (now the CTRL). It is not identified for any particular use in the Dartford Local Plan or Local Development Framework Core Strategy.
3. Although Pinden Quarry is identified as an existing chalk quarry for non-cement uses in the adopted Kent Minerals Local Plan Chalk and Clay (December 1997), none of the land is identified for future chalk working or covered by site specific proposals in the Plan. Similarly, neither the quarry nor its associated waste management uses are identified in the Kent Waste Local Plan (March 1998). The existing site and an extension to the west thereof are being promoted by the operator for future chalk extraction, hazardous waste landfill, a materials recovery facility and transfer station

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Site Location Plan



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through the Kent Minerals and Waste Development Framework.

4. The site comprises two main parts. The main (older) part of the site lies to the south of the hedgerow which forms the boundary between Longfield and New Barn Parish and Southfleet Parish. This previously formed part of a larger and much older (Interim Development Order) mineral permission that also included land to the west of the quarry. This IDO permission was “updated” in 2005 under the Planning and Compensation Act 1991 by planning permission DA/93/451 which provided for chalk extraction and restoration by landfilling to original levels. This part of the site also contains a variety of waste management uses initially provided for by planning permissions DA/90/416 (recycling and waste minimisation facility), DA/96/39 (extension of the storage area for the recycling and waste minimisation facility), DA/97/688 (materials recovery facility), DA/03/221 (soil blending), DA/03/210 (car parking, office and welding shed) and DA/05/90 (single storey extension and alterations to main building) which are linked to the life of the quarry. The second (more recent) part of the site lies to the north of the parish boundary and is accessed from the main part of the site through a gap in the hedgerow. This part of the site is currently used for chalk extraction and backfilling with inert (asbestos containing) waste.
5. The entire site was the subject of a consolidating planning permission DA/07/1 (dated 27 March 2008) which carried forward part of DA/93/451 and the permitted waste management uses and also provided for the northern extension to the site referred to in paragraph 4 above. It requires working at the site to cease by 21 February 2042 and the site to be restored to agricultural use at levels similar to those that existed prior to mineral working. The 2008 permission was granted on the basis that the northern extension was effectively “exchanged” for the permitted area to the west and was primarily done on the basis that it would serve to avoid the significant adverse impacts on local residents that would have occurred if the western extension provided for by DA/93/451 had been implemented. It should also be noted that the majority of the northern extension area had been subject to two earlier refusals of planning permission for extensions to the existing quarry with restoration by infilling with waste materials (DA/89/229 and DA/91/405). These refusals were on the grounds that the case of need for additional chalk reserves was considered to be insufficient to override the material, environmental and landscape interests that would be affected by further extending quarrying into open countryside. In each case the proposed quarry extensions were additional to existing permitted reserves such that need was an important material planning consideration.
6. A number of further planning permissions have been granted and approvals given since DA/07/1 was issued. These include DA/08/727 (amendments to the phasing provided for by DA/07/1), DA/08/1007 (installation and operation of supplementary materials recycling equipment), DA/10/1175 (further amendments to the phasing and use of specific parts of land within the site provided for by DA/07/1) and DA/11/893 (conversion of workshop / office building for extended office space and replacement

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workshop and parking spaces). As previously, these are all linked to the life of the main mineral permission. The nature of wastes accepted and either recycled or landfilled at the site are controlled by an Environmental Permit. The landfill materials include both bonded and bagged asbestos (i.e. “hazardous waste”).

7. The site comprises 10 phases (2, 3A, 3B, 3C, 3D, 4, 5, 6, 7 and 8). Phases 2, 3A and 3B have been largely or partially restored, phase 3C is used for the stockpiling of soils, phase 3D is used for screening and blending soils (soil enhancement area), phase 4 has been excavated and is being backfilled with waste, phase 5 has been largely excavated, phase 6 has been partially excavated, phase 7 has been stripped of soils and phase 8 is used for materials processing (crushing, screening and stockpiling), waste transfer station and materials recycling facility and also contains the workshop, offices, weighbridges, wheelwash and parking areas. It should be noted that the extraction and restoration of phase 8 would necessitate the cessation of the materials recycling facility or MRF (incorporating all of the waste recycling operations referred to above) and that all the associated development (e.g. main building, other small buildings, car park, other areas of hardstanding, fixed plant and structures) would need to be removed as the site is finally restored to agricultural use. Plans illustrating the phasing arrangements are included at Appendices 1, 2 and 3 on pages C2.28 to C2.30.
8. Chalk is extracted in a phased manner by mechanical excavator on a campaign basis to meet market demand. The chalk is used primarily in construction or similar projects or as agricultural lime. Prior to extraction, topsoil and subsoil is stripped and stored in screen bunds. The resultant void is being backfilled with asbestos containing wastes (i.e. both the asbestos and anything that may have been contaminated by it such as wood and plastic sheeting). These include fibrous asbestos which is delivered “double bagged” in sealed skips and asbestos contaminated demolition waste which is delivered either in sealed skips or lined and covered lorries. In all cases the waste is immediately deposited in the base of the operational landfill cell and covered immediately with soils to prevent escape. The most recent cells are lined with clay prior to being landfilled. Once the cell is filled, it is capped with clay and soils are replaced and seeded. The landfill operation is regulated in accordance with the Environmental Permit to prevent pollution of the environment and harm to human health and is monitored regularly by the Environment Agency. Landfilling under controlled conditions such as those used at Pinden Quarry is the most effective way of disposing of asbestos waste.
9. The MRF enables value to be recovered from non-asbestos containing construction and demolition wastes and diversion from landfill. The MRF consists of a sequence of physical treatment steps involving the use of plant and equipment such as screeners, crushers, magnets and a manual picking station where selected materials are retrieved (e.g. bricks, hardcore, plastics soil and wood). Separated waste streams are either exported for use or final disposal and residual finely grained material is used as “cover” in the landfill. The soil blending facility involves the screening of source

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separated civic amenity waste soils to remove large items such as bricks, concrete, rubble and hardcore, which are redirected to the MRF for further recovery, and the blending of the soil with compost and sand to form a useful product beneficial to plant growth.

10. Planning permission DA/07/1 (as amended) includes 51 conditions. Those of most relevance to the current application are (in summary) as follows:-
- Cessation of operations by 21 February 2042 – *condition 2*;
 - Cessation of all operations associated with the MRF prior to chalk extraction in phase 8 – *condition 5*;
 - Detailed phasing arrangements (including locations where specific operations or uses may take place) – *condition 6*;
 - No extraction below 30 metres above ordnance datum (AOD) – *condition 16*;
 - Hours of working: 0700 and 1800 hours Monday to Friday and 0700 to 1300 on Saturdays (with no working at other times without the prior written approval of the County Planning Authority) – *condition 26*;
 - Vehicle movements: 500 per day (250 in/250 out) combined site maximum Monday to Friday [270 movements – 135 in/135 out on Saturdays] – *condition 27*;
 - Noise limits: not to exceed 55dB LAeq 1hr (free field) measured at site boundary / noise sensitive properties (as appropriate) – *condition 32*; and
 - Dust control: specified measures (e.g. water spraying) – *condition 35*.

The Proposal

11. The application proposes the variation of conditions 5, 6 and 16 of planning permission DA/07/1 (as amended) to allow modifications to phasing and soil storage arrangements and to increase the depth of excavation and resultant landfill of part of the northern extension. No other variations to conditions or changes to existing operations are proposed. More specifically, the application proposes that:-
- Condition 5 be amended to allow future modifications to the detailed phasing arrangements to be submitted for and approved in writing by the County Council as opposed to requiring the submission of formal planning applications under Section 73 of the Town and Country Planning Act 1990 (as amended);
 - Condition 6 be amended to allow future modifications to the detailed locations where specific operations or uses may take place to be submitted for and approved in writing by the County Council as opposed to requiring the submission of formal planning applications under Section 73 of the Town and Country Planning Act 1990 (as amended); and
 - Condition 16 be amended to increase the depth of extraction from 30 metres AOD to 19 metres AOD and to allow the resultant larger void to be infilled with the same waste materials as those already permitted.

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12. With regard to conditions 5 and 6, the applicant notes that amendments have already been made to the original wording of these conditions and that future changes may be required to enhance operational performance and / or maintain high environmental standards at the site. The application also specifically seeks permission to temporarily store topsoil in a 1.5m high stockpile along the northern boundary of phase 2 (immediately to the south of the hedgerow forming the parish boundary and the west of the access through to the northern extension area) and to temporarily store subsoil in stockpiles not exceeding 2.5m high on the northern part of phase 3A (just to the south of the hedgerow forming the parish boundary and the east of the access through to the northern extension area) and on the eastern part of phase 7. These locations depart from those currently permitted by condition 6(d) or provided for in the working programme permitted under condition 5. The applicant states that these stockpiles (which are already in place) will be used for the restoration of phase 4 such that they will only remain in place for a relatively short period. The proposed locations of the temporary soil stockpiles are illustrated on the plan included at Appendix 4 on page C2.31.
13. With regard to condition 16, the applicant states that the proposed increase in depth would enable phases 5, 6 and 7 (in the northern extension area) to be worked to the same depth as the older phases in the main part of the site and generate about 110,000m³ of additional chalk and 98,000m³ of additional landfill capacity (the difference being as a result of infrastructure such as the landfill liner). As a result of changes to health and safety requirements (which have reduced the amount of chalk that can be safely removed) and a reassessment of the reserves the applicant states that this is only about 51,200 m³ more chalk than was previously permitted by DA/07/1. Drawings illustrating the proposed deepening are included at Appendices 5 and 6 on pages C2.32 and C2.33.
14. The applicant includes a number of potential scenarios setting out how long it may take to complete chalk extraction and landfilling in both the northern extension area and the remaining part of phase 3 of the main site. The estimated duration is entirely dependent on the assumed extraction and landfilling rates. The applicant states that chalk extraction and landfilling in phases 3 to 7 inclusive were previously envisaged to be completed by about 2029 and 2035 respectively. The applicant's current assessment is that if the application is not permitted, extraction is likely to be completed by 2020 and landfilling by 2023. If the proposed deepening is permitted, these dates extend to 2022 and 2024 respectively. However, the applicant also suggests that extraction could be completed by the end of 2014 and landfilling by the end of 2018 if less conservative rates are assumed and no constraints are encountered (e.g. insitu chalk does not represent a constraint). The applicant further states that the void space in phase 8 is limited by the requirement under the Environmental Permit that only inert waste can be deposited in a significant part of that phase. On the basis of the above, the applicant states that the additional chalk extraction and landfilling would only be likely to increase the time taken to complete the working and restoration of phases 3 to 7 inclusive by about two years and that this

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would mean that these phases were restored about 10 years earlier than was envisaged when DA/07/1 was permitted. It states that this would enable the operator to meet a demonstrable need for chalk in Kent, prevent a county and regional shortfall in landfill void space for hazardous waste during the Kent Minerals and Waste Development Framework (MWDF) Plan period (i.e. by 2030) and avoid unnecessary sterilisation of the mineral resource and the associated landfill capacity without giving rise to any significant impacts.

15. The applicant also points out that there is nothing to prevent it delaying extraction and landfilling in the remaining part of phase 3 and in phase 8 and continuing to use these areas for the MRF and associated operations until nearer 21 February 2042 when the current permission requires the entire site to be restored. In view of this, although the applicant acknowledges that the proposal would generate a small number of additional HGVs transporting chalk and waste for landfilling, it states that the proposed increase in depth would not lead to any increase in HGV or other vehicle movements as it would simply utilise the available number of vehicle movements provided for by condition 27 (see paragraph 10 above) for the transportation of chalk, waste materials (for landfill or recycling) or recycled materials as operations dictate.
16. The application is accompanied by an Environmental Statement which revisits and updates that submitted in support of application DA/07/1 in 2007 to take account of any new environmental issues and information or legislative changes. In so doing, it addresses need, alternatives, landscape and visual impact, hydrogeology, noise, air quality, ecology, transport, stability and cumulative impacts. Archaeology and cultural heritage was scoped out on the basis that all of the northern extension area had already been stripped of soils and been subject to archaeological work.

Planning Policy Context

17. **National Planning Policies** – the most relevant National Planning Policies are set out in PPG2 (Green Belts), MPS1 (Planning and Minerals), MPS2 (Controlling and Mitigating the Environmental Effects of Minerals Extraction in England), PPS10 (Planning for Sustainable Waste Management), PPS23 (Planning and Pollution Control) and Waste Strategy for England 2007.

The draft National Planning Policy Framework (July 2011) is a material planning consideration. Although there is no specific policy on chalk, the section on minerals makes it clear that one of the Government's objectives for mineral planning is to secure an adequate and steady supply of indigenous minerals needed to support sustainable growth, whilst encouraging the recycling of suitable materials to minimise the requirement for new primary extraction. It also states that when determining planning applications, planning authorities should: give significant weight to the benefits of the mineral extraction (including to the economy); ensure there are no unacceptable adverse impacts on the natural and historic environment and human health (including cumulative impact); ensure noise, dust and particle emissions are

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controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties; and provide for restoration to be carried out to high environmental standards.

The draft does not contain specific waste policies since national waste planning policy is to be published alongside the National Waste Management Plan for England. Pending this, PPS10 is to remain in place. The other matters addressed in the draft Framework primarily carry forward existing national planning policies.

18. **South East Plan** – These include Policies SP5 (Green Belts), NRM2 (Water Quality), NRM5 (Conservation and Improvement of Biodiversity), NRM9 (Air Quality), NRM10 (Noise), W3 (Regional Self-sufficiency), W4 (Sub-regional Self-sufficiency), W5 (Targets for Diversion from Landfill), W6 (Recycling and Composting Targets), W7 (Waste Management Capacity Requirements), W13 (Landfill Requirements), W15 (Hazardous Waste), W14 (Restoration), W15 (Hazardous and Other Specialist Waste Facilities), W17 (Location of Waste Management Facilities), M2 (Recycled and Secondary Aggregates), M4 (Other Minerals), C4 (Landscape and Countryside Management) and BE6 (Management of the Historic Environment).
19. **Kent Minerals Local Plan: Chalk and Clay (December 1997)** – These include Policies CC1 and CC1A (Provision for Development), CC12 (Noise, Vibration and Dust), CC14 (Land Drainage and Flood Control and Unstable Land), CC15 (Nature Conservation), CC16 (Plant and Buildings), CC18 (Ancillary Operations), CC20 (Public Rights of Way), CC24 (Road Traffic and Access), CC26 (Visual Impact and Landscaping) and CC27 (Aftercare).
20. **Kent Waste Local Plan (1998)** – These include Policies W3 (Locational Criteria), W6 (Need), W7 (Re-use), W9 (Waste Separation and Transfer), W12 (Landfill of Mineral Voids), W18 (Noise, Dust and Odour), W19 (Groundwater), W20 (Unstable Land, Land Drainage and Flood Control), W21 (Nature Conservation), W22 (Road Traffic and Access), W25 (Plant and Buildings), W27 (Public Rights of Way), W31 (Visual Impact and Landscaping), W32 (Aftercare).
21. **The Borough of Dartford Local Plan (April 1995)** – Identifies that the application site lies in the Metropolitan Green Belt (GB1-2) and is partially within land subject to a Channel Tunnel Rail Link safeguarding direction.
22. **The Borough of Dartford Local Plan Review Second Deposit Draft (September 2002)** – Identifies that the application site lies in the Metropolitan Green Belt (GB1-6), is partially within land subject to a Channel Tunnel Rail Link safeguarding direction and is close to overhead power lines (BE17). Although not formally adopted, the plan was approved for development management purposes in 2004.

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23. **Dartford Borough Council Local Development Framework Core Strategy (September 2011)** – Policy CS13 seeks to resist inappropriate development in the Green Belt and Policy CS14 seeks (amongst other things) to protect local wildlife sites.
24. **Kent Minerals and Waste Development Framework: Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (May 2011)** – Has not yet reached Deposit stage such that it carries little weight as a material planning consideration. Although it does not identify a need for new chalk reserves to be identified in the plan period (i.e. until 2030) it does indicate that there is likely to be a need for additional hazardous waste management facilities if Kent is to remain net self-sufficient in terms of the provision of hazardous waste management capacity as the voidspace at Pinden is likely to be exhausted in 10 to 15 years. It should be noted that the Kent MWDF Minerals Topic Report 3: Other Minerals (May 2011) states that existing permitted chalk reserves are likely to be sufficient to meet demand for agricultural lime and engineering and construction uses until 2030 but that further permissions may be required for the latter towards the end of the plan period. Topic Report 3 is also clear that no new chalk reserves are required for cement use during this period. Kent MWDF Waste Topic Paper 5: Hazardous Waste Management (May 2011) states that there are currently no alternatives to the disposal of asbestos wastes by landfill and that future disposal could either be at a specific hazardous waste landfill or at a separate area (cell) at a non-hazardous landfill site. These and related issues will be considered further as the MWDF progresses and a Preferred Options consultation document is published.
25. **Kent Minerals and Waste Development Framework: Mineral Sites Development Plan Document Options Consultation (May 2011); Waste Sites Development Plan Document Options Consultation (May 2011); and Mineral and Waste Sites Development Plan Document Supplementary Options Consultation (October 2011)** – These include sites proposed by operators and landowners for inclusion in the Kent MWDF Sites Development Plan Documents (DPDs). At this stage, KCC has made no decision on any promoted sites and these documents carry no weight for development management purposes. However, it should be noted that the applicant's parent company (Sid Bishop & Sons) is promoting a lateral extension to Pinden Quarry for chalk extraction, infilling with asbestos / inert waste, MRF and transfer station. Sid Bishop & Sons estimates that this would provide a further 600,000 tonnes of chalk and that the life of the entire operation would be about 20 years.

Consultations

26. **Dartford Borough Council** – No objection subject to conditions 27 and 29 of planning permission DA/07/1 being attached to any consent granted by Kent County Council.

Note: Condition 27 restricts the combined total of vehicle movements to no more than 500 per day (250 in/250 out) Monday to Friday and 270 (135 in/135 out) on Saturdays whilst condition 29 only allows access via the existing site access on Green Street

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Green Road (with appropriate visibility splays being maintained).

27. Southfleet Parish Council – Objects to the application for various reasons:-

- Traffic impact / increased traffic movements;
- Duration of operations (no longer a “swap”);
- Geographical location of the site (circled by villages, settlements and other properties);
- Impact on topsoil quality (due to storage arrangements);
- Potential flood risk (due to clay capping of landfill);
- There are other (more suitable) sources of chalk (e.g. Eastern Quarry and Holborough have better transport links / trunk road access);
- Dartford Borough Council Core Strategy does not support expansion of Pinden;
- Kent MWDF only at consultation stage so its content on hazardous waste should not be considered a factor in support of the proposals;
- Proximity to Listed Buildings (at Highcross Road);
- Green Belt;
- Site highly visible from Highcross Road;
- Some existing landscaping has been unsuccessful;
- Noise impacts (complaints from residents of Highcross Road);
- Dust nuisance (prevailing south westerly winds carry dust over Southfleet); and
- Slope stability (of chalk).

It has also raised a number of detailed criticisms of the application and supporting information and stated that it does not consider that the applicant has made a case for the application to be allowed.

28. Longfield and New Barn Parish Council – Objects on the basis that the application contravenes the agreement of previous applications.

29. Darenth Parish Council – Has stated that it has no comments to make on the application.

30. Environment Agency – No objection subject to the infrastructure within Cell 3C being properly capped and connected to appropriate extraction systems to ensure: (i) no unauthorised emissions to atmosphere; and (ii) no foreign objects or liquids are able to enter the waste. Has also advised that the original Hydrogeological Risk Assessment (HRA) for site was assessed on the basis that extraction and infilling would take place to a depth of 19m AOD (as now proposed) and that the HRA will therefore not need to be revised and the current Environmental Permit will cover the proposal.

31. KCC Highways and Transportation – Has no objection on the basis that:-

- the existing site access is acceptable;

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- the carriageway is sufficiently wide to accommodate turning movements by large vehicles;
 - the associated visibility splays are appropriate;
 - the existing excavation and backfill activity has not caused any particular capacity or safety problems; and
 - the level of additional traffic indicated in the Transport Assessment (TA) would have a very minor effect on the junctions that have been considered and would not be sufficient to raise a highway objection.
32. **KCC Landscape Consultant (Jacobs)** – No objection in landscape and visual terms as the proposed development (including any additional time required to work and restore the site) would be unlikely to generate any significantly different effects than as a result of that already permitted.
33. **KCC Noise, Dust, and Odour Consultant (Jacobs)** – No objection subject to existing noise conditions (32, 33 and 34) and dust conditions (35 and 36) being retained. These accord with MPS2 and are considered equally applicable to the proposed development.
34. **KCC Minerals and Waste Policy Planning Manager** – Has advised that the Kent MWDF Core Strategy: Strategy and Policy Directions (May 2011) document did not include any draft policies on the need to make provision for chalk for agricultural and engineering purposes due to the large consented landbank for chalk that is or could be used for agricultural and engineering purposes (2.422 million tonnes on 1 January 2011). Although the May 2011 document stated that the permitted chalk reserves are likely to be sufficient to accommodate demand for agricultural and engineering purposes for the plan period, such that it did not indicate that new chalk sites would need to be identified in the MWDF, it also suggested that there may be a need for some further provision towards the end of this period if the increase in the use of agricultural chalk continues. However, it stated that this eventuality would be addressed by the identification of “areas of search” within which new sites would be expected to be found. Has also referred to the regional significance of Pinden Quarry for the landfilling of asbestos waste (inputs to the site were greater than those received by all other sites permitted to receive asbestos waste in the South East of England, East of England and London) and advised that the proposed additional landfill capacity (98,000m³) would assist Kent in remaining net self-sufficient in hazardous waste management. Has further advised that only two operators have put forward sites for hazardous waste landfill in response to the “call for sites” in 2010. Both were for the continuation / extension of existing landfill facilities at Norwood Quarry (air pollution control residues) and Pinden Quarry (asbestos wastes). The latter being by the current applicant (Pinden Ltd).
35. **High Speed 1 Ltd (HS1)** – Has requested the imposition of various conditions designed to protect its interests.

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36. **Network Rail** – No objections provided there are no variations to the previous conditions relating to Network Rail's interests. States that it does not disagree with the stability assessment contained in the Environmental Statement.
37. **Thames Water** – As the proposals do not affect its interests, it has no observations to make.
38. **Natural England** – The proposals do not have any additional ecological or landscape impacts to those addressed in the existing permission and as such it has no comments to make.
39. **KCC Biodiversity Officer** – Has reviewed the information submitted and has no comments to make on the proposals.
40. No comments have been received from **Kent Wildlife Trust** and **National Grid**.

Representations

41. The application has been publicised both by site notice and newspaper advertisement. All residential and other properties (23 in number) within 250 metres of the site were consulted.
42. Two letters of objection have been received from residents of Mile End Green (opposite the site entrance on Green Street Green Road). The objections relate to:-
 - Dust / air quality impacts from lorries and excavations (including diesel fumes from lorries waiting to enter the site); and
 - Hours of use (including allegations of breaches of permitted opening hours with lorries entering and leaving the site too early or in the evening).
43. One respondent also suggested that KCC should undertake a dust and particulates survey and publish the results to local residents to enable them to see the current level of pollution before the application is determined.

Local Members

44. County Council Member Mr J Kite was notified in August 2011. No comments have been received.

Discussion

45. 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 planning considerations indicate otherwise. In the context of this application,

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the development plan policies set out in paragraphs 18 to 21 and 23 are of greatest relevance. Material planning considerations include the existing and emerging national and local policies set out in paragraphs 17 and 22. It should be noted that the South East Plan (SE Plan) remains part of the development plan although the Government's intention to abolish regional spatial strategies is a material planning consideration and the weight given to it is a matter for the decision maker. The draft National Planning Policy Framework (NPPF) is also a material planning consideration. However, given the nature of the proposals it is of limited relevance in this case as the mineral elements largely carry forward the policies in MPS1 and as PPS10 is to remain in place until any new waste policies are published alongside the new National Waste Management Plan for England. A further material planning consideration is Circular 11/95: The Use of Conditions in Planning Permissions (1995) which sets out the general criteria for the validity of planning conditions and the "six tests" that all conditions should meet.

46. The application has been submitted under Section 73 of the Town and Country Planning Act 1990 (as amended). Although such applications are normally described as being to remove, amend or vary a planning condition(s), Section 73 actually provides for the development of land without compliance with a condition(s) attached to an earlier permission. Any planning permission granted pursuant to Section 73 represents a wholly new planning permission and the applicant would then have the option as to which planning permission it wished to rely upon. Section 73 enables the planning authority to decide that planning permission should be granted subject to conditions different from those existing, the same as those existing (in which case permission should be refused) or unconditionally. In principle, the scope of the planning authority's jurisdiction when considering a Section 73 application is more limited than when considering a full application and it does not empower the planning authority to rewrite the permission altogether. However, the planning authority is not constrained in its consideration of the full planning merits.
47. The main issues to be considered in this case relate to:-
 - Need for chalk extraction and hazardous waste landfill;
 - Potential alternatives;
 - Landscape and visual impact;
 - Potential pollution and amenity impacts (e.g. water environment, noise, air quality and health impacts);
 - Traffic and associated impacts;
 - Stability;
 - Ecology;
 - Green Belt.
48. A number of other issues have also been raised which will also need to be addressed.

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Need for chalk extraction and hazardous waste landfill

49. The main national planning policy for winning and working chalk is set out in MPG10 and relates to the needs of the cement industry. Other uses for chalk are only covered by the general objective in MPS1 which requires that an adequate and steady supply of minerals needed by society and the economy should be secured consistent with environmental concerns. These national policies are reflected at the regional level in Policy M4 of the SE Plan and at the local level in Policy CC1 of the Kent Minerals Local Plan Chalk and Clay (Kent MLPC&C). Policy M4 states that a permitted reserve of chalk for cement manufacture should be maintained throughout the plan period in Kent and Medway sufficient to last for at least 25 years at current production rates. Policy CC1 states that permission will be granted for mineral working at the locations and in the circumstances identified in the Plan. Pinden is not identified as a location for chalk extraction. The draft NPPF effectively carries forward the objectives of MPG10 and MPS1 and adds that significant weight should be given to the benefits of mineral extraction, including to the economy.
50. National planning policy for waste management is set out in PPS10 and is, in turn, reflected at the regional level. Policy W15 of the SE Plan identifies hazardous waste landfill capacity, particularly to serve the needs of the south and south-east of the region, as a priority. It also states that waste development documents will identify and safeguard sites for storage, treatment and remediation of contaminated soils and demolition waste and, where necessary, encourage the creation of protective cells for stable hazardous waste. The SE Plan also contains policies designed to support diversion of waste from landfill and meet recycling and recovery targets. The Kent Waste Local Plan (Kent WLP) contains no specific policies relating to hazardous waste but again supports recycling and recovery and the appropriate use of inert waste for restoration of mineral voids. Waste Strategy for England (2007) and the Government's Review of Waste Policy in England (2011) are clear that there will still be some hazardous wastes (such as asbestos) for which landfill remains the best or least worst option.
51. The applicant states that there is a need for chalk for agricultural and engineering purposes and a need for hazardous waste (asbestos) landfill based on its own experiences of exports (chalk) from and imports (asbestos wastes) to the site and its assessment of remaining chalk / voidspace.
52. In terms of chalk, the applicant has provided details of its exports since 2005. The figures vary between a low of 18,954 tonnes (10,530m³) in 2008 and a high of 363,184 tonnes (201,769m³) in 2009. It states that the lower figure was in the year when operations were curtailed awaiting planning permission for the northern extension and the higher figure in a year when several infrastructure and bulk fill projects were being served simultaneously. It also states that demand for agricultural lime has shown a progressive increase since 2008 and that the upper chalk strata levels are most suitable for this. It has also calculated that 1.152 million tonnes (0.64 million m³) of

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chalk remain at the site assuming that all phases are to be worked (including phase 8 which it may decide to leave in situ to allow recycling operations to continue until the existing planning permission expires in February 2042). It further estimates that all chalk reserves could be exhausted by between 2014 and 2020 depending on extraction rates. It should be noted that the applicant disputes some of the chalk reserve figures used as part of the evidence base for the Kent Minerals and Waste Development Framework (Kent MWDF) and argues that undue reliance has been placed on permitted reserves at old or dormant sites that may be unable to actively contribute to real chalk supply during the plan period as they are commercially unviable. On this basis it contends that there is a need for additional chalk reserves to be identified and has indicated that it may challenge the Kent MWDF unless changes are made in respect of these matters. The proposal would result in there being a total of 750,000m³ of chalk reserves (1.35 million tonnes) at the site.

53. Pinden Quarry has not traditionally supplied chalk to the cement industry although the applicant has recently stated that it has exported material to a site at Tilbury for cement production. However, as the reserves necessary to meet planning policy requirements in the County are met at Holborough, there is no need for chalk from Pinden for cement production. On this basis, only the general need requirements set out in paragraph 49 above are relevant.
54. KCC's Minerals and Waste Policy Planning Manager has advised that permitted chalk reserves are likely to be sufficient to accommodate demand for agricultural and engineering purposes for most if not all of the plan period. Although the applicant disputes this, I am satisfied that there is no need for additional chalk reserves to be permitted at this time. However, I am mindful that if the current application is refused and the need for additional reserves is subsequently accepted during the period prior to adoption of the Kent MWDF Core Strategy or Mineral Sites Development Plan Document (DPD), the chalk reserves between 30m and 19m AOD would be sterilised as the void created above 30m AOD would already have been wholly or largely landfilled. It is also worth noting that the proposed deepening would only provide an additional 110,000m³ (198,000t) of chalk. This is not significant and would have no real significance for any decisions required during preparation of the Kent MWDF. I am also mindful that need is not an overriding constraint, although it is significant if a proposal gives rise to material harm, and that the draft NPPF emphasises the need to consider the economic benefits of development in support of sustainable growth and states that significant weight should be given to the benefits of mineral extraction (including the economy). In this context it is worth noting that Pinden Limited has 65 employees.
55. In terms of hazardous waste (asbestos) landfill, the applicant has provided details of waste deposited since September 2007. It states that the average rate of deposition between 2007 and 2011 was 74,200m³ per year. In respect of the northern extension, it states that 85,000m³ of waste was deposited in phase 4 between 2 August 2010 and 7 May 2011 (equivalent to a rate of 110,500m³ per year). It has estimated that

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483,000m³ of voidspace remains in phases 4 to 7 (inclusive). The proposal would result in there being a total voidspace of 581,000m³. The applicant agrees with the acknowledged need for additional hazardous waste landfill set out in the Kent MWDF Core Strategy: Strategy and Policy Directions (May 2011) document and associated technical papers.

56. KCC's Minerals and Waste Policy Planning Manager has referred to the regional significance of Pinden Quarry for the landfilling of asbestos waste and advised that the proposed additional landfill capacity (98,000m³) would assist Kent in remaining net self-sufficient in hazardous waste management. I am satisfied that there is a need for additional hazardous waste landfill capacity and that the provision of additional voidspace would accord with the objectives of PPS10 and Policy W15 of the SE Plan. This need also adds weight to the case for allowing the extraction of additional chalk at this time regardless of the merit or otherwise of specifically permitting further chalk reserves at the site.

Potential alternatives

57. The alternatives considered by the applicant are:-
- Continue to work the site in accordance with the existing permission thereby sterilising potential chalk reserves and associated landfill voidspace;
 - Deeper extraction (as applied for) to provide additional chalk and landfill voidspace;
 - A lateral extension of the quarry (as is being promoted through the Kent MWDF);
 - Landraising at the site; and
 - Chalk extraction and hazardous waste landfill elsewhere (either together or separately).

It concludes that deeper extraction is the most favourable at this stage as it would provide additional chalk and voidspace without giving rise to any additional environmental impacts.

58. Southfleet Parish Council has objected to the proposals as it considers that there are other more suitable sources of chalk (e.g. Eastern Quarry and Holborough) which have better transport links and trunk road access. However, it should be noted that Eastern Quarry is no longer a working chalk quarry and is being developed for residential use as part of a planning permission granted by Dartford Borough Council. The chalk reserves at Holborough represent the strategic reserves required for the permitted new cement works at that site. The older reserves at Holborough that did not form part of the cement works permission may no longer be worked.
59. Given that the need for additional hazardous waste landfill has been accepted in paragraph 56 above, and subject to the conclusions drawn elsewhere in this report, I am minded to accept that the proposed alternative is preferable. The principle of any

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lateral extension to the site or any of the other alternatives suggested by the applicant will be tested, as necessary, during the preparation and adoption of the Kent MWDF.

Landscape and visual impact

60. Government policy on both minerals and waste seeks to ensure that landscape impacts of development proposals are acceptable. PPS10 states that landscape, design and visual impact are important locational criteria and MPS1 that the character of rural and urban areas should be protected and enhanced by careful planning and design of any proposals for mineral development. Similar requirements are reflected in Policy W14 of the SE Plan. Policy W32 of the Kent WLP requires that proposals incorporate satisfactory operation, restoration and aftercare schemes. Policies CC26 and CC27 of the Kent MLPC&C respectively require minerals proposals to be acceptable in terms of landscaping and include satisfactory working and reclamation schemes. The draft NPPF effectively carries forward the objectives of MPS1 in so far as it relates to the proposals. Although in the Green Belt, the site is not subject to any specific landscape designations. The Green Belt issues are addressed in paragraphs 88 to 90 below.
61. Southfleet Parish Council has objected to the proposals on the grounds that the site is highly visible from Highcross Road and as some of the existing landscape planting has been unsuccessful. It could also be argued that the representations relating to the impact of HGVs entering and leaving the site could be regarded as including visual impact concerns. KCC's landscape consultant is satisfied that the proposals would not give rise to any significantly different effects than those already permitted.
62. The application proposes no significant changes to the existing permitted scheme of working and no changes to the permitted restoration or aftercare. The applicant has demonstrated that the additional extraction and landfilling would not increase the duration of operations beyond those envisaged when the northern extension was determined and has explained that regardless of the outcome of the application, recycling operations are likely to continue until 2042 as provided for by the existing permissions. Whilst the proposals could result in additional time being required to complete the working and restoration of the northern extension area (about two years based on the applicant's estimates), such that the associated landscape screening bunds would remain in place for longer than may be the case if the application were refused, there is no guarantee that this would be so as the operator may decide to manage the release of remaining chalk and voidspace over a longer period.
63. Since the landscape screening bunds and associated landscape (hedgerow) planting around the northern extension area were found to be acceptable as part of planning permission DA/07/1 and have been found to represent an acceptable means of mitigating the landscape and visual impacts associated with working that part of the site, I am satisfied that the proposed deepening would have no significant impact in terms of landscape and visual impact. Notwithstanding this, I accept that some of the

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existing landscape planting has not been entirely successful. These issues are currently addressed by the existing permission such that replacements are required as necessary. The most recent permission at the site (DA/11/893) also provides for additional planting between the site and Green Street Green Road. In the event that permission is granted, it would be necessary for suitable conditions to be included to ensure the effective restoration and aftercare of the site and for the ongoing maintenance of all planting and for replacements as necessary. It would also be desirable to include a new condition specifically requiring additional landscape enhancement measures, particularly along the site frontage with Green Street Green Road. This issue has previously been discussed at the Pinden Liaison meetings and the input of the local parish councils would be desirable before any decisions are made about any such landscape enhancements.

64. The temporary storage of soils on parts of phases 2, 3A and 7 (which are already in place due to an urgent operational need to store the soils stripped from the northern extension area) are not intrusive in the landscape, although the soils on phase 3A are partially visible in some distant views. The visual impact of the soils in phases 2 and 3A is mitigated by the fact that the stockpiles are no higher than the height of the hedgerow immediately to the north and as they will only be in place until required for the restoration of phase 4 (infilling of which is already well advanced). The soil stockpile in phase 7 is not visible from outside the site.
65. Subject to the above conditions, the proposed development would not give rise to any significant adverse landscape and visual impact and would accord with the policies referred to in paragraph 60 above.

Potential pollution and amenity impacts (e.g. water environment, noise, air quality and health impacts)

66. Government policy on both minerals and waste seeks to ensure that potential adverse amenity and health impacts associated with development proposals are minimised. PPS10 makes it clear that modern, appropriately located, well-run and well-regulated, waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health and that the detailed consideration of a waste management process and the implications (if any) for human health is the responsibility of the pollution control authorities. It further states that: the planning and pollution control regimes should complement rather than duplicate each other; waste planning authorities should concern themselves with implementing the planning strategy in the development plan and not with the control of processes which are a matter for the pollution control authorities; and waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. Although the draft NPPF does not include waste policy, it is worth noting that in considering the potential effects of pollution on health, amenity and the environment, paragraphs 171 and 172 of the draft make it clear that planning authorities should focus on whether the development itself is an acceptable use of

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land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Paragraph 172 also states that planning authorities should assume that these regimes will operate effectively. MPS1 and MPS2 both seek to ensure that mineral proposals are acceptable in terms of amenity and related health impacts.

67. SE Plan Policies NRM9 and NRM10 respectively seek improvements in air quality and measures to reduce noise pollution. Policies NRM1 and NRM2 seek to protect and enhance water resources and quality. Policy W17 states that the suitability of waste management sites should be assessed on the basis of being capable of meeting a range of locally based environmental and amenity criteria. Kent WLP Policy W18 requires planning authorities to be satisfied as to the means of control of noise, dust, odours and other emissions for waste management proposals, particularly in respect of potential impact on neighbouring land uses and amenity. The requirements of this policy are mirrored in Policy CC12 of the Kent MLPC&C. Policy W27 of the Kent WLP and Policy CC20 of the Kent MLPC&C require rights of way or their users' interests to be safeguarded from proposals. Policy W19 of the Kent WLP requires the quality and quantity of surface and groundwater resources to be protected. Policy W20 of the Kent WLP and Policy CC14 of the Kent MLPC&C require land drainage, flood control and land stability to be safeguarded.
68. Southfleet Parish Council has objected on the grounds of noise impacts (referring to complaints from residents of Highcross Road), dust nuisance (as prevailing south westerly winds carry dust over Southfleet) and potential flood risk (due to the clay capping of the landfill). Concerns were also expressed by representatives of Southfleet Parish Council at the Liaison Meeting on 25 October 2011 about noise from reversing alarms. Two local residents have also raised concerns about dust and air quality associated with HGVs and excavations. One of the local residents has also suggested that KCC should undertake a dust and particulates survey and publish the results to local residents to enable them to see the current level of pollution before the application is determined. It has also been alleged that the existing limits on hours of operation have been breached (with lorries entering or leaving the site too early in the morning or in the evening).
69. No objections have been received from Dartford Borough Council and Thames Water and no objections have been received from the Environment Agency and KCC's Noise, Dust and Odour Consultant subject to conditions. The Environment Agency has requested that Cell 3C should be properly capped and connected to appropriate extraction systems to ensure no unauthorised emissions to atmosphere and no foreign objects or liquids are able to enter the waste. KCC's Noise, Dust and Odour Consultant is satisfied that the existing noise and dust conditions (32 to 36) remain appropriate and should be retained on any new permission.
70. Planning permission DA/07/1 (as amended) includes a number of conditions designed to prevent pollution and minimise adverse amenity impacts. In addition to those which

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relate to the duration of operations (condition 2) and the working programme itself which implicitly address various matters (conditions 4 to 18), others explicitly relate to waste types (condition 25), hours of operation (condition 26), noise, dust, litter and odour (conditions 32 to 36), water protection and pollution control (conditions 37 and 38) and landfill gas and leachate control (condition 39).

71. Notwithstanding Southfleet Parish Council's assertion that noise and dust impacts are experienced in Highcross Road, no complaints have been received from residents of Highcross Road since planning permission DA/07/1 was permitted. This is not to say that no noise and dust impacts have been experienced, but it would suggest that the distance from the site and the controls and related mitigation that is already in place have been largely successful in minimising impacts. In the absence of complaints from users of Footpath DR48, I consider that this conclusion could also reasonably apply to impacts on the right of way. Concern about noise from reversing alarms is a common issue at minerals and waste sites. Condition 24 of planning permission DA/07/1 (as amended) states that "measures shall be taken to minimise any adverse noise impacts associated plant and vehicle movements in site including, where possible, the use of less intrusive reversing alarms and routeing arrangements to minimise the need for reversing at the site". As a result of the issue being raised at the recent liaison meeting, the operator has agreed to review its use of reversing alarms and implement quieter devices (subject to health and safety requirements). I am satisfied that the existing condition can require quieter reversing alarms provided these meet health and safety requirements and that the existing condition remains appropriate.
72. The existing site screening bunds between the main site and properties on Green Street Green Road and around the northern extension area have also served to minimise impacts on other properties although the two local residents that have commented have expressed concerns about dust impacts. As the local residents that have responded live on Green Street Green Road, it is most likely that the dust impacts they have experienced are from the recycling operations in the main part of the site rather than extraction and infilling operations in the northern extension or as a result of stockpiled soils adjacent to or within that area. Indeed, this is supported by the fact that the Environment Agency investigated a dust complaint in August 2011 that was found to relate to a temporary failure of dust suppression equipment in the recycling area with resultant impacts on properties on Green Street Green Road. On this basis, permitting deeper extraction in phases 5, 6 and 7 and the stockpiling of soils in the proposed locations would be unlikely to have any significant impact in terms of dust for those residents. Notwithstanding the objections, I consider that the existing dust controls should be included in any new permission. Controls are also provided for in the Environmental Permit. I also consider that the existing noise conditions for both day to day operations (condition 32) and temporary operations such as the movement, storage and replacement of soils (condition 33) should be replicated (i.e. 55dB LAeq 1hr (free field) and 70dB LAeq 1hr (free field) respectively). This would accord with the advice of KCC's Noise, Dust and Odour Consultant. The

Application for variation of conditions 5, 6 and 16 of planning permission DA/07/1 (as amended) to allow modifications to phasing and soil storage arrangements and to increase the depth of excavation and resultant landfill of part of the northern extension at Pinden Quarry, Green Street Green Road, Dartford, Kent – DA/11/1043

Environmental Permit includes requirements in respect of air quality monitoring and I see no reason to require additional monitoring either prior to determination of the current application or as part of any new planning permission. It is worth noting that a monitoring validation exercise by the Environment Agency in 2009 – 2010 designed to reassure local residents that the site was operating properly following implementation of the northern extension permission confirmed no asbestos fibre releases and validated the methodology used by Pinden Limited's air quality consultants.

73. Although Southfleet Parish Council has expressed concerns about potential flooding as a result of the clay capping for the landfill, I note that the Environment Agency has no such concerns. The use of a clay cap is a requirement of the Environmental Permit and would be installed over the entire site as landfilling progresses regardless of the outcome of the current application. With regard to the Environment Agency's comments summarised in paragraph 30 above, it should be noted that permission has already been granted for the capping and use of Cell 3C for the stockpiling of soils (DA/10/1175). I also consider that these are matters for it to address under the Environmental Permit rather than for KCC to address in any planning permission.
74. Although complaints have been received about adherence to the permitted hours of operation, the operator has always denied that it has starting working before 0700 or after 1800 hours Monday to Friday (0700 and 1300 on Saturdays). I have no evidence to dispute the operator's assertion.
75. I am satisfied that all of these conditions remain valid, provide satisfactory controls and should be repeated as part of any new permission (updated as necessary to reflect approvals given and permissions granted since 2008). Provided this is the case, the proposals would accord with the planning policies referred to in paragraphs 66 and 67 above.

Traffic and associated impacts

76. Government guidance on both minerals and waste seeks to ensure that transportation impacts of development proposals are minimised. PPS10 states that the selection of sites for new or enhanced waste management facilities should involve consideration of the capacity of existing and potential transport infrastructure to support the sustainable movement of waste and that the suitability of the road network and the extent to which access would require reliance on local roads are criteria that should be considered. Good transport connections are also encouraged in MPS1 and Policy W17 of the SE Plan. Policy W22 of the Kent WLP and Policy CC24 of the Kent MLPC&C require waste management and minerals proposals to be acceptable in terms of highway safety and capacity and for the developer to provide for any necessary improvements.
77. Southfleet Parish Council has objected to the proposals due to traffic impact and increased traffic movements whilst two local residents have raised concerns about the impact of HGVs.

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78. Dartford Borough Council has no objection subject to the combined total of vehicle movements being limited to no more than 500 per day (250 in/250 out) Monday to Friday and 270 (135 in/135 out) on Saturdays and access being only via the existing site access on Green Street Green Road (with appropriate visibility splays being maintained). KCC Highways and Transportation has no objection on the basis that the existing site access and highway network are acceptable, existing operations have not caused any particular capacity or safety problems and as any additional traffic would have a very minor effect on relevant junctions.
79. As set out elsewhere in this report, the applicant has made it clear that it intends to continue recycling operations on the main part of the site until 2042. These recycling operations can legitimately continue in phases 3D and 8 shown on the phasing drawing included at Appendix 1 (page C2.28) and soil storage can continue on phase 3C until further extraction and/or landfilling takes place in phases 3D and 8. This means that regardless of the outcome of the current application, vehicles will continue to enter and leave the site for a further 30 years. As condition 27 only sets a maximum number of vehicle movements (i.e. a combined total) but does not stipulate what these movements may be used for, the operator could continue to utilise as many of the permitted 500 movements (270 on Saturdays) for recycling operations as it wishes during this period. Whilst there would clearly be a physical limit to the amount of recycling that could take place given the size of the site, which may provide a natural limit on vehicle movements, such that some reduction in actual vehicle movements may occur if permission were refused, it is clear that it would be possible for a significant proportion of this number to continue to be used. The issue is further complicated by the uncertainty over how long it may take to complete extraction and landfilling in phases 4, 5, 6 and 7, as the operator could decide to manage the release of remaining chalk reserves and landfill voidspace over a time of its choosing and as there are no restrictions on the size or type of vehicles that can be used. It is also worth noting that the restriction on vehicle movements applies to cars and vans as well as HGVs. Details obtained from the operator for 10, 11 and 12 October 2011 indicate that about 22.5% of all vehicle movements (i.e. 82 of the 364 total movements per day based on an average of the 3 days) were staff car movements. It should also be noted that details of vehicle movements per day for each month provided to the Liaison Group by the operator have consistently demonstrated compliance with condition 27.
80. Given that KCC Highways and Transportation considers that the site can continue to operate satisfactorily in terms of highway capacity and safety and Dartford Borough Council has no objection to the proposals subject to the existing vehicle limit being retained as part of any new permission, I see no justification for refusing permission on highway grounds or amending the existing restriction on vehicle numbers. I am also satisfied that the proposals would accord with the above planning policies provided that the requirements of conditions 27 and 29 of planning permission DA/07/1 (as amended) are included as part of any new permission.

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Stability

81. As set out in paragraph 67 above, Policy W20 of the Kent WLP and Policy CC14 of the Kent MLPC&C require land stability to be safeguarded.
82. Although Southfleet Parish Council has expressed concerns about the stability of deeper chalk extraction, no objections have been received about land stability by technical consultees. However, Network Rail and High Speed 1 have both requested that those conditions imposed on planning permission DA/07/1 (as amended) designed to protect the stability of the rail line and safeguard its related interests are repeated in any new permission. These include stand-off's between the railway line and excavation areas and quarried slopes not exceeding 1 vertical to 0.6 horizontal. The Environment Agency (responsible for the Environmental Permit) has raised no objections in terms of stability.
83. It should be noted that the older part of Pinden Quarry was previously worked to 19m AOD and that the Health and Safety Executive (Mines and Quarries) imposes detailed requirements designed to ensure the stability of quarries (including the retention of unworked benches as the quarry void is created).
84. I am satisfied that provided all existing conditions relating to stability and the rail line are repeated, the proposals would be acceptable in terms of these interests and would accord with the above policies.

Ecology

85. MPS1 and PPS10 are clear that wildlife and biodiversity interests are important locational criteria when considering minerals and waste proposals. Policy NRM5 of the SE Plan seeks to maintain and enhance the region's biodiversity and actively pursue opportunities to achieve a net gain across the region. Policy CC15 of the Kent MLPC&C and Policy W21 of the Kent WLP require proposals to be acceptable in terms of potential impacts on environmental resources such as Local Wildlife Sites or require appropriate mitigation for protecting such interests. Policy CS14 of the Dartford Core Strategy seeks (amongst other things) to protect local wildlife sites. Securing nature conservation interest is also a Green Belt objective.
86. No objections have been raised in respect of ecological matters.
87. Condition 42 of planning permission DA/07/1 (as amended) and the monitoring and mitigation scheme approved pursuant thereto specifically seek to ensure that the Longfield Local Wildlife Site is protected from dust impacts associated with soil stripping, handling and replacement and landfill operations. Subject to the requirements of condition 42 and the approved scheme being retained as part of any new permission, together with those which require the restoration and aftercare of the

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site, I am satisfied that there would be no adverse impact in terms of ecology / biodiversity and that the proposals would accord with the above planning policies.

Green Belt

88. PPG2 states that there is a general presumption against inappropriate development in the Green Belt and that such development should not be approved except in very special circumstances. However, it goes on to say that minerals can only be worked where they are found, their extraction is a temporary activity and extraction need not be inappropriate development and need not conflict with the purposes of including land in Green Belts provided that high environmental standards are maintained and that the site is well restored. Paragraph 145 of the draft NPPF effectively carries this forward and states that mineral extraction is not inappropriate in the Green Belt provided it preserves openness and does not conflict with the purposes of including land in such areas. Policy CS13 of the Dartford Core Strategy seeks to resist inappropriate development in the Green Belt.
89. Southfleet Parish Council has objected to the proposals on Green Belt grounds. No objections have been received from other consultees (including Dartford Borough Council).
90. Whilst the site lies in the Green Belt it is clear from the above policies that provided the proposal incorporates high environmental standards and appropriate restoration this need not be inappropriate development nor preclude development. This position was accepted when application DA/07/1 was permitted. As there would be no change to the proposed restoration scheme and the deepening of phases 5, 6 and 7 would have no impact in Green Belt terms other than the possibility that the area may not be worked and restored as quickly as would otherwise be the case (albeit that this would still be more rapidly than was envisaged when DA/07/1 was determined), I see no reason to come to a different conclusion in this case and I see no reason to refuse the application on Green Belt grounds subject to the imposition of various conditions that carry forward those imposed as part of DA/07/1 (e.g. duration, scheme of working, removal of permitted development rights, hours of operation, lighting, landscape, restoration and aftercare).

Other issues

91. Southfleet Parish Council has raised a number of other issues that are not already addressed above. I address each in turn below.
92. Impact on topsoil quality (due to storage arrangements): Although the proposed soil stockpile areas are in different locations than previously permitted, no changes are proposed to the storage arrangements themselves. Conditions 43 to 46 (inclusive) of planning permission DA/07/1 (as amended) and the scheme approved pursuant to condition 43 deal with all aspects of soil handling and storage apart from locations

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(e.g. handling methodology, storage heights and retention for use in restoration). These requirements remain appropriate and should be included on any new permission.

93. Proximity to Listed Buildings (at Highcross Road): There are no listed buildings within 250 metres of the site. The proposed development would have no greater impact on any listed buildings than was the case when application DA/07/1 was determined and I am satisfied that the proposals would have no significant impact on the setting of any listed building.
94. Duration of operations (no longer a “swap”): Although the northern extension area may not be worked and restored as quickly as would be the case if the proposed deepening of phases 5, 6 and 7 were not permitted, it is clear from supporting information provided with the application that this is likely to be done more rapidly than was envisaged when DA/07/1 was determined. It is also clear that there is no means of requiring the northern extension area to be worked within any particular time period provided the entire site is restored prior to 21 February 2042 and that the applicant is likely to continue recycling operations until just before this date. On this basis, and as the additional chalk and landfill voidspace is relatively small, I am satisfied that the potential extended duration of operations is acceptable. Although the proposals no longer represent the exchange of an equivalent working area (“swap”) as was the case with DA/07/1, each application must be treated on its merits. For the reasons outlined elsewhere in this report, I consider the proposals to be acceptable.
95. Geographical location of the site (circled by villages, settlements and other properties): The impact of the proposed development on residential and other properties in the area is addressed in the above sections on landscape and visual impact, potential pollution and amenity impacts and traffic and associated impacts and has been found to be acceptable.
96. Dartford Borough Council Core Strategy does not support expansion of Pinden: Since the Dartford LDF does not address minerals and waste, there is no reason why it should do so. Indeed, all minerals and waste matters will be addressed in the Kent MWDF.
97. Kent MWDF only at consultation stage so its content on hazardous waste should not be considered a factor in support of the proposals: I have accepted in paragraphs 24 and 25 above that the emerging Kent MWDF Core Strategy carries little weight as a material planning consideration and that the sites proposed by operators and landowners for inclusion in the Kent MWDF Sites DPDs carry no weight. However, when considered alongside Policy W15 of the SE Plan and both the existing and emerging Waste Strategy for England, information contained in the emerging Kent MWDF evidence base is relevant. The need for hazardous waste is addressed in paragraphs 50, 55 and 56 above.

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98. Although Longfield and New Barn Parish Council has objected to the application, it has simply stated that this is because “*it contravenes the agreement of previous applications*”. In the absence of elaboration, I consider that it is reasonable to assume that its concerns are addressed elsewhere in this report.
99. The proposed variations to conditions 5 and 6 of planning permission DA/07/1 (as amended) would simply enable future amendments to the overall scheme of working to be approved by the County Planning Authority rather than require the submission of a formal planning application as is currently the case. In the case of the amendments made since planning permission DA/07/1 was granted in 2008 (i.e. DA/08/72 and DA/10/1175), these have all been relatively minor such that they could reasonably have been dealt with in the way now proposed. Indeed, the proposed mechanism is generally used for the majority of minerals and waste sites elsewhere in Kent. For these reasons, and as KCC would still have the ability to refuse future proposals of this nature if they are deemed inappropriate or require a formal application to be submitted if the proposed amendment related to any fundamental change to the permitted development, I see no reason not to vary conditions 5 and 6 as proposed.

Conclusion

100. Notwithstanding the applicant’s assertion that new chalk reserves should be permitted, and the information it has submitted in support of this, I do not accept that there is a need for additional chalk reserves to be released at this time. However, in the absence of material harm this is not an overriding constraint to the proposed development. I do accept that there is a need for additional hazardous waste landfill capacity and that its provision would accord with national and regional planning policy. For the reasons set out in paragraphs 60 to 99 above, I am satisfied that the proposed development would give rise to no significant impact and would accord with the relevant planning policies. Given this, I am also satisfied that the proposed deepening of phases 5, 6 and 7 is preferable to the potential alternatives considered by the applicant. I am also satisfied that the proposals would accord with Circular 11/95 and therefore recommend accordingly.

Recommendation

101. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO conditions that:-
- (a) amend the wording of condition 16 of planning permission DA/07/1 (as amended) to increase the permitted depth of extraction in phases 5, 6 and 7 of the northern extension area to 30 metres AOD;
 - (b) amend the wording of conditions 5 and 6 of planning permission DA/07/1 (as amended) to enable future changes to the scheme of working to be approved in writing by the County Planning Authority rather than require a further planning permission to be obtained and reflect approval of the temporary soil stockpiles on phases 2, 3A and 7;

Item C2

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- (c) carry forward those conditions attached to planning permission DA/07/1 (as amended), with such modifications as are necessary to reflect more recent permissions and approvals; and
- (d) secure improved / additional landscape planting (particularly along the site frontage with Green Street Green Road).

Case Officer: Jim Wooldridge

Tel. no. 01622 221060

Background Documents: see section heading.
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Item C2
Application for variation of conditions 5, 6 and 16 of planning permission DA/07/1 (as amended) to allow modifications to phasing and soil storage arrangements and to increase the depth of excavation and resultant landfill of part of the northern extension at Pinden Quarry, Green Street Green Road, Dartford, Kent – DA/11/1043

APPENDIX 1 TO ITEM C2

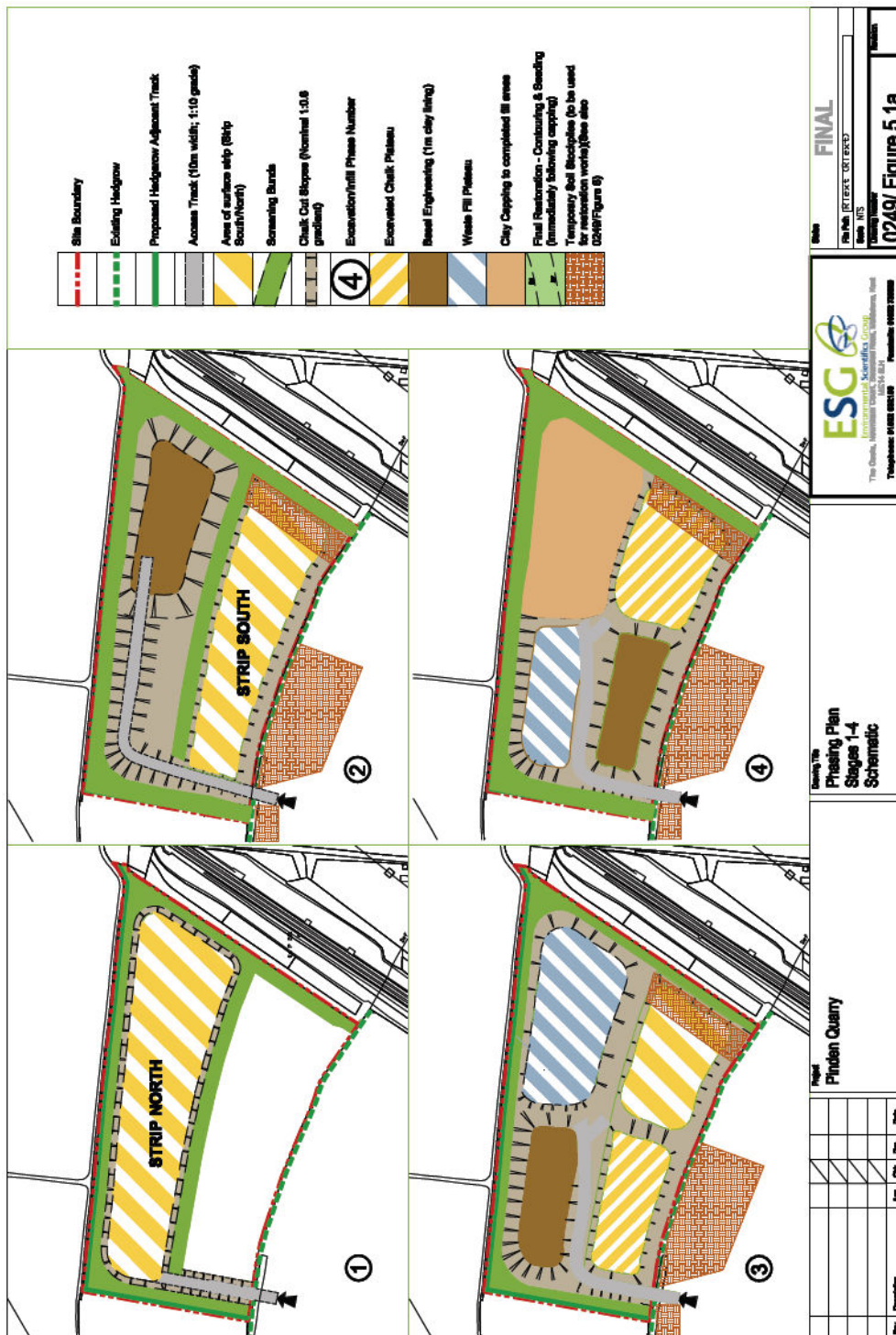
Restoration and Phasing Plan



Item C2
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APPENDIX 2 TO ITEM C2

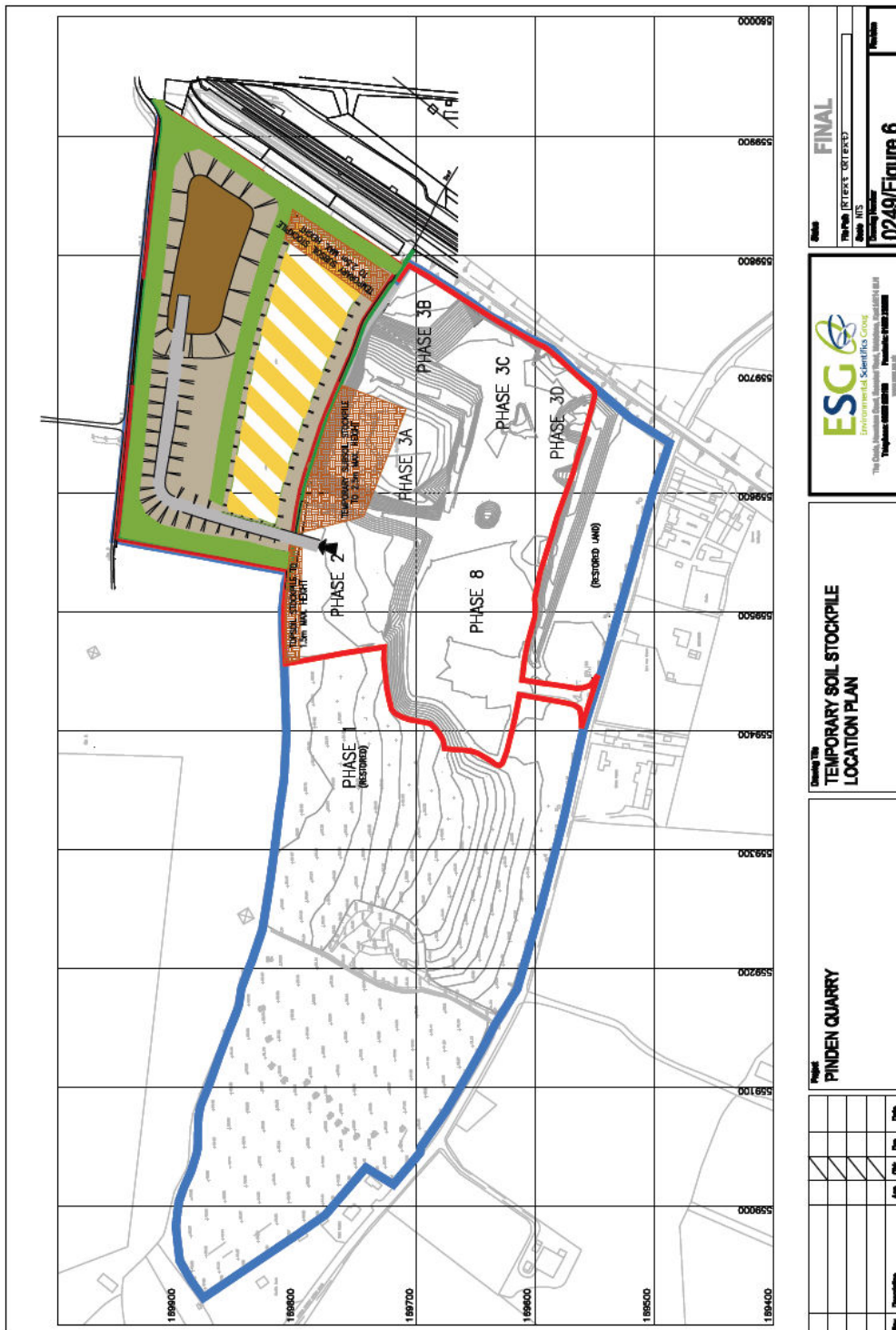
Phasing Plan (Stages 1 – 4 Schematic)



Item C2
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APPENDIX 4 TO ITEM C2

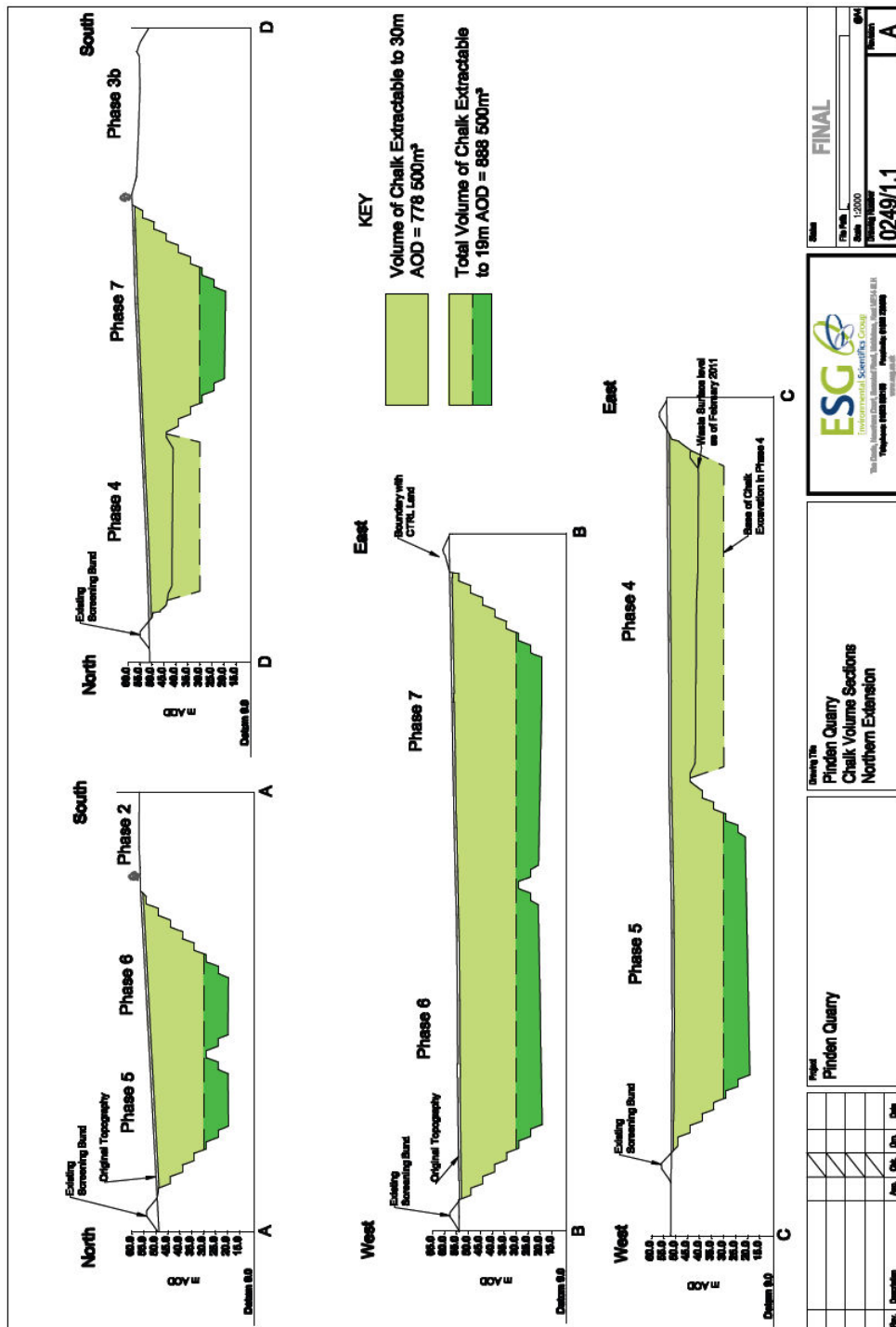
Temporary Soil Stockpile Location Plan



Item C2
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APPENDIX 5 TO ITEM C2

Chalk Volume Sections (Northern Extension)



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APPENDIX 6 TO ITEM C2

Chalk Volume Section Locations (Northern Extension)



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SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

Background Documents - the deposited documents, views and representations received as referred to in the reports and included in the development proposal dossier for each case and also as might be additionally indicated.

Item D1

New Modular Classroom Building, Highview School, Moat Farm Road, Folkestone – SH/11/738

A report by Head of Planning Applications Group to Planning Applications Committee on 8 November 2011

Application by Kent County Council (Property and Infrastructure Support) for provision of a new modular classroom, new fire access road and new car park, Highview School, Moat Farm Road, Folkestone Kent, CT19 5DJ – SH/11/738

Recommendation: Permission be granted subject to conditions.

Local Member: Mr. R. Pascoe

Classification: Unrestricted

Site

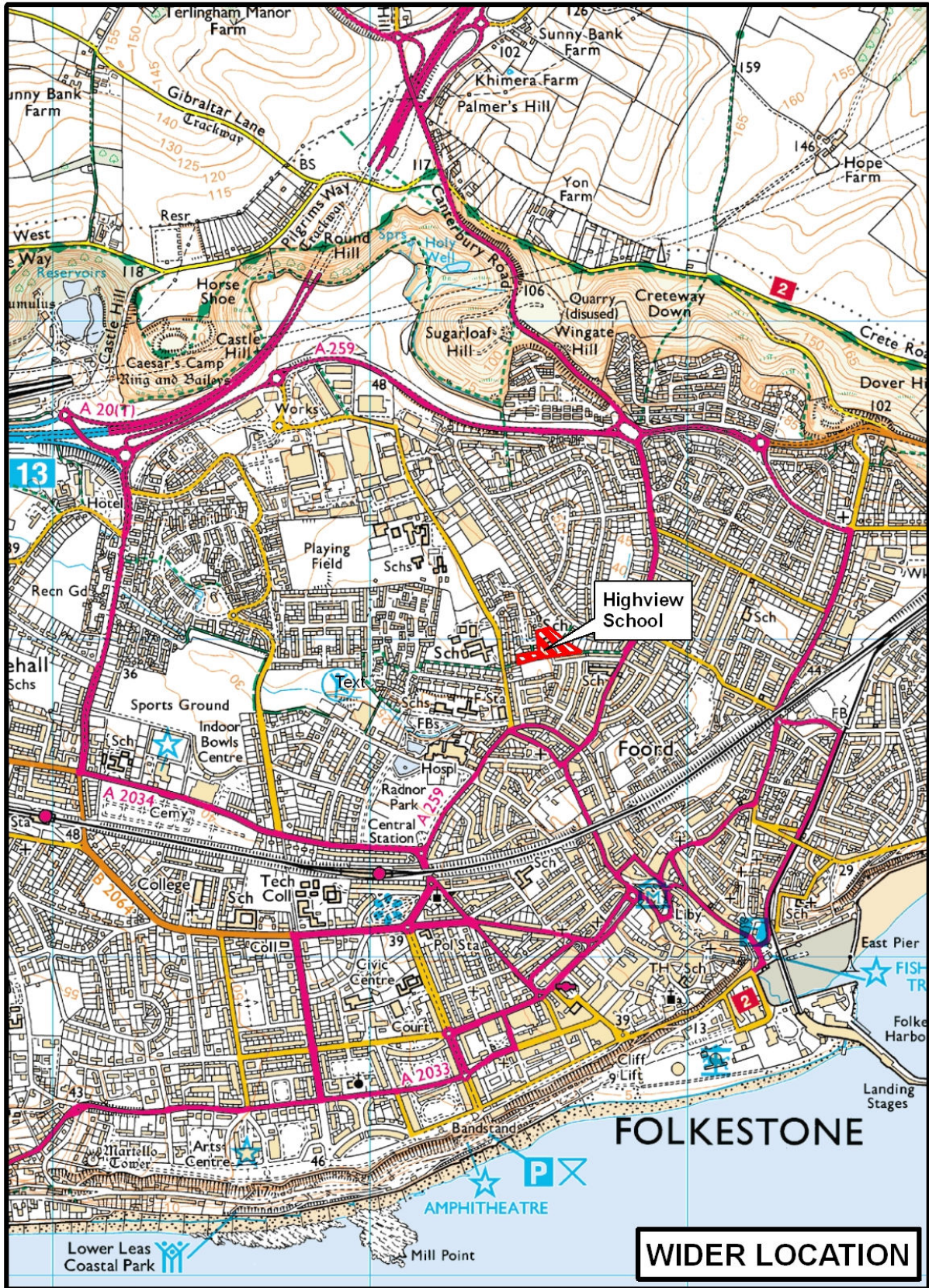
1. Highview School Folkestone is located in a predominantly residential area at the end of Moat Farm Road, a cul-de-sac linked to Park Farm Road to the west via Downside. Plans showing the wider and more immediate location are attached. Public rights of way run along the southern boundary and part way along the eastern, northern and western boundaries as shown on the location plan. In addition to boundary fencing most of the school site is also enclosed by hedgerows. On the south side of the school and public right of way there is a playing field (belonging to the nearby Mundella Primary School) but the school is otherwise surrounded by residential properties. Part of the school site and the playing field to the south are identified in the Shepway Local Plan as School Playing Fields subject to Policy LR12 which provides for their protection.

Background

2. Highview School is a special school catering for pupils from age 4 to 18 and has been federated with Foxwood School, Hythe since 2008. The applicant advises that it is intended to rebuild the Foxwood and Highview Federation on a new site and that both of the current sites will not be required in the near future. The present position is that feasibility work for a new building is being carried out and Foxwood and Highview are included in a programme in the County Council's budget which is intended to be delivered by the end of the 2013/2014 financial year.
3. Over recent years a number of temporary planning permissions have been granted for mobile/modular accommodation to cater for an increase in the school roll. There are currently seven such buildings on the site, the two most recent of which provide double classroom accommodation. Several of these buildings are located in a row linked by a walkway, in the narrow part of the site and formerly playing field land. This area is enclosed on three sides by a mature hedgerow, which the applicant states is on average 1.65 metres high, with 2.45 metre high green palisade fencing on the inside of the boundary.

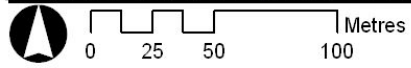
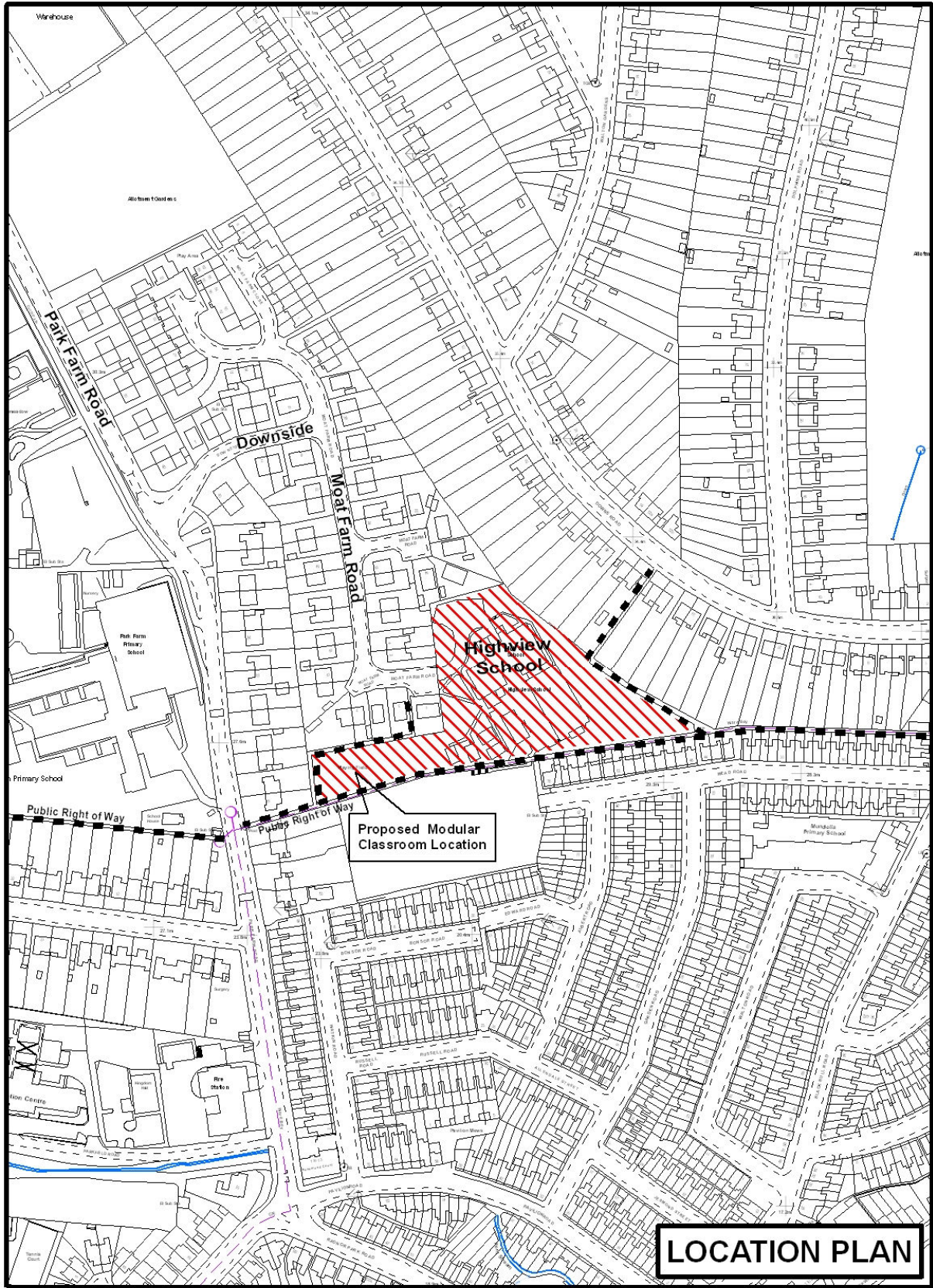
Item D1

New Modular Classroom Building, Highview School, Moat Farm Road, Folkestone – SH/11/738



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New Modular Classroom Building, Highview School, Moat Farm Road, Folkestone – SH/11/738



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New Modular Classroom Building, Highview School, Moat Farm Road, Folkestone – SH/11/738

Proposal

4. The current application proposes a modular building that would provide one further classroom (with cloakroom, boiler room and storage) to the west side of the row of existing mobile/modular buildings. This is needed to cater for 13 additional pupils in the sixth form, which would increase the school roll to 140 students, and to improve the facilities for existing pupils. The applicant states that this would prevent local pupils having to travel to schools out of the local area. It is also stated that three additional members of staff would be employed.
5. The proposal also includes 8 additional car parking spaces and a fire access road to the row of mobile/modular buildings, both of which would be constructed of a grass reinforcing system. Originally only 5 car parking spaces were included in the application, these having been permitted under the previous proposal for classroom accommodation but subsequently not provided. However, the number of spaces was increased to cater for the three additional members of staff and to reduce the occurrence of on-street parking following discussions with the Development Planning Manager (Highways and Transportation). New fencing and gates are shown to separate the car parking from the area where the mobile/modular buildings are but no details have been provided. A reduced copy of the submitted drawing is attached showing the site location, relevant part of the site layout, floor plan, elevations and section.
6. The proposed building is shown to be 9.6 by 10 metres with an overall height of 3.05 metres from ground level. The finished floor level of the building is shown to be at ground level to allow for level access. The walls of the proposed building would be clad in light grey plastisol steel sheeting with white UPVC windows and blue aluminium doors. The flat roof would be covered with green/grey bituminous felt.

Planning Policy

7. The national planning policy guidance that is most relevant to this application includes:

Planning Policy Statement 1 - Delivering Sustainable Development.

Planning Policy Guidance Note 13 - Transport.

Planning Policy Guidance Note 17 - Planning for Open Space, Sport and Recreation

Policy Statement – Planning for Schools Development August 2011. Sets out that there should be a presumption in favour of state funded schools, as expressed in the (Draft) National Planning Policy Framework.

Draft National Planning Policy Framework July 2011. *This draft document is a material planning consideration, although the weight to be attached to it is a matter for the decision maker.*

8. **The South East Plan:**

Policy CC1 Seeks to achieve and maintain sustainable development in the region.

Policy CC4 Expects that all new development will adopt and incorporate sustainable construction standards and techniques.

New Modular Classroom Building, Highview School, Moat Farm Road, Folkestone – SH/11/738

- Policy CC6 Seeks sustainable and distinctive communities that respect the character of settlements and landscapes, and achieve a high quality built environment.
- Policy S3 States that local planning authorities, taking into account demographic projections, should work with partners to ensure adequate provision of school facilities.

Important note regarding the South East Plan:

Members will already be aware of the relevant South East Plan policy considerations in relation to the proposed development, in that The Plan was revoked and later reinstated pending the enactment of the Localism Bill. Members will also be aware that they have to have regard to the policies in the SEP and the Government's intention to abolish the Regional Spatial Strategies (RSS) as material considerations. However the weight to be accorded is a matter for the decision makers.

9. Shepway District Local Plan Review adopted March 2006:

- Policy SD1** All development proposals should take account of the broad aim of sustainable development - ensuring that development contributes towards ensuring a better quality of life for everyone, now and for generations to come.
- Policy BE1** A high standard of layout, design and choice of materials will be expected for all new development. Materials should be sympathetic to those predominating locally in type, colour and texture. Development should accord with existing development in the locality, where the site and surrounding development are physically and visually interrelated in respect of building form, mass, height, and elevational details.
- Policy SC2** The District Planning Authority will grant planning permission for new or improved social and community facilities where the proposal meets set criteria relating to compatibility with surrounding land uses, accessibility by a range of transport alternatives to the car, access for disabled people and acceptability in highway, infrastructure and environmental terms.
- Policy LR12** Proposals resulting in the loss of school playing fields or grass play and amenity areas at school sites, as shown on the Proposals Map, will only be permitted where development would not cause an unacceptable loss in local environmental quality and where it also accords with both the following criteria:
- a) In the case of school playing fields, sufficient alternative open space provision exists or new sport and recreational facilities will be provided of at least equivalent community benefit having regard to any deficiencies in the locality;
 - b) The land required is for an alternative educational purpose which cannot reasonably be met in another way.
- Policy TR12** Proposals for new development will only be permitted if provision is made for off street parking in accordance with the current maximum vehicle parking standards.

New Modular Classroom Building, Highview School, Moat Farm Road, Folkestone – SH/11/738

Policy TR13 Applications for new or expanded school facilities should be accompanied by a School Travel Plan.

Consultations

10. **Shepway District Council** raises no objection but wishes to make the following comment:

“In view of the indication previously to replace the existing mobile units with permanent buildings, it is recommended that a temporary permission be granted for this additional mobile unit to enable an assessment to be undertaken at the expiry of the relevant period to further consider the impact of the units within the surrounding built form, subject to a suitable external finish colour being conditioned to best match the existing units.”

Folkestone Town Council - no comments received.

Sport England notes that the linear shaped area of grass where the building is proposed to be located is already occupied by other modular buildings and is of the view that it is incapable of forming, or forming part of, a playing pitch. They also note that it is a temporary solution until the school is relocated to a new site. They conclude that as no pitches would be affected by the proposal that it satisfies its Exception Policy 3 and therefore does not wish to raise objection.

KCC Highways and Transportation raises no objections to the proposal subject to conditions to secure provision and retention of the additional car parking spaces and requiring the school travel plan to be revised to take account of the latest proposals.

KCC Public Rights of Way Officer - no comments received.

Local Member

11. The local County Member, Mr. R. Pascoe, was notified of the application on the 22 July 2011.

Publicity

12. The application was publicised by an advertisement in a local newspaper (as the site adjoins public rights of way), the posting of a site notice and the individual notification of 19 neighbouring residential properties. Further neighbour notification letters were also sent advising of the amendment to include additional car parking spaces.

Representations

13. Representations to the application have been received from residents of 2 nearby properties. The concerns and objections raised to the proposal include the following:
- Objects to the new modular classroom directly behind his property.
 - The proposal would most likely mean more traffic which is likely to be unacceptable unless something is done about the parking.
 - What was once a quiet cul-de-sac has become with the increasing number of pupils an extremely busy and often dangerous road for residents, particularly at drop off/ collection times during school term time.

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- It is often the case that traffic can only pass in one direction owing to the large volume of parked cars in the area, and residents are unable to use their driveways, and it is extremely worrying that should the need arise, emergency vehicles would be unable to access all the premises in the cul-de-sac. Bearing in mind that this is an elderly neighbourhood it is not uncommon for ambulances, for example, to have the need for access to residents in this area. He understands that the local fire service has already notified the Highways Agency [highway authority] of similar concerns.
- There has already been damage to local pavements due to the volume of traffic trying to manoeuvre in such a confined space.
- The proposed additional modular classroom would exacerbate the situation further.
- The residents have been subject to a great increase in the number of coaches and taxis in the last two years. The resident states that her particular problem is coaches using the footpath [footway] as a road causing damage to it and her garden wall. She therefore considers that only way to address the problem is to restrict parking on both sides of the road in the vicinity of her property (which is close to the school entrance) during school hours.
- There is particular problem for several elderly people in poor health as there are times when people cannot get down the road.
- The resident understands that it is illegal to drive on the pavement.

DiscussionIntroduction

14. This proposal has arisen as the result of a small increase in the school roll and need for additional accommodation. Whilst the education use of the site is well established there are issues relating to the siting and design of the mobile classroom, the increase in the number of pupils and staff, and associated additional traffic. These latter issues are also reflected in the representations that have been received, summarised in paragraph (13). The proposal needs to be considered in the context of the relevant Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In brief, the relevant planning policies, as well as supporting provision of education facilities, protect playing field land, promote sustainable development, seek a high standard of design, have regard to local context, the amenity of nearby properties and the surrounding area, and require adequate access and parking.

Siting and design

15. The proposed building would be sited at the western end of the narrow western part of the site and at the end of the row of existing mobile/modular buildings. The site is part of the school playing field land and is specifically protected by Local Plan policy LR12 designation, as well as more generally by Planning Policy Guidance Note17 relating to Planning for Open Space, Sport and Recreation, and is also subject to a requirement to consult Sport England. In terms of the Local Plan policy, arguably the application site is needed for an alternative educational purpose that cannot be met in another way, and the school has sufficient alternative open space and use of the playing field to the south of the school site when needed. Also, I do not consider that the proposal would cause an unacceptable loss in local environmental quality. Sport England acknowledges that the earlier siting of other mobiles means that the area remaining cannot be used for formal recreation and is incapable of forming, or forming part of, a playing pitch. Furthermore, it notes that the proposed modular building is intended only to be a temporary solution pending the school relocating to a new site, as referred to in

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paragraph (2) above. No objection is therefore raised to loss of playing field land or playing pitches.

16. In terms of sustainable design and construction, I understand that the proposed modular building would be prefabricated to current standards incorporating all the necessary elements to meet Building Regulation requirements, including those for energy efficiency. However given the type of building, it would be rather utilitarian in appearance and therefore it could be argued that the building does not meet all the planning policy objectives for a high standard of design. Nevertheless, as it is intended to be temporary I do not consider an objection on these grounds would be justified in this particular case. It is proposed that the cladding be finished in light grey to match the adjoining building and this could be covered by condition if permission is granted. Although the line of existing modular/mobile buildings would be extended, it is a relatively small building in terms of height and mass and would not be out of scale with surrounding development. Furthermore, as with the existing buildings, even though the proposed building would be partly visible from the surrounding area, there is some sense of enclosure of the application site provided by the boundary hedgerow and a degree of separation from nearby properties afforded by the intervening public rights of way to the north and west.
17. The nearest properties are a pair of semi-detached bungalows immediately to the north, the facades of which are about 21 metres from the proposed building, with the boundaries of the gardens being about 12 metres away. The southern boundaries of these two gardens are enclosed by a timber panelled fence. This would further help with screening the proposed building from these two properties, particularly bearing in mind the time of the year when the hedgerow around the school site has shed its leaves. I do not therefore consider that the siting and design would result in an unacceptable impact on visual amenity. In addition, given the boundary treatment and separation distance I do not consider that the siting of the building would lead to loss of privacy from overlooking.
18. In terms of any noise disturbance as a result of the siting of the proposed building, arguably it could bring an increased concentration of activity closer to further residential properties. However, the applicant advises that the classroom would mainly be used for small groups, and in any case, the general area of this part of the school site is already in use and there are pupils going to and from the existing modular/mobile buildings. I am also mindful of the relatively short duration of the school day, the break in activities at the site during weekends and school holidays, and of the intended temporary nature of the development and use proposed. On this basis I do not consider that residential amenity would be adversely affected.
19. The proposal also involves provision of a fire access road (to address a Building Control requirement) with an area of additional car parking accessed from the first part of it. Both of these would be constructed in reinforced grass system which would soften their visual appearance compared to, for example, a tar paved surface. The car parking area is to be fenced off on the south side and although no details have been provided, if planning permission is granted, this could be covered by an appropriate condition to ensure that the specification is acceptable.
20. The fire access road would be close to the eastern boundary of the adjoining bungalow. Its main use at this point except for emergency use would be to access the 8 additional car parking spaces. There would therefore be some limited visual impact from parked cars and noise experienced by the adjoining property from cars manoeuvring in and out

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of the spaces. There is a reasonable boundary hedge which would provide some screening of the parked cars from this property. In terms of any noise impact from cars manoeuvring this would mainly be experienced for a short time at the beginning and end of the school day and I therefore do not consider an objection on grounds of unacceptable noise impact would be justified. Although not implemented, 5 additional car parking spaces have already been granted permission in a similar position as part of an earlier application.

Transport, access and parking issues

21. Representations have been received from residents of two properties which cite issues about the current situation with regard to transport, access and parking in the locality as a result of the school, and the possibility of the proposal making matters worse, as set out in paragraph (13) above. In the light of this and following discussions with the Development Planning Manager (Highways and Transportation), the application has been amended to include 3 additional spaces providing a total of 8 additional spaces on site which should help reduce the occurrence of parking on the highway just outside the entrance to the site during the school day, as well as catering for the 3 additional members of staff. In respect of the 13 additional pupils the applicant has advised that they would travel to/from school using existing taxis and minibuses (etc.) that are already bringing in the existing students. They state therefore that no additional vehicle transport would be required, only the number of the students in the existing transport would increase.
22. Even though additional parking is now being provided to cater for staff, and that the applicant has indicated that there would be no increase in traffic from the additional pupils, I have discussed with the Development Planning Manager (Highways and Transportation) whether or not any thing further can be done to ease the current problems outside the site at school drop off/pick up times. Residential properties already have white lining across driveways to indicate that drivers should not obstruct them, and he considers that further parking restrictions would not necessarily help and would only shift the problem further away from the site access. He does however consider that the School should look at how it can improve the drop off/pick up management on the site so that the queuing (which he has observed) outside of the site does not occur. Subject to conditions to secure provision and retention of the additional car parking spaces and requiring the school travel plan to be revised to take account of the latest proposals (including a review of the management of school transport at pick up and drop off times), the Development Planning Manager (Highways and Transportation) raises no objections to the proposal. I do not therefore consider that there is any basis on which to raise a highway objection to the provision of the additional classroom.

Conclusion

23. The applicant's reasons for the installation of the modular classroom building will be noted, together with the current intentions to relocate this school to another site. Whilst the proposal does not fully accord with Development Plan Policies relating to design, given the temporary nature of the building, and the context of the school site, I do not consider that an objection would be warranted. I am of the opinion that the proposed development would otherwise be in accordance with the general aims and objectives of the relevant Development Plan Policies and do not consider the proposal would have any significant detrimental impact on local/residential amenity or as a result of transport to and from the school. I therefore recommend that planning permission be granted for

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a temporary period of five years from the date of the permission subject to the further conditions discussed above.

Recommendation

24. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT to a condition requiring the mobile classroom to be removed from the site no later than five years from the date of the permission, and to conditions requiring the building to be finished in light grey to match the adjoining building, details of the fencing to be submitted for approval, provision and retention of the 8 additional car parking spaces and a revised school travel plan to be submitted for approval.

Case officer - Paul Hopkins	01622 221051
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Background documents - See section heading
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E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS - MEMBERS' INFORMATION

Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

Background Documents - The deposited documents.

- | | |
|---------------------|---|
| AS/06/2371/R | Non material amendment relating to existing permission reference AS/06/2371, to erect automated security gates across private access road, improve road surface to access road, remove part of existing boundary fence and upgrade/improve local landscaping.
Ripley's Yard, Ellingham Industrial Estate, Ellingham Way, Ashford |
| DO/10/954/R23 | Approval of details of code of construction practice pursuant to condition 23 of planning permission DO/10/954 – Integrated Waste Management Facility.
Site A – Richborough Hall, Site B – Land North of Stevens & Carlotti, Ramsgate Road, Richborough, Sandwich |
| DO/11/612 | Construction of a water recycling plant.
Tilmanstone Salads, Pike Road Industrial Estate, Millyard Way, Eythorne, Dover |
| SE/08/3170/R3 | Details of a noise survey pursuant to condition (3) of planning permission SE/08/3170.
Greatness Quarry, Bat & Ball Road, Sevenoaks |
| SH/09/1050/R8 & R10 | Details submitted pursuant to conditions (8) and (10) in respect of site signage and floodlighting.
Household Waste Recycling Centre, Mountfield Road, New Romney |
| TW/11/2454 | Development of three buildings (GRP Kiosks) as part of upgrading to Charing Wastewater Treatment Works.
Horsmonden Wastewater Treatment Works, Grovehurst Lane, Horsmonden |

E2 CONSULTATIONS ON APPLICATIONS SUBMITTED BY DISTRICT COUNCILS OR GOVERNMENT DEPARTMENTS DEALT WITH UNDER DELEGATED POWERS - MEMBERS' INFORMATION

Since the last meeting of the Committee, I have considered the following applications and - decided not to submit any strategic planning objections:-

Background Documents - The deposited documents.

None

E3 COUNTY COUNCIL DEVELOPMENT APPLICATIONS AND DETAILS
PURSUANT PERMITTED/APPROVED UNDER DELEGATED POWERS
MEMBERS' INFORMATION

Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

Background Documents – The deposited documents.

- AS/11/594/R3 Details of the exact colour finish of the building.
Challock Primary School, Church Lane, Challock
- AS/11/828 Timber framed shelter for parents use.
Charing Church of England Primary School, School Road, Charing,
Ashford
- DA/11/1073 Erection of infill building between existing school building and existing
school house to form two new classrooms with circulation space. Openings
to be formed in both existing buildings to provide access to new extension.
Accessible ramped entrance from existing school exit to rear external door
to be formed. Construction of new bin store and creation of two disabled
spaces at the loss of three standard spaces. Change of use of school
house from 'C3' to 'D1' to form part of extension with internal alterations to
create office space, disabled WC and storage. Will include the demolition
of existing out buildings currently housing an oil storage tank and
bathroom attached to the school house.
West Hill Primary School, Dartford Road, Dartford
- SH/10/33/R3 Partial approval of external materials pursuant to condition (3) and
& R7 approval of travel plan pursuant to condition (7) of planning permission
SH/10/33.
Broadmeadow Care Home, Park Farm Road, Folkestone
- SW/11/993 Conversion of an existing hard playground area into a MUGA (Multi-Use
Games Area) and additional staff car parking.
St Mary of Charity CE Primary School, Orchard Place, Faversham
- SW/11/1040 Erection of a salt barn.
Highway Depot, Canterbury Road, Faversham
- TW/10/884/R Application for a non-material amendment to the approved development;
amendment to the size of natural ventilation roof terminals and addition of
boiler flues.
Frittenden C of E Primary School, Frittenden, Cranbrook

TW/10/884/R12 Details of an archaeological watching brief programme and specification, a
R13 & R17 programme of building recording and a construction management strategy.
Frittenden C of E Primary School, Frittenden, Cranbrook

E4 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011 – SCREENING OPINIONS ADOPTED UNDER DELEGATED POWERS

Background Documents –

- *The deposited documents.*
 - *Town and Country Planning (Environmental Impact Assessment) Regulations 2011.*
 - *DETR Circular 02/99 – Environmental Impact Assessment.*
- (a) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an Environmental Statement:-
- None
- (b) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does constitute EIA development and the development proposal does need to be accompanied by an Environmental Statement:-

Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

KCC/TM/0389/2011 – Application to vary conditions (1) and (2) of planning permission TM/95/761 (part) as varied by conditions (1) and (2) of planning permission TM/03/2787.
Hermitage Quarry, Hermitage Lane, Aylesford

The application was lodged on 22 August 2011 and new regulations replacing the 1999 Regulations came into effect on 24 August 2011 (the “2011 Regulations”). We have for the avoidance of doubt, considered the screening request separately under the 2011 Regulations.

E5 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011 – SCOPING OPINIONS ADOPTED UNDER DELEGATED POWERS

- (b) Since the last meeting of the Committee the following scoping opinions have been adopted under delegated powers.

Background Documents -

- *The deposited documents.*
- *Town and Country Planning (Environmental Impact Assessment) Regulations 2011.*
- *DETR Circular 02/99 - Environmental Impact Assessment.*

None