

**PLANNING APPLICATIONS COMMITTEE**

**Wednesday, 6th November, 2013**

**10.00 am**

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





## **AGENDA**

### **PLANNING APPLICATIONS COMMITTEE**

**Wednesday, 6th November, 2013, at 10.00 am**  
**Council Chamber, Sessions House, County Hall, Maidstone**

Ask for: **Andrew Tait**  
Telephone: **01622 694342**

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

#### **Membership (19)**

Conservative (10): Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman),  
Mr M J Angell, Mr M A C Balfour, Mr T Gates, Mr P J Homewood,  
Mr S C Manion, Mr R J Parry, Mr C Simkins and Mr J N Wedgbury

UKIP (4) Mr M Baldock, Mr M Heale, Mr T L Shonk and Mr A Terry

Labour (3) Mrs P Brivio, Mr T A Maddison and Mrs E D Rowbotham

Liberal Democrat (1): Mr I S Chittenden

Independents (1) Mr P M Harman

#### **UNRESTRICTED ITEMS**

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

#### **A. COMMITTEE BUSINESS**

1. Membership  
To note that Mrs P Brivio has replaced Mr R Truelove on the Committee
2. Substitutes
3. Declarations of Interests by Members in items on the Agenda for this meeting.
4. Minutes - 9 October 2013 (Pages 5 - 8)
5. Site Meetings and Other Meetings

#### **B. GENERAL MATTERS**

#### **C. MINERALS AND WASTE DISPOSAL APPLICATIONS**

1. Application SW/13/939 (KCC/SW/0227/2013) - Variation of Conditions 1 and 3 of Permission SW/03/430 to extend the period of working and restoration at the existing Hempstead House brickearth site until 31 October 2020 at Land South of the A2 and East of Pantenny Lane, Bapchild, Sittingbourne; Ibstock Brick Ltd (Pages 9 - 34)

#### **D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL**

1. Proposal GR/12/0441 (KCC/GR/0148/2012) - Realignment and widening of Rathmore Road, Gravesend; KCC Highways and Transportation (Pages 35 - 88)
2. Proposal SW/13/1110 (KCC/SW/0257/2013) -New classroom block, minor classroom extension and 21 additional staff parking spaces at Lansdowne Primary School, Gladstone Drive, Sittingbourne; KCC Property and Infrastructure Services (Pages 89 - 104)
3. Proposal SE/13/2646 (KCC/SE/0273/2013) - Change of use for classroom facility at Lullingstone Country Park Visitor Centre to permit dual use for both educational activities and functions at Lullingstone Country Park Visitor Centre, Kingfisher Bridge, Castle Road, Eynsford, Dartford; Kent Country Parks (Pages 105 - 116)

#### **E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS**

1. County matter applications (Pages 117 - 120)
2. County Council developments
3. Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2011
4. Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (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.)*

Tuesday, 29 October 2013

## KENT COUNTY COUNCIL

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### PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 9 October 2013.

PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr M Baldock, Mr M A C Balfour, Mr R H Bird (Substitute for Mr I S Chittenden), Mr M Heale, Mr P M Harman, Mr P J Homewood, Mr T A Maddison, Mr S C Manion, Mr B Neaves (Substitute for Mr A Terry), Mr R J Parry, Mrs E D Rowbotham, Mr T L Shonk, Mr C Simkins, Mr R Truelove and Mr J N Wedgbury

ALSO PRESENT: Mr D Smyth

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr J Crossley (Principal Planning Officer - County Council Development), Mr J Hammond (Strategic Transport and Development Planner) and Mr A Tait (Democratic Services Officer)

### UNRESTRICTED ITEMS

#### **62. Minutes - 11 September 2013**

*(Item 4)*

- (1) The Committee noted in respect of Minute 58 (1) that Mr Truelove was a resident of Berkeley Court Estate rather than Berkeley Park as set out in the draft Minutes.
- (2) The Head of Planning Applications Group clarified that the training presentation on 6 November 2013 would be on the Government's advice for handling onshore oil or gas proposals rather than shale gas.
- (3) RESOLVED that subject to (1) and (2) above, the Minutes of the meeting held on 11 September 2013 are correctly recorded and that they be signed by the Chairman.

#### **63. Site Meetings and Other Meetings**

*(Item A4)*

- (1) The Committee noted that it would, in due course, be advised of possible changes to the arrangements for consulting the public on the three exploratory borehole applications in the Dover area.
- (2) The Head of Planning Applications Group confirmed that there would be a training session following the Committee meeting on 6 November 2013 on the subject of the Government's advice on handling proposals for onshore oil and gas proposals.

**64. Application SH/12/850 (KCC/SH/0323/2012) - Change of use from light industry to recycled ferrous and non-ferrous waste metal transfer unit at Units A and B, Highfield Industrial Estate, Bradley Road, Folkestone; Cube Metal Ltd (Item C1)**

- (1) Mr B Neaves informed the Committee that he was the Local Member for this application. He had not expressed any views on the application and was able to approach its determination with a fresh mind.
- (2) The Head of Planning Applications Group recommended the strengthening of the proposed fly tipping condition to require the applicant to clear away any fly tip material associated with activities on site. This was agreed.
- (3) RESOLVED that permission be granted to the application subject to conditions including conditions covering the time limit for implementation; the development being carried out strictly in accordance with the application plans and details; a restriction on waste types and throughput; hours of operation; no processing activity or picking up by collection vehicles taking place on Sundays; use of equipment taking place within the building; the safeguarding of parking and manoeuvring; provision of cycle parking; the roller shutter doors being kept closed; and measures to prevent fly tipping, including a requirement on the operator to clear away any fly tip material associated with activities on site.

**65. Proposal AS/13/776 (KCC/AS/0203/2013) - 8 classroom two storey extension and associated works at John Wesley CEP School, Wesley School Road, Ashford; KCC Property and Infrastructure Services (Item D1)**

- (1) Mr D Smyth was present for this item pursuant to Committee Procedure Rule 2.24 and spoke.
- (2) The Head of Planning Applications Group reported the recent receipt of further views from Ashford BC as both planning authority and landowner of the adjacent land. An amended off-site planning layout had also been submitted to accompany the proposal. She therefore tabled a revised recommendation which took into account these new factors.
- (3) The Committee agreed to amend the updated School Travel Plan condition by specifying that it would be the subject of an annual review involving all the relevant stakeholders.
- (4) On being put to the vote, the revised recommendations were agreed as amended in (6) above by 16 votes to 1.
- (5) RESOLVED that: -
  - (a) permission be granted to the proposal (as amended by Drawing No. 12668/25C) subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; the materials matching the existing, as detailed within the proposal; details of external lighting to the building

and car parking; provision of tree planting as shown on the submitted drawings; provision of car parking and circulatory space prior to first occupation, and its subsequent retention; provision of the raised table/crossing points across Wesley School Road prior to first occupation of the buildings; submission of an updated School Travel Plan within 3 months of occupation and its annual review thereafter involving all the relevant stakeholders; hours of working during construction and demolition being restricted to between 0800 and 1800 Mondays to Fridays 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; measures to prevent mud and debris being taken onto the public highway; and

(b) the applicant be advised by Informative that:-

- (i) the letter from Public Rights of Way 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';
- (ii) the removal of the width restrictions, the 16 parking spaces on the verge of Wesley School Road, alteration to the footway, and the raised crossing table on Wesley School Road will be subject to a memorandum of understanding with Kent County Council Highways and Transportation, and that the Agreements Team should be contacted to discuss further; and
- (iii) the applicant is requested to liaise with Ashford BC regarding the scope for additional roadside tree planting as part of the landscaping proposal for the proposed Singleton Park.

## **66. County 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) County Council developments;
- (c) Screening opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011; and
- (d) Scoping opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (None).





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**

**Variation of conditions 1 and 3 of planning permission SW/03/430 to extend the period of working and final restoration at the existing Hempstead House brickearth site until 31 October 2020 at land to the South of the A2 and East of Panteny Lane, Bapchild, Sittingbourne – SW/13/939 (KCC/SW/0227/2013)**

A report by Head of Planning Applications Group to Planning Applications Committee on 6 November 2013.

Application by Ibstock Brick Limited for a variation of conditions 1 and 3 of planning permission SW/03/430 to extend the period of working and final restoration at the existing Hempstead House brickearth site until 31 October 2020 at land to the south of the A2 and east of Panteny Lane, Bapchild, Sittingbourne – SW/13/939 (KCC/SW/0227/2013).

Recommendation: Permission be granted, subject to conditions.

Local Member: Mr A. Bowles

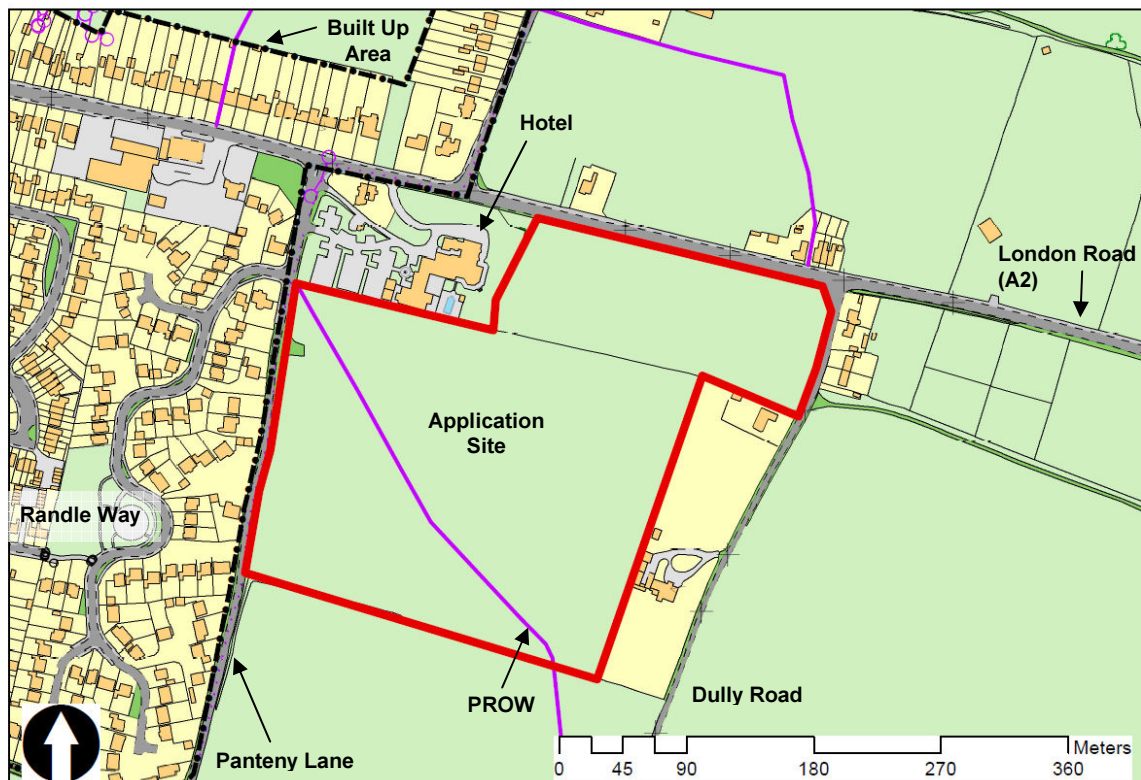
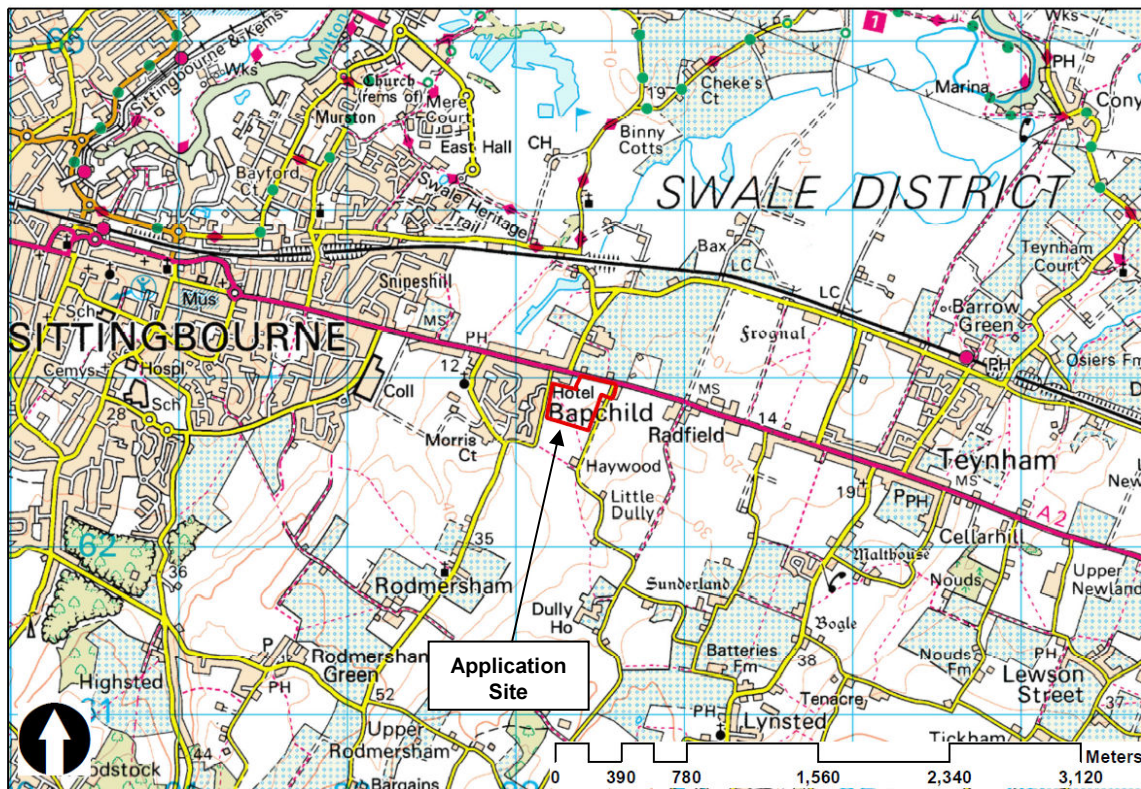
Classification: Unrestricted

**Site**

1. The application site forms agricultural land located off Panteny Lane, to the south of the A2 (London Road), immediately to the east of Bapchild and approximately 2km east of Sittingbourne town centre. The application site covers approximately 8.1 hectares (ha) of agricultural land (classified as Grade 1), which is principally used to grow arable crops and graze livestock. The site benefits from temporary planning permission for the winning and working of brickearth under planning permission SW/03/430. This permission allows for the progressive working and restoration of the site back to an agricultural use at a reduced ground level. Please see 'Background' section below for more details of the mineral permission.
2. The application site has a dedicated vehicle access to the west off Panteny Lane, approximately 120m south of the junction with the A2. The site is bounded by Hempstead House Hotel and the A2 (London Road) to the north, Dully Road and a residential property to the east, farmland to the south and Panteny Lane to the west. Further residential properties are located opposite the site on the far side of London Road, Dully Road and Panteny Lane. Please see attached site location plan.
3. A Public Right of Way passes diagonally across the site (and the field to the south), connecting Panteny Lane in the north-west with Dully Road in the south-east.

**Variation of permission SW/03/430 to extend the period of working and final restoration at Hempstead House brickearth site until 31 October 2020 at Land East of Panteny Lane, Bapchild, Sittingbourne – SW/13/939 (KCC/SW/0227/2013)**

Site Location Plan





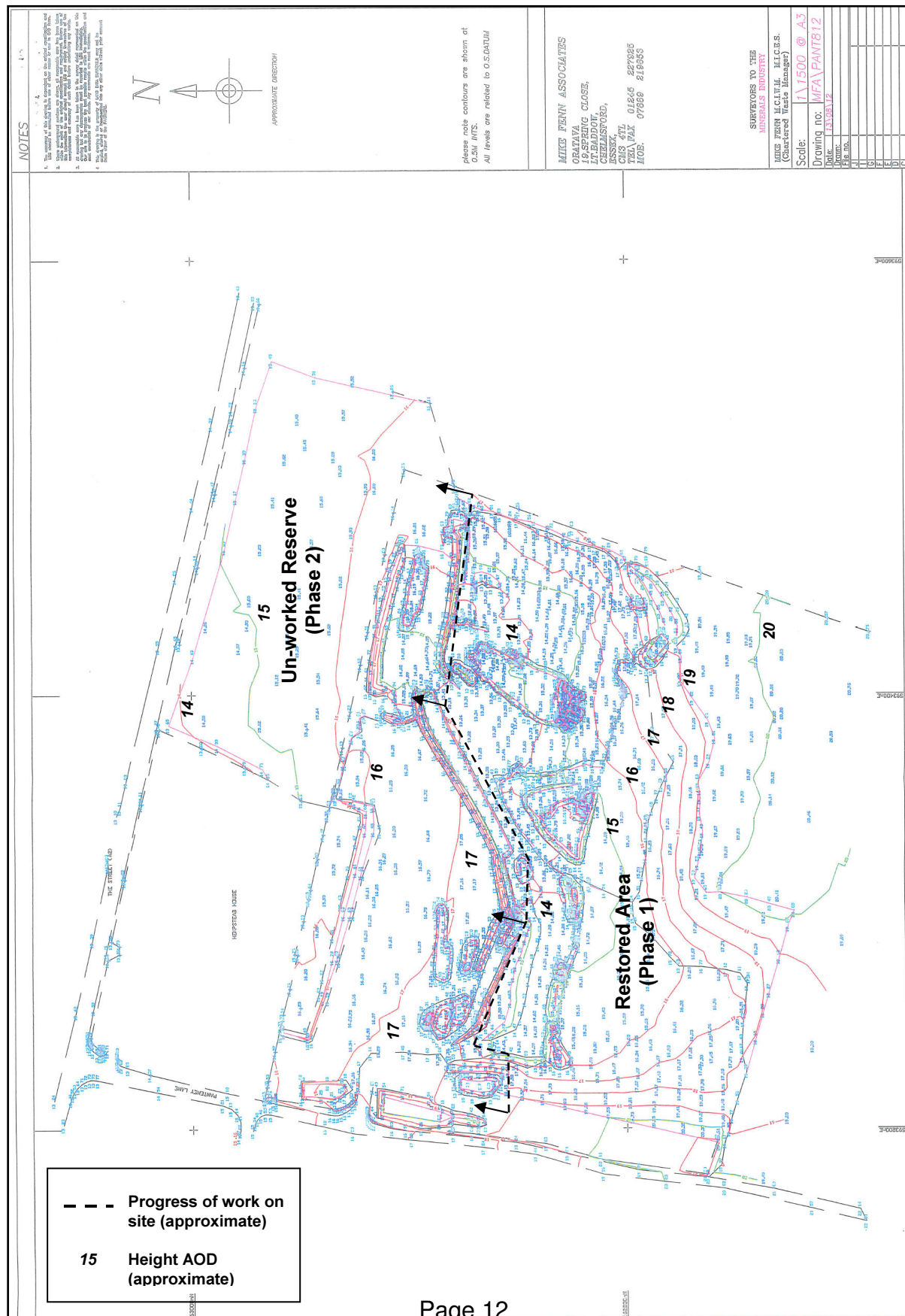
**Variation of permission SW/03/430 to extend the period of working and final restoration at Hempstead House brickearth site until 31 October 2020 at Land East of Panteny Lane, Bapchild, Sittingbourne – SW/13/939 (KCC/SW/0227/2013)**

Permitted Working Area and Method of Working (including stand-offs from nearby properties)



# Variation of permission SW/03/430 to extend the period of working and final restoration at Hempstead House brickearth site until 31 October 2020 at Land East of Panteny Lane, Bapchild, Sittingbourne – SW/13/939 (KCC/SW/0227/2013)

## Latest Topographic Survey



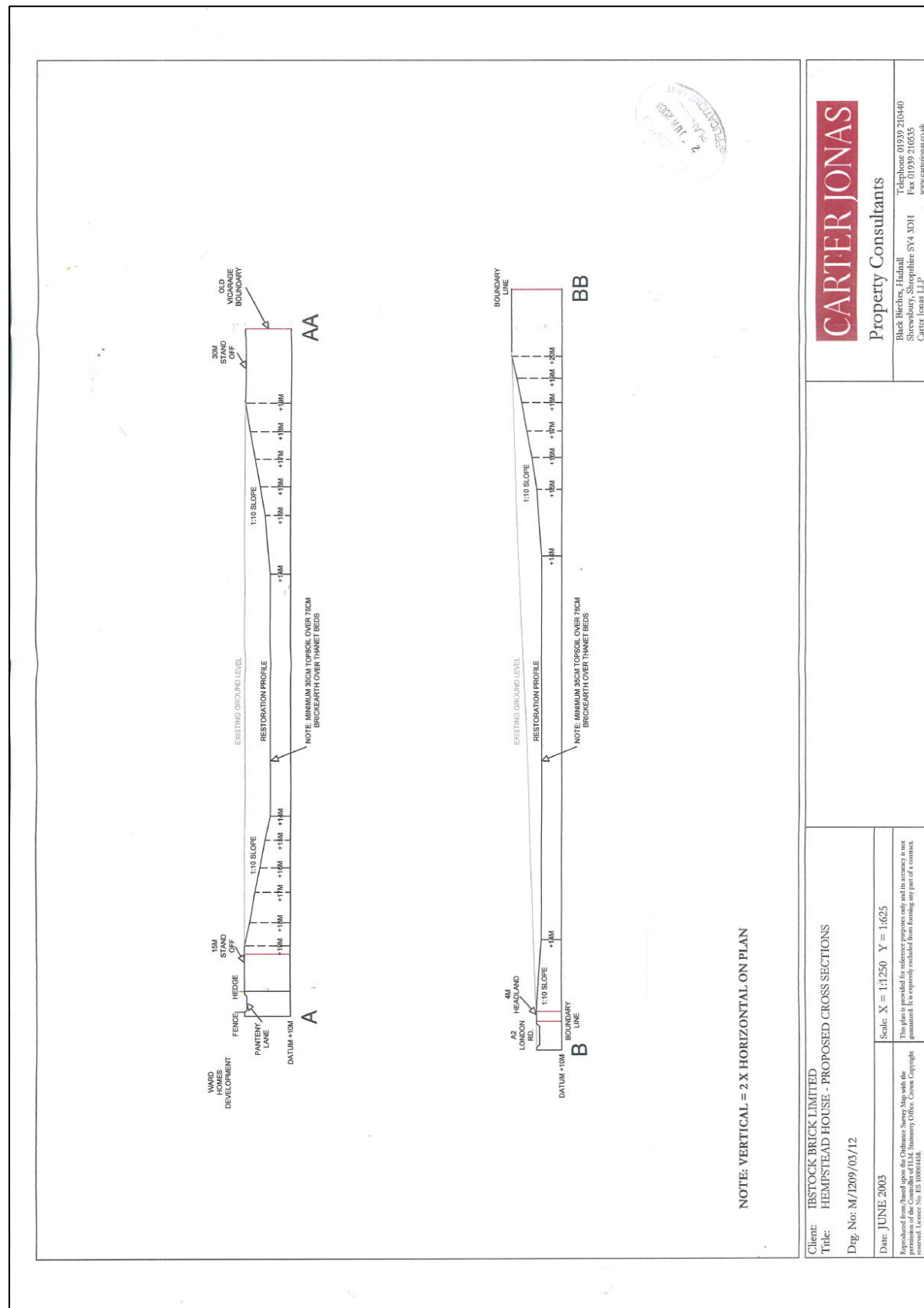


**Variation of permission SW/03/430 to extend the period of working and final restoration at Hempstead House brickearth site until 31 October 2020 at Land East of Panteny Lane, Bapchild, Sittingbourne – SW/13/939 (KCC/SW/0227/2013)**

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**Variation of permission SW/03/430 to extend the period of working and final restoration at Hempstead House brickearth site until 31 October 2020 at Land East of Panteny Lane, Bapchild, Sittingbourne – SW/13/939 (KCC/SW/0227/2013)**

**Approved Cross Sections (following restoration)**



**Variation of permission SW/03/430 to extend the period of working and final restoration at Hempstead House brickearth site until 31 October 2020 at Land East of Panteny Lane, Bapchild, Sittingbourne – SW/13/939 (KCC/SW/0227/2013)**

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4. The Hempstead House site is identified for the extraction of brickearth and safeguarded from development which would either sterilise workable reserves or be adversely affected by such working within the Kent Minerals Subject Plan: Brickearth (1986). The Swale Local Plan (2008) identifies the application site as falling outside the confines of built up area of Bapchild within the open countryside. The site also overlies an aquifer and is identified by the Environment Agency as being within a Groundwater Source Protection Zone (SPZ) 3. The area is also identified as having a high potential for archaeological remains. There are no other site specific designations, although more general development plan policies are set out in paragraph (15) below.

**Background / Relevant Planning History**

5. Brickearth is a superficial mineral deposit that overlies the Chalk and Tertiary deposits of North Kent. The name originates from the brick-making industry to describe deposits which require little or no additional material to render them suitable for brick manufacture. Brickearth deposits in Kent have been worked in various locations across the county but particularly north of the chalk escarpment in the Faversham – Sittingbourne area. These deposits produce a yellow brick product known as the 'London Yellow Stock'.
6. Planning permission to extract brickearth from the application site was originally granted in 1988 under SW/86/859. At the time this permission was not proceeded with, nor was a subsequent consent permitted in 1994 to extend the time to implement the original proposals, which lapsed in 1999.
7. The extant minerals permission (SW/03/430) was granted by the County Council on 15 September 2003, subject to a number of conditions controlling operations on site. This permission allows for the progressive working and restoration of the land back to agricultural use at a lower ground level (on average 3 metres lower across the site) over a 10 year period. The permission allows for the land to be worked for a maximum of 4 weeks each year (between the months of May to September) up until 31 October 2013. The site can only worked in dry weather to avoid damage to the soil structure. A total of 5.58 ha of the site area is available for brickearth extraction (allowing for land allocated as stand-offs from neighbouring buildings). During the permitted working periods no more than 100 heavy goods vehicles (HGVs) are allowed to visit the site each day (100 in / 100 out). The site is permitted to be worked in phases using a 360 degree excavator to carefully strip the topsoil, extract the brickearth and load the mineral directly into HGVs for transportation off site. All HGVs accessing the site are required to run on a central haul road, with speed limits imposed within the site boundary in order to minimise dust. A water bowser is required to dampen down any dust generated by the operations. Following this process the area worked is carefully re-contoured and the topsoil replaced in accordance with an approved restoration scheme (see attached plan and section drawings). This progressive restoration ensures that outside of the permitted operational periods each year the un-worked and restored areas of the site remain in / revert back to an agricultural use. At the point when planning permission was granted, brickearth was originally transported from site to the applicant's Funton brickworks (north-west of Sittingbourne). However, following the closure of the Funton site the mineral is now transported to the applicant's Ashdown factory, Bexhill-on-Sea, East Sussex. The Ashdown brickworks stockpiles mineral from the site and continues to

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supply yellow products typical of the local vernacular.

8. The 2003 application included a traffic assessment (based on the proposed maximum number of vehicle movements), a separate noise assessment and dust mitigation measures. The permission includes a number of controls to help mitigate the impacts of the operations, including hours of operation, noise, dust, sheeting and cleaning of HGVs and a programme of archaeological works to ensure the preservation of any archaeological remains. The Public Right of Way that crosses the site (north-west to south-east) is maintained on legal alignment outside the annual working periods, and is subject to diversion orders as and when the extraction cuts directly across the path.
9. Work on site is at the present progressing through Phase 2 of the permitted reserves, however a significant area remains un-worked which would provide approximately 80,000 tonnes of brickearth. The latest topographic survey (attached) depicts the current position, with the site partially restored at the lower ground level. Phase 1 (to the south) has been completed and restored back to a beneficial agricultural use. The northern part of the permitted quarry area remains at existing ground levels with the open / un-restored working face stretching across the site (east-west).
10. During the initial year of operations on site file records show that the County Council registered 16 complaints from members of the public in relation to the quarry. These complaints principally related to amenity concerns, including: failure of / missing dust mitigation measures; loaded vehicles leaving the site un-sheeted; mud and debris on the public highway; noise concerns from plant and vehicle movements; work commencing outside the permitted hours; the construction of the access road and the pattern of working on site; amongst other matters. During subsequent years the number of complaints recorded declined (4 in the second year and no recorded complaints in subsequent years).

**Proposal**

11. The current “section 73” (s73) application seeks permission to vary the conditions 1 and 3 imposed on permission SW/03/430 to allow more time to work and restore the Hempstead House brickearth site. The proposals would extend the life time of the consent from the permitted end date of 31<sup>st</sup> October 2013 for a further period of 7 years to the 31<sup>st</sup> October 2020. The application does not seek to amend any other existing working practices, controls or conditions, which are proposed to remain the same as permitted under permission SW/03/430.
12. The applicant states that the quarry remains partially worked due to unforeseen delays caused in large part by the economic down turn. During the permitted lifetime of the quarry the continued depression in the brick market has meant that extraction of mineral from site has remained proportionately low with little or no work taking place in some years.
13. If permission is granted the applicant proposes to continue to work the site in accordance with the permitted working plan. Extraction would continue in sequence on an annual basis, moving towards the north eastern corner of the site (adjacent to the A2) where the direction of quarrying would return progressively to the west along the south



**Variation of permission SW/03/430 to extend the period of working and final restoration at Hempstead House brickearth site until 31 October 2020 at Land East of Panteny Lane, Bapchild, Sittingbourne – SW/13/939 (KCC/SW/0227/2013)**

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side of the Hempstead House Hotel. The permitted working plan includes stand-offs of a minimum of 25 metres from the façades of the closest neighbouring properties, including the Hotel.

14. In support of the proposals, the application documents also include clarification of working practices relating to restoration and aftercare of the site back to beneficial agricultural use. This information would additionally address outstanding requirements under conditions 15 and 21 of planning permission SW/03/430 (i.e. relating to groundwater protection to ensure not less than 75cm of brickearth is left in the base of the quarry and soil / aftercare practices proposed to deliver the land back to the required standards for agricultural use) which were not previously fully addressed.

### **Planning Policy**

15. The following Government Policy and Guidance and Development Plan Policies are of particular relevance to the consideration of this application:

- (i) **National Planning Policy and Guidance** – the most relevant National planning policies and policy guidance are set out within the following documents:

**National Planning Policy Framework (NPPF) (March 2012)** sets out the Government's planning policies for England at the heart of which is a presumption in favour of sustainable development, including contributing to an economic, social and environmental role. The guidance is a material planning consideration for the determination of planning application. It does not change the statutory importance of the development plan which remains the starting point for decision making. However, the NPPF indicates that the weight given to development plan policies will depend on their consistency with the Framework (the closer the policies in the development plan are to the policies in the NPPF, the greater the weight that may be given).

In determining applications, the NPPF states that local planning authorities should look for solutions rather than problems and that decision-takers at every level should seek to approve applications for sustainable development where possible.

In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are also relevant:

- Chapter 1 (Building a strong, competitive economy);
- Chapter 3 (Supporting a prosperous rural economy);
- Chapter 4 (Promoting sustainable transport);
- Chapter 8 (Promoting healthy communities);
- Chapter 11 (Conserving and enhancing the natural environment);
- Chapter 12 (Conserving and enhancing the historic environment);
- Chapter 13 (Facilitating the sustainable use of minerals); and
- Accompanying Technical Guidance (Minerals policy).

- (ii) **Development Plan Policies:**

**Variation of permission SW/03/430 to extend the period of working and final restoration at Hempstead House brickearth site until 31 October 2020 at Land East of Panteny Lane, Bapchild, Sittingbourne – SW/13/939 (KCC/SW/0227/2013)**

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**Kent Mineral Subject Plan: Brickearth (1986) Policies:**

- Policy B1** Identifies potential sites for the extraction of brickearth and states that extraction from such sites will be acceptable subject to the County Council being satisfied that there is a sufficient case need to override any material planning interest.
- Policy B2** Seeks to safeguard brickearth sites identified under Policy B1 or sites with planning permission from development which would either sterilise, or adversely affect, workable reserves.
- Policy B4** Requires evidence that a site contains economically workable reserves that justify taking land out of an existing beneficial use.
- Policy B5** Requires at least 75cm of brickearth and topsoil to be retained within a permitted brickearth excavation in the case of restoration over Thanet Beds.
- Policy B6** Requires brickearth excavation to include a progressive working and restoration scheme.
- Policy B7** Requires a programme of agricultural after-care.
- Policy B9** Requires proposals for brickearth working to incorporate safe access onto the public highway.
- Policy B10** Requires adequate measures to prevent mud or debris from being carried onto the public highway.
- Policy B11** Requires the County Council to be satisfied that operations will not cause unreasonable disturbance to surrounding land uses by virtue noise, dust, visual impact, vehicle movements and other forms of intrusion and where necessary measures to avoid disturbance or provide sufficient safeguarding margins.
- Policy B12** Amplifies policy B11, requires noise levels that will not cause unreasonable nuisance, best practical means to avoid dust emissions, and measures to ensure vehicle movements do not adversely affect built-up areas.
- Policy B13** Seeks measures to retain and where appropriate enhance existing landscape features and planting.
- Policy B14** Seeks to protect Public Rights of Way taking account of the interests of users of footpaths.

*Members will be aware that the above saved policies within the adopted Kent Mineral Subject Plan: Brickearth (1986) are still relevant despite the date of the plan*

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*and that the broad thrust of the policies is reflected within the NPPF and emerging Kent Minerals and Waste Development Local Plan.*

**Swale Borough Local Plan (2008) Policies:**

- Policy SP1** In meeting the development needs of the Borough, proposals should accord with principles of Sustainable Development, including minimising impact on the environment and encouraging sustainable economic growth.
- Policy SP2** Requires development proposals to protect and enhance the special features of the visual, aural, ecological, historical, atmospheric and hydrological environments of the Borough.
- Policy SP3** Seeks to optimise the Borough's economic potential.
- Policy SP5** Development proposals within the countryside will seek to increase self-sufficiency and satisfying local needs, whilst protecting the character of the wider countryside.
- Policy TG1** Within the Thames Gateway Planning Area, seeks appropriate development that meet environmental, economic and housing objectives. Amongst other matters, land that is of importance to agriculture, landscape, biodiversity or settlement separation, will be protected from unnecessary development.
- Policy E1** Development proposals should, amongst other matters, seek to reflect the positive characteristics of the locality; protect and enhance the natural and built environments; cause no demonstrable harm to residential amenity; and provide safe vehicular access.
- Policy E2** Requires all development proposals to minimise and mitigate pollution impacts.
- Policy E4** Seeks to minimise the degree of risk of flooding, either to, or arising from, development.
- Policy E6** Requires the quality, character and amenity value of the wider countryside to be protected and where possible enhanced.
- Policy E8** Development on agricultural land will only be permitted when there is an overriding need that cannot be met firstly on land within the built-up area boundaries.
- Policy E9** Seeks to protect the quality, character and amenity of the wider landscape, through development that is sympathetic to, and minimises impact on local landscape character.

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**Policy E11** Requires biodiversity and geological conservation interests to be protected, maintained, or enhanced.

**Policy E16** Development that does not achieve acceptable mitigation of adverse archaeological effects will not be permitted. Where preservation in-situ is not justified, the applicant will be required to ensure that provision will be made for archaeological excavation and recording, in advance of and/or during development.

**Policy T1** Development proposals that generate volumes of traffic in excess of highway capacity and or result in a decrease in highway safety will be refused unless these issues can be addressed by environmentally acceptable improvements to the highway network.

**(iii) Emerging Development Plan Policy**

**Kent Minerals and Waste Development Framework: Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (2011) – Draft Policies:**

**Policy CSM1** Requires proposals for minerals development to address the Government's objectives for sustainable development appropriately whilst also meeting the Kent MWDF Sustainability Framework Objectives

**Policy CSM2** Requires specific sites for brickearth and clay for brick and tile manufacture to maintain a landbank of permitted reserves equivalent to at least 25 years of production based on past sales.

**Policy CSM4** Requires identified economic mineral resources to be safeguarded from being unnecessarily sterilised by other development.

**Policy DM1** Requires minerals and waste development to be designed to ensure impact on the environment is minimised, including protecting and enhancing the character of an area.

**Policy DM2** Requires minerals and waste development to ensure that there is no significant adverse effect on the character, appearance, ecological, geological or amenity value of sites of international, national and local importance

**Policy DM3** Minerals and waste likely to affect important archaeological features should make provision for preservation in situ, excavation or recording of any interest, in accordance with the level of importance of the finds.

**Policy DM7** Requires minerals and waste development to preserve quality and flow of ground and surface water and not exacerbate flood risk.

**Policy DM8** Requires minerals and waste development to protect qualities of

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life and wellbeing of adjoining land uses from unacceptable adverse effects from noise, dust, vibration, odour, emissions, visual intrusion or traffic.

- Policy DM9** Seeks to protect the environment and local amenity from unacceptable cumulative impacts resulting from individual or a number of minerals or waste developments occurring either at the same time or in sequence.
- Policy DM10** Minerals and waste development will be required to minimise road miles except where: there is no practicable alternative; the proposed access arrangements would be safe and appropriate; and the highway network is able to accommodate the traffic that would be generated without an unacceptable impact on highway safety, the environment or local community.
- Policy DM11** Planning permission will only be granted for minerals and waste development that adversely affect a public right of way if satisfactory prior provisions for its diversion are made which are both convenient and safe.
- Policy DM15** Requires minerals and temporary waste management development to include satisfactory provision for the restoration and after-use of the site.
- Policy DM16** Requires after-use of minerals and temporary waste management sites to take account of character and landscape setting prior to development, ensure long-term agricultural value and provide for enhancement of landscape quality, biodiversity interests and the local environment.

**Kent Minerals and Waste Development Framework: Minerals Sites Plan Preferred Options Consultation (2012)** – identifies the potential need for new brickearth sites during the plan period in order to continue production of traditional stock bricks in accordance with the current national minerals policy requirement to maintain landbanks of brick clay (which includes brickearth) of at least 25 years. The Preferred Options include new sites at: Paradise Farm, Hartlip and Newington; Land to rear of Jeffries, Claxfield Road, Teynham, Sittingbourne; Barbary Farm, Provender Road, Norton Ash, nr Faversham; and Barrow Green Farm, Barrow Green, Teynham, Swale.

*Members will be aware that emerging Kent Minerals and Waste Framework has not yet reached Submission stage, as such the draft Plans and policies carry little weight as material planning considerations.*

**Consultations**

16. **Swale Borough Council:** raises no objection to the proposals, subject to a condition ensuring the development ceases before 31<sup>st</sup> October 2020 and the site is restored to its

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former state.

17. **Tonge Parish Council:** no comments received (consulted on 26 July 2013).
18. **Bapchild Parish Council:** no comments received (consulted on 26 July 2013).
19. **Environment Agency:** raises no objection to the application, subject to a continued requirement to retain 75cm of brickearth at the base of the void over the bedrock. The Agency advise that, should planning permission be granted, the applicant will be required to submit an updated Extractive Material Management Statement (EMMS) under the Environmental Permitting regime.
20. **South East Water:** no comments received (consulted on 26 July 2013).
21. **Natural England:** advises that the Local Planning Authority should determine whether the application is consistent with national and local policies.
- Natural England's standing advice recommends: proceeding with application, subject to an informative stating that if a protected species is encountered during the course of the development, then works should cease and advice be sought from an ecological consultant.
- The advice recommends that (where appropriate) opportunities for biodiversity enhancements should be considered by the applicant.
22. **Kent County Council Public Rights of Way and Access Service:** raises no objection to the application.
- The Area Officer requests that a gradient of not more than 1:10 is left on the legal alignment of the public footpath at the completion of each phase of works. The comments confirm that a temporary closure would be required if the public footpath is directly affected by any phase of extraction and that the applicant be made aware that any planning consent given confers no consent or right to disturb or divert any Public Right of Way without the express permission of the Highway Authority.
23. **Kent County Council's Landscape Officer:** raises no concerns or comments in relation to landscape considerations.
24. **The County Archaeological Officer:** raises no objections to the application, subject to conditions covering a revised programme of archaeological works for the remaining area of the quarry and the completion of post excavation works and reporting for the archaeological investigations that have taken place to date within 18 months of the grant of permission.

The County Archaeological Officer's advice is based on the archaeological potential of the site and the findings of the original site evaluation report, which suggests that part of the northern area of extraction (referred to as the 'Circus Field') may include remains of a section of Roman road. He is recommending a revised Written Scheme of Investigation on the basis that the remaining unworked land has a greater

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archaeological significance than the area of the site worked to date. His advice acknowledges that an extension to the time allowed to work the site would result in a delay in the completion of earlier archaeological investigations, some of which date back to 2004/5. For this reason he is recommending that the post excavation works and reporting for the investigations completed to date be carried out within the next 18 months, with reporting on future investigations to follow in due course in accordance with the revised programme being recommended.

25. **Kent County Council Highways and Transportation:** raises no objection on behalf of the local highway authority, having considered the development proposals and the likely effect on the highway network.

**Local Member**

26. The local County Member for Swale East, Mr A. Bowles, and the adjoining Member for Swale West, Mr M. Baldock were notified of the application on 26 July 2013.

**Publicity**

27. The application was publicised by the posting of a site notice, an advertisement in a local newspaper and the individual notification of 167 residential properties.

**Representations**

28. In response to the publicity, 2 letters of representation have been received objecting to the application. The key points raised can be summarised as follows:
- Objects on the grounds of past and potential impacts on residential amenity during the permitted working periods each year, particularly as a result of noise and dust generated by excavation and HGV movements from 0700 hours to 1800 hours weekdays and 0700 and 1300 hours on Saturdays.
  - Raises concern about the dust mitigation measures employed on site. Considers that dust generated by the site has previously been unbearable despite the applicant putting up screens to minimise windblown dust. Suggests that the applicant has previously failed to use the required water bowser to dampen the ground. Notes that dust has previously made its way into residential properties.
  - Raises concern that the site is always worked during hot weather when neighbouring residents have windows and doors open. Notes that residents are unable to sit in their gardens due to the noise generated by the site.
  - Advises that numerous complaints concerning noise and dust have had to be made in the past, including as a result of noise from lorries, beeping horns, missing dust screens and failing to use the required water bowser to dampen the ground. (See 'Background' section for further details concerning the existing operations).
  - Raises concern about the potential for mud and debris on the public highway. Notes that this issue has been raised during previous phases of working.

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**Discussion**

29. The application, made under Section 73 of the Town and Country Planning Act 1990, seeks planning permission for a variation of conditions 1 and 3 of planning permission SW/03/430 to extend the period of working and final restoration at the existing Hempstead House brickearth site until 31 October 2020. The application is being reported to the Planning Applications Committee as a result of two letters of objection received from nearby residential properties. See paragraphs (16) to (25) and (28) for details of all representations and consultee views received.
30. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the adopted and emerging Development Plan Policies, the National Planning Policy Framework, other Government Policy and Guidance and any other material planning considerations. In considering this proposal the planning policies outlined in paragraph (15) above are particularly relevant.
31. In my opinion the main considerations in this particular case are:
- Need;
  - Amenity Impacts (noise and dust);
  - Highway Considerations;
  - Archaeological Potential;
  - Public Right of Way; and
  - Restoration and After Use.

Need

32. NPPF states that minerals are essential to support sustainable economic growth and quality of life and requires determining authorities to give great weight to the benefit of mineral extraction. It acknowledges that minerals are a finite natural resource that can only be worked where they are found and that it is important to make best use of them to secure their long-term conservation. It also promotes the need to safeguard mineral resources of local and national importance to ensure they are not needlessly sterilised.
33. Government policy seeks a steady and adequate supply of minerals. In the context of brick clay (which includes brickearth), it requires mineral planning authorities to maintain a stock of permitted reserves of at least 25 years to support continued investment in new or existing plant by the brick-making industry and their maintenance. It also requires local planning authorities to take account of the need for provision of brick clay from a number of different sources to enable appropriate blends and products to be made.
34. Kent Minerals Subject Plan: Brickearth (1986) ('the Brickearth Plan') identifies the application site for extraction. Policies B1 and B2 of the Brickearth Plan specifically supports extraction at the site in principle and require that the location is safeguarded from development that would sterilise workable reserves. The Brickearth Plan seeks to ensure that the identified mineral resources are preserved to reduce the pressure on the release of further land for mineral working.



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35. The evidence base prepared for the emerging Kent Minerals and Waste Local Plan acknowledges that there is now only one operational brickworks remaining in Kent, following the closure of Funton brickworks by the applicant. As set out within the 'Background' section above, Ibstock Brick moved the production of yellow stock bricks (involving the use of brickearth from the application site) to its Ashdown Brickworks in East Sussex. Notwithstanding this, the emerging Framework and Minerals Sites Plan makes it clear that in addition to the permitted reserves within the County (which include those within the current application site) new brickearth reserves will be required during the plan period to maintain a steady supply of mineral to support the brick making industry irrespective of the final location of the brickworks that manufacture the product. This includes maintaining the production of 'London yellow stock', which is an important building material within the local vernacular. The preferred sites identified within the Minerals Sites Plan include significant new reserves at Paradise Farm, Hartlip and Newington (678,000 tonnes), Land adjacent to Claxfield Road, Teynham (95,000 tonnes), Barbary Farm, nr. Faversham (1,241,686 tonnes) and Barrow Green Farm, Teynham (760,000 tonnes).
36. Given the identified requirement for new reserves within the emerging plan period, I am satisfied that there is an identified need for the mineral resource and that sterilisation of the remaining mineral deposit at this site (approx. 80,000 tonnes) would prompt the applicant to seek to promote new resources at an earlier point in time. In the absence of a very good reason, this would not represent sustainable development.
37. In determining this application, 'need' for a development becomes a material consideration if (demonstrable) harm could be caused by the proposals. Further consideration of issues relating to local amenity impacts, highways considerations, archaeology, the public right of way, restoration and after use, together with any other material planning considerations, are set out within the sections below.

Amenity Impacts (including noise and dust)

38. The NPPF requires mineral planning authorities to ensure that proposals do not have unacceptable adverse effects on the natural or historic environment or on human health, including noise, dust, visual intrusion, traffic, slope stability and surface and groundwater quality, amongst other considerations. Government policy requires that a programme of work be agreed which takes account, as far as practicable, of the potential impacts on the local community over the expected duration of operations, including the proximity to occupied properties as well as legitimate operational considerations. The NPPF suggests that in some cases it may be justified to consider adequate separation distances, taking account of the nature of mineral extraction, need to avoid undue sterilisation of mineral resources, location and topography, environmental effects and potential mitigation measures.
39. Policies B11 and B12 of the Kent Brickearth Plan (1986) require that extraction does not cause unreasonable disturbance to residential property or other sensitive development by virtue of noise, dust, visual impact, traffic and other forms of intrusion. The policies require that if measures to avoid unreasonable disturbance cannot be provided then either permission should not be granted or a safeguarding margin around the site will be

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required.

40. Swale Borough Local Plan Policies E1 and E2 require development to minimise and mitigate for any pollution impacts ensuring that there are no significant adverse effects on human health, residential amenity, flora and fauna or water resources (amongst other matters). The emerging policies within the Kent Minerals and Waste Plan require development proposals to demonstrate that they are unlikely to generate unacceptable adverse effects from noise, dust, emissions, visual intrusion, traffic or associated damage to the qualities of life to adjoining land uses.
41. It is noted that during the first year of operation the Mineral Planning Authority recorded 16 complaints from nearby residents in relation to the amenity impacts of the permitted brickearth extraction, including from noise and dust impacts. From the significant reduction in the number of complaints on record there would appear to have been fewer problems in subsequent years. It should be noted that the site has been worked less frequently and also that the operational areas on site have generally moved further away from the majority of neighbouring properties, which are positioned to the west of the site within the outskirts of Bapchild. Any complaints received by the County Council in the past have been investigated and raised with the applicant as soon as possible, including drawing attention to the mitigation measures / controls required by the planning permission. The site has been monitored by the County Council on a regular basis, during the relatively short period of working permitted each year (4 weeks). A report on such monitoring visits is prepared and sent to the applicant. In turn the applicant has maintained regular contact with the planning authority and local parish council, providing information on the progress of work on site and giving prior notice of the intention to work each year in accordance with the permission.
42. The publicity carried out as part of the consideration of this application has attracted two letters raising objections to the proposal. Both letters originate from properties to the west of the application site, closest to the vehicle access route and the early phases of working. The objections relate to the potential amenity impacts, primarily from noise and dust generated from activities on site and the associated HGV movements.
43. The conditions imposed on the existing permission SW/03/430 include (amongst other matters) a number of controls that seek to minimise disturbance from operations and avoid any unacceptable impacts on the local community and environment. The conditions allow for: brickearth extraction to take place over a maximum of four weeks each year; hours of operation between 0700-1800 Monday to Friday and 0700-1300 on Saturday; the provision of a dedicated vehicle access; measures to ensure mud and other materials are not deposited on the public highway; all HGVs leaving the site to be sheeted, a maximum of 100 HGVs per day (100 movements in / 100 movements out); noise from the operations not to exceed 70dB(A) at the noise sensitive properties; and the provision of dust suppression measures. The permitted dust suppression measures include the provision of a water bowser on site, road-going vehicles to only run on the internal haul road and speed limits within the site boundary to minimise dust generated by vehicle movements. The permitted working area (shown on the drawing provided on page 3 above) also includes the provision of stand-offs around the site to ensure a minimum distance of 25m between the quarry area and the façade of the closest neighbouring properties, in most instances this distance is far greater. The requirement

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for stand-offs on site accords with the recommendations set out within the NPPF and Brickearth Plan.

44. The temporary operation of the quarry each year has the potential to generate some disruption to the local area, particularly as the working of the site can only take place on dry days during the months of May to September. This is due to the nature of the material being extracted and the need to avoid periods of wet weather when soil quality would be adversely affected by working. However it should be noted that any disruption is confined to a maximum of four weeks each year (i.e. a total of 22 working days). At all other times the un-worked and restored areas of the site remain within agricultural use, which in itself will inherently generate some amenity impacts for the surrounding area, particularly at peak times of the agricultural year. The Planning Applications Committee considered the potential amenity impacts in detail at its meeting on 12 August 2003, concluding that subject to the conditions mentioned above, the proposals would not have unacceptable adverse effects on the surrounding land uses, including nearby residential properties.
45. In addition to the recommended conditions, stand-offs built into the working plan and the maximum of four weeks working each year, it should be noted that due to the phasing of extraction the majority of the area still to be worked is located to the north and east. This arrangement would move the key operations on site further away from the majority of residential properties to the west of Panteny Lane. During the operation of the site to date the applicant has maintained regular contact with the Planning Authority, Bapchild Parish Council and other appropriate stakeholders, including the adjacent hotel and local residents. The applicant aims to ensure interested parties are kept informed of the commencement and duration of operations in any given year. The applicant remains committed to ensure that appropriate measures are undertaken on site to minimise local impacts during the short period of working each year.
46. Taking the above considerations into account, I am content that the proposals could be adequately controlled by the imposition of the existing conditions so as not result in unacceptable impact on the local environment, including on local amenities if a further permission were to be granted. I am therefore satisfied that the proposed development would be acceptable in amenity terms and would accord with the relevant development plan and Government policies detailed above.

Highway Considerations

47. Government policy on transport matters set out within Chapter 4 of the NPPF recognises that land use planning has a key role in delivering sustainable transport choices and reducing the need to travel, including the movement of goods and supplies. The policy requires planning decisions to take account of whether opportunities for sustainable transport have been taken up (depending on the nature and location of the site), safe and suitable access can be achieved and measures are put in place to limit significant impacts on the transport network. The NPPF states that development should only be prevented or refused on transport grounds where the cumulative impacts of development are severe. Policies B9 and B10 of the Kent 'Brickearth Plan' (1986), T1 of the Swale Borough Local Plan (2008) and DM10 of the emerging Minerals and Waste Development Framework (2011) require access arrangements for all development to be

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safe and appropriate and the highway network to have capacity to accommodate traffic generated by the development without a decrease in safety or an unacceptable impact on the environment or local communities.

48. The application site has a dedicated vehicle access to the west off Panteny Lane, which was constructed under the existing permission. The access point is located approximately 120m south of the junction of Panteny Lane with the A2 (London Road), allowing vehicles attending site to have good access to the primary road network. The potential highways impact of the development was considered in detail before the existing planning permission was granted. The planning permission allows up to 100 HGVs to attend the site during any one day during the four weeks the site is operation each year (100 movements in / 100 movements out). At that time the Area Transportation Manager considered this to be acceptable, subject to the provision of the above mentioned access, a specific cap on the maximum number of movements per day, vehicles to be sheeted and wheel washing facilities made available on site to prevent debris on the public highway. Having considered the current application and the potential effect on the highway network, Highways and Transportation raises no objection on behalf of the Local Highway Authority.
49. It is noted that one of the objections received raises concerns that in the past mud and debris on the public highway has been an issue during operation of the site. The conditions imposed on the existing permission include a requirement for measures to be taken to ensure this does not become an issue. Subject to this condition being replicated on any further permission I consider that there would be sufficient controls in place to ensure appropriate measures are taken. However, it would be necessary for the County Council to secure compliance with the conditions should this prove necessary.
50. The proposed number of vehicle movements has not changed from that previously considered and accepted by the County Council. The number of movements is considered to be acceptable given that the site would only be operational four weeks a year and has ready access to the primary road network. Given the Local Highway Authority's views and subject to the replication of the conditions imposed on the previous permission, I am satisfied that the proposals conform with the current development plan and Government policies relating to highway matters as set out above.

Archaeological Potential

51. The NPPF requires that the effect of an application on the significance of a non-designated heritage asset (including archaeological remains) should be taken into account in determining applications. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset. Where an asset would be lost the NPPF seeks to ensure that developers record and advance understanding of its significance in a manner proportionate to its importance and the impact. Notwithstanding the above, the NPPF makes it clear that the ability to record evidence of the past should not be a factor in deciding whether such a loss should be permitted.

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52. Policy E16 of the Swale Borough Local Plan (2008) and Policy DM3 of the emerging Minerals and Waste Development Framework (2011) require development to take account of archaeological features, including preservation of significant remains in-situ. Where preservation in-situ is not justified, the development plan policies require provision for archaeological excavation and recording in accordance with the level of importance of the potential finds.
53. The County Archaeological Officer has confirmed that part of the un-worked northern area of the application site lies within the known corridor of the main London to Canterbury and coastal Roman road (known as Watling Street). The original evaluation report prepared for the entire site may have identified part of a Roman road running within the northern 20m of the area proposed for extraction.
54. On this evidence the Archaeological Officer's advice suggests that the archaeology in the northern part of the site is likely to be more complex than that discovered to date requiring a longer lead in time and greater resources to investigate. He recommends that, if permission is granted, the applicant be required to undertake enhanced archaeological works in accordance with a revised Written Scheme of Investigation, to be approved by the County Planning Authority, to ensure that any remains are adequately investigated and documented in accordance their significance.
55. The Archaeological Officer also recommends that, if the County Council is minded to grant additional time to complete the working of the quarry, the outcome of the archaeological investigations carried out on the earlier phases of the quarry, including post excavation work and reporting, should be completed within the next 18 months to ensure that this work is not lost or unnecessarily delayed by the current application.
56. The applicant has acknowledged the revised archaeological conditions being recommended and has indicated general agreement to an updated Written Scheme of Investigation and the completion of post excavation work relating to earlier phases of archaeological investigation. Subject to the revised archaeological conditions, I am satisfied that the proposed development would accord with the development plan policies and Government policy concerning archaeological assets.

Public Right of Way

57. A Public Right of Way (PROW) (footpath ZR194) passes across the application site (and the field to the south) from Panteny Lane in the north-west to Dully Road in the south-east. Chapter 8 of the NPPF, Kent Brickearth Plan Policy B14 and Policy DM11 of the emerging MWDF seek to protect Rights of Way and where necessary ensure that any diversions permitted are safe and convenient.
58. The County Council's Public Rights of Way Officer raises no objection to the application, subject to the gradient left on the legal alignment of the public footpath not exceeding a gradient of 1:10 at the completion of each phase of working. The advice received confirms that a temporary closure would be required if the footpath is directly affected by any phase of extraction. Given that the remaining reserves on site are generally north-east of the footpath and that the site would only be worked four weeks each year, it is not anticipated that development would have a significant impact on the use of the

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Public Right of Way and I am not aware of any problems having occurred so far in this regard.

59. I am satisfied that the existing controls in place have served to protect the interests of the users of the PROW over the last 10 years of working on site and can see no reason why this should change, subject to an appropriately worded informative reminding the applicant of its legal responsibilities when it comes to maintaining this access. On this basis, the application would accord with the above policies.

Restoration and After Use

60. The NPPF encourages restoration and aftercare of mineral sites at the earliest opportunity and to the highest environmental standards. Policies B5, B6 and B7 of the Brickearth Plan require the progressive restoration of sites at the earliest opportunity, preserving or enhancing the agricultural value of the land.
61. The existing permission includes a site-specific landscape strategy that requires the progressive reclamation and restoration of land back to agricultural use at the earliest opportunity following each annual period of the extraction. Please see a copy of the previously approved restoration plan included above. The controls placed on the consent include measures to ensure that the valuable top-soil is stripped, stored and replaced appropriately, alongside measures to ensure that a minimum depth of brickearth is retained at the base of the working to safeguard groundwater and the agricultural value of the land following extraction.
62. In support of the proposals, the applicant has submitted further clarification on the working practices in place to ensure the land is returned to a beneficial agricultural use. This information satisfactorily addresses previous outstanding requirements of conditions 15 and 21 of the extant planning permission SW/03/430 relating to groundwater protection and soil / aftercare practices. The information received in support of the application also includes a letter from the landowner confirming that there is no evidence of drainage problems developing within the restored areas of the site and that there is good evidence that the soil structure is re-establishing. Overall the landowner indicates that he is very satisfied with the restoration work completed to date.
63. The successful restoration and after use of the land is a key consideration in the context of the current application. As confirmed above, the permitted site area is only partially worked. Phase 1 of the quarry has been restored to the agreed landform and contours at a reduced ground level (an average of 3m lower than original levels across the site). This first phase of working has now been successfully returned to effective agricultural use, as evidenced by the letter received from the landowner. However, the un-worked northern part of the site remains at original ground levels with the working face running east to west across the site dividing the field in two. This arrangement is not acceptable in the long-term as it creates an alien land form and limits the future ability to use the site for agricultural purposes.
64. If planning permission for the continued working and restoration of the site is refused, the planning authority would need to secure the restoration of the land from its current

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form (i.e. partially worked) back to an appropriate landform to enable continued agricultural use. This would necessitate discussions with the applicant and potentially the landowner to attempt to secure a compromise position, which in itself would be likely to necessitate significant land forming work to create a useable gradient. The process of re-contouring the land would generate similar amenity concerns to those raised about the continued operation of the site. This approach could also lead to a less desirable landform from an agricultural perspective and would result in the sterilisation of the permitted mineral reserves.

65. The approved restoration scheme is designed such that the finished landform following exaction of all permitted reserves is progressively restored and left as a workable field in accordance with best practice. The restored land form would include shallow side slopes of 1 in 10 within the site area and to the northern boundary, grading the ground levels across the site gradually into the surrounding land form. This position could not be achieved without working the remaining reserves.
66. On the evidence of the work completed to date, I am satisfied that the continued working of the mineral is the most sustainable way of achieving an acceptable landform and ensuring the return of the entire site area to an effective agricultural use, whilst preserving the valuable mineral resources. I am also satisfied that the permitted working, restoration and aftercare scheme would ensure that the land is returned to effective agricultural use in accordance with the NPPF and relevant development policies.

Ecology

67. In determining planning applications Chapter 11 of the NPPF and Policy E11 of the Swale Borough Local Plan (2008) require planning authorities to seek to conserve and enhance biodiversity. The site area forms part of an active quarry and agricultural holding which has been, and would continue to be, subject to a high level of disturbance on a regular basis. None of the surrounding hedgerows or planting on the field boundary would be impacted by the proposed operations. On this basis the site is not considered to include features or habitats that are likely to support protective species. Natural England's standing advice recommends proceeding with application, subject to an informative stating that if a protected species is encountered during the course of the development, then works should cease and advice be sought from an ecological consultant. I am satisfied that the proposed development would be accord with the development plan and Government policy in terms of ecology and biodiversity.

**Conclusion**

68. The application has been considered in the context of the Development Plan and material planning considerations, including the NPPF. I note that the principle of the development is established through the existing planning permission and the Kent Brickearth Plan (1986). With the exception of increasing the period of time allowed to work the remaining quarry reserves, there would be no significant change to the operations being proposed. The emerging Minerals and Waste Local Plan establishes a clear need for continued excavation of brickearth in order to maintain a steady supply of mineral and to support the brick making industry. The remaining reserves available

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within this site would make a significant contribution to this need and would delay the call to release new locations for mineral extraction. There is also a need to secure the effective restoration of the entire site area to a visually acceptable landform and to preserve the effective long-term agricultural use. Whilst the operations on site would generate some local amenity impacts, I am satisfied that the existing measures to control the development and protect residential amenities are suitable, especially given the temporary nature of the operation and very short working periods each year. These controls could be adequately replicated by re-imposing the existing conditions (updated as necessary) on any new permission.

69. Subject to the above and the condition(s) recommended by the County Archaeological Officer to secure a revised scheme of archaeological investigation and to bring forward reporting on previous investigations, I am satisfied that the proposed development is sustainable and consistent with the relevant development plan policies and Government policies against which the proposal should be considered and that there are no material planning considerations that mean the planning application should be refused. I therefore recommend that planning permission be granted.

**Recommendation**

70. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO conditions to address (amongst others) the following matters:

- the development being completed and the site restored no later 31 October 2020;
- the restoration and landscaping of the site if excavation ceases and does not recommence for a period of two years;
- the development being carried out in accordance with the submitted plans and documents, those previously approved under planning permission SW/03/430 and any approved pursuant to the conditions set out below;
- all non-agricultural vehicles attending site using the permitted access;
- all loaded HGVs leaving site being sheeted;
- no more than 100 HGVs visiting the site per day (100 in / 100 out);
- hours of operation between 0700 and 1800 hours Monday to Friday and 0700 and 1300 hours on Saturday, with no operations on Saturday afternoon, Sunday or Bank Holidays;
- extraction and removal of brickearth only taking place for a maximum of 4 weeks each year between the months of May to September;
- no materials being processed on site;
- the applicant giving 2 weeks notice of its intended working periods each year;
- maintenance of the approved landscaping scheme;
- safe storage and handling of any oil, fuel, lubricants required on site;
- 75cm of brickearth being maintained at base of void;
- removal of any crop or vegetation before soil stripping commences each year;
- soil protection measures;
- measures to manage and protect topsoil stored on site;
- restoration to agriculture being completed in accordance with details approved under permission SW/03/430;
- topsoil being evenly re-spread to achieve 35cm depth following extraction;



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- development being carried out in accordance with an approved aftercare scheme;
- reasonable precautions to prevent unauthorised persons from entering operational areas on site;
- noise from operations on site not exceeding 70dB when measured at noise sensitive properties;
- dust suppression measures;
- the public right of way not being obstructed by the development;
- the remaining quarry area being worked in accordance with a modified programme of archaeological works; and
- the completion of post excavation works and reporting for all archaeological investigations that have taken place to date within 18 months of the grant of permission.

Case Officer: James Bickle
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Tel. no: 01622 221068
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Background Documents: see section heading
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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**

### **Proposed realignment and widening of Rathmore Road, Gravesend – GR/2012/0441 (KCC/GR/0148/2012)**

A report by Head of Planning Applications Group to Planning Applications Committee on 6 November 2013

Application by Kent County Council Highways and Transportation for improvements to Rathmore Road, Gravesend, including its realignment through the existing car park at the eastern end to a new junction immediately south of 20 Stone Street, widening at the western end involving the demolition of 13 Darnley Road and The Lodge, Rathmore Road, and signalisation of its junctions with Stone Street and Darnley Road; and improvements to the railway station forecourt, including the provision for taxis and disabled parking, Land at and surrounding Rathmore Road south of the Railway, Gravesend – GR/2012/0441 (KCC/GR/0148/2012).

Recommendation: Subject to any further views received by the meeting, including further reactions to noise assessment, permission be granted subject to conditions.

**Local Members:** Mrs S. Howes and Mr N. S. Thandi

**Classification:** Unrestricted

#### **Site**

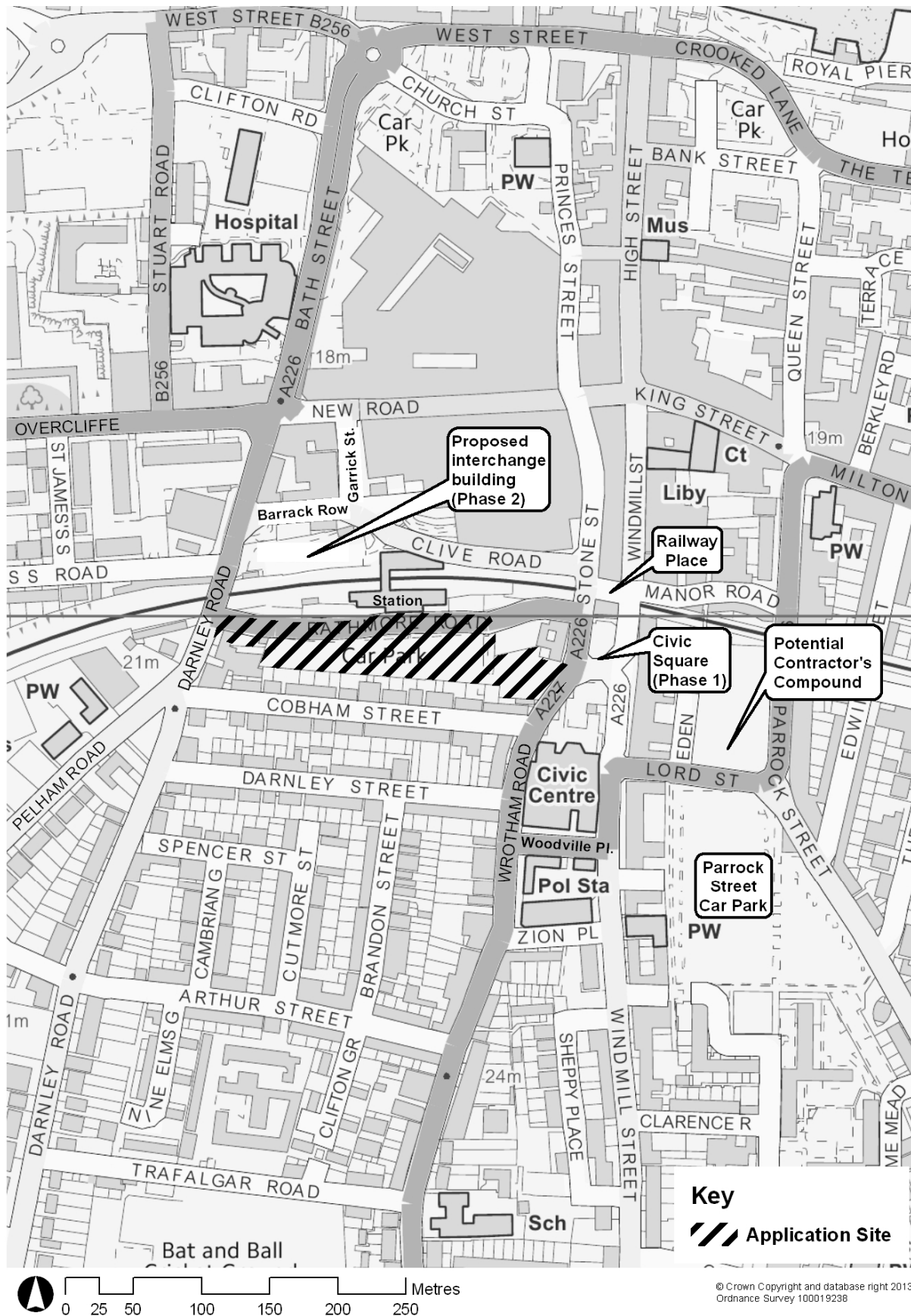
1. The application site lies to the south of Gravesend railway station. It comprises an area of land 0.95 of a hectare which includes Rathmore Road, the public car park of 225 spaces to the south (owned by Gravesend Borough Council), and 13 & 15 Darnley Road and The Lodge, Rathmore Road to the west. Properties in Cobham Street to the south, Darnley Road to the west and Stone Street to the east back onto the site. To the east the application site fronts onto Wrotham Road opposite the Civic Centre. Site location plans are attached.
2. Rathmore Road is a narrow, enclosed, sunken one way street from Darnley Road to the west through to Stone Street to the east that provides access to the south side of Gravesend Station. Along the southern side of Rathmore Road there is a grass bank with a line of hornbeam trees above a stone retaining wall. At either end of Rathmore Road advertising hoardings feature on the walls to the side of No. 13 Darnley Road and Bar 24.
3. The application site is partly within and otherwise adjoins or is close to the Darnley Road and Upper Windmill Street Conservation Areas. Gravesend Railway Station building to the north and numbers 20–24 Stone Street to the east, a small terrace which includes Bar 24, are Grade 2 Listed Buildings.

#### **Background, Relevant Planning History and Proposal**

4. This application which was submitted in April 2012 seeks full planning permission for improvements to Rathmore Road, Gravesend that include its realignment through the existing car park at the eastern end to a new junction immediately south of 20 Stone

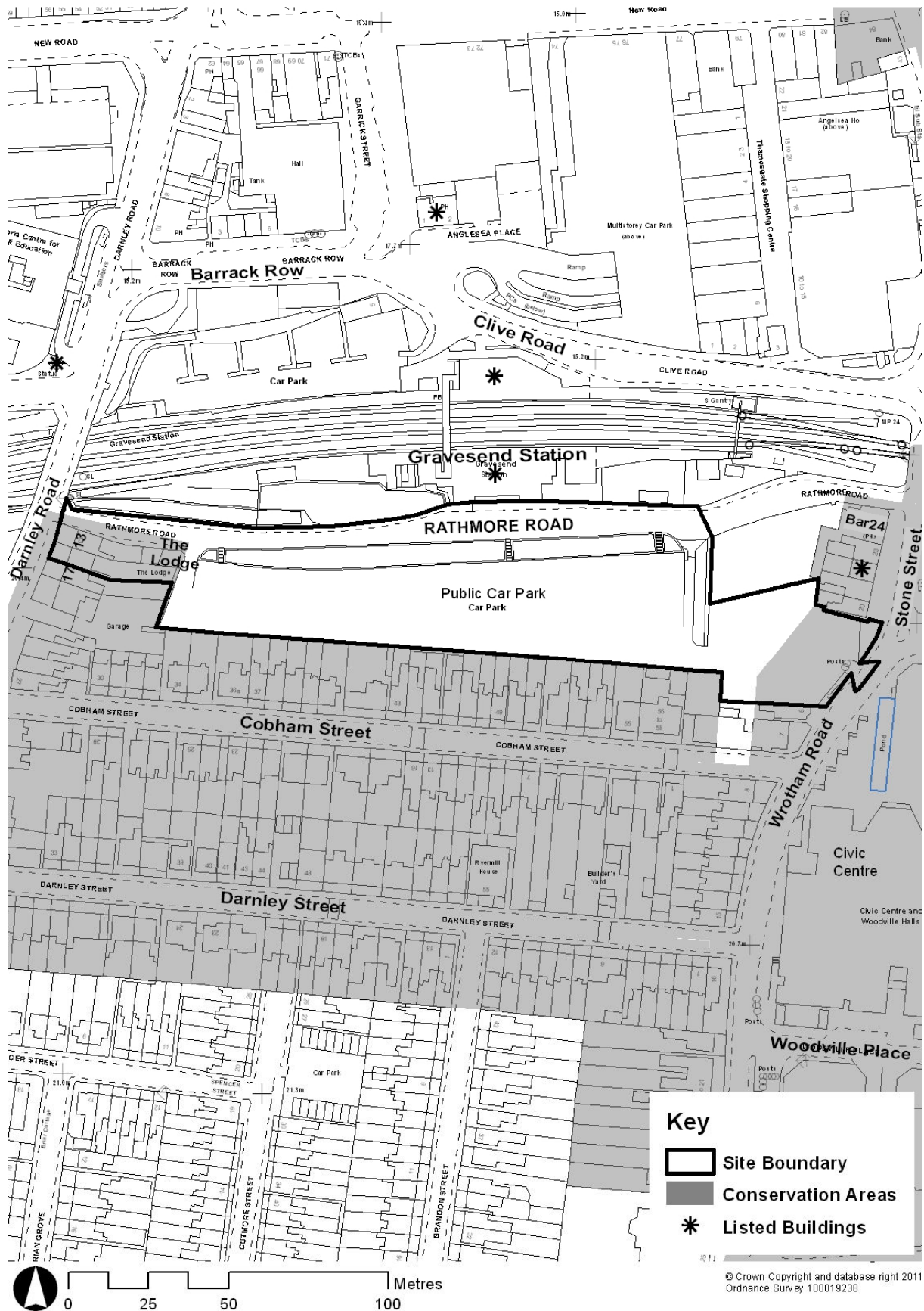
**Proposed realignment and widening of Rathmore Road, Gravesend – GR/2012/0441 (KCC/GR/0148/2012)**

**Site Location Plan**



# Proposed realignment and widening of Rathmore Road, Gravesend – GR/2012/0441 (KCC/GR/0148/2012)

## Site Context Plan



**Proposed realignment and widening of Rathmore Road, Gravesend – GR/2012/0441 (KCC/GR/0148/2012)**

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**Background, Relevant Planning History and Proposal *continued***

Street, widening at the western end involving the demolition of 13 Darnley Road and The Lodge, Rathmore Road, and signalisation of its junctions with Stone Street and Darnley Road; and improvements to the railway station forecourt, including the provision for a drop-off/pick up area, and taxis and disabled parking.

5. The proposed development relates to '*The phased implementation of the Gravesend Transport Quarter Master Plan*' which was granted outline planning permission by Gravesham Borough Council in October 2010. That proposal included:
  - (a) Erection of an interchange building providing car park, retail/office units and bus interchange on Barrack Road;
  - (b) Realignment and diversion of Rathmore Road between Wrotham Road and Darnley Road;
  - (c) Erection of residential development on south side of Rathmore Road;
  - (d) Erection of an office development on the west side of Wrotham Road, north of no.6 with maximum floor space of 234 square metres; and
  - (e) Ancillary streetscape, junction and transport interchange improvements including creation of new pedestrianised civic square between Civic Centre and Sensory Gardens.

*The outline permission expired on the 21 October 2013 and is subject of a renewal application to the Borough Council.*

6. The aim of the Gravesend Transport Quarter Development is to create a major gateway for Gravesend with a transport interchange that integrates the railway station with the town centre and with bus (including *FASTRACK*) and taxi services by rationalising traffic movements and improving pedestrian linkages.
7. The intention is that the Master Plan be implemented in phases. Phase 1 included the creation of the Civic Square which was completed in November 2011.
8. The erection of an interchange building providing a car park with 396 car parking spaces, retail/office units and bus interchange on Barrack Row is identified as Phase 2. The application for approval of reserved matters for this submitted on behalf of Network Rail pursuant to the outline permission was approved by Gravesham Borough Council in July 2011. As no construction commenced the approval expired in July 2013.
9. The development subject of this planning application, for the realignment and widening of Rathmore Road and related works, has been identified as Phase 3, of which it is stated in the application not to be dependent upon Phase 2 being completed. The proposed realignment is effectively a 250m length of new carriageway that connects the northern part of Wrotham Road (before it turns into Stone Street) and Darnley Road. It bisects the existing Rathmore Road car park, and connects halfway along the existing Rathmore Road, immediately adjacent to the railway station entrance. The realignment, facilitated by the demolition of No. 13 Darnley Road and 'The Lodge', would create approximately 2000m<sup>2</sup> of additional road space and enable the new Rathmore Road to carry two-way traffic, giving greater flexibility for vehicle movements around this part of the town centre. It would provide an alternative through route into the town centre and enable Clive Road to exclusively carry buses, local delivery vehicles and traffic to and from the existing (and proposed) car parks. The route from Clive Road to Darnley Road via Barrack Row would be for buses only. The applicant states that the realignment provides the most direct route possible between Wrotham Road and Darnley Road,

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designed to ensure minimal disruption to existing, neighbouring residential and commercial boundaries.

10. An application for Conservation Area Consent for the demolition of 13 Darnley Road, The Lodge, Rathmore Road and front and rear boundary walls of 15 Darnley Road was consented by Gravesham Borough Council in January 2011 and expires in January 2014. A condition of the consent is that the demolition shall not commence until such time as a contract is let for the construction for the realignment of Rathmore Road.
11. In addition to the demolitions necessitated by this proposal, 22 trees would need to be removed. The construction of the road would also involve the creation of a cut in slope on the south side, as a result of the varied levels across the application site. A 2.4 metre high timber acoustic barrier would be erected at the top of this slope, in order to mitigate the impact of traffic noise that would be experienced at properties in Cobham Street to the south. It is proposed that the impermeable surface of the car park unaffected by the construction of the road would remain in place. Access to this area at the western end would be retained through a gated entrance in the acoustic barrier for maintenance purposes. Existing drainage features would be re-used wherever possible and the runoff would continue to drain either to soak-away or the public sewer. The realignment of the road would provide additional space in front of the railway station with circulation for drop-off and pick up, an area for taxis and disabled parking. To the rear boundary of 'Bar 24' in Stone Street, to the east and adjoining the footway behind the proposed disabled parking, the construction of a retaining wall would be required. Landscape proposals include appropriate replacement planting and enhanced paving materials consistent with the wider Gravesend Transport Quarter Scheme. Proposals for street lighting include 8 metre columns along the road and footways, and 10 metre columns outside the station.
12. A section of the existing Rathmore Road would remain to the east. A lay-by would be provided for deliveries but it would otherwise become an enhanced pedestrian route to and from the station from the eastern end of the town centre. Streetscape improvements would be carried out to this part of Rathmore Road together with Darnley Road, Clive Road, Stone Street, Railway Place as part of Phase 3 under permitted development rights.
13. The applicant has indicated a potential contractor's compound on land immediately north of Lord Street between Eden Place and Parrock Street. This is shown on the location plan on page D1.2. However this does not form part of the application and is for information only.
14. The applicant states that the new Rathmore Road alignment would enable an area of land for possible future development, situated between the new Rathmore Road and the rear of the Cobham Street properties, identified as Phase 4. This land has outline permission for residential and retail/office development as indicated in paragraph 5(c) and (d) above.
15. Although proposals for a scheme to widen and realign Rathmore Road benefit from outline permission, as referred to in paragraph 5 (b) above, a fresh application has been submitted, rather than an application for approval of reserved matters. That is partly as a result of some changes that have been made to the scheme but also because the development is to be carried out by (or on behalf of) the County Council as Highway Authority and therefore falls to be determined by the County Planning Authority. The applicant advises that these changes include the following:

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- The retaining wall, associated with the proposed future development, that extended along the longer part of the south side of the scheme has been removed and replaced with a cutting slope.
  - The layout to the station forecourt has been amended.
  - The materials to the station forecourt have been amended.
  - Details of the retaining wall required at the rear of Bar24, Stone Street have been provided.
  - The alignment of the new Rathmore Road has been updated
  - Lighting details have changed.
  - The acoustic barrier has been added.
  - The soft landscape proposals have been amended.
16. As well as a Planning Application Report and a Design and Access Statement, the application as originally submitted was accompanied by an Air Quality Assessment, Tree Survey/Arboricultural Report, and Ecological Scoping Report, and a Bat Survey, Desk Study Report which assesses potential contaminated land, geotechnical and construction issues, Heritage Statement, Townscape and Visual Impact Assessment, Noise and Vibration Impact Assessment, Draft Site Waste Management Plan, Flood Risk Assessment, and the Design and Access and Planning Statements from the Outline Application. Amongst other matters the Planning Statement makes reference to and summarises the main findings of the Transport Assessment submitted with the outline application, but that was not submitted with this application.
17. A Screening Opinion was adopted by the County Planning Authority on the 14 May 2012 following receipt of the application concluding that Environmental Impact Assessment is not required and therefore that the application did not need to be accompanied by an Environmental Statement.

Additional/Amended documents

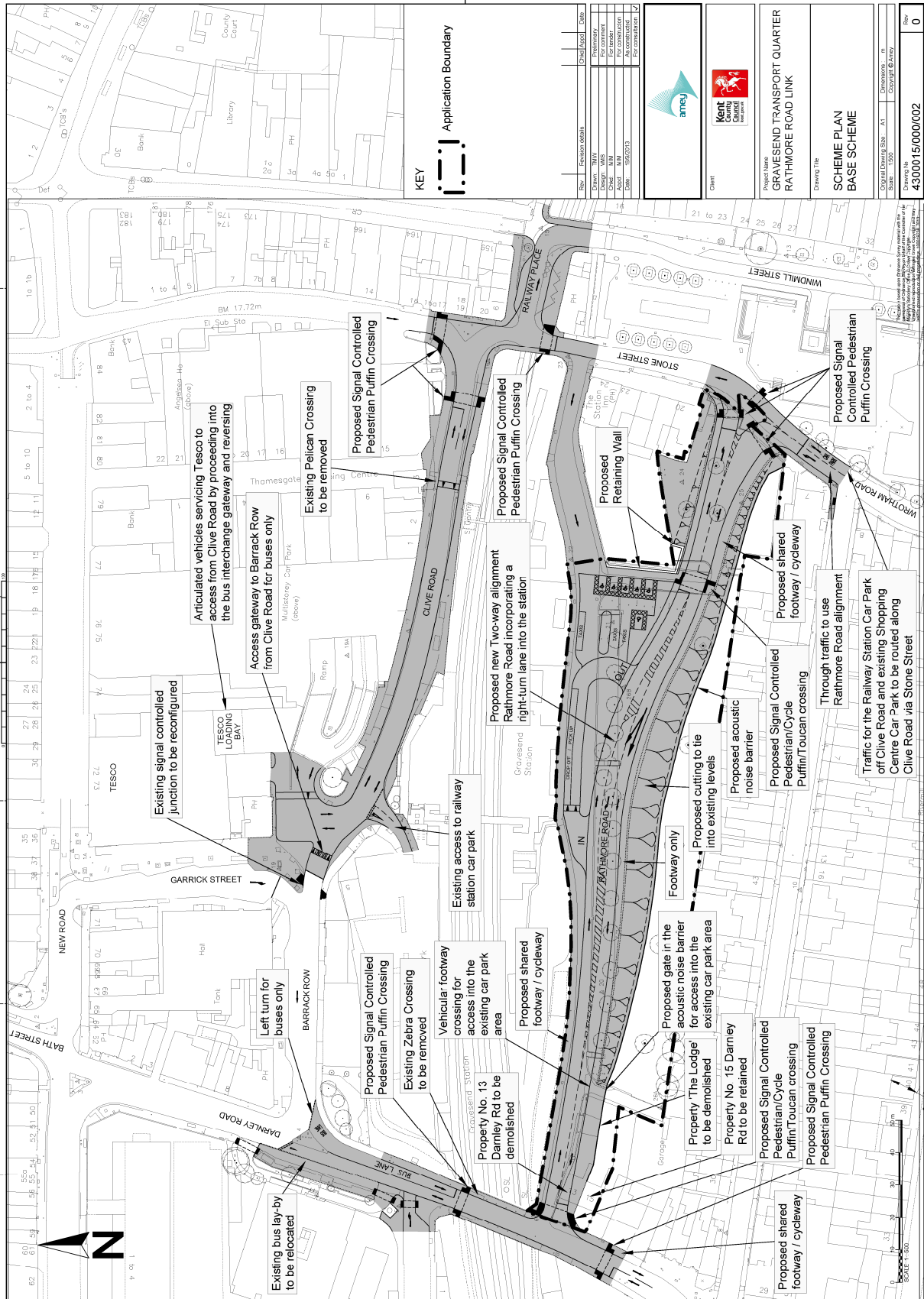
18. The Transport Assessment, Noise and Vibration Assessment and Air Quality Assessment referred to above were carried out to reflect that the Rathmore Road widening and realignment would not be carried out until the transport interchange building had been constructed. However a number of consultee responses and representations received highlighted that the effects of Phase 3 being implemented in advance of Phase 2 happening had not been assessed. The applicant has now addressed that possibility by the submission of additional/amended details indicating that Network rail are unlikely to commence construction of the Interchange building for sometime, and as noted above the approval has now expired. The amended/additional details (received at the end of August 2013) include:
- A revised scheme plan (as attached) which shows amendments to the permitted development area at Clive Road bus gate which is now shown just connecting into existing Barrack Road. Additionally, the previously submitted plan included proposed layout alterations to Barrack Row to coincide with the proposed Phase 2 layout and these have now been removed from the drawing;
  - Transport Assessment Report June 2013 which excludes the effects resulting from Phase 2;
  - Noise and Vibration Assessment March 2013 to reflect the revised traffic effects; and
  - Air Quality Assessment March 2013 to reflect the revised traffic effects.

*Reduced copies of the drawings showing the proposed road layout, sections through the road, and elevations of 13 and 15 Darnley Road are attached.*



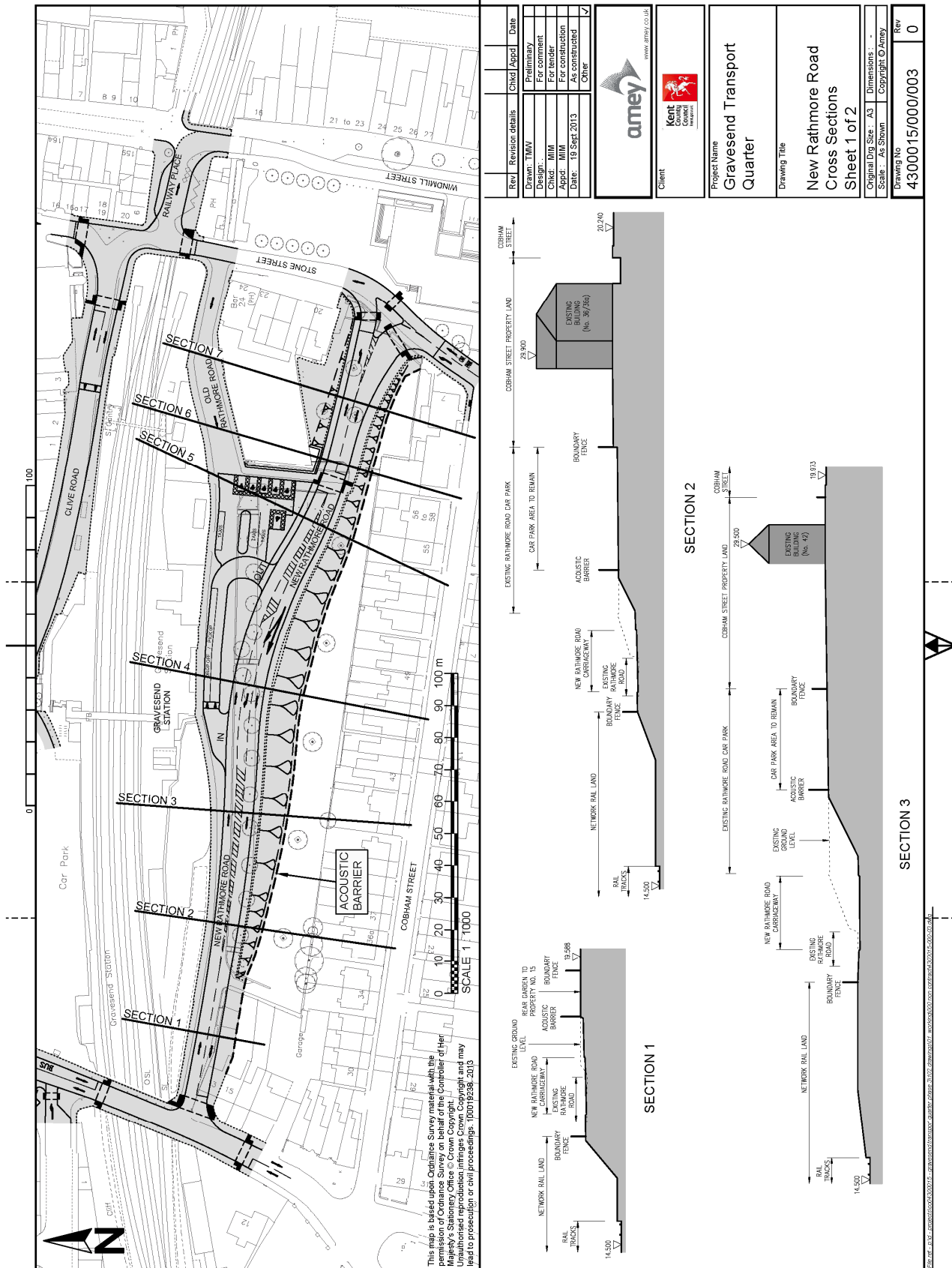
# Proposed realignment and widening of Rathmore Road, Gravesend – GR/2012/0441 (KCC/GR/0148/2012)

## Scheme Plan showing application boundary



# Proposed realignment and widening of Rathmore Road, Gravesend – GR/2012/0441 (KCC/GR/0148/2012)

## Cross Sections 1 to 3



Rev	Revision details	Chkd	Appd	Date
1	Drawn: TMW			
2	Design: For comment			
3	Chkd: MIM			
4	Appd: MIM			
5	Date: 19 Sept 2013			
6	For construction			
7	As constructed			
8	Other			

amey	www.amey.co.uk
Client	Kent County Council
Project Name	Gravesend Transport Quarter
Drawing Title	New Rathmore Road Cross Sections Sheet 1 of 2
Original Dwg Size	A3
Scale	As Shown
Dimensions	Copyright © Amey
Drawing No	4300015/000/003
Rev	0

**SECTION 4**

**SECTION 5**

**SECTION 6**

**SECTION 7**

Rev	Revision details	Chkd	Apd	Date
	Drawn: TMW			Preliminary
	Design:			For comment
	Chkd: MM			For tender
	Apd: MM			For construction
	Date: 19 SEP 2013			As constructed
				Other

Client: amey

Kent Council

Project Name: Gravesend Transport Quarter

Drawing Title: New Rathmore Road Cross Sections Sheet 2 of 2

Original Dwg Size: A3

Scale: As Shown

Dimensions: -

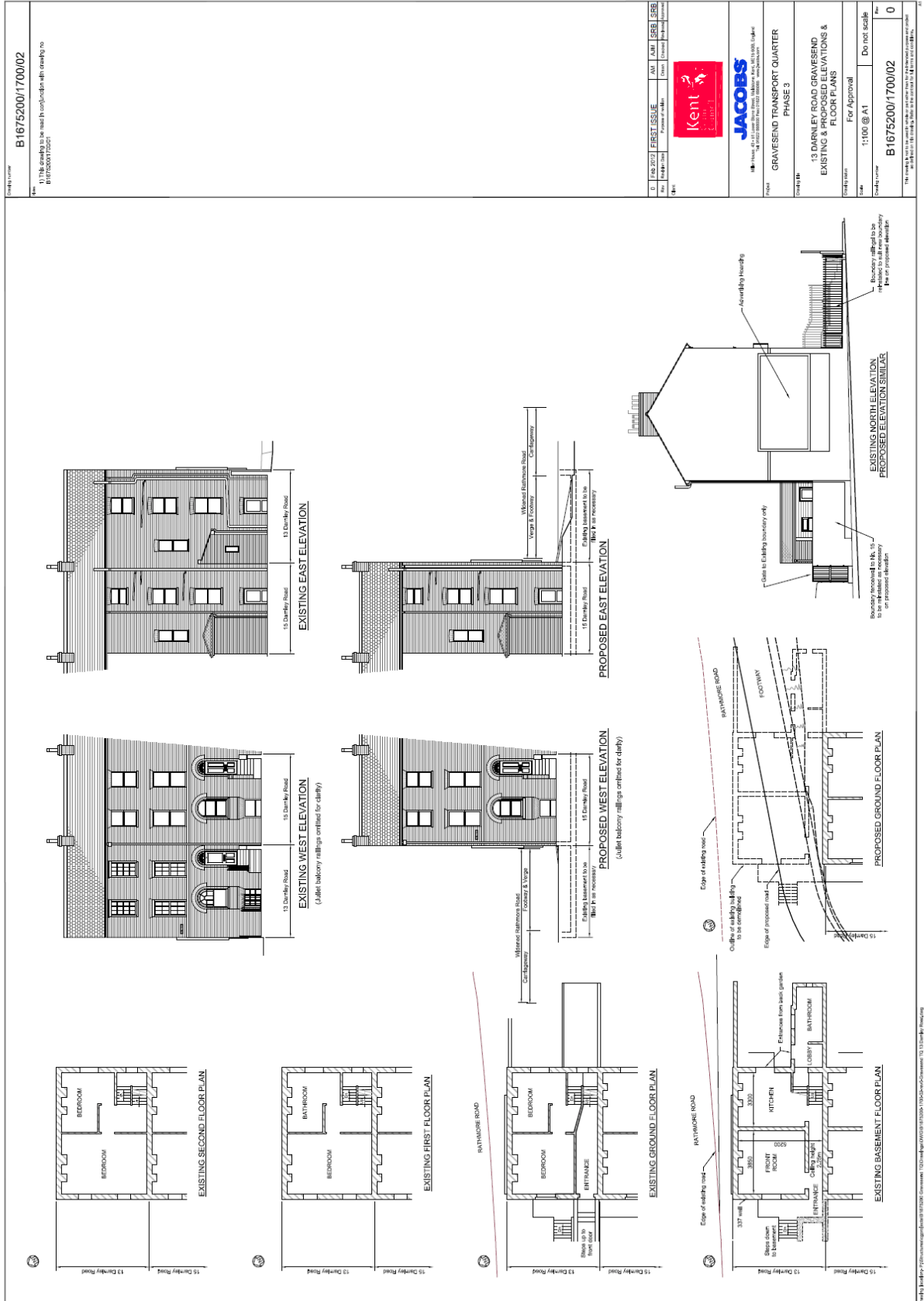
Copyright © Amey

Drawing No: 4300015/000/004

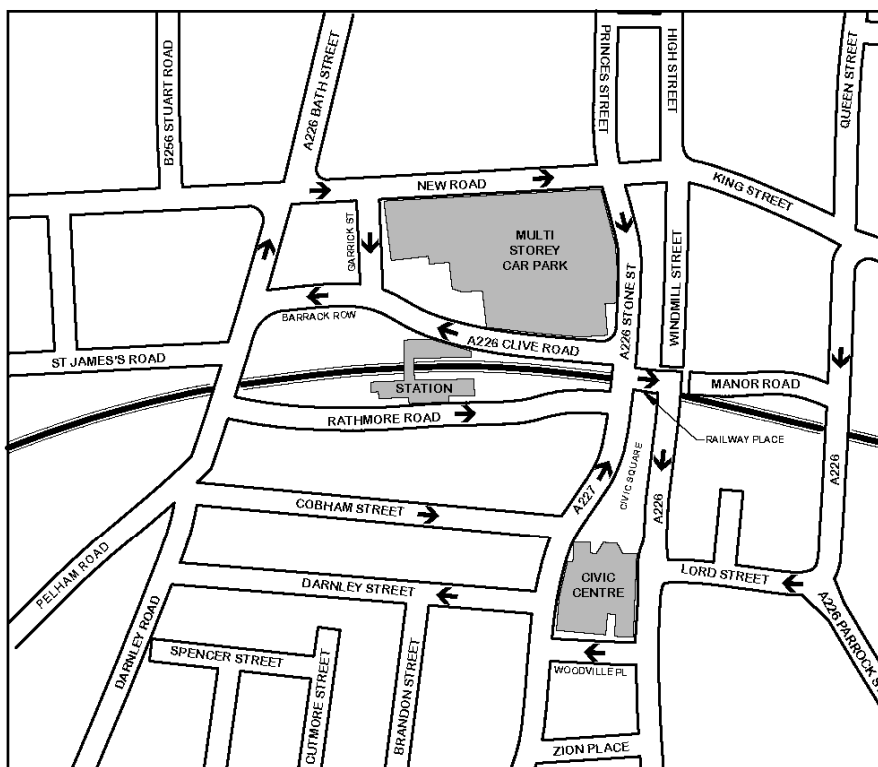
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# Proposed realignment and widening of Rathmore Road, Gravesend – GR/2012/0441 (KCC/GR/0148/2012)

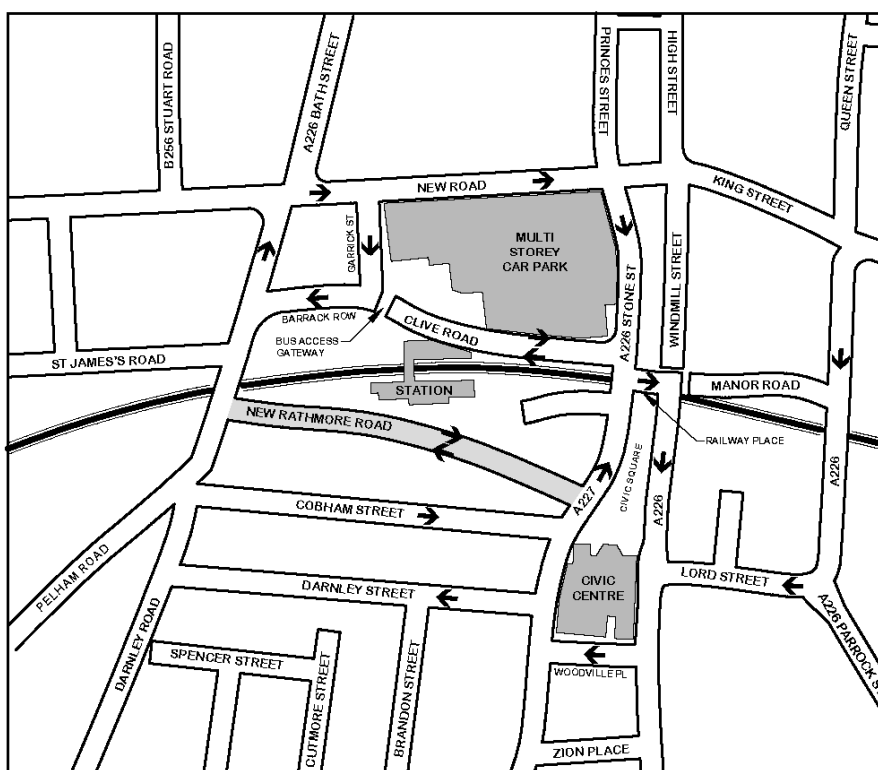
## Elevations of 13 and 15 Darnley Road before and after demolition



**Proposed realignment and widening of Rathmore Road, Gravesend –  
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EXISTING ROAD LAYOUT



PROPOSED ROAD LAYOUT

**Proposed realignment and widening of Rathmore Road, Gravesend – GR/2012/0441 (KCC/GR/0148/2012)**

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**Planning Policy**

19. The following National Planning Policy guidance, Development Plan Policies and emerging Development Plan Policies summarised below are relevant to the consideration of the application:

- (i) **National Planning Policy (NPPF) March 2012:** The NPPF sets out the Government's planning policy guidance for England at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

Decision-takers may also give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework.

In determining applications the NPPF states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.

In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

- The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.
- The great importance the Government attaches to the design of the built environment, recognising that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- The need to ensure that flood risk is not increased elsewhere.
- The aim to conserve and enhance biodiversity.
- The need to prevent unacceptable risks from pollution and land instability.
- The aim to avoid noise from giving rise to significant adverse impacts on health and quality of life, and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development.
- The need to ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.
- The need to limit the impact of light pollution from artificial light on local amenity by encouraging good design.
- The need to consider the significance of any heritage assets affected, including any contribution made by their setting, and consideration of any harm or loss arising from the impact of the proposed development. Also, to take into account the relative significance of loss of any building or other element affected and its contribution to the significance of a conservation area as a whole. In considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the conservation of the asset.

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- (ii) The adopted **Gravesham Borough Local Plan First Review 1994** (relevant saved policies). *Some of these saved policies will be replaced in whole or in part by policies in the Gravesham Local Plan Core Strategy once adopted as indicated in brackets.*

- Policy TC0** Gives priority to conserving and enhancing the built environment, with particular importance attached to (amongst other things) the design of new development, the safeguarding and enhancing of conservation areas and environmental improvement schemes.  
*[Will be replaced by: CS12 Green Infrastructure, CS19 - Development and Design Principles, and CS20 - Heritage and the Historic Environment.]*
- Policy TC2** Sets out the approach for development affecting listed buildings including their setting, the primary consideration being the maintenance of the integrity of the original listed building.
- Policy TC3** Where development proposals are acceptable in relation to other policies their impact on conservation areas will be carefully judged and they will be expected to make a positive contribution to the conservation area. Demolition of unlisted buildings within conservation areas will be resisted unless the Borough Council is satisfied that the existing building is harmful to the conservation area and that the redevelopment or other use of the site will be beneficial.
- Policy TC5** Seeks to promote the identification, recording, protection and enhancement of archaeological sites.  
*[Will be replaced by: CS09 Culture and Tourism and CS20 - Heritage and the Historic Environment.]*
- Policy TC10** Seeks adequate landscaping for new development and protection of important trees and woodlands, other important landscape features and habitats of nature conservation value.  
*[Will be replaced by: CS12 Green Infrastructure and CS19 - Development and Design Principles.]*
- Policy T0** Seeks to achieve the most effective use of the existing highway network and the promotion of new or improved roads for the benefits of residents and to facilitate development opportunities in the Borough, better facilities for public transport users, pedestrians and cyclists, and highway safety and environmental improvement measures for the benefit of all transport users and residents of the Borough. *[Will be replaced by: CS11 – Transport.]*
- Policy P1** Seeks to maintain an adequate supply of publicly controlled off-street parking spaces with Central Gravesend. *[Will be replaced by: CS11 – Transport.]*

- (iii) Whilst the **Gravesham Local Plan Second Review (Deposit Version) 2000** was adopted as a material consideration for development control purposes, little regard should now be paid to the policies within it given the publication of the emerging Gravesham Local Plan Core Strategy and the National Planning Policy Framework. They are therefore not listed or referred to.

- (iv) **Gravesham Local Plan Core Strategy:** Public consultation for the Local Plan Core Strategy – *Proposed Submission Version December 2012* ended at the end of February 2013. Submission for Examination by an Independent Inspector took place in May 2013, and the Public Examination Hearing took place between 10 and 18 September. On the 23 September the Inspector gave a preliminary view on the

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soundness of the Core Strategy, in particular raising concerns about the proposed total new housing provision and annual delivery rate over the plan period. As a result the Borough Council has now agreed to undertake further work as advised by the Inspector in accordance with a provisional timetable to address these concerns and to enable the Core Strategy to be adopted as quickly as possible. That is currently indicated to be August 2014.

A Site Allocations and Development Management Policies Development Plan Document will be prepared following the adoption of the Core Strategy.

The most relevant policies from the Core Strategy - Proposed Submission Version December 2012 (as proposed to be amended May 2013) are as follows:

**Policy CS01 Sustainable Development** - States that a positive approach will be taken which reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and in the Core Strategy.

**Policy CS05 Gravesend Town Centre Opportunity Area** - The Area will be the principal focus for town centre related economic and social activity in the Borough. This will be achieved by, amongst others, improving its role as a transport hub by the creation of a public transport interchange. Within the Opportunity Area, the Council will (amongst other things):

- Seek to improve pedestrian access between the town centre, the River Thames and surrounding areas and reduce the physical barriers created by the one-way system;
- Manage traffic accessing and passing through the area through its approach towards the provision and distribution of public car parks; and
- Support improved public transport access, including the provision of an integrated transport interchange at Garrick Street/Barrack Row.

**Policy CS11 Transport** - proposals will be supported which improve public transport provision and facilities in the Borough; including, the development of transport hubs at Gravesend Town Centre [and Ebbsfleet] to provide high quality interchange facilities between bus, rail, walking and cycling, and an adequate supply of public car parking will be ensured. Improvements will also be sought to walking and cycling facilities and networks in the Borough to provide improved access to Gravesend Town Centre [and Ebbsfleet] and to other services and facilities in the Borough.

**Policy CS12 Green Infrastructure** – Amongst other things seeks to protect, conserve and enhance biodiversity, habitats and species.

**Policy CS19 Development and Design Principles** – Sets out criteria for new development, that includes (amongst other things) the need to avoid causing harm to the amenity of neighbouring occupants, including loss of privacy, daylight and sunlight, and avoid adverse environmental impacts in terms of noise, air, light and groundwater pollution and land contamination; designed and constructed so that it does not pose an unacceptable risk or harm to the water environment; and details of appropriate hard and soft landscaping, public art, street furniture, lighting and signage and will ensure that



**Proposed realignment and widening of Rathmore Road, Gravesend – GR/2012/0441 (KCC/GR/0148/2012)**

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public realm and open spaces are well planned, appropriately detailed and maintained so they endure.

**Policy CS20 Heritage and the Historic Environment** - Accords a high priority towards the preservation, protection and enhancement of heritage and the historic environment as a non-renewable resource, central to the regeneration of the area and the reinforcement of sense of place. When considering the impact of a proposed development on a designated heritage asset, the weight that will be given to the asset's conservation value will be commensurate with the importance and significance of the asset. For non-designated assets, decisions will have regard to the scale of any harm or loss and the significance of the heritage asset.

**Consultations**

20. **Gravesham Borough Council** made the following comments about the proposal as originally submitted:

"Although submitted under Regulation 3 as a stand alone application this proposal is giving effect to the outline approved Transport Quarter Master Plan and the works to realign Rathmore Road which form part of the ongoing delivery of this wider vision. With the Phase 1 work having been carried out and the Phase 2 interchange/car park in the hands of Network Rail for delivery following detailed approval last July, the Rathmore Road proposal moves towards completing the elements of the jig-saw. It follows that GBC continues to provide clear support for this framework of phased developments and the overarching aspirations of promoting public transport links and improving connectivity within the Town, within which the current proposal forms a key component. In addition, the continuing regeneration and financial investment in the Town Centre through this project is welcomed and supported by the Borough Council's Economic Development team.

Whilst there remains strong support for the principle of the development proposed, it is important to scrutinise the scheme to ensure that the details are acceptable and complement the existing and planned Transport Quarter Master Plan.

Firstly, having received input from the Borough Council's environmental health officers on noise, vibration and air quality, the findings of the technical reports are accepted. However, should these works precede delivery of the approved transport interchange (Phase 2), in order to better understand potential environmental and traffic impacts, consideration should be given to undertaking a traffic assessment that considers this proposal independently.

It is important that the identified air quality impact on the residential premises at 15 Darnley Road is suitably mitigated and it is necessary for an appropriately worded planning condition to be imposed on any permission to require this. As the suggested mitigation measures require planning permission in their own right there may be benefit in submission of a planning application for the works in parallel with the main application. Alternatively, through an informative, it should be made clear that the recommended mitigation would require planning permission.

Also, consideration should be given to the need for a safety audit, with particular reference to pedestrians, to assess the re-routed traffic flows (especially of HGVs) through Railway Place and Windmill Street adjacent to Community Square.

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Adverse noise and air quality impacts that may be experienced during the construction phase should be controlled through compliance with an approved Code of Construction Practice and Environmental Management Plan and this should be required through imposition of a planning condition, to be agreed with the LPA.

In respect of land contamination, the LPA are of the opinion that further details should be provided to support the applicant's conclusion that no mitigation is required to ensure no adverse risk to human health is introduced from potentially contaminated land. Should such information be made available by the applicant the Borough Council would welcome an opportunity to comment further.

In townscape terms the scheme provides an opportunity for improving the setting of the Grade II Listed railway station building by creating a more attractive and welcoming forecourt and the high quality surface materials proposed in its vicinity, to reflect those used on Community Square, are positive. The LPA is though of the opinion that the use of black macadam for the inset parking area and taxi rank may detract from the quality of the space and reduce its perception of being a pedestrian friendly area. The LPA would welcome input into any discussions concerning the potential for alternative surface material for this area.

However, the proposal to enhance the 'old' section of Rathmore Road is positive as providing a mainly pedestrian connection to and from the Town Centre in a manner consistent with the first phase of the Transport Quarter Master Plan at Community Square. In resolving the necessity and siting of street furniture care should be taken to avoid street clutter, particularly for the partially sighted. Although outside of the application boundary it is considered necessary to build in a safeguard through planning condition for its delivery and enhancement (i.e. soft and hard landscaping) in a timely manner.

Similarly, it is important that adequate assurances are provided by the applicant to confirm that all the relevant highway infrastructure and public realm improvements will be provided to integrate the scheme into the existing highway network and complement the wider aspirations of the Transport Quarter Master Plan.

In order to ensure the sensitive siting of lighting columns in direct proximity to the listed station building, the LPA would request that their exact locations be confirmed through planning condition, to include a detailed plan and elevation. As an aside, consideration ought to be given to the possibility of salvaging the existing 'heritage' style lighting columns along Rathmore Road which will become redundant following installation of the new modern lighting columns as part of this scheme.

The erection of a 2.4 metre high acoustic fence running along the crest of the grassed bank to the south of the new Rathmore Road as proposed, whilst necessary to deal with noise issues, raises concern as representing an unsatisfactory design solution to mitigate vehicle noise. It is the opinion of the LPA that the visual impact of the acoustic barrier could be improved and options for either alternative designs and/or softening of its stark appearance should be considered, to include landscaping of the grassed bank.

Whilst KCC Planning will seek advice from their own archaeological officer on such matters, it is prudent for the LPA to draw attention to the conclusion of a 2008 report by Oxford Archaeology which highlighted the area to the south of Rathmore Road has potential to contain intact archaeology.

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Next, whilst it is not the responsibility of this development proposal to design a scheme for the residual land of Rathmore Road car park, as the road works fall within the 'framework' of the approved Transport Quarter Master Plan that seeks to utilise this land for development, it would seem necessary and reasonable for it to consider how access to the site may be provided in the context of the current scheme. Despite the presence of an acoustic fence the application confirms that access will be retained at the existing car park entrance, albeit not for use by the general public. This would appear to be sufficient to ensure the highway design does not impose any significant constraints for the future use of this land for any reasonable town centre use, such as a residential developed envisaged through the Master Plan. It is accepted that the merits and impacts of any such future development, such as on townscape and residential amenity, would stand to be assessed at that time and subject to the proposal.

Finally, the impact of the proposal upon Town Centre public car parking is a relevant planning consideration and it is noted that the current scheme, as a stand alone project, will result in the loss of existing car parking spaces. However, as land owner of the car park, this is a matter for GBC to consider through land transfer/sale negotiations."

**The Borough Council** has made the following further comments in the light of the additional/amended details received and applicant's response to the matters raised above:

"It is noted that the proposed scheme remains largely unaltered from that previously submitted, with the exception of modest highway works to tie in to the existing road network, rather than to the layout proposed to accommodate the interchange building. It is positive that the applicant has reaffirmed a commitment to deliver this scheme within the context of the overall Gravesend Transport Quarter Master Plan, which provides comfort that details such as surface treatments and street paraphernalia will be consistent with and complement the works already carried under Phase 1 of that project.

Gravesham Borough Council would not wish to add any further comment in respect of the traffic implications of the proposed scheme as the updated Transport Assessment (TA) will be comprehensively reviewed and commented on by KCC Highway and Transportation. It is however noted that, whilst the TA mentions that the existing bus stops in Clive Road will be relocated to form part of a new transport interchange at Barrack Row and Garrick Street, the revised Scheme Plan includes no such annotation – this would be useful to give a clear picture of what is being proposed in the round.

A principal comment provided previously raised some concern with the approach to noise mitigation by the erection of a 2.4 metre high acoustic fence running along the crest of the grassed bank on Rathmore Road. It is noted that the applicant has confirmed that a landscaping scheme will be developed to soften the visual impact of this barrier, and GBC would expect details of the soft landscaping, and the barrier itself, to be reserved through planning condition.

In townscape and heritage terms, it is suggested that it would be more appropriate for the gable wall to 15 Darnley Road to be finished in yellow stock brick to match the original and not rendered and the existing advertising hoarding should not be replaced on the flank wall due to being harmful to the character and appearance of the Darnley Road Conservation Area. Likewise careful consideration should be given to the rear boundaries of 20-24 Stone Street, which will become prominent components of the conservation area as a result of the proposals.

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In respect of the street lighting columns, the applicant has explained that their precise locations will be determined having regard to factors such as spread of lighting, location of utilities and adjacent buildings. The principal purpose for raising this matter initially was to ensure that the lighting columns are sensitively sited when viewed against the backdrop of the Listed station building. This relationship should be a factor taken into account when finalising the precise location of the columns.

Turning to environmental matters, it is acknowledged that the applicant will undertake further intrusive investigation with a view to suitably remediating any contamination prior to the commencement of works, which will presumably be required through planning condition.

Next, in respect of the updated noise and vibration report, this has been considered by GBC's Senior EHO and the conclusions of that report are accepted. It has however been noted that noise impacts on the occupied flats at 23 and 24 Stone Street don't appear to have been considered but, in any case, it would appear likely that relocating the road away from these premises as proposed should only improve noise conditions experienced by these residents. Also, the updated assessment notes that the impact on 6A Wrotham Road and 2 Cobham Street is reduced from the earlier assessment.

Further to previous comments recommending the approval of a Code of Construction Practice, it is suggested further that the contractor enters into an agreement under section 61 of the Control of Pollution Act 1974 as the best way to deal with construction noise. I understand that the contractor, Amey, has already informally discussed this approach with GBC's Senior EHO.

In respect of air quality, the findings of the latest assessment are accepted by GBC. This assessment identifies that the adverse air quality impacts of the scheme will be extended to include 17 Darnley Road and 58 Cobham Street (as well as 15 Darnley Road previously identified) so, accordingly, it is important that such effects are suitably mitigated. Whilst the applicant has accepted that a planning condition to mitigate the effects on 15 Darnley Road (which they intend to purchase and thus have control over) would not be opposed, such a mechanism would not provide a similar safeguard for the other two affected properties that, since the applicant has not indicated an intention to acquire, would remain in third party ownership. It is recommended that the applicant be requested to provide details of a mechanism that will ensure air quality exceedences at these locations are adequately mitigated. It is however advised, to more accurately inform the air quality assessment process, that the applicant carries out some monitoring at the above two locations, particularly since the exceedence at 58 Cobham Street is only marginal and actual monitoring (rather than predictions) may assist to resolve the matter."

**Environment Agency** has no objection in principle and considers that planning permission could be granted to the proposed development as submitted subject to conditions to control potential contamination not previously identified and infiltration of surface water drainage into the ground, to ensure protection of the underlying aquifer. The Environment Agency considers that without these conditions the proposed development would pose an unacceptable risk to the environment and would object to the application.

**English Heritage** raises no objection to the proposed development subject to the following comments:

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“Although the demolition of 13 Darnley Road is to be regretted, as it is a good example of a mid-nineteenth century terraced house that is in good condition, English Heritage has previously indicated its acceptance of its loss on the basis of the wider benefits that the Transport Quarter will bring to Gravesend town centre. It suggests that conditions are attached to any planning permission to require the full recording of the building prior to demolition and for salvaging of interior and exterior architectural features and elements and, if possible, their incorporation into adjacent buildings in the terrace.”

English Heritage urges that the above issues be addressed and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of our specialist conservation advice.

**Network Rail** no views received.

**KCC Highways and Transportation - Development Planning Manager** initial views were as follows:

Noted that the submission relied on the previous acceptance of the Transport Assessment produced in support of the Outline Transport Quarter proposals within which certain assumptions were made including the delivery of the Transport Interchange building and associated multi-storey car park facility in advance of the Rathmore Road highway alterations. Also, that no assessment had been made of the potential traffic and parking impact of implementing the scheme in advance of the delivery of the Transport Interchange building and therefore strongly recommended that this be addressed - either by the submission of further supporting information addressing these issues or by the conditioning of any permission to prevent commencement of works until such time as the Phase 2 Transport Interchange and multi-story car park is operational.

Other detailed issues were raised as follows:

- Clarification on how cyclists travelling from St. James' Road via Darnley Road to the station entrance in Rathmore Road would be accommodated within the proposed arrangement.
- How the proposed drop-off parking area in front of the station on the north side of Rathmore Road interacts with the proposed service road which follows the previous alignment of the eastern end of Rathmore Road - particularly with regard to highway adoption areas and the demarcation of such areas.

It was also noted that the proposed highway scheme had been designed to integrate with the completed Phase 2 Transport Quarter scheme which includes a certain amount of off-site highway works which would potentially not be in place should the scheme be implemented in advance of Phase 2. Commented that whilst this could most likely be accommodated by design, recommended that a review of the design be carried out at any location where the proposal would need to tie into an area of the public highway which would alter as a result of the non-implementation of Phase 2 to ensure that either scenario (i.e. with or without Phase 2 in place) could be accommodated.

Following receipt of the additional/amended details and a response from the applicant to the detailed points above has commented as follows:

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“Initially it should be noted that this detailed proposal represents Phase 3 of an outline planning proposal (the Transport Quarter development) which was previously granted planning approval by Gravesham Borough Council as the Planning Authority with no objection in principle having been raised by the Highway Authority, Kent County Council in respect of the overall highway impact of that Outline scheme.

The initial submission of details in respect of this particular phase of work generated a number of highway related issues and points of clarification as a result of the potential progression of the Phase 3 works ahead of the previously approved Phase 2 works. However, I am satisfied that the revised detailed proposals and updated Transport Assessment either directly address those outstanding highway issues or clarify the way in which they will be dealt with through the detailed approval process for the highway improvements scheme and accordingly, there are no further highway objections raised in respect of these proposals.”

**KCC’s Noise Adviser** commenting on the March 2013 Noise and Vibration Assessment has noted that although control measures are included within the Assessment, it is not possible to determine whether significant disturbance would be caused to neighbouring receptors during construction. It has therefore been requested that predictions of noise and vibration from each phase of the proposed construction works should be provided in order to enable the impact of construction noise to be properly assessed. With regard to operational impacts it has been requested that the following matters be addressed and information provided in order to establish whether the conclusions of the Assessment are reliable:

- A description of the road project objectives in relation to noise and vibration.
- Define and display the study area, and the main sources of noise and vibration in the area.
- A list of predicted noise levels at all sensitive receptors used in the assessment, including the associated magnitude of change.
- The results from the relevant Basic Noise Level comparisons.
- Any possible cumulative impacts.
- Noise change contour maps.

*The applicant has now addressed these matters in an addendum as referred to in paragraph (50) of the discussion section of the report.*

**KCC’s Air Quality Adviser** has commented on the March 2013 Air Quality Assessment as follows:

Construction Phase

“There is no mention of earthworks or trackout activities in the construction impact assessment and that if these parameters are not yet known, worst-case assumptions should be made for a conservative assessment.

Although dust emissions classes and the significance of the effect with mitigation are given for demolition and construction, no risk category or significance of the effect without mitigation is given. It would be useful if the risk categories and the significance of effects without mitigation were highlighted.”

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Operational Phase

“A value of 0.5 has been used in the model for surface roughness, to represent parkland and open suburbia. Sensitivity analysis using a value of 1 for surface roughness should be used to represent an urban built-up area.

The year chosen for emission factors is not clear. If 2014 emission factors were used, the predicted concentrations are considered to be under-predicted. The year chosen for emission factors should be stated. For a more conservative assessment, the base year 2010 should be used to calculate emissions factors.

There is a “neutral effect” stated overall upon Air Quality Management Areas and it is therefore considered to not be an over-riding planning consideration. As one new exceedance of air quality objectives is generated as a result of the scheme within a declared AQMA, mitigation measures need to be identified.

Mitigation methods have been recommended to reduce the impact of the development upon certain areas and to prevent a new AQMA being designated. The recommended mitigation method should be captured within a planning condition.

Contour plots should be included.”

*The applicant has now addressed these matters in an addendum as referred to in paragraph (60) of the discussion section of the report.*

**The County Council’s Biodiversity Officer** is satisfied that there has been adequate consideration of the potential for ecological impacts as a result of the proposed development and notes that there is limited potential for ecological impacts beyond the potential for the presence of breeding birds. Therefore advises that the implementation of the mitigation measures in the Ecology Scoping Report, which state that “*if trees and buildings cannot be removed outside of the bird breeding season, an inspection by a qualified ecologist must first be completed within 48hrs of the works commencing*” must be carried out prior to such works commencing.

In addition advises that, in keeping with the National Planning Policy Framework (NPPF), “*opportunities to incorporate biodiversity in and around development*” should be encouraged. Therefore the recommendations in section 4.5 of the Ecology Scoping Report to use native species planting and bird nest boxes in the landscape proposals must be implemented to ensure compliance with the NPPF.

**The County Council’s Conservation Architect** has commented as follows:

“Setting of the Conservation Area

Opportunities should be sought to preserve and enhance the Conservation Area in line with English Heritage guidance. To this end one would anticipate that consideration is given to materials and street lighting that reflect the historic setting of the conservation area. Signage and road markings should also respond sympathetically to the setting of the conservation area.

Setting of Historic & Listed Buildings

Opportunities should be sought to ensure enhancement of the setting of listed buildings in the area. The setting of the railway station would benefit from an upgraded forecourt adopting materials appropriate to the historic setting of the listed building. Likewise careful consideration should be given to the rear boundaries of 20-24 Stone Street,

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which would become prominent components of the Conservation Area as a result of the proposals. Visually linking the newly completed Civic Centre Forecourt with the Railway Station Forecourt, by considering the design and materials would contribute to the enhancement of the town centre and the Conservation Area. The gable wall to 15 Darnley Road should be finished in yellow stock brick to match the original and not rendered. Advertising hoardings should be removed.

**Boundary Treatment**

The impact of boundary treatment adjacent to the proposal is fundamental to the setting of the major arrival point for the town centre, the listed buildings and the Conservation Area. The proposed acoustic panels will detract from the environment around the railway station and detract from the setting of the Conservation Area and the listed buildings. Further design is necessary to develop acoustic walls that are more in keeping with the historic town centre. The use of yellow stock brick walls, which are more in keeping with the listed buildings and the conservation area, should be developed and adopted to address sound attenuation requirements. These can be constructed at back edge of pavements and terraced up the gradient of the slope along the new road as necessary to incorporate landscaping.”

**The County Council’s Archaeological Officer** has commented as follows:

“There is potential for archaeological remains to survive within this development site but there is likely to have been some disturbance from post medieval construction, especially associated with the development of the railway. Undisturbed archaeology could survive in pockets although the area around Rathmore Road seems to have a strip of land, earlier allotments, which has high potential for archaeology. There are listed historic buildings within close proximity of this development and there may be local heritage sites which need careful consideration, especially the location of WWII civil defence sites.

There are a few key sites which will merit particular consideration in terms of heritage issues. The developments around Rathmore Road have potential to have an impact on extensive undisturbed buried archaeology.

There is nothing as yet recorded in this area of the application site but there is potential for prehistoric and Roman remains to survive as well as medieval remains. Developments within the area around the proposed Interchange Building may have an impact on buried archaeology although much of this area has been truncated by railway excavations. Proposals towards the east of Rathmore Road, towards Wrotham Road may have an impact on buried archaeology.

Although some of the proposed works are superficial, such as landscaping and improvements to the railway station forecourt, recently archaeological work for the Phase One, Civic Centre area has clarified that unrecorded archaeological remains can survive fairly close to the surface.

Finally, I would like to encourage utilisation of the wonderful heritage of Gravesend in the design of landscaping and improvement works to the highways within the Transport Quarter development. There needs to be consultation with the District Conservation Officer to ensure the settings of Listed Buildings and recognised historic buildings are not detrimentally affected and where possible enhanced. In addition, there are several WWI and WWII heritage sites in this area and this major regeneration of the Transport



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Quarter presents an opportunity to provide visible signs of the military and civil defence heritage of Gravesend.

This application is supported by a Heritage Statement by Jacobs. This report is fine and provides reasonable baseline assessment of the heritage issues. Archaeology is also mentioned in paragraphs 9.17 and 9.18 of the Gravesend Transport Quarter Master Plan Planning Statement.

I have no major comments to make on the supporting documents but would like to encourage consideration of early archaeological evaluation works; greater consideration of preservation in situ of important buried archaeology; and more robust consideration of heritage enhancement measures, such as working heritage themes into the design and improvements to the highway environment.”

Recommends an appropriate condition to secure implementation of field evaluation works and safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording before development takes place.

**Local Members**

21. The former local County Members, Mr L. Christie and Mr H. Craske (Northfleet and Gravesend West division) and Mr B. Sweetland and Mr J. Cubit for Gravesend East division, which is close to the east side of the application site, were notified of the application on the 15 May 2012. Following receipt of the additional/amended details the current local County Members, Mrs S. Howes and Mr N.S. Thandi (Northfleet and Gravesend West division) and Mr. C. Caller and Mrs J. Cribbon were notified on the 30 August 2013.

**Publicity**

22. The application was publicised by an advertisement in a local newspaper, the posting of 8 site notices and the individual notification by letter of some 380 neighbouring properties (including residential properties, retail and business premises, etc.) in May 2012. It was also published on our website. The publicity and notification were repeated at the end of August beginning of September 2013 following receipt of the additional/amended details.

**Representations**

23. Representations to the application following the original publicity and notification were received from residents of 2 nearby properties, 4 from other Gravesend residents and one from a resident living outside of Gravesend. I have also received a representation from Urban Gravesham (The Civic Society for Gravesend and Northfleet) and from the Gravesend Access Group. The concerns and objections raised to the proposal are summarised below:

**Nearby residents**

- It is considered that during construction high levels of noise, vibrations and volumes of dust would have a detrimental effect on local residences, especially affecting

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residents who are home during daytime hours. If this is unacceptable there will be little option but to contact Gravesham Borough Council Environmental Health.

- Considers that on completion, high levels of pollution, traffic fumes and dust will lead to poor local air quality which would be detrimental to health especially if the residential proposal, which would otherwise act as a buffer between Cobham Street and the scheme, is not forthcoming.
- Questions whether the bank bordering the road would deaden the additional traffic noise.
- Careful consideration should be given to the change in status of the road and subsequent impact on local residents.
- A life long resident from a neighbouring property is concerned about the demolition of 13 Darnley Road which is part of a Georgian terrace unique within the Conservation Area. In particular it would spoil the appearance and value of its design with its characteristic features of the early 1900's, such as the ironwork. Also, considers that as it was designed as a block of four it would also lose some degree of structural stability.
- Is concerned about the likelihood of accidents at the Darnley Road end if two-way traffic is introduced to Rathmore Road. Has observed that there are very few hold-ups in this area at present and is not convinced that the proposal would solve Gravesend's traffic problems and is in favour of retaining the current one-way system. Furthermore, is not convinced that the proposal would bring any benefits to the prosperity of Gravesend and that the funding would be better spent on pot-holes and such like which would be less costly.
- Is concerned that their rightful access to the forecourt of their property which is needed for vehicular access might be overlooked leading to its loss of use as a result of a proposed pedestrian crossing in Darnley Road.

#### Other Gravesend residents

- The scheme would have a major impact on the centre of Gravesend but it has not been subject to Department for Transport (DfT) assessment, approval, management or monitoring
- The phased approach to the scheme will mean a lack of coherence between phases.
- Already important elements such as better interface between the station and the town centre, aspects such as the bus station and retail/accommodation appear to have been lost from the scheme.
- It seems that the major benefits seen by the Local Planning Authority are to improve the fabric and ambience of town centre rather than to deliver transport benefits.
- The principal expenditure is associated with the construction of a very large multi-storey car park and it is not clear that this is needed or economically viable or will be an attractive gateway feature for the town.
- It is not clear how better integration of public transport will be achieved as there is insufficient space for additional bus services.
- There will still be traffic interfering with pedestrian flows and a risk of increased traffic congestion as a result of re-routing traffic.
- The scheme is likely to have negative effects on the current transportation situation in Gravesend.
- The purported benefits seem small and require confirmation by detailed evaluation according to DfT guidelines.

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- Phase 1 was controversial at a time of financial crisis. It is likely that the further expenditure of £75m on scheme will be even more controversial as the benefits seem small in relation to costs.
- There appears to be no overall business case for the scheme, yet there would be a loss of revenue to the Borough Council from the loss of the car park and financial consequences for local people, commuters and visitors through higher car parking rates.
- The benefits of mixed use development on the Rathmore Road car park site have not been carried forward into the submitted scheme.
- All major transport schemes are being reviewed in the light of the country's financial problems and it seems difficult to justify exempting this scheme from such a review.
- Recommends that the proposal should be reviewed in accordance with DfT guidance for major transport schemes, a business case should be established, set against clear scheme objectives, the multi-storey car park should be downsized or removed from the scheme proposal.
- Concerned that the scheme is not being approved as a whole. Considers that the Rathmore Road changes will not be necessary if Phase 2 does not go ahead. Concerned that the Borough Council were encouraged at the Regulatory Board meeting (June 2012) to proceed with the project anyway on the basis that the County Council KCC would withdraw funding for the scheme if it did not proceed quickly.
- Considers that a safety audit and comprehensive traffic assessment has not been carried out and that traffic flows are likely to worsen, be more dangerous and would blight the area around Community Square as well as adversely affect shop keepers.

A letter of objection was received from one respondent seeking clarification about the proposal and questions about some procedural matters. In addition a number of concerns were raised as set out below.

- The proposal does not appear to conform to the approved outline consent in several respects, not least in that it does not deliver the mix of uses, including residential development that was originally proposed on the current Rathmore Road car park and provides, only new highway and drop off areas with a large dead area to the south of the new alignment. It utterly fails to make efficient use of precious town centre land, which currently provides well located, convenient and attractive parking as well as a very valuable revenue income to Gravesham Borough Council.
- The effects of the works to Railway Place and Clive Road to be carried out under permitted development rights as highway works should be considered as part of the this proposal.
- Strongly supports the principle of improvements to the public transport interchange in Gravesend but is profoundly concerned that the Transport Quarter proposals would in fact cause harm to the town centre. The new Community Square and the area around the station would become dominated by traffic, and the scheme would introduce significant quantities of goods vehicles, including HGVs into public areas currently very attractive to pedestrians, including the new much admired Community Square. The overall effect would be to cause deterioration in the quality of environment and danger to pedestrians in that area.
- As a result of the absence of an up to date local plan in Gravesham, the preparation and approval of the outline scheme for Transport Quarter has taken place wholly outside of the statutory plan-led system. No Environmental Impact Assessment has taken place and the project has been progressed piecemeal without any serious external scrutiny and very little consultation. The piecemeal

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approach to the approval of the phases continues. Contrary to the NPPF, this scheme has avoided the scrutiny of local community involvement and consultation to which such strategic proposals normally are subject. Considers that the failure to subject the project as a whole, which is plainly a substantial scheme of much greater than merely local effect is contrary to the Environmental Impact Regulations and Directive.

- Considers that consultation over this proposal has been minimal with not one community organisation, trade association or the Urban Gravesend civic society being consulted and that an exhibition held for a few days in the Civic Centre provided minimum information.
- Phase 3 is part of the larger Transport Quarter project and should be treated as such in its assessment. The following points are directed only to the Phase 3 application, but KCC is strongly urged to refuse the application and to require the whole project to be reconsidered:
  - The scheme makes very inefficient use of land, losing 242 long term car parking spaces to realign an existing road. It is not sustainable development, and it conflicts with NPPF which requires development to optimise the potential of the site to accommodate development, [paragraph 58]. This is a poor design that would create an area dominated by traffic on a two-way highway scheme. The total area of roads and areas dedicated to traffic within the vicinity of the Station is substantially increased as a result of the scheme.
  - The parking areas in Railway Place would be removed, including the disabled spaces. These provide a vital stopping area allowing pick up and drop off at the very gateway of Gravesend's retail centre. No replacement is proposed.
  - HGV and other goods traffic serving Tesco and Thamesgate Centre, together with the traffic from the new multi storey car park and the Thamesgate Centre would have to exit the area by passing through Railway Place and Community Square. Can find no assessment of the impact of this entirely new traffic into this sensitive area. It is likely to bring severance and heavy vehicles into an area that works very well at present. The scheme conflicts with the objective of the NPPF [paragraph 35] that requires development to "*create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.*"
  - There needs to be a condition that prevents Phase 3 from going ahead in the absence of Phase 2. The net effect of Phase 3 without Phase 2 is significant net loss of parking and no bus interchange. Phase 2 funding is not certain – and is down to Network Rail, and therefore outside of KCC's control.
  - No new residential development on the car park site is now proposed – the scheme does not conform to the outline. No retaining wall is proposed, there does not appear to be any provision for access to the area south of the new alignment and therefore it is not clear how future housing could be achieved. The area south of the realigned road would become a dead area as no use is proposed for it in the scheme.
  - The scheme causes the loss of part of the early Victorian terrace at the Darnley Road end of the scheme. They are not listed, but are in fact very good examples of tall early C19th town houses predating the coming of the railway in 1849. Conservation Area consent was granted at the time that the outline proposal but subject to the contract being let for this phase. The loss of the part of the terrace is therefore a material consideration. The NPPF requires authorities to give substantial weight to the need to protect and enhance the historic environment.
  - Considers that the consultation conducted in respect of this proposal has been derisory and contends that no residents or trade organisations have been consulted or even notified.

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- In summary, considers that this is not sustainable development, it is a hugely expensive car dominated proposal wasteful of land which currently serves an important purpose to the town centre. It would lead to deterioration of the pedestrian environment and cause substantial damage to the quality of environment in the town centre. It should be subjected to an EIA, together with the rest of the Transport Quarter project. If the scheme is to go any further, full consultation with local people and residents, trade and civic societies should now take place.
- Wishes to endorse the objections to the Transport Interchange proposals sent by Urban Gravesham.
- Considers that the Master Plan for the Transport Quarter is out of character with the Riverside Heritage of Gravesend. Considers that the multi-storey car park will prove to be a future eye-sore to the environment.
- Requests that development is designed and built with reference to existing and future communities and the human scale of the inhabitants of this unique town, Gravesend.

A resident living outside of Gravesend

- Access for existing business occupiers, such as Tesco and those at the Thamesgate Centre would be made more difficult.
- The existing tram shed building should be preserved for posterity.
- The proposed car park is hideous and would be a real blot on the streetscape, totally out of keeping for the vista along Barrack Row. *[This comment and the previous comments relate to the Interchange Building proposals.]*

Urban Gravesham

- There is no certainty that Phase 2 will be implemented. Without Phase 2, Phase 3 is not logical and has no apparent benefit but would lead to loss of car parking, and income to Gravesham Borough Council, creation of a large 'dead' area to the north of Cobham Street plus the domination of the new Community Square by roads and traffic.
- The application should not be determined until there is certainty over Phase 2 or a planning condition imposed which precludes commencement of Phase 3 until funding has been secured and a timetable is in place for implementation of Phase 2.
- With the uncertainty of Phase 2, there will be the loss of Rathmore Road car park spaces, with no certainty that it would be replaced having a serious effect on the town centre's economy and increased pressure on other car park capacity in the town.
- The proposals would result in the loss of short term convenience and disabled parking at Railway Place and Windmill Street which could have a significant effect on business in the area.
- Changes to traffic circulation results in increased cars and service vehicles using Railway Place and Windmill Street, when exiting from the Thamesgate Shopping Centre and the proposed Transport Interchange car parks. Particularly concerned about goods delivery vehicles causing severance and visual intrusion, as well as introducing pollution and danger into the Community Square.
- The damaging effects to the Conservation Areas and Listed Buildings are not outweighed by the very limited benefits.

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- The proposal is more insensitive than the outline application being wasteful of land, providing a two-lane highway meandering across the former car park and large areas dominated by traffic.
- The proposals leave no room for the construction of housing on the south side of New Rathmore Road.
- Considers that the proposal should be regarded as pursuant to the outline application as it is part of the overall scheme for the transport Quarter.
- Questions why an Environmental Statement has not been included in both the outline and detailed application and the validity of the environmental reports included in the detailed application and whether a Screening Opinion led to the decision for it not to be subject to Environmental Impact Assessment (EIA). Questions the requirement for EIA with respect to the demolition of buildings. Considers that overall, the detailed application is in breach of the EIA Regulations and that any consent would be unlawful.
- Comments that there does not appear to be any assessment on the harm caused by severance, pollution and increased hazard caused by the increased number of vehicles diverted through the Community Square
- Considers that the public consultation has been inadequate including that the details of changes in traffic flows have not been spelt out or systematically consulted upon despite their crucial importance for small businesses along the route. Comment that in their experience there is widespread ignorance of what is proposed and its effects and request that a wider more systematic consultation is carried out prior to determining this application.

Gravesend Access Group

- Loss of and lack of suitable and numbers of replacement disabled parking spaces, particularly for people visiting the town and Civic Centre.
  - Requests consultation on this issue.
24. In response to the further publicity and notification repeated at the end of August beginning of September 2013 at the time of writing I have received further representations from some respondents that have written in before and additional representations as follows:

Nearby residents

The two residents who previously made representations have reiterated their concerns and objections and have made the following further comments:

- Comments that the higher levels of noise, pollution, traffic fumes and dust and any reduction in noise resulting from the earth bank or noise barrier can only be accurately predicted. A reassessment should be carried out when the work is completed.
- Currently the traffic noise from Rathmore Road is negligible but with the road moving closer to them and when the traffic transfers from Clive Road it would be continuous as they can already hear the continuous traffic noise from Clive Road.
- As the noise and vibration, and air quality assessments show increased noise and reduced air quality compared to the previous assessments relative to their property is now more concerned about the impacts of the scheme.

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I have also received an additional representation which raises the following concerns:

- Concerned about loss of parking facilities for residents. Asks whether it is possible to use the spare land adjacent to the lower Wrotham Road and Cobham Street as car parking for those residents.
- Concerned about the impact of the works on the structural stability of his property and asks what measures would be taken to offset this possibility.

Other Gravesend residents

One of the residents who previously made representations has reiterated their concerns and objections. Further comments made include the following:

- Until there is an agreed core strategy/local planning framework it would be premature, unwise and risky to proceed with the proposal.
- The Master Plan for Gravesend Transport Quarter has been so overtaken by events and stripped of content and context that it needs to be reviewed and reconsidered.
- The Gravesend Transport model of 2007 should be independently checked so an assessment can be made of whether the projections contained within the planning assessment are a reliable guide for decision makers. Local people familiar with the town remain highly sceptical of the ability of new junctions between Darnley Road and Rathmore Road to cope with the weight of traffic and for two way traffic on Clive Rd and Railway place to be safe.
- Concerns about the overall management of the Transport Quarter remain. Asks whether the Department for Transport (DfT) could be asked to review the documentation for the scheme to provide reassurance that the scheme meets minimum standards. Also, whether the appointed planning consultants can provide a completed checklist confirming that the planning for the scheme meets DfT guidance requirements.
- Concern remains about control over the project, when the intention remains to proceed with large scale expenditure when the need seems to be reduced and the benefits marginal. Considers that there are obvious cheaper alternatives now available and that there needs to be a forum and a management focus for a review and for adjusting the scope of the project.
- It is clear that decisions to approve the scheme were made through the Kent Strategic Transport Programme in quite different circumstances (and assuming a quite different content for the overall Transport Quarter) and the priority for this investment needs to be reviewed in the light of other pressing needs.
- It is unclear how the overall objective for regeneration of the town would be created by taking away the car parking close to the Station, making it more difficult for the town to be accessed for commuters and potentially providing an incentive to switch to Ebbsfleet or other stations. Now that Phase 2 is not to be built, it surely calls into question the need for Phase 3.
- The focus on regeneration has led to insufficient attention to the consequences for traffic. To those of us who live locally the consequences for traffic bottlenecks at the Darnley Road junction with Rathmore Road and for traffic becoming a hazard for pedestrians using the Railway Place and the community square /Windmill St is a serious environmental and safety concern. The prospects of HGV traffic through Railway Place is of particular concern. Seeks reassurance that these aspects have been properly assessed and satisfactorily addressed.
- Asserts that it is misleading to see the project as a series of discrete investments and it should be seen as an integrated transport scheme. Seeks reassurance on

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the legality of breaking the scheme into discrete packages and suggests that this was to escape government controls on major transport schemes and to avoid conducting an Environmental Impact Assessment.

- Considers that the overall scheme as originally conceived falls into the category of a major transport scheme and should be subject to Government review in the light of other priorities.
- Considers that the proposal delivers very little advantages that could not be delivered much more cheaply by improvements to bus stops in Barrack Row. Comments that overall the expenditure of £8-10m would worsen traffic flows, increase risks for pedestrians in Railway place and the Civic square/Windmill Street area, and deliver marginal benefits compared to more modest ways of improving Barrack Row for buses.
- Recommends that approval be withheld pending resolution of the overall management responsibilities; clarity on the benefits to be delivered and the confirmation of the business case and value for money of the investment proposed. These should be reassessed once the Gravesham Core Strategy is approved and greater strategic guidance is available. Without a better understanding of the strategic context, i.e. an agreed local core strategy offering a clear development path for Gravesend, it is not clear what an appropriate transport interchange is, e.g. would it meet the needs of an extended Crossrail service? Or the needs of a developed airport in the estuary? Or of a redeveloped Swanscombe peninsula?
- Considers that without a stronger local grip on this scheme there are large risks of an inappropriate investment causing deterioration to traffic flows and pedestrian safety coupled with significant losses of car parking income and parking amenity in return for nebulous regeneration effects.

I have also received two additional representations which raise the following concerns:

- Objects to this scheme, which it is considered that along with the Heritage Quarter development it is likely to sound the death knell for this lovely old town.
- Understands that it is not even certain that all of the stages of the development even have funding, therefore turning it into a complete farce by consideration of implementing parts of the whole for no reason. Surely common sense dictates that the development should be all or nothing.
- Not only would this reduce parking in the town (and income for GBC) but it would necessitate the destruction of more of Gravesend's heritage, which should not be countenanced.
- Would like to see Gravesham Borough Council start to properly pay attention to the feelings of Gravesham residents regarding built heritage in the Borough and ensure that all agreed developments pay due attention to their surroundings.
- Considers that the scheme is totally unsuitable for purpose, horrendously expensive with no justification for it, would make traffic flow around the town worse, the additional traffic signalled junctions would add to delays experienced at present holding traffic in densely populated areas, ruin air quality and pedestrians and cyclists would suffer the consequences.
- Concerned about a 'rat run' being created along Princess Street and the possible solution of short phasing the traffic lights controlling Stone Street seriously holding up the buses that use Stone Street.
- Concerned about the dangers of commercial traffic using the Stone Street/Railway place. States that the Dry Cleaners entrance is on the apex of the corner and right in the blind spot of any articulated vehicle going around this junction.
- Concerned about the narrowness and practicality of shared cycleway/footpaths.



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- Cannot find any justification for the demolition and destruction of the integrity of late Georgian/early Victorian terrace fronting Darnley Road. Concerned about the danger and possibility of accidents of 44 tonne, articulated lorries turning from Rathmore Road into Darnley Road, as at Railway Place.
- Is concerned that taxis would not be able to use the left turn at the end of Barrack Row identified for buses only.
- Is concerned about whether lorries driving into the proposed “bus gate” at the Clive Road/Barrack Row junction could reverse back safely.
- Queries how two-way traffic in Clive Road is better than existing for passengers coming out of the station.
- Comments that by moving the bus stops up to Barrack Row it would increase the distance mothers with children would have to walk to the shops; and the elderly or infirm exiting from the station would be faced with an uphill walk and 3 times as far to reach the bus stops.
- Queries where all the disabled parking bays would be re-sited.
- Considers that in view of the inadequacy of these proposals the application should be refused.

**Discussion**Introduction

25. The proposal involves the realignment and widening of Rathmore Road, effectively to create 250 metres of new two way highway, with shared footway/cycleways either side, improvements to the railway station forecourt, together with other consequential or related works, as described in the earlier part of this report. It should be noted that some of the consequential and related works are outside of the application site because they are within or adjoining the boundaries of existing highway, and can be carried out by the Highway Authority under permitted development rights.
26. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, in considering this application, regard must be had to the relevant Development Plan Policies and National Planning Policy Framework guidance, outlined in paragraph (19) above, and other material planning considerations.
27. The proposal raises a broad range of issues as reflected in the consultee responses and representations received. In my opinion, the key material planning considerations in this case include the principle of the development in the context of the outline permission for the Gravesend Transport Quarter Master Plan and planning policies, the changes in traffic circulation and flows, loss of car parking, traffic noise and vibration, and air quality impacts, affect on heritage interests, impacts on townscape and visual amenity, biodiversity, flood risk and drainage, land contamination and construction impacts. In addition, some questions have been raised and comments made in respect of Environmental Impact Assessment, Sustainable Development and about the adequacy of public consultation.

Consideration of the principle of the proposed development

28. The principle of the new improved section of road has already been established by the outline planning permission (granted by Gravesend Borough Council) as it is one

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element or phase of the proposed Gravesend Transport Quarter Master Plan. The application is made in that context although for the reasons explained in paragraph (15) above, it is a fresh, stand alone, detailed application. If planning permission is granted, it is now expected that the proposed development (Phase 3) would take place in advance of the proposed Interchange Building (Phase 2) as there is no certainty when that might be constructed. [Besides, as the reserved matters approval for that has now expired it would need to be the subject of a fresh planning application.] Although there had previously been an expectation that Phase 2 would happen in advance of the proposals for the road, there is no stipulation in the outline planning permission to that effect. It will be noted that the Transport Assessment, Noise and Vibration and Air Quality Assessments have now been carried out to reflect this change in sequence.

29. In addition to the change in sequence of the development phasing, representations are made which question whether Phase 3 is in fact necessary if Phase 2 does not happen. The point is also made that there are no proposals forthcoming for the residential and retail/office and that the retaining wall on the south side of the new road originally proposed in the outline application to maximise the development area is not included. Furthermore, there is concern over the changed circumstances, business case, funding and value for money, management and benefits, and that phases are being considered as discrete investments/projects. It is also asserted that these matters should first be resolved and that the proposals should be reassessed once the Local Plan Core Strategy is approved and that until then determination of this application would be premature.
30. Whilst there is some inter-dependence between different phases of the Transport Quarter Master Plan, arguably this proposal for Rathmore Road is one element which is not dependent on another happening, and as the applicant has stated it is not dependent on Phase 2 being completed. The applicant has, similarly, stated that the Rathmore Road scheme would not preclude the delivery of other aspects of the Master Plan. Although circumstances have changed and the Master Plan may not be delivered in the way originally envisaged, this application stands to be considered on its merits as submitted and, in my view, it would not be appropriate to delay its determination further.
31. It is acknowledged that at the current time the situation with the Development Plan is not wholly definitive because the adopted Local Plan dates back to 1994 and the final outcome of the recent Public Hearing in respect of objections to policies in the emerging Local Plan Core Strategy will not be known for sometime. However, the aims and objectives of individual policies and the wider aspirations relevant to this application can be considered against the NPPF for consistency with it.
32. Policy CS01 of the emerging Local Plan Core Strategy (as set out in paragraph (19iv) above) reflects the presumption in favour of sustainable development contained in the NPPF and therefore, in my view, is consistent with it. Policy T0 of the adopted Local Plan relating to transport seeks amongst other things (as set out in paragraph (19ii) above) to achieve better facilities for public transport users, for pedestrians and cyclists. This policy will be replaced by Policy CS11 (as set out in paragraph (19iv) above) of the emerging Local Plan Core Strategy which supports proposals that improve public transport provision and facilities in the Borough. In particular, the development of a transport hub at Gravesend Town Centre to provide high quality interchange facilities between bus, rail, walking and cycling will be supported. Improvements will also be sought to walking and cycling facilities to provide improved access to Gravesend Town Centre. Policy CS05 also supports these improvements. Notwithstanding the current status of the Development Plan the aims and objectives of these policies are, in my

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view, consistent with the NPPF guidance which promotes sustainable transport to give people a real choice about how they travel. It is also stated in the NPPF that the Government recognises that different policies and measures will be required in different communities.

33. There are a number of components to the proposal for Rathmore Road in addition to its widening and realignment. Provision would be made for a shared footway and cycleway on both sides of the new road, safe crossing facilities, improved arrangements and facilities for drop-off and pick up at the railway station, parking for taxis and disabled parking, and improvement to the redundant stretch of Rathmore Road to the east for mainly pedestrian use. It is proposed that enhanced paving materials would be used, including those areas of improvement to be carried out under permitted development, and where appropriate landscaping be carried out. The proposals would allow Rathmore Road to become two-way and take through traffic currently using Clive Road/Barrack Row and allow Barrack Row to be re-designated for buses and taxis only, with Clive Road becoming two-way for access to the car parks and for deliveries. The existing and proposed layouts on page D1.11 indicate changes to the traffic circulation.
34. In brief, the proposals seek to provide an enhanced public realm with improved linkages for pedestrians and cyclists to and from town centre and the railway station, and put in place measures that would provide opportunities for the improvement of bus facilities and services, including the possible future development of Phase 2 or alternative proposals for the provision of a bus interchange. In that respect, arguably there would be some advantage, over the original phasing envisaged, for the new road, consequential changes to traffic flows and management to be in place beforehand. In my view, the proposals in this application would make a significant contribution in delivering the wider aspirations and benefits for integrated sustainable transport for Gravesend town centre set out within the emerging Local Plan Core Strategy, which as indicated above, I consider are consistent with the NPPF guidance for sustainable transport. Taking into account the above factors, I consider that in principle the proposal should be supported. Nevertheless, there are a number of other matters arising from the details of the proposal that need to be considered in determining the application, and these are considered below.

#### Changes in traffic circulation and flows

35. As indicated in paragraph (18) above the applicant has now provided a Transport Assessment Report which takes account of the proposed development being implemented in advance of the delivery of Phase 2 for the Transport Interchange building. The Assessment takes account of changes to the traffic circulation as a result of the proposals set out in paragraph (33) above and shown on the existing and proposed layouts on page D1.11 and the loss of the Rathmore Road car park and its 225 spaces. The Assessment assumes an opening year for the new road of 2014 and also considers the position for 2029 (15 years after opening) utilising 'The Gravesend Transport Model' developed during 2007.
- (i). The Assessment states that in terms of traffic generation the main influencing factor within the proposals is the change to car parking provision in the area. For the transport assessment in the 2014 and 2029 scenarios with the new Rathmore Road traffic has been redistributed from the existing car park in Rathmore Road to the Parrock Street car park. In terms of traffic distribution the main impact of the proposals is to divert traffic from Clive Road/Barrack to the new road which would be made two-way.

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- (ii). Traffic flows for the highway network around the proposed Rathmore Road Link have been modelled for the AM Peak (08:00 – 09:00 hours) and the PM Peak (17:00 – 18:00 hours). [The traffic flows in the base year of 2007 reflects the highway network before the new Civic Square was constructed when traffic from Lord Street was re-routed behind the Civic Centre along Woodville Place.] At the assumed year of opening (2014) traffic flows on the new Rathmore Road are forecast to reach 990 vehicles per hour in the AM Peak (72 in 2007) and 920 vehicles per hour in the PM Peak (138 in 2007). By 2029, traffic flows are forecast to be broadly similar to the year of opening. Traffic flows along Stone Street, Clive Road and Barrack Row are forecast to reduce by 80-90% as a result of the implementation of the scheme. Forecast traffic flows on Railway Place are expected to increase as a result of the scheme. However, the forecast flows in 2014 and 2029 on Railway Place in the AM Peak would be less than the 2007 flows and in the PM Peak there would be an increase of around 30% on the 2007 flows.
- (iii). In addition to modelling the traffic flows on the highway network, performance has also been assessed by looking at journey times from selected routes, which were Milton Road to West Street and Overcliffe to Milton Road. When comparing eastbound journey times between Overcliffe and Milton Road in 2029, there is no discernible difference with or without the proposed scheme in both the AM and PM Peak periods. There is a general increase in journey time predicted between 2007 and 2029 largely unaffected by the scheme. When considering westbound journey times between Milton Road and West Street in the AM Peak there is a significant increase in journey times predicted between 2007 and 2029 without the proposed scheme and journey times are expected to increase further as a result of the implementation of the scheme. A similar impact is predicted for the PM Peak between 2007 and 2029 but in this instance there is no discernible difference in predicted journey times in 2029 with or without the scheme.
- (iv). The performance of the network has also been assessed by looking at the queue lengths on Wrotham Road, Parrock Street, Windmill Street and Darnley Road. In 2007, minimal delays are presented in the Gravesend Transport Model and these have been used to compare the future year scenarios that have been assessed. For Wrotham Road and Windmill Street delays are predicted to increase between 2007 and 2029 in the AM Peak. Delays with the scheme are also predicted to be greater in 2029 than without the scheme. A similar situation would occur in the PM Peak although the increase in delays is predicted to be less severe. Parrock Street also has a predicted increase in delays between 2007 and 2029 in the AM Peak and a predicted increase in delays in 2029 with the scheme. However, in the PM Peak predicted delays in 2029 without the scheme are less than 2007 and in 2029 with the scheme are broadly similar to 2007. Darnley Road in both the AM and PM Peak periods has predicted delays in 2029 without the scheme that are broadly similar to 2007 and a predicted increase in delays in 2029 as a result of the scheme.
- (v). The Transport Assessment concludes that the implementation of the new Rathmore Road is not predicted to have a significantly adverse impact on vehicular traffic in the forecast year of 2029 compared with the situation without the scheme. It goes on to conclude, rather the scheme demonstrates a benefit to more sustainable modes of transport by creating an environment and connection between the railway station and the town centre that is largely free of private vehicles through altering the alignment of the current ring-road and thereby reducing severance for pedestrians and cyclists.

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36. It will be noted that a number of representations have been made about the changes to traffic circulation, including doubts expressed about the benefits of the scheme, traffic and pedestrian conflicts, traffic congestion, the Community Square and the area around railway station being dominated by traffic, and increased traffic being a hazard for pedestrians using Railway Place and the Community Square/Windmill Street and concerns about heavy goods vehicles having to use this route also bearing in mind the restricted widths and radii. Questions have also been raised about safety audit and compliance with Department for Transport (DfT) guidance.
37. The scheme is not intended to address any particular traffic flow concerns but is in essence an enabling scheme to allow improvements to the public transport facilities and their connectivity to the town centre. Changes to flows, journey times and delays arising from the proposals of the redistributed traffic within the town centre are acknowledged in the Transport Assessment. There would inevitably be some advantages and disadvantages.
38. The applicant highlights that in removing general traffic from Barrack Row the scheme would enable a public transport interchange to be created and significantly reduce traffic flows along Clive Road that would improve the pedestrian environment and connectivity between the Railway Station and the town centre. In addition, the applicant advises that provision of traffic signals at the Clive Road/Stone Street/Railway Place junction, including an “all-red” pedestrian phase, would bring a degree of control to traffic movements not currently in operation that should assist pedestrians.
39. The applicant has confirmed that a safety audit of the scheme has been carried out and further safety audits would take place at the detailed design stage. I also understand that the applicant has carried out a tracking exercise to ensure that heavy goods vehicles can safely negotiate Railway Place. In addition, I understand that changes from one-way traffic to two-way traffic and vice versa would have to be subject to appropriate Traffic Regulation Orders.
40. With regard to DfT assessment, approval, management or monitoring, the applicant advises that it is only required when a scheme is being funded by the DfT which does not apply to this scheme. There is also no requirement in the Town and Country Planning (Development Management Procedure) Order 2010 to consult the DfT as part of the planning application process on this particular scheme – the County Highway Authority being the relevant consultee relating to the highway considerations.
41. The views of The Development Planning Manager (Highways and Transportation) for the Highway Authority are set out in paragraph (20) above. In addition I have sought his further advice on the issues raised in third party representations referred to above. He has made the following additional comments:

“As an initial point of clarification, it is not the Development Planning *[their]* role to question the need or otherwise of what is proposed through a planning proposal but rather to assess its potential highway impact. Furthermore, the overall scheme of which this application forms the third phase has existing outline approval through the LPA *[Gravesend Borough Council]* through which the principal highway issues have already been considered in detail prior to that approval being granted. There was however need for consideration to be given to the highway impact of the potential delivery of Phase 3 in advance of Phase 2 which was not envisaged at the outline application stage and it has therefore been that particular aspect of this proposal which has been considered in greatest detail from a highway perspective.

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The issue of additional vehicle movements (both in respect of quantity of vehicle movements and nature of required vehicle access) through Railway Place and the Civic Square beyond as a result of the Transport Quarter proposals was considered and assessed in significant detail through the outline planning proposal including the assessment of appropriate vehicle swept paths and assessment of potential conflict with pedestrian movements. There was a need identified at that stage for the detailed highway design to acknowledge and address these points and that will essentially come through both the technical audit and safety audit processes which any detailed design will have to conform to before final approval is given by KCC [*as Highway Authority*] for any works to commence. In respect of the current proposal and, specifically, in relation to the potential for Phase 3 to precede Phase 2 it must be considered that the consequence of this would be for less vehicle movements through Railway Place as a result of the loss of the Phase 2 multi-storey car park from the built scheme. Therefore, the impact in respect of additional movements through Railway Place should Phase 3 either come before Phase 2 or if Phase 2 were never to be built would either be less initial vehicle movements or less vehicle movements overall compared to that which was previously considered and approved at the Outline stage and as such there could be no justification in raising a highway objection in that regard.

With regard to the overall re-distribution of traffic in respect of the Rathmore Road proposals it must once again be considered that the principle of this proposal has already been considered and permitted at the outline stage by Gravesham Borough Council. The Rathmore Road link scheme does not provide additional capacity and is not being secured in relation to generated development flow but instead is seeking to enable better pedestrian connection to be created between the town centre and public transport links – i.e. rail and bus facilities.

As a consequence of KCC's standard Technical and Safety Audit processes for any new or developer funded highway schemes I am satisfied that the remaining issues of design detail relating to 1) cycle lane provision (or appropriate alternative) in Darnley Road, 2) any conflict between service road and drop off area in the vicinity of the station and 3) accommodation works as a result of Phase 3 preceding Phase 2 will be satisfactorily addressed through those audit processes prior to design approval and commencement of construction.

The issue of car parking provision and management is one that ultimately rests with Gravesham Borough Council as the local parking authority. If Gravesham Borough Council is satisfied that the capacity exists to accommodate parking in existing town centre car park facilities should Phase 3 precede Phase 2 then it would be difficult for KCC to substantiate any objection in this regard. Additionally, noise and air quality issues have been considered previously by GBC as part of the outline approval process and whilst such issues are not directly incorporated into the highway consultation response, presumably any GBC requirements in respect of noise and air quality secured through the previous outline approval would have to be incorporated through the detailed design solution.

Finally, with regard to the issue of value for money and whether the projected benefits of the scheme outweigh potential additional journey times, it is not a requirement of the Development Planning [*their*] role to argue the case for the scheme in this respect, only to assess its overall impact. That being said, this is a scheme which has been approved by the Homes & Roads Partnership as part of a programme of works supporting development across Kent Thameside [*with funding*]

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*provided by the Homes and Communities Agency]* (in particular support of public transport infrastructure improvements in this case) and so the impact assessment in this respect has to consider the wider benefits of the proposals against the potential local impact.

In conclusion, no highway objection is raised to these proposals subject to the delivery of the highway works through the appropriate KCC works procedures.”

42. Notwithstanding the representations that have been made, in the light of the views of The Development Planning Manager (Highways and Transportation) I do not consider that an objection on highway grounds relative to the changes in traffic circulation, flows, journey times and delays could be sustained. Moreover the proposals would make an important contribution towards the aspirations for improved public transport links and connectivity within the town in accordance with the relevant planning policies. However there are issues arising from the development of the new road and consequential changes to traffic circulation and flows relating to traffic noise, vibration and emissions which are considered below.

#### Car Parking

43. The submitted proposals would result in the loss of the Rathmore Road car park and its 225 spaces. It will be noted that representations have been received to the loss of these long term car parking spaces, the loss of overall car parking capacity in the town centre, the effect on the economy of the town centre, the loss of revenue to the Borough Council and the loss of convenience for existing users of the car park. Policy P1 of the adopted Local Plan states that the Borough Council will seek to maintain an adequate supply of publicly controlled off-street parking spaces within Central Gravesend and Policy CS 05 of the emerging Local Plan Core Strategy states, amongst other things, that the Council will manage traffic accessing and passing through the area through its approach towards the provision and distribution of public car parks, and in Policy CS11, amongst other things, states that it will ensure an adequate supply of public car parking.
44. The applicant advises that there is known spare capacity in the Parrock Street car park and that users of the Rathmore Road car park would be able to relocate there. The issue of public car parking is essentially a matter for Gravesham Borough Council. I understand that the loss of parking places at Rathmore Road car park as a result of the scheme has been discussed between the applicant and Gravesham Borough Council and would be the subject of further discussion as part of the detailed design and land negotiations since the Borough Council is also the landowner. The applicant has been reassured that alternative provision can be provided and that the delivery of the scheme would not prevent Network Rail providing additional station car parking at some later date. It will be noted that Gravesham Borough Council in its formal views on the application in commenting on the loss of car parking states that as land owner of the car park, it is a matter for them to consider through land transfer/sale negotiations. The Development Planning Manager (Highways and Transportation) has also commented on this issue as set out in paragraph (41) above and raises no objection in this respect.
45. Objections have also been raised to the loss of and lack of suitable and numbers of replacement disabled parking spaces, particularly for people visiting the town and Civic Centre. I understand that the applicant and Gravesham Borough Council have subsequently met with the Gravesham Access Group to discuss its concerns. A total of 23 disabled spaces are affected by the proposed scheme and related permitted development works. Six spaces are proposed to be provided outside the Railway

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Station as part of the scheme and their provision could be secured by an appropriate condition if permission is granted. With regard to the replacement of the remaining spaces that would be displaced, the applicant advises that Gravesham Borough Council would provide an equivalent number of replacement spaces by extending the existing disabled spaces along the northern side of Parrock Street car park, and that they would be available before the existing spaces are taken for the scheme construction. I am also advised by the applicant that disabled parking would be further considered as part of a future Gravesham Borough Council parking review.

46. The issues arising from the loss of the Rathmore Road car parking and displacement of disabled car parking elsewhere will be noted. I am satisfied that the applicant and the Borough Council have given this due consideration and will continue to do so, including the question of adequate disabled parking. On this basis and the views expressed by the Borough Council and those of the Development Planning Manager (Highways and Transportation) on this matter, I do not consider that the loss of car parking is overriding or that an objection to the proposal on these grounds could be justified in terms of the relevant planning policies relating to provision of public car parking.

#### Noise and Vibration

47. As indicated in paragraph (18) above the applicant has now provided a revised Noise and Vibration Assessment report taking account of the revised traffic effects of the proposed development being implemented in advance of the delivery of Phase 2 for the Transport Interchange building. The assessment examines the potential impacts of traffic noise and vibration at locations considered likely to be affected by the proposed new Rathmore Road Scheme arising from both the construction and operation in accordance with appropriate guidance and methodology, and considers mitigation measures appropriate to the impacts. The Assessment assumes an opening year for the new road of 2014 and also considers the position for 2029 (15 years after opening).
48. Consideration of the construction phase has been given to the potential of noise and vibration to affect residents and other sensitive receptors adjacent to the proposed new Rathmore Road route. It sets out measures that should be taken to mitigate the potential impacts and suggests that noise and vibration monitoring should be undertaken during the period of construction to ensure acceptable levels prevail through a Construction Environmental Management Plan agreed during detailed design.
49. With regard to the operational phase, noise levels have been calculated at all residential dwellings and other sensitive receptors within 600 metres of the Scheme and affected routes. Consideration has also been given to night-time noise levels. A qualitative assessment is made on the likelihood of traffic induced ground-borne vibration and changes in airborne vibration nuisance have been calculated for all dwellings within 40 metres of roads where noise level predictions have been undertaken.
50. The proposed new Rathmore Road would be subject to significantly more traffic when compared to the existing Rathmore Road due to the road going from one way to two-way and consequential changes to traffic circulation. In addition, the carriageway would be realigned towards the eastern end of the link. Therefore, sensitive receptors located in close proximity to the proposed new Rathmore Road have the potential to experience adverse noise and vibration impacts.
51. In addition, the introduction of the proposed new Rathmore Road would result in traffic flow changes, when compared to the Do Minimum scenario, on a number of roads



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throughout Gravesend. Receptors located nearby to such roads are likely to experience changes in noise and vibration levels as a result of these changes in traffic flows. This has the potential to result in both adverse and beneficial noise and vibration impacts at sensitive receptors.

52. The conclusions of the submitted Assessment are as follows:

“The assessment shows that, the largest changes in noise levels occur in the vicinity of the Scheme, with increases predicted at residential properties close to the proposed new Rathmore Road.

It is predicted that in the short-term 134 dwellings would experience perceptible decreases in noise level in the Do Something scenario whereas 105 dwellings would experience perceptible increases. In the long-term, six dwellings would experience a perceptible decrease in noise level with one dwelling experiencing a perceptible increase in noise level. *[In accordance with the guidance used for the Assessment a change in road traffic noise of 1 dB in the short-term, for example when a project is opened, is the smallest that is considered perceptible. In the long-term, a 3 dB change is considered perceptible.]*

Adverse noise impacts predicted to occur at residential properties in vicinity of new Rathmore Road, due to the realignment and increase in traffic flow, would be substantially reduced through the introduction of a 2.4 m acoustic barrier south of New Rathmore Road on top of the proposed embankment adjacent to the carriageway. Despite the presence of the acoustic barrier, a short-term adverse noise increase of +7.5 dB is predicted at 15 Darnley Road *[and +7.6 dB in the long-term]*. Due to the proximity of this receptor to the carriageway, the acoustic barrier is not effective for this property.

Reductions in noise are predicted for properties in vicinity of Clive Road due to closure of Barrack Row for general traffic. However, as the area mainly consists of commercial properties, any noise benefits in terms of number of dwellings would be limited. Nevertheless, in the short-term, noise decreases of -4.4 dB and -3.0 dB are predicted for the properties of 6A Railway Place and 16A Stone Street respectively.

For the majority of receptors, only a small (<10%) or no change in airborne vibration nuisance is predicted (2916 out of 2918 dwellings) with the proposed Scheme in place. 686 dwellings are predicted to experience an increase in vibration nuisance of 10% or less, 868 dwellings would experience no change and 1362 dwellings would experience a decrease in vibration nuisance of 10% or less. The largest increase in airborne vibration nuisance is predicted to occur at the property of 15 Darnley Road where an increase in nuisance of 11% is predicted. The largest predicted decrease in vibration nuisance of 16% would occur at the property of 6A Railway Place.

Introduction of the Scheme would lead to both reductions and increases in noise and vibration at a number of sensitive receptors in Gravesend. On balance, when considering perceptible changes in noise and vibration, the assessment shows that introduction of the Scheme would have a beneficial impact on the noise environment in Gravesend in the short-term. In the longer-term, however, the benefit would be less pronounced and the impact of the Scheme would tend towards neutral.”

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53. In addition to the above conclusions, the following considerations should also be noted:

Receptors considered being most at risk of experiencing adverse traffic induced ground-borne vibration impacts due to the Scheme are 15 Darnley Road and 6A Wrotham Road as these would be located closest to the proposed new Rathmore Road. However, these properties are currently located on relatively busy roads and would already be exposed to a certain degree of ground-borne vibration. Furthermore, elevated levels of traffic induced ground-borne vibration can usually be attributed to undulations and/or irregularities in the road surface. Therefore, when considering the existing environment and the fact that the road surface of the proposed new Rathmore Road would be smooth, no adverse traffic induced ground-borne vibration impacts are expected.

An assessment has also been made of properties that would be eligible for noise insulation under the Noise Insulation Regulations 1975 due to the increased traffic noise. It is currently estimated that the western facades of 15 and 17 Darnley Road would be eligible. Under these Regulations the Highway Authority would be responsible for reassessing the eligibility for these properties following opening of the Scheme.

54. The Assessment has been reviewed by both the Borough Council's Environmental Health Officer (EHO) and our own Noise adviser as set out in paragraph (20) above. The Borough Council's EHO accepts the conclusions of the report but notes that occupied flats at 23 and 24 Stone Street do not appear to have been considered. The Borough Council also suggest that further to previous comments recommending the approval of a Code of Construction Practice, that the contractor enters into an agreement under Section 61 of the Control of Pollution Act 1974 as the best way to deal with construction noise. The County Council's own Noise Adviser's initial comments highlighted that the Assessment made no prediction for likely construction noise and vibration levels and the number of receptors affected by construction had not been quantified. It was therefore requested that predictions of noise and vibration from each phase of the proposed construction works should be provided in order to enable the impact of construction noise to be properly assessed. Some omissions from the report relating to the operational phase were also highlighted and further information requested in order to establish whether the conclusions of the Assessment are reliable.
55. The applicant has now addressed these matters in an addendum including the two receptors, flats at 23 and 24 Stone Street, identified by Gravesham Borough Council. Further noise modelling has been undertaken but in view that the applicant's consultant has now changed from Jacobs to Amey, the model had to be converted to run on a different noise modelling software package. As a consequence there are some minor differences in the results and moderate adverse impacts in the short term (reducing to minor adverse in the long term) have now been identified for 5 properties in addition to 15 Darnley Road which is assessed as having a major adverse impact in the short term (reducing to moderate adverse in the long term). These include 6A Wrotham Road and 1-4 Cobham Street although some uncertainty is attached to the results of the latter 4 due to differences in the noise modelling software package used and the number of noise reflections it calculates. In the circumstances it is recommended that post-construction noise monitoring is undertaken at 1-4 Cobham Street, 6A Wrotham Road and 15 Darnley Road to confirm, or otherwise, the predicted noise levels. The Assessment shows that the flats at 23 and 24 Stone Street would not be subject to perceptible changes in noise levels. Our Noise Adviser's further advice is as follows:

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Although the response does not include construction noise predictions, notes that the project engineers have committed to gaining consent under Section 61 the Control of Pollution Act 1974 prior to undertaking construction works. It is considered that this consent would allow the local authority to adequately ensure that the impact from construction noise can be minimised.

Notes that the further information relating to operational impacts has been prepared by Amey based on a new noise modelling exercise using different software to Jacobs. Also, that as a consequence the modelled noise levels have changed due to reasons set out by Amey in their report. Highlights that the remodelling has resulted in minor changes to noise levels and consequently the numbers in the tables presented by Jacobs may be affected. It is therefore requested that Amey either confirm that the numbers set out in tables in Jacobs report are correct, or alternatively reissue the tables. *[These tables have now been provided and the applicant advises that there is no significant difference from the Jacobs Assessment. I am currently awaiting confirmation that our Noise Adviser is now satisfied on this matter.]*

Considers that, assuming that the tables are correct, or show only minor changes, the assessment is satisfactory, and demonstrates that the project would lead to a net benefit in terms of noise exposure of the local population. However, considers that noise monitoring should be undertaken following construction of the project to ascertain whether any of the properties that have been shown to experience an adverse change in noise levels would be eligible for Noise Insulation.

56. I am currently awaiting the further views of our Noise Adviser and any further views that Gravesham Borough Council may wish to make on the Addendum to the Noise and Vibration Assessment. I am also notifying the 5 additional properties now identified as having changes to noise levels with moderate adverse impacts at 1-4 Cobham Street and 6A Wrotham Road. I will report any further views or representations at the meeting. Subject to that and appropriate conditions, relating to construction, post-construction noise monitoring and mitigation measures, and in the light of the views our Noise Adviser and Gravesham Borough Council I would not raise an objection on grounds of unacceptable noise and vibration impacts.

#### Air Quality

57. As indicated in paragraph (18) above the applicant has now provided a revised Air Quality Assessment taking account of the revised traffic effects of the proposed development being implemented in advance of the delivery of Phase 2 for the Transport Interchange building. The Assessment includes a qualitative assessment of the effect of the construction process on air quality and a detailed assessment of the effects of vehicle emissions from road traffic on local air quality in line with appropriate methodology to determine whether the potential impacts of the development would compromise statutory limits with regard to air quality, and considers mitigation measures appropriate to the impacts. The report states that the methodology for the air quality assessment was agreed with Gravesham Borough Council.
58. The Assessment includes the impact of proposals on the immediate surroundings of the new road, designated Air Quality Management Areas (AQMAs) and the wider network, and identifies that there would be both some improvements and reductions in air quality. More particularly, 3 residential properties at 15 and 17 Darnley Road and 58 Cobham Street closest to the proposed scheme are assessed as having air quality impacts that

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are likely to exceed targets. The basement and ground floor level of 15 and 17 Darnley Road are predicted to experience increases in NO<sub>2</sub> pollutant concentrations above the Air Quality Objectives (AQOs). The Assessment states that the Borough Council's Environmental Health Officer (EHO) was consulted on the predicted exceedences at these locations and to agree on mitigation measures. The EHO suggested that it may be appropriate for the basement and ground floor to be declared as a commercial designation rather than residential, thereby negating the need to expand the AQMA. Whilst the first floors can remain residential as the predicted levels are below the AQOs. 15 and 17 Darnley Road are currently private properties and if the re-designation of the properties is not possible, they could be fitted with suitable mechanical ventilation system which draws external air at first floor level. The system would then positively pressurise the properties, such that polluted air does not enter through the doors and windows of the basement and ground floor. The Assessment highlights that 58 Cobham Street would need monitoring to determine whether the predicted exceedence at this location, is likely.

59. The assessment has been reviewed by both the Borough Council's Air Quality Officer and our own Air Quality adviser as set out in paragraph (20) above. The Borough Council accepts the findings of the latest Assessment and whilst the applicant's intention to purchase 15 Darnley Road is noted careful consideration would need to be given to mitigating the exceedences at 17 Darnley Road, and 58 Cobham Street. It is also advised that to more accurately inform the air quality assessment process, the applicant carries out some monitoring at these locations, particularly since the exceedence at 58 Cobham Street is only marginal and actual monitoring (rather than predictions) may assist to resolve the matter. The County Council's own Air Quality Adviser's initial comments highlighted some omissions and sought clarification on a number of matters as detailed in paragraph (20) above.

60. The applicant has now addressed these matters in an addendum. In response to the matters raised by the Borough Council the applicant makes the following comments:

"The air quality issues that have been identified at No.17 Darnley Road and No.58 Cobham Street through the revised Air Quality Assessment report are acknowledged. As neither of these properties would be physically affected by the scheme it is not proposed that they are purchased. It is proposed that further monitoring is undertaken at both addresses so that a better understanding of the impacts can be determined. Mitigation of the air quality impacts will be proposed following monitoring, during the detailed design of the scheme with the aim of having agreed mitigation measures prior to the start of construction in discussion and with the consent of the owners. Where mitigation is not acceptable to property owners, this would be dealt with through claims under Part 1 of the Land Compensation Act. The applicant proposes to undertake air quality monitoring at No.17 Darnley Road and No.58 Cobham Street. Where exceedences are confirmed, mitigation measures are to be proposed for the approval of property owners."

61. In response to the issues raised by our Air Quality Adviser about construction activities, the applicant suggested that these are dealt with in a Construction Environmental Management Plan (CEMP) and is included as a planning condition. In response to the issues relating to the operational phase, the applicant has clarified why the value of 0.5 was used in the model and that this presents a worst case scenario, the base year of 2010 was utilised to calculate emission factors, accepts inclusion of agreed mitigation measure as a planning condition and does not consider that contour plots are a formal requirement or that the lack of them reduces confidence in the methodology or

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conclusions. Our Air Quality Adviser accepts the responses given, including that the mitigation measures be covered by condition, and has no further comment to make.

62. If permission is granted, conditions could be imposed requiring a Construction Environmental Management Plan, and additional monitoring to be carried out as part of the detailed design and appropriate mitigation agreed in discussion with the owners of properties before any development takes place. Therefore subject to this, and in the light of the views of Gravesham Borough Council and our Air Quality Adviser I would not raise an objection on grounds of unacceptable air quality impacts.

#### Heritage Interests

63. The application site is partly within and otherwise adjoins or is close to the Darnley Road and Upper Windmill Street Conservation Areas. In addition, the related works proposed to be carried out under permitted development referred to in paragraph (12) above and also shown on the scheme plan on page D1.7 are partly within the Darnley Road, Upper Windmill Street and King Street Conservation Areas. There are also a number of Grade II Listed Buildings adjoining the application site and the roads affected by the related works. Given the physical changes arising from the proposals, which would include demolitions, removal of trees, changes in levels, creation of new highway, erection of an acoustic barrier and retaining/boundary structures, changes to paved surfaces and kerbing, lighting and landscaping works, the character and appearance of a number of Conservation Areas and the setting of a number of Listed Buildings would be affected. [The extent of the changes can be seen on the scheme plan on page D1.7 and from the cross sections on pages D1.8 to D1.9.] There is also the potential for archaeological remains to be affected by below ground excavation.
64. As outlined in paragraph (19) above, the adopted Local Plan attaches particular importance to the safeguarding and enhancing of Conservation Areas, the maintenance of the integrity of Listed Buildings, development making a positive contribution to Conservation Areas, a presumption against demolition of Listed Buildings in Conservation Areas, and identification, recording, protection and enhancement of archaeological sites. Similarly, the emerging Local Plan Core Strategy accords a high priority towards the preservation, protection and enhancement of heritage and the historic environment. The NPPF highlights the need to consider the significance of any heritage assets affected, also to take into account the relative significance of loss of any building or other element affected and its contribution to the significance of a Conservation Area as a whole, and give great weight to the conservation of designated heritage assets when considering the impact of a development on its significance.
65. The application was accompanied by a Heritage Statement which considered the heritage assets (*Archaeological Remains, Historic Buildings, and Historic Landscapes*) within a study area extending 150 metres beyond the footprint of the proposed scheme. The assessment excluded consideration of the requirement for the demolition of 13 Darnley Road on the basis that Conservation Area Consent has already been granted for that (together with the boundary walls of 15 Darnley Road and The Lodge), as referred to in paragraph (10) above. The assessment identified 46 heritage assets, including seventeen Grade II Listed Buildings spread across the study area including a number in six Conservation Areas and 23 known archaeological remains across the study area. The potential for the presence of unknown archaeological remains within the Scheme footprint is considered to be low, but it is proposed that a programme of archaeological investigation by trial trenching is undertaken prior to construction.

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66. In accordance with appropriate criteria set out in the Heritage Statement, the Listed Buildings and Conservation Areas have been assessed to be of high significance; the significance of the other heritage assets has been assessed as low or negligible. Of the 46 heritage assets, eight have been identified that would be affected by the proposed scheme. The assessment concludes that of these eight heritage assets, the effects on the setting of three would be adverse and on the remaining five beneficial as summarised below. The significance of these effects has been determined as a combination of the value of the asset and the magnitude of impact:

The realignment of the road with a new entrance off Stone Street would have an adverse impact on the setting of both 20-24 Stone Street and Upper Windmill Street Conservation Area. The impact would affect positive views within the Conservation Area and would also impact upon the general character by the introduction of further road elements. The mitigation for this would be through the use of improved paving materials as part of the scheme design. The significance of effect of the scheme on these assets is considered to be moderate adverse.

There would also be an adverse impact on Darnley Road Conservation Area. The doubling of the road width would impact upon positive views within the Conservation Area and would also impact upon the overall character. The mitigation for this would be through the use of improved paving materials as part of the scheme design. The significance of effect of the scheme on these assets is considered to be slight adverse.

The scheme would have a beneficial impact on five heritage assets. The area around Gravesend Railway Station (counted as two, being either side of the railway), the Railway Bell Public House in Garrick Street, the Statute of Queen Victoria in Darnley Road and the setting of King Street Conservation Area would all be improved through the addition of new uniform paving materials. King Street Conservation Area in particular would be slightly improved by the use of a continuous paving surface from the public space in adjacent to Stone Street. The significance of effect of the scheme on these assets is considered to be slight beneficial.

67. In terms of the development within the application site itself, the adverse impacts identified relate to the setting of 20-24 Stone Street, the Upper Windmill Street and Darnley Road Conservation Areas and a beneficial impact identified in respect of the area around the Railway Station. The remaining beneficial impacts relate to assets affected by the related works to be carried out as permitted development.
68. In general, I consider that the conclusions of the assessment of the heritage assets set out above can be accepted although arguably the effect on Darnley Road Conservation Area would be greater when taking into account the demolition of 13 Darnley Road and The Lodge located to the rear in Rathmore Road. Whilst their demolition has already been assessed and accepted both in granting outline consent for the Transport Quarter proposals and in the subsequent granting of Conservation Area Consent, the physical change has not yet taken place. [It should also be noted that permission is also sought for their demolition (together with the front and rear boundary walls of 15 Darnley Road) as an integral part of this fresh application.] Therefore the resultant change arising from the proposal does not just relate to doubling of the road width but the loss of these two properties. In my view, the demolition of The Lodge which is a single small two storey property (that has been used for a variety of retail purposes) would not be detrimental, as it has no architectural merit and has little or no significance to the Conservation Area as a whole.

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69. With regard to the demolition of 13 Darnley Road which is one of a terrace of four it will be noted that a number of objections have been received including an owner occupier of one of the other three. I would acknowledge that the consequence of its demolition would be some diminution of the integrity of the terrace and contribution to the character and appearance of the Conservation Area. Nevertheless, I do not consider its loss per se or the effects arising from it would be overriding reasons in themselves for not granting planning permission. Moreover I consider that the remaining three properties as a terrace would continue to have an acceptable appearance in terms of their proportions and balance together as a whole. As such they would still make an important contribution to the character and appearance of the Conservation Area. However, it would be necessary to ensure that the gable wall of 15 Darnley Road is sympathetically constructed in matching brick work to respect the character of the terrace as advised by our Conservation Architect. If permission is granted this could be covered by an appropriate condition.
70. It would also be appropriate to require the full recording of the building prior to demolition and for salvaging of interior and exterior architectural features and elements as requested by English Heritage. I consider that these should reflect those that have already been imposed on the Conservation Area Consent granted by the Borough Council including a further condition which states that demolition should not commence until such time as a contract is let for the road construction. English Heritage has also requested that, if possible, the items of salvage be incorporated into adjacent buildings in the terrace. Realistically this is unlikely to be possible and therefore I do not consider that it would be reasonable to include such a stipulation.
71. The detailed design of the scheme, use of high quality materials and landscaping would be critical to mitigating the adverse impacts arising from the development and securing the beneficial improvements around the railway station and to the setting of the Listed Building. The timber acoustic barrier at the top of the embankment would be a significant feature of the new road and could have a negative visual impact to the improvements otherwise being made particularly to the public realm around the railway station and the Conservation Area. The barrier would only be acceptable in visual terms if good quality materials and finishes are used together with some tree and shrub planting on the embankment to soften its appearance and assist in absorbing it into the background. It is proposed that the barrier would have a close boarded fence type cladding. In response to the comments made by our Conservation Architect and Gravesham Borough Council about the barrier the applicant has accepted the need for landscaping but has not agreed to build a brick wall instead of the proposed timber barrier. Indicative details of landscaping to the barrier have now been submitted and are, in my view, sufficient to demonstrate that the timber barrier would be acceptable although further consideration of the detail of the landscaping proposals would be needed. Materials and detailing for the proposed retaining walls to the rear of 20-24 Stone Street would also need careful selection in order that they contribute positively to the proposed enhancements. If permission is granted, all of the above matters could be covered by conditions requiring full details of the landscaping and the detailed design of the scheme, including details and samples of materials to be used for the acoustic barrier, retaining walls, and all paved surfaces to be submitted for prior approval.
72. Land to the south side of the new road following construction is currently proposed to remain with a tarmac finish pending decisions about its future use. Views across this area from the rear of the adjoining Cobham Street properties which are within the Darnley Road Conservation Area would be interrupted by the 2.4 metre high acoustic barrier. It is acknowledged that it would alter the character of the Conservation Area

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but, in my view, the visual impact from this side of it is less significant in that unlike the other side it is not seen on top of the embankment and besides these views are not from public view points. Moreover the visual impacts would be offset by its benefits in mitigating the effects of traffic noise on the new road.

73. With regard to archaeological remains the County Council's Archaeological Officer has requested the imposition of a condition to secure implementation of field evaluation works and safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording before development takes place. She has also asked that consideration be given to heritage enhancement measures, such as working heritage themes into the design and improvements to the highway environment. This could, for example, include plaques and signs relating to any relevant archaeological interests. Further consideration would need to be given by the applicant in consultation with the Archaeological Officer as to what might reasonably be incorporated into the detailed design within the context of the site and could be covered by an appropriate informative if permission is granted.
74. As discussed above there would be some adverse effects on heritage assets although the significance of these impacts is not assessed higher than moderate adverse. Conversely, it is considered that there would be some beneficial effect to the area around the railway station. However the success of any beneficial effects and mitigation to offset the negative effects would depend upon the detailed design, use of high quality materials and landscaping. These matters could be secured by appropriate conditions. Also, subject to appropriate conditions I consider that the proposed demolitions would be acceptable. In addition, the possibility of buried archaeology could be covered by appropriate conditions. Overall, on this basis, I do not consider that the proposal would give rise to unacceptable harm to the acknowledged heritage assets and I would not therefore raise a planning objection to the proposal in these respects.

#### Townscape and Visual Impact

75. It is also necessary to consider more generally the townscape and visual impacts of the physical changes (referred to in paragraph (63) in the section above) arising from the proposals. In addition to those more directly concerned with heritage assets, the relevant planning policies give priority to conserving and enhancing the built environment, set out design criteria for new development including the need to avoid causing harm to the amenity of neighbouring occupants, recognise that good design is a key aspect of sustainable development and should contribute positively to making places better for people.
76. The application was accompanied by a Townscape and Visual Impact Assessment covering the site and its wider context, although as it is in an urban scheme the area is relatively tight, and physically and visually defined by the existing built elements. There are no landscape designations directly affected by the proposals. However there are Conservation Areas affected as referred to and considered more specifically in the section of the report above. There are inevitably overlapping considerations.
77. The Assessment includes a baseline study of the existing site and the surrounding townscape and visual receptors. It considers the impacts on the existing townscape character and fabric and assesses visual impacts during construction, in winter year 1 (when mitigation planting would be immature) and in summer year 15 (when mitigation planting would be established). The assessment is summarised below.



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*Baseline Townscape Description*

The existing Rathmore Road is a narrow, enclosed, sunken one way street that provides access to the south side of Gravesend Station. Along the southern side of Rathmore Road there is a grass bank with a line of early mature hornbeams on top of a stone retaining wall. This provides a reasonably attractive boundary to the road and the trees break up the view of cars in the adjacent car park. At either end of Rathmore Road advertising hoardings feature on the walls of No. 13 Darnley Road and Bar 24.

The Rathmore Road car park lies to the south of the site, forming a linear feature extending from the rear of properties in Darnley Road and Cobham Street through to Wrotham Road. The houses in Cobham Street have small backyards adjoining the car park providing an inconsistent mix of boundary treatments and informal back accesses. Occasional self sown sycamore trees have established along the boundary. Overall the site appears untidy and lacking in visual unity and cohesion.

*Townscape Impact Assessment [The significance of the effect on townscape is determined from a combination of townscape sensitivity and magnitude of impact.]*

Overall the proposals are assessed as having a slight beneficial effect. Whilst it introduces a new road of increased scale with re-routed traffic and associated paraphernalia such as lighting, signage and traffic lights, it also offers the opportunity to provide a quality public realm scheme and visual unity to a previously run down and disjointed urban area. It also provides an improved setting for valued features such as the listed station building and allows for the lost line of hornbeam to be replaced with new street trees. The acoustic fence contains the impact of the scheme along the southern boundary.

The significance of effects on the townscape would increase from slight to moderate beneficial when taking account of the permitted development works proposed.

*Visual Impact Assessment [The significance of the visual effect is determined from the sensitivity of the visual amenity receptor and the magnitude of the impact.]*

There are relatively few residential properties in the area due to the close proximity to the town centre. Cobham Street is the primary residential area with views over the site.

During construction there would be a moderate to significant adverse visual impact on a number of receptors including residents, people at their place of work and other users of the built environment. This is to be expected within an urban environment, particularly given the proximity of the area to the town centre.

However, upon opening the visual effects of the scheme would generally reduce to negligible to slightly adverse, but with some properties on Cobham Street experiencing moderate adverse impacts. The residual effect in the longer term would be similar as the proposals are not dependent on maturing vegetation for mitigation. However there would be a slight betterment and softening of the public realm as the trees become established features in the view.

78. I consider that in general the proposals would result in improvements to the townscape particularly to the setting of the Railway Station and this would be further enhanced by the proposals for the retained 'old' section of Rathmore Road providing a mainly pedestrian connection to and from the Town Centre. As referred to in consideration of the heritage interests the success would depend upon the detailed design, use of high

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quality materials and landscaping which could be secured by appropriate conditions. I also consider that if permission is granted, it would be appropriate as requested by the Borough Council to require submission for approval of lighting details and the relevant details of enhancement for the retained 'old' section of Rathmore Road. With regard to the Borough Council's comments about the use of black macadam for the inset parking area and taxi rank this could be considered as part of the detailed design of the scheme and covered by condition if permission is granted.

79. It will be noted that there would be some adverse visual impacts arising from the proposal most notably during construction and initially upon opening of the scheme. In the longer term there would be some improvement to the public realm but for some properties the scheme would still have a moderate adverse impact. It does, though, need to be borne in mind that these are private views from these properties. Options for additional mitigation are limited without encroaching onto the residual land on the south side of the road, for which decisions about future use are pending. The acoustic barrier does however provide some mitigation to the visual impacts which together with the lower level of the road would screen the traffic from most views. In addition, as the tree planting matures now proposed on the embankment to the north side of the acoustic barrier this would provide some additional benefit to these properties as well as to the public realm.
80. The visual changes are acknowledged but overall I do not consider that the degree of change would be of a magnitude and significance that would result in unacceptable harm to residential amenity in terms of outlook or visual harm to the built environment in general. Subject to appropriate conditions, I consider that the design of the scheme would otherwise contribute positively to the public realm and to the townscape, and accord with the objectives of the Development Plan Policies which require development to be of a high quality design.

#### Lighting

81. Proposals for street lighting include 8 metre columns along the road and footways, and 10 metre columns outside the Railway Station for convenience and safety. Although full details are not provided at this stage I expect the general approach would be to direct the light to where it is needed and to ensure light pollution can be minimised. In principle, I would not raise objection to the proposed lighting but, if permission is granted, it would be appropriate to reserve details by condition so that the type and position of the lighting can be controlled.

#### Ecology

82. An Ecological Scoping Report and a Bat Survey Report were submitted with the application. Bat emergence surveys carried out confirmed that the buildings to be demolished are unlikely to offer any potential to support roosting bats. The County Council's Biodiversity Officer notes that there is limited potential for ecological impacts beyond the potential for the presence of breeding birds and advises compliance with the mitigation measures in the Ecology Scoping Report prior to commencement of the development. In addition, she advises the recommendation to use native species planting and bird nest boxes in the landscape proposals should be implemented. If permission is granted, these matters could be covered by appropriate conditions.

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Flood risk and drainage issues

83. A Flood Risk Assessment submitted with the application which includes the following conclusions:

A review of the available data, primarily the published Environment Agency flood risk maps and the Kent Thameside Strategic Flood Risk Assessment indicate that the proposed development lies within Zone 1. There is no record of any form of historic flooding affecting the development site.

However as the station is located in a cutting there is the potential for it to receive localised exceedance flow and the design should aim to ensure that this can be conveyed through or around the station, rather than ponding.

As the development site is in a heavily urbanised area there would be no change to the existing extent of impermeable surface. Consequently the proposed development would not alter existing levels of runoff and it is the intention to reuse existing drainage features wherever possible and the runoff will continue to drain either to soakaway or the public sewer. The development proposals would not alter the existing overland flow paths.

The Environment Agency has raised no objection in respect of drainage issues subject to a condition controlling infiltration of surface water drainage into the ground and therefore I do not consider that there is any basis for an objection on grounds of flood risk or loss of flood storage capacity.

Land contamination

84. A Desk Study Report which assesses potential contaminated land, geotechnical and construction issues was submitted with the application. In respect of contamination the report highlights that there are potential sources of contamination from historical use of the site and surrounding area, a timber yard and tyre depot at the eastern extent of Rathmore Road, the railway and former goods yard adjacent to Barrack Row, existing highways, and nearby landfill sites. It also notes that the current site uses which may also be potential sources of contamination. The conceptual model developed for the site indicates that several complete pollutant linkages may be present; however, an assessment of the risks suggests that made ground in the vicinity realigned Rathmore Road associated with former use of area as a tyre depot and timber yard and made ground in vicinity of Darnley Road Bridge associated with the railway are the only ones likely to be of concern and warrant further investigation. The report recommends that as part of the main intrusive site investigation works, exploratory holes are carried out in these areas to assess the nature and depth of any made ground, with samples sent for chemical analysis.
85. In the Planning Statement the applicant states that as part of the main intrusive site investigation works, exploratory holes were carried out to investigate the potential for contamination in the made ground at the eastern end of Rathmore Road. Slightly elevated hydrocarbons and some metals (namely copper, lead and zinc) were recorded but assessed not to be elevated enough to pose a risk to human health in the long term. No mitigation was therefore proposed. In its initial views, the Borough Council requested that further details be provided to support the applicant's conclusion that no mitigation is required to ensure no adverse risk to human health is introduced from potentially contaminated land. In response the applicant commented that:

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A large part of the site has been identified in the Heritage Statement as having been allotment gardens prior to the development of the current day Rathmore Road car park and is of low risk of contamination. However, for part of the car park, due to a previous site use, the risk of encountering contamination is medium.

Further intrusive geotechnical investigation is proposed. Any contamination or potential sources of contamination discovered at this stage would be thoroughly assessed and further actions determined prior to the commencement of development.

Should unexpected contamination be encountered once development has commenced, a full remediation strategy would be prepared by the Principal Contactor and agreed with the Local Planning Authority. The required works would be carried out in accordance with the agreed strategy.

86. In its further views the Borough Council acknowledges further intrusive investigation would be undertaken with a view to suitably remediating any contamination prior to the commencement of works. If permission is granted, these matters could be covered condition as also requested by the Environment Agency in order to prevent unacceptable risks from pollution. Subject to that I would not raise an objection in that respect.

#### Construction and Waste Management Issues

87. Noise and Vibration and Air Quality issues associated with construction activities are considered in the relevant sections above. In addition to measures to minimise noise nuisance and dust nuisance, other issues relating to construction activities such as hours of working, location of site compounds and operative/visitors parking, details of site security, details of any construction accesses and measures to prevent mud being deposited on the local highway network could also be included in a Construction Environmental Management Plan. There is also a requirement for Site Waste Management Plan under The Site Waste Management Regulations 2008 dealing with the handling, use and disposal of surplus materials and waste for such construction sites.

#### Environmental Impact Assessment

88. Some questions have been raised and comments made in the representations, as set out in paragraph (23), in respect of Environmental Impact Assessment. I can confirm that consideration has been given to this matter. Initially, the applicant had requested a screening opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 before the application was received. Further information was sought from the applicant for consideration before adopting a screening opinion. In the event, the applicant proceeded to submit the application before that was concluded.
89. However upon receipt of the application in accordance with our normal practice we proceeded to adopt a screening opinion under Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. As referred to in paragraph (17) above, the Screening Opinion concluded that that Environmental Impact Assessment is not required and therefore that the application did not need to be accompanied by an Environmental Statement. The permitted development works were also taken into account in reaching that conclusion. Gravesham Borough Council had

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also previously adopted a screening opinion for the outline proposals for Gravesend Transport Quarter Development as a whole and also concluded that Environmental Impact Assessment was not required. However it needs to be borne in mind that such conclusions do not mean that the proposed development is without any environmental impacts, but rather that such impacts are not of wider than local significance and are fully capable of being addressed as part of the normal planning assessment process.

**Sustainable Development**

90. As mentioned in paragraph (34) above, the proposed development is judged to be sustainable in transport terms. However the concept of sustainable development is an overarching one and attempts to bring to together a wide range of aspects within the three broad headings of environmental sustainability, economic sustainability and social sustainability. Given the breadth of interests at stake, there will often be some fundamental conflicts between certain aspects, and very few projects will be able to demonstrate sustainability in all aspects. In this instance, a case can be made out that the project is very much part and parcel of a transport and environmental improvement programme for the town as a whole, with therefore some significant associated benefits for the local economy. However, it is unlikely to be possible to achieve all of these benefits without some more localised environmental disbenefits, thereby undermining some of the environmental and social sustainability credentials. Nevertheless, planning decisions are all about balancing the various benefits and disbenefits, and in this particular case I consider that the wider sustainability credentials significantly outweigh the localised impacts, especially if those local impacts can be satisfactorily reduced by appropriate mitigating measures.

**Consultation Issues**

91. With regard to comments about the adequacy of public consultation, it will be noted from paragraph (21) that the application was published on our website, publicised by site notices and newspaper advertisement and some 380 neighbouring properties were notified. This was carried out in May 2012 and again at the end of August beginning of September 2013. In addition, the applicant held an exhibition at the Civic Centre, Gravesend between the 8 and 21 May 2012.

**Conclusion**

92. As discussed and acknowledged above, this proposal raises some significant issues, not least the various effects on local amenity and the local environment, particularly those relating to traffic noise and vibration and emissions, heritage assets, townscape and visual amenity. Whilst I have not raised planning objections to the proposal in respect of these matters, arguably it does not fully accord with Development Plan and the National Planning Policy Framework in all respects. However, bearing in mind the mitigation proposed, I consider that in the long term the proposals would provide an acceptable environment for existing residents and businesses and result in overall improvements to the public realm. Moreover the proposals would improve the pedestrian environment and connectivity between the Railway Station and the town centre and would be an important step forward for the wider aspirations envisaged by the Transport Quarter proposals for Gravesend including the future creation of a public transport interchange. Objections to the principle and questions about the benefits of the proposals in general and to this application in particular will be noted, but within the limitations of the existing highway/transport infrastructure within the town centre, I consider that it would open up opportunities for a more integrated approach to transport

**Proposed realignment and widening of Rathmore Road, Gravesend – GR/2012/0441 (KCC/GR/0148/2012)**

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in accordance with the relevant planning policies, including those set out in the emerging Local Plan Core Strategy. On balance therefore, bearing in mind the various mitigation measures proposed and appropriate conditions as discussed above, and subject to any further views received by the Committee Meeting, I consider that permission should be granted.

**Recommendation**

93. SUBJECT TO any further views received by the meeting, including further reactions to noise assessment, I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT to conditions, including conditions covering:

- implementation of the permission within 5 years;
- the development to be carried out in accordance with the permitted details and as otherwise approved pursuant to the permission;
- submission for approval of details of horizontal and vertical alignment;
- submission for approval of details of the highway design and construction including all paved surfaces;
- submission for approval of details for the enhancement of the retained section of the existing road;
- submission for approval of details of all structures, including the acoustic fence, retaining walls, and street furniture;
- submission for approval of details of highway lighting;
- submission for approval of details, implementation and subsequent maintenance, of landscaping proposals, to include planting proposals for the slope on the south side of the new road;
- submission for approval of details of street lighting,
- implementation of the recommendations for biodiversity mitigation and enhancement,
- building recording prior to demolition of 13 Darnley Road;
- details of architectural items to be salvaged from Darnley 13 Road to be agreed with the Borough Council;
- demolition of 13 Darnley Road not to commence until such time as a contract is let for road construction;
- submission for approval of details for the construction of the gable wall to 15 Darnley Road;
- archaeological requirements;
- control of potential land contamination;
- control of infiltration of surface water drainage into the ground;
- submission for approval of details of a Construction Environmental Management Plan/Code of Construction Practice;
- details of further air quality monitoring to be submitted together with appropriate mitigation proposals before the development is commenced;
- details of post construction noise monitoring to be submitted together mitigation proposals and a timescale for their implementation; and
- provision of the 6 disabled parking spaces shown on the submitted drawings;

94. I FURTHER RECOMMEND THAT the applicant BE ADVISED by way of an informative of the following:

- the Borough Council recommends that the contractor should enter into an agreement under section 61 of the Control of Pollution Act 1974 to deal with construction noise.

## Item D1

### **Proposed realignment and widening of Rathmore Road, Gravesend – GR/2012/0441 (KCC/GR/0148/2012)**

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- the Archaeological Officer requests that consideration be given to including heritage themes in the detailed design where relevant.

Case officer – Paul Hopkins	01622 221051
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Background documents - See section heading
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**Item D2****A new classroom block, minor classroom extension and 21 additional staff parking spaces, at Lansdowne Primary School, Sittingbourne - SW/13/1110 (KCC/SW/0257/2013)**

A report by Head of Planning Applications Group to Planning Applications Committee on 06 November 2013.

Application by Kent Council County Property and Infrastructure Services for the construction of a new single storey classroom block to provide six classrooms, a learning resources centre and a small hall. Plus a small extension of two classrooms to improve internal circulation and the provision of 21 additional staff parking spaces, at Lansdowne Primary School, Gladstone Drive, Sittingbourne - SW/13/1110.

Recommendation: Permission be granted, subject to conditions.

Local Member: Mr A. Bowles

Classification: Unrestricted

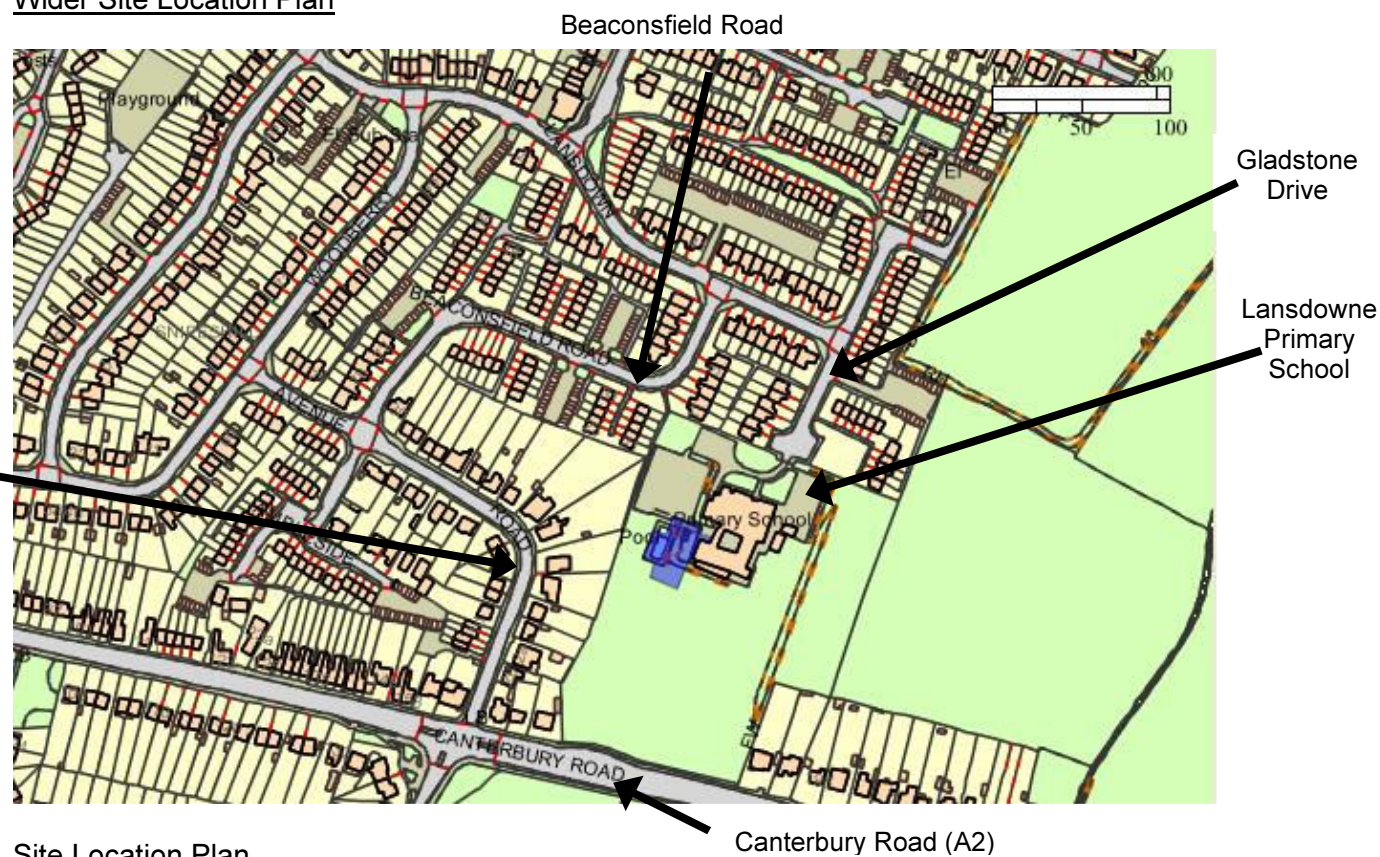
**Site**

1. Lansdowne Primary School on Gladstone Road is situated in an edge of town area to the east of Sittingbourne. The overall site area is 23,387 square metres including a nursery run independently of the school. The school is located at the southern end of a residential road within a large, open area. The school building is located towards the northern end of the site; the school entrance facing Gladstone Drive features landscaping, vehicle and pedestrian access and staff parking. Two hard play areas wrap around the sides of the building into the surrounding grassed area which includes a marked out sports pitch and open space extending to the south. The overall perimeter of the site is lined by well established trees. The western perimeter is bounded by the rear gardens of residential properties and the eastern perimeter is surrounded by open land with a couple of residential properties adjacent to the boundary. Canterbury Road (A2) runs along the rear of the site to the south.
2. The main school building is considered to be typical of late 1960s / early 1970s construction, consisting of a single storey, flat roof building with large areas of glazing. There is a small internal courtyard within the centre of the school. In addition to the main building there are two mobile classrooms located on the grassed area at rear of the school. To the west of the main building is a derelict swimming pool, changing area and plant room.
3. There are no Listed Buildings on the site, or in close proximity to it, and the site is not within a Conservation Area, or subject to any other Development Plan designations. A site location plan is attached.

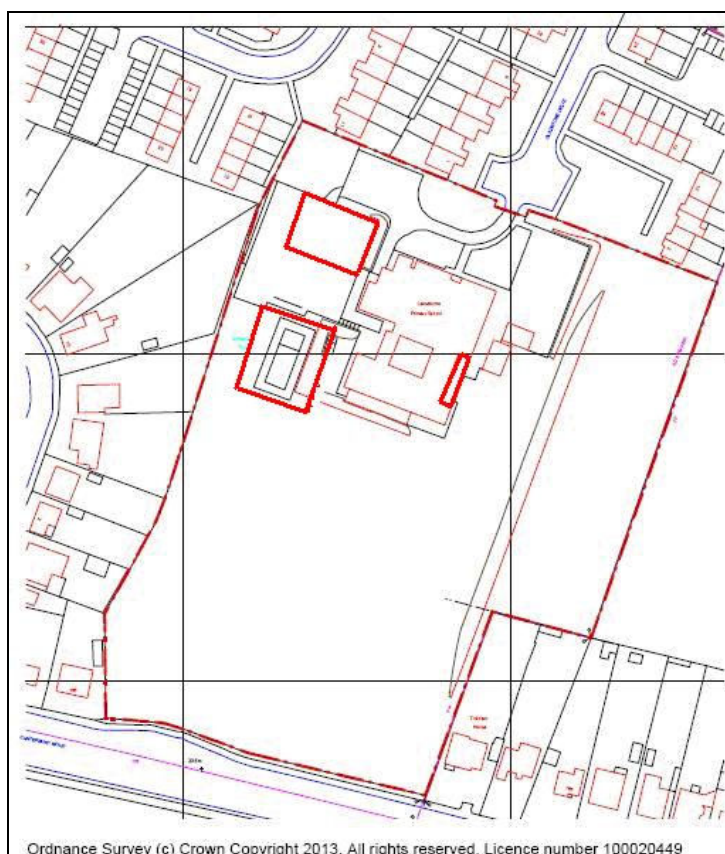
## Item D2

**A new classroom block, minor classroom extension and 21 additional staff parking spaces, at Lansdowne Primary School, Sittingbourne - SW/13/1110 (KCC/SW/0257/2013)**

Wider Site Location Plan



Site Location Plan



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## Item D2

**A new classroom block, minor classroom extension and 21 additional staff parking spaces, at Lansdowne Primary School, Sittingbourne - SW/13/1110 (KCC/SW/0257/2013)**

### Proposed Block Plan

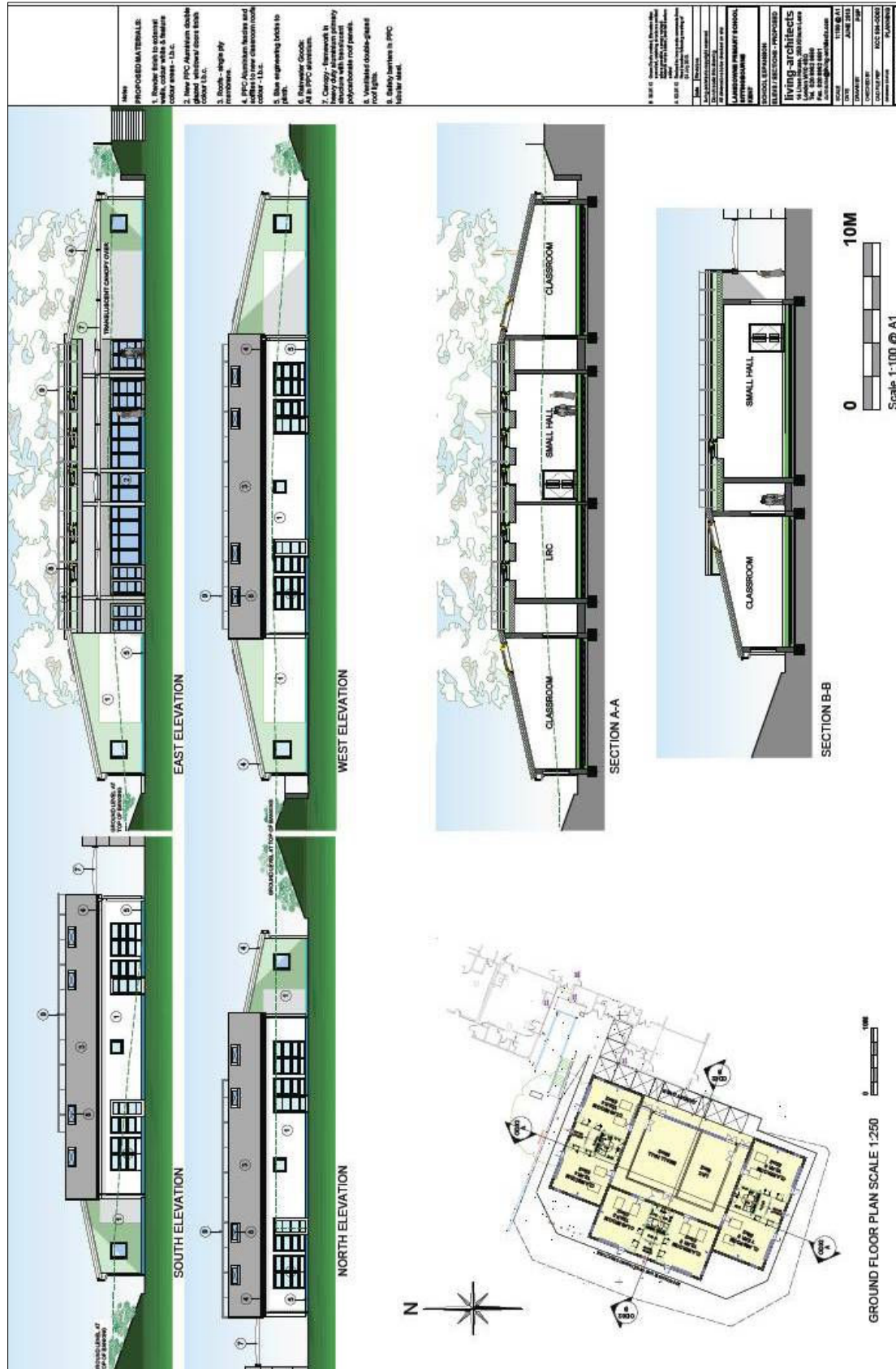




## Item D2

**A new classroom block, minor classroom extension and 21 additional staff parking spaces, at Lansdowne Primary School, Sittingbourne - SW/13/1110 (KCC/SW/0257/2013)**

Proposed Ground Floor and Elevations Plan for Classroom Block



**A new classroom block, minor classroom extension and 21 additional staff parking spaces, at Lansdowne Primary School, Sittingbourne - SW/13/1110 (KCC/SW/0257/2013)****Relevant Site History and Proposal Background**

4. A temporary mobile classroom was granted planning permission in April 2013 enabling the enlargement of the school reception year intake by one class (30 pupils). The additional provision of this mobile classroom was proposed as part of the County-wide Basic Needs Programme for school places, funded and promoted by Kent County Council.
5. Future residential development is planned in the Sittingbourne area, comprising over 500 dwellings within 800m of Lansdowne Primary School. The submitted proposal has been driven by the next phase of the Basic Needs Programme; an expansion of Lansdowne Primary School from One Form of Entry (1FE) to Two Forms of Entry (2FE) increasing the capacity for the number of pupils at the school from 210 to a maximum of 420. The intention is to increase the initial reception year intake, rather than accepting in-between year admissions. The school would therefore not be at the full 2FE capacity until September 2019. There is also anticipated to be an associated, incremental increase to the number of equivalent full time staff by 16, bringing the total employees to 42.
6. The intention is that the permanent, additional provision proposed for development in this application will replace the current provision provided by two mobile classrooms granted temporary planning permission, with the mobile units to be removed in due course.

**Proposal**

7. The original planning application, submitted by Kent County Council Property and Infrastructure Services, proposes the construction of a new single storey classroom block to the west of the school containing six classrooms, a learning resources centre and a small hall, the minor extension of two classrooms to improve internal circulation and the provision of 17 additional staff parking spaces. The revised application increases the proposed parking provision to 21 new spaces and alters the existing parking layout. The application would provide 707m<sup>2</sup> of additional floor space.
8. The proposed location of the classroom block is to the west of the school in an area currently occupied by the derelict swimming pool and associated facilities. As the ground level of the site rises westwards from the school building, the swimming pool site is elevated by approximately two metres above the school. The proposal is to dig into the bank so that the ground floor level of new classroom block matches that of the existing school floor level. The Design & Access Statement accompanying the application explains that the existing grade of the bank would therefore surround the building on three sides, limiting the visual impact from north, west and east. The banked ground around the development would feature planting with low fencing at the top for pupil safety. It will be linked via a covered canopy to the main building.
9. The proposed single storey classroom block would be of brick construction and feature monopitch roofs over the classrooms and a flat roof with higher ceilings over the LRC and small hall, both finished in single ply membrane. The walls will be highly insulated cavity block construction with a white and coloured rendered finish. In line with the Department of Education (DfE) Guidance BB99 - Area Guidelines for Schools, the proposed classroom block will also include storage, toilet and small group room facilities.

**A new classroom block, minor classroom extension and 21 additional staff parking spaces, at Lansdowne Primary School, Sittingbourne - SW/13/1110 (KCC/SW/0257/2013)**

10. The proposed minor extension to two classrooms on the east side of the school would provide 57m<sup>2</sup> of additional floor space. At present access to a number of classrooms is only possible via other classrooms. The extension is proposed to improve internal circulation by allowing a corridor to be continued throughout the extent of the existing school building. The outward extension of the classrooms is to be in keeping with appearance of the existing school building.
11. The Transport Assessment, submitted in support of the scheme, reviewed four mitigation measures to lessen any congestion around the drop off and collection arrangements at the school. Providing either a drop off facility or pedestrian access from the A2 was dismissed on highway safety grounds due to the potential for conflicts on the high speed road. A drop off facility within the site from Gladstone Drive would be at the expense of play area and the existing staff parking spaces, displacing vehicles onto the local roads. Survey work undertaken found that a number staff currently park on street, potentially impacting upon drop off and collection arrangements at the school. Thus the Transport Assessment concluded that a fourth option of providing additional staff parking was the most efficient and safest mitigation measure. This matter will be discussed in more detail later in this report (see para. 28). 21 new parking spaces are therefore proposed as part of this application, providing a total provision of 35 spaces. The proposed additional parking is to be located on existing hard play area to the north-west of the site. In accordance with the minimum requirements set out by Kent Vehicle Parking Standards, additional parking for 5 bicycles will be provided in the north-west corner of the parking area.
12. Some land contamination has been identified in the area of the existing pool plant room; soil analysis and contamination assessment has been undertaken and results have been submitted as a part of this planning application.

*The application is accompanied by a Design and Access Statement, Transport Assessment, School Travel Plan, Arboricultural Method Statement, Ecological Appraisal, Soil Analysis/ Testing and Preliminary Contamination Assessment Report.*

**Planning Policy**

13. The following Guidance/Statements and Development Plan Policies summarised below are relevant to the consideration of the application:
  - (i) **National Planning Policy Framework (NPPF)**, March 2012, sets out the Government's planning policy guidance for England at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning application but does not change the statutory status of the development plan which remains the starting point for decision making. However the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

In determining applications the NPPF states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.

In terms of delivering sustainable development in relation to this development

**A new classroom block, minor classroom extension and 21 additional staff parking spaces, at Lansdowne Primary School, Sittingbourne - SW/13/1110 (KCC/SW/0257/2013)**

proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

- consideration of whether the opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;
- achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- the great importance that the Government attaches to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and that great weight should be given to the need to create, expand or alter schools.

(ii) **Policy Statement - Planning for Schools Development** (15 August 2011) which sets out the Government's commitment to support the development of state-funded schools and their delivery through the planning system.

(iii) The adopted **Swale Borough Local Plan 2008**:

**Policy SP1 Sustainable Development:** proposals should accord with principles of sustainable development that increase local self-sufficiency, satisfy human needs, and provide a robust, adaptable and enhanced environment.

**Policy E1 General Development Criteria:** proposals should cause no demonstrable harm to residential amenity and other sensitive uses or areas; reflect positively characteristics and features of the site surroundings; and, protect and enhance the natural and built environments.

**Policy E3 Land Contamination:** where contamination is identified, planning permission will only be granted if the developer agrees to undertake effective investigation and remediation work to overcome any identified hazard.

**Policy E19 Achieving High Quality Design and Distinctiveness:** development proposals should be of high quality design and respond positively to design criteria.

**Policy E21 Sustainable Design & Build:** Proposals should incorporate sustainable design and build measures into the detailed design of new development in its use of siting, design, materials, and landscaping.

**Policy T1 Providing Safe Access to New Development:** proposals which cause unacceptable impacts of the capacity of the highway network or on highway safety will not be granted planning permission.

**Policy T3 Vehicle Parking for New Development:** requires appropriate vehicle parking for new development in accordance with the adopted Kent County Council parking standards.

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**Policy T4 Cyclists and Pedestrians:** requires cycle parking facilities for new development in accordance with Kent County Council cycle parking standards.

**Consultations**

14. **Swale Borough Council** raises **no objection**, subject to: no objection from Kent Highways, restrictions on the hours of construction, space to be laid out within the site for the loading/offloading and parking of construction vehicles and the inclusion of any conditions recommended by consultees.

**Environment Agency** raises **no objection** to the proposal, and requests standard conditions relating to provision of a remediation strategy for contamination and relating to surface water management. It also provides supporting information in relation to land contamination, drainage and fuel, oil and chemical storage.

**Southern Water** requests an informative regarding connection to the foul sewer should permission be granted.

In response to the original application **Kent County Council Highways and Transportation** requested that the proposed number of parking spaces is increased to account for the insufficient provision for existing staff and that the parking area layout is revised to allow larger vehicles to turn within the site. In respect of the revised proposal, they are satisfied that the appropriate level of spaces is now included within the development proposal to accommodate the general staff and visitor demand likely during a typical day, and therefore have **no objection** to the proposal in respect of highway matters, subject to the imposition of conditions regarding the following:

- Measures to prevent mud and debris being taken onto the public highway.
- Parking, loading/unloading and turning facilities on site for vehicles associated with construction.
- The paving, draining and permanent retention of the area proposed for car parking and turning space, and permanent retention of the area the cycle parking, as shown on the submitted plans before the development is first used/occupied.
- Submission of an updated School Travel Plan for approval, including an implementation programme and parking review strategy, to be reviewed for a minimum of 5 years and until 1 year after the school has fully operated a 2 form entry in each academic year.

**The County Council Transport Planner (Schools)** recommended some minor amendments and corrections to the School Travel Plan, which have been taken into account with a revised version re-submitted.

**Kent County Council Biodiversity** are satisfied with the information provided within the ecological survey, subject to a condition on the submission of details of the on site ecological enhancements as referenced in the Ecological Appraisal.

**Kent County Council Landscape** supports the application and the Tree Protection Statement in principle, and suggests that landscape enhancement is linked to additional screening along the western boundary of the site; this could be considered together with ecological enhancement.



**A new classroom block, minor classroom extension and 21 additional staff parking spaces, at Lansdowne Primary School, Sittingbourne - SW/13/1110 (KCC/SW/0257/2013)**

**Local Member**

15. The local County Member, Mr Andrew Bowles, was notified of the application on the 02 September 2013.

**Publicity**

16. The original application was publicised by the posting of a site notice at the entrance to the school and the individual notification of 33 neighbouring properties. It has also been advertised on our website.

**Representations**

17. To date, I have received 11 letters of representation from local residents located in Gladstone Drive, Vincent Road and Beaconsfield Road, three of which related purely to minor errors in the application form information which have since been amended. A summary of the relevant main issues raised are set out below:

General amenity matters:

- The proximity of the proposed development to residential property boundaries in terms of amenity and noise.
- The lack of proposed up-grade to the main sewer despite drainage problems affecting residents previously.

Highways/Access:

- Concerns that existing parking, congestion at peak times and highway safety problems will be worsened by the expansion of the school;
- Access difficulties for Heavy Goods Vehicles (HGVs), emergency services, delivery vehicles and any future construction vehicles. Such vehicles are said to park/turn at the end of the Gladstone Drive rather than attempting the school access.
- A number of non-resident cars belonging to school staff are said to be parked during the day on Gladstone Drive.
- Inconsiderate parking by parents dropping off/ picking up children is a nuisance to residents and prevents access to driveways.
- The behaviour and attitude of some parents towards local residents in relation to parking issues is reportedly poor and can be aggressive.

Neighbours also make a number of suggestions:

- Traffic survey of surrounding local roads.
- An alternative entrance to the school off the A2.
- A meeting between KCC and the residents of the surrounding estate.
- Specific hours of construction.

**Discussion**

Introduction

18. This application seeks planning permission for the construction of a new single storey classroom block to the west of the school containing six classrooms, a learning resources centre and a small hall, the minor extension of two classrooms to improve internal circulation and the provision of 21 additional staff parking spaces, at Lansdowne

**A new classroom block, minor classroom extension and 21 additional staff parking spaces, at Lansdowne Primary School, Sittingbourne - SW/13/1110 (KCC/SW/0257/2013)**

Primary School, Sittingbourne. In considering this proposal regard must be had to the Development Plan Policies referred to in paragraph (11) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. Issues of particular relevance include access and highway issues and general amenity impacts.

19. In this case the key determining factors, in my view, are the impact upon the local highway network and local amenity, and the policy support for the development of schools to ensure that there is sufficient provision to meet growing demand, increased choice and raised educational standards, subject to being satisfied on amenity and other material considerations. In the Government's view the creation and development of schools is strongly in the national interest and planning authorities should support this objective, in a manner consistent with their statutory obligations. In considering proposals for the creation, expansion and alteration of schools, the Government considers that there is a strong presumption in favour of state funded schools, as expressed in the National Planning Policy Framework. Planning Authorities should give full and thorough consideration to the importance of enabling such development, attaching significant weight to the need to establish and develop state funded schools, and making full use of their planning powers to support such development, only imposing conditions that are absolutely necessary and that meet the tests set out in Circular 11/95.

**Siting and Design**

20. Swale Borough Council Local Plan policies SP1, E19 & E21 promote sustainable development, high quality design and improvements to the built environment. Although no objections to the design of the proposed development have been received, it is important to discuss these matters in relation to its proposed location to ensure that the proposal is in accordance with the general design principles expressed in Development Plan Policies.
21. Two residents adjoining the site boundary from Vincent Street voiced objections to the proposed increase in development in proximity to their properties, and the likely increase in noise. In response, the application agent has reiterated that the single storey classroom block is located over the footprint of the existing, redundant swimming pool development. The new classroom block would be, at its nearest elevation, approximately 7 metres from the boundary fence and the substantial rear gardens of the adjoining residential properties to the west. The new classroom block has been designed in such a way as to reduce visual and noise impacts; it will be set down into the ground to match the floor level of the current school building and surrounded by the grade of the existing banked land on three sides, which will also be planted. Boundary screening from all existing trees will be retained and protected during construction. Impact from noise will be minimised through the positioning of the open aspect of the building to face the school. Additional screening to further protect residential amenity will be considered through the submission of a scheme of landscaping details (see para. 22). There will be no noise generating plant room constructed as a part of the development. The proposed new car parking spaces are to be located on existing hard play area located away from the adjoining residential property boundary with screening provided by the existing tree and hedge line.

**A new classroom block, minor classroom extension and 21 additional staff parking spaces, at Lansdowne Primary School, Sittingbourne - SW/13/1110 (KCC/SW/0257/2013)**

22. The small classroom extension on the eastern side of the school will not be visible to any neighbouring properties and no comments were received in respect to this part of the proposal.
23. I consider that the proposed location of the classroom block, classroom extension and parking spaces and would not significantly impact upon residential amenity. The design and scale of the proposal is, in my opinion, appropriate and acceptable, complementing the form of existing school buildings. The proposal also utilises and improves the appearance of a derelict, unsightly part of the site. Subject to the imposition of a condition requiring the submission and approval of the coloured render materials details to be used externally, I consider the design of the building to be acceptable and in accordance with Development Plan Policies.

Landscaping and Ecology

24. No objections were received from consultees or residents regarding landscaping or ecology, and the Tree Protection Statement and Ecology Survey were considered acceptable by key consultees. The KCC Landscape Officer suggests that given the size of the proposed extension, the boundary of trees along the west side of the site could be reinforced, offering both further screening to neighbouring properties and supporting the landscape and ecological aspirations for improved connectivity at the site. I therefore consider it appropriate in this instance to require details of a scheme of landscaping and to be submitted pursuant to condition, should permission be granted, to include consideration of additional screening and landscape connectivity. I would also consider it to be appropriate to attach a condition requested by KCC Ecology on the submission details of the on site ecological enhancements.

Drainage

25. Local residents have expressed concern that the increase in the capacity of the school would exacerbate drainage problems which have previously arisen from the local sewerage system. Southern Water initially advised that the proposed additional surface water discharge to the public foul sewer would exceed the capacity of existing 225mm and 150mm foul sewers located within the immediate vicinity of the school. In light of this, the revised drainage strategy, detailed on drawing no. M1464/00/01 Rev 4, proposes the use of on-site soakaways for surface water drainage, with only the additional foul water directed to the external drain system.
26. Given the proposed revised arrangements, and the lack of any objection from the Environment Agency and Southern Water to the drainage scheme, I see no reason to refuse the application on these grounds. However, it is appropriate that planning permission, if granted, would be subject to the Environment Agency's conditions relating to provision of a remediation strategy for contamination, surface water management, and supporting informatives, and Southern Water's informative regarding an application for connection to the foul sewer.

Access and highways related issues

27. In my opinion, the key determining issue in relation to this application is the potential impact on highway matters. This application was accompanied by a Transport Assessment and a School Travel Plan, and the highway and access implications of the

**A new classroom block, minor classroom extension and 21 additional staff parking spaces, at Lansdowne Primary School, Sittingbourne - SW/13/1110 (KCC/SW/0257/2013)**

application have been considered and addressed in detail by Kent County Council Highway's and Transportation (the Highway Authority), who raise no objection to the development subject to the imposition of conditions. However, the points raised by the local community need to be considered and discussed.

28. A request from local residents was that an additional or alternative school access point, such as from the A2, would be preferable to prevent worsening current peak time traffic, double parking and related issues at the Gladstone Drive access. This option has been considered within the Transport Assessment accompanying the application and by the Highway Authority; both concluded that the creation of a new vehicle or pedestrian access from the A2 would be an inappropriate mitigation option on highway safety grounds. The Highways Authority explain that this option would introduce conflicting vehicle movements on to A2 within the 40 mph speed limit section, and where several lanes of traffic are converging or splitting close to the traffic signal controlled junction at Swanstree Avenue. Given the limited space within the proposed on-site facility, the proposal would result in vehicles queuing in both directions to enter the site, and would obstruct the flow of traffic along the A2, which is the main arterial route connecting Sittingbourne to Faversham, as well as a strategic route to destinations beyond each. In addition, this would be likely to introduce significant parking demand at this location that would obstruct the bus lay-by, cycle lanes and free flow of traffic, and create more pedestrian activity. Given the high number of young children that would be present in this busy environment, the Highway Authority's view is that encouraging this mix would not be desirable. The application has therefore retained the existing access arrangements and instead opted to introduce additional on-site parking to lessen the impact on the local roads.
29. However, it has become apparent from the traffic surveys undertaken and comments from local residents that a number of staff currently park on Gladstone Drive due to an on-site parking shortage. Whilst the original proposal for additional parking took into account the anticipated increase in staff numbers, it did not allow for the numbers of current staff who park outside the school grounds (six when the survey was conducted), adding to congestion in surrounding streets. Extra provision was recommended by the Highways Authority, bringing the total proposed and existing spaces on site to 35. This level of car parking is now considered to be sufficient by the Highways Authority to accommodate the general staff and visitor demand likely during a typical day,<sup>1</sup> which should remove the existing staff vehicles that park on-street impacting upon the amenity of residents and consequently reducing the availability of parking for parents.
30. One Beaconsfield Road resident expressed disappointment that the Transport Assessment's traffic survey was limited to Gladstone Drive and did not extend to the network of local roads leading up to the school. It is recognised that incremental expansion of the school will ultimately increase the numbers of vehicles arriving to drop off or collect children, placing further parking demand on the surrounding streets to accommodate these vehicles; extending further along Beaconsfield Road and Lansdowne Road, and probably affecting Peel Drive, Woodberry Drive and Coombe Drive. That may cause congestion within these roads during the short spells at the start and end of the school day. In view of that, the Highways Authority suggest that it may be appropriate to investigate whether any additional waiting restrictions should be introduced to ease some bottlenecks where traffic can become blocked and passing

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<sup>1</sup> The School Travel Plan indicates that approximately 40% of staff travel to the school by alternative sustainable transport means. As the increase in staff is predicted to be 16 full time equivalents, the Transport Assessment estimates that this will result in a likely increase of 10 cars.

**A new classroom block, minor classroom extension and 21 additional staff parking spaces, at Lansdowne Primary School, Sittingbourne - SW/13/1110 (KCC/SW/0257/2013)**

bays would be beneficial; this could be secured by condition as part of the review of the School Travel Plan. It should be noted that the proposed increase in the number of additional parking spaces should free up Gladstone Drive from overflow staff parking and allow for addition parent usage at peak times, which would in turn help ease congestion in the surrounding roads.

31. Local residents in close proximity to the school access on Gladstone Drive have reported concern about existing congestion issues and nuisance from inconsiderate parking by parents preventing access to driveways. Unfortunately parent parking in local roads is an issue associated with all schools. In this instance, the Highway Authority does not consider the issue to present a serious highway safety concern. Congestion at school peak times is generally limited 15-20 minute period, and although this causes inconvenience and delays to through traffic, this is considered to be a short term impact on local amenity rather than amounting to a wider highway safety concern. Whilst the behaviour of a small number of parents, who have reportedly been rude to local residents in some instances, is understandably a matter of concern and potential distress to residents, driver behaviour and attitude is not a planning land use matter which the Planning Authority can control. However, through ensuring the School Travel Plan is updated to evolve with the increasing school population, and reviewing whether any local parking restrictions may be necessary to assist traffic movement during these times, can be secured by condition to encourage responsible behaviour by parents. The School Travel Plan also includes an action plan with aims to encourage travel to school by more sustainable modes of transport to reduce reliance on cars, and subsequently ease pressures on the local highway network.
32. In light of the local resident's reports of larger service or emergency vehicles parking/turning in the Gladstone Drive 'stub end', potentially obstructing residential access, the proposed parking layout has been revised as part of the discussions with the Highway Authority; four existing tandem parking spaces have been relocated to improve efficiency and management of the parking area, and most importantly to increase the available space for vehicles turning within the site. Since development without adequate accommodation for the loading, off-loading and turning of vehicles is likely to lead to such activities inconvenient to other road users and would detrimental to highway safety and amenity, it would be appropriate for the vehicle parking and turning space to be paved and drained to the satisfaction of the Local Planning Authority, as required by condition, before the development is first used/occupied.
33. I would consider that any impact on residential amenity from congestion at limited peak times during term time are acceptable compared with the serious highway safety implications of an alternative school access via a main arterial route. I'm satisfied that the proposed increase and revised layout of the on-site staff car parking will offer some mitigation to the potential impacts on residential amenity and highway matters, and that impacts can be monitored as the school intake increases through annual review of the School Travel Plan. As per the Highway Authority recommendations, the School Travel Plan should include a parking review to monitor on-street parking associated with the operation of the school, and endeavour to implement on-street parking restrictions, in consultation with the relevant authorities such as Swale Borough Council, that may be considered necessary to maintain the free flow of traffic on Beaconsfield Road, Lansdowne Road, Peel Drive, Woodberry Drive and Coombe Drive.
34. In considering the above, and in light of the views of the Highway Authority, I consider that subject to the imposition of conditions regarding the paving, draining and permanent

**A new classroom block, minor classroom extension and 21 additional staff parking spaces, at Lansdowne Primary School, Sittingbourne - SW/13/1110 (KCC/SW/0257/2013)**

retention of the area proposed for car parking and turning space, the permanent retention cycle parking area, plus the submission of an updated School Travel Plan, that the development would not have a significantly detrimental impact overall on the local highway network. I therefore see no justification to refuse the application on these grounds.

**Construction**

35. Given the proximity of the site to neighbouring residential properties, if planning permission is granted it would, in my view, be appropriate to impose a condition restricting hours of construction to protect residential amenity. I would suggest that works should be undertaken only between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays. It is also good practice on school sites for contractors to be required under the terms of their contract to manage construction traffic/deliveries to minimise conflict with traffic and pedestrians at the beginning and end of the school day.
36. In addition, I consider it appropriate that details of a Construction Management Strategy be submitted for approval prior to the commencement of development. The strategy should include details of the methods of working, operative/visitors parking, details of any construction accesses and lorry routing. Such a Strategy would cover all of the matters that Highways and Transportation required to be conditioned with regard to construction. Therefore, should permission be granted, a Construction Management Strategy would be required pursuant to condition and the development would thereafter have to be undertaken in accordance with the approved strategy.
37. In addition to the above, should permission be granted, conditions of consent would ensure that dust and mud on the local highway network, and other matters associated with construction, would be mitigated as far as reasonably possible so as to minimise disruption to local residents.

**Conclusion**

38. In my view, the development would not give rise to any significant material harm and is in accordance with the general aims and objectives of the relevant Development Plan Policies. In addition, the development is in accordance with the principles of the National Planning Policy Framework and the Planning Policy Statement for Schools (2011). I consider that, subject to the imposition of appropriate planning conditions, this proposal would not have a significantly detrimental effect on the local highway network or local amenity. In my view the development is sustainable and there are no material planning considerations that indicate that the conclusion should be made otherwise. However, I recommend that various conditions be placed on any planning permission, including those outlined below.

**Recommendation**

39. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT to conditions, including conditions covering:
- the standard time limit;
  - the development to be carried out in accordance with the permitted details;
  - the submission of details of the coloured render to used externally;

## Item D2

### **A new classroom block, minor classroom extension and 21 additional staff parking spaces, at Lansdowne Primary School, Sittingbourne - SW/13/1110 (KCC/SW/0257/2013)**

- a scheme of landscaping, to include consideration of additional screening along the western boundary, landscape connectivity, and its implementation and maintenance;
- the submission of details of the ecological enhancements to be incorporated in to the site;
- potential land contamination to be addressed;
- surface water drainage and infiltration to ground to be addressed;
- the paving, draining and permanent retention of the area proposed for car parking and turning space before the development is first used/occupied;
- permanent retention of the area the cycle parking before the development is first used/occupied;
- submission of an updated School Travel Plan for approval, including an implementation programme and parking review strategy, to be reviewed for a minimum of 5 years and until 1 year after the school has fully operated a 2 form entry in each academic year.
- hours of working during construction and demolition to be 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;
- the submission of a Construction Management Strategy; to include including access, parking and circulation within the site for contractors and other vehicles related to construction and demolition operations, a restriction on traffic movements at peak school times and measures to prevent mud and debris being taken onto the public highway.

I FURTHER RECOMMEND THAT the applicant BE ADVISED of the informatives covering the following:

- General advice from the Environment Agency and Southern Water with regard to site drainage and foul sewer connection.

Case officer – Rachel Cutler	01622 696815
Background documents - See section heading	

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**Item D3**

**Change of use for classroom facility, Lullingstone Country Park Visitors Centre, Castle Road, Eynsford – SE/13/2646 (KCC/SH/0273/2013)**

A report by Head of Planning Applications Group to Planning Applications Committee on 6 November 2013

Application by Kent Country Parks for change of use of classroom facility for both educational activities and functions, Lullingstone Country Park Visitors Centre, Castle Road, Eynsford, Kent, DA4 0JF – SE/13/2646 (KCC/SE/0273/2013).

Recommendation: Permission be granted subject to conditions.

**Local Member:** Mr. R. Gough

**Classification:** Unrestricted

**Site**

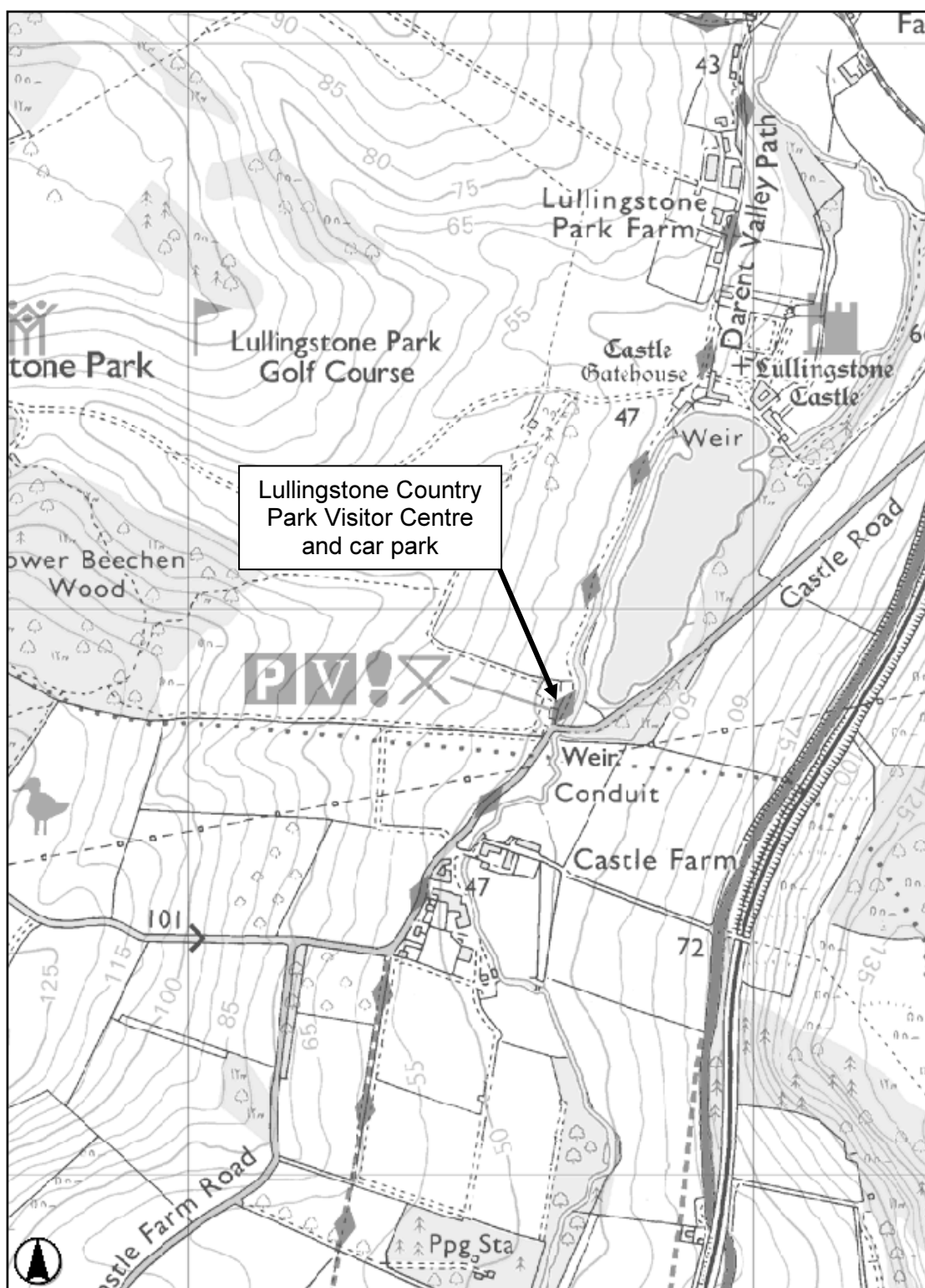
1. Lullingstone Country Park is a 460 acre site, located approximately 2.5km south of Eynsford village off the A225 Eynsford to Otford Road. Once a Medieval deer park of the estate of Lullingstone Castle, it is now a site used for public recreation as one of the Kent County Council's Country Parks. The site is located within the Kent Downs Area of Outstanding Natural Beauty and within the Metropolitan Green Belt. The Park consists of un-enclosed woodland pastures with scattered ancient oak trees, broad-leaved woodland, and a thick belt of trees along the River Darent.
2. Visitors come to the park and Visitor Centre for informal recreation as well as a range of organised activities. Within the Visitor Centre there is also a classroom which provides educational facilities. Courses are run within the Visitor Centre for all age groups from primary to adult, to learn about all aspects of the countryside. A site location plan is attached.

**Background/relevant planning history**

3. Prior to Kent County Council running the facility, the site was managed by Sevenoaks District Council who in 1991 opened the purpose built Visitor Centre. The District Council had a remit to provide visitor facilities with interpretive space, environmental educational facilities, catering, gift shop and public toilets. A dedicated educational ranger was employed to provide environmental educational sessions both inside the classroom and outside in the Country Park. Due to an increase in school party bookings, an additional planning application was made to Sevenoaks District Council, under planning reference SE/97/2490, to increase the footprint of the original building and to provide a purpose built classroom extension with toilet facilities for visiting groups. Planning permission was granted in 1997 and the classroom was built in 2000. The planning permission stipulated that the classroom should be used for the purposes ancillary to Lullingstone Park and its environs and not for unrelated commercial activities. It also stated that the classroom should be used ancillary to the educational purposes of the park. However due to budgetary cuts within Sevenoaks District Council the centre and Country Park was handed to Kent County Council in April 2005, which retained the existing staff and took over the management and day-to-day running of the facilities.

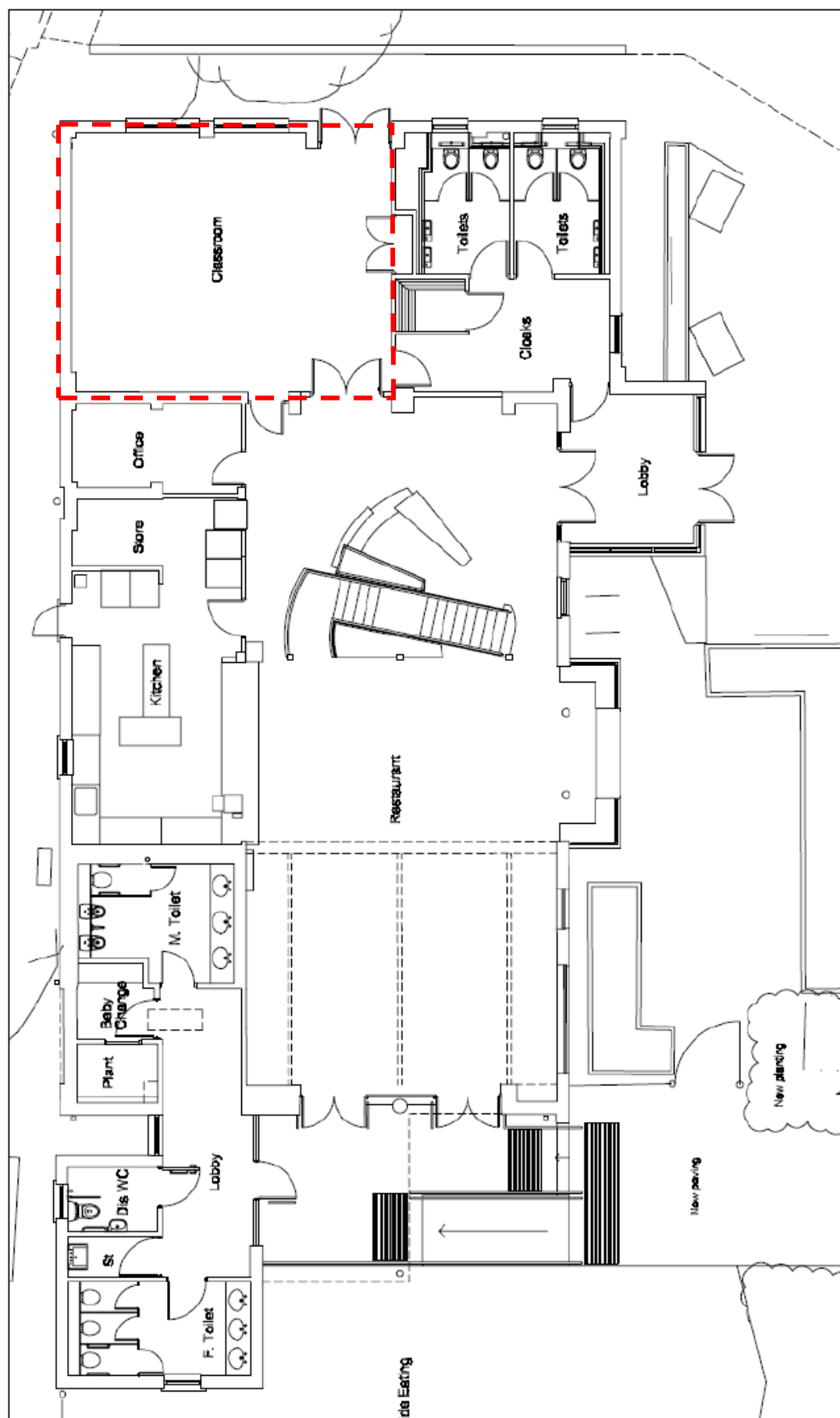
**Change of use of classroom facility, Lullingstone Country Park, Castle Road, Eynsford – SE/13/2646 (KCC/SE/0273/2013)**

**Site Location Plan**



**Site Location Plan – Lullingstone Country Park, Eynsford**  
Scale 1:10000

**Change of use of classroom facility, Lullingstone Country Park,  
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**Change of use of classroom facility, Lullingstone Country Park, Castle Road, Eynsford – SE/13/2646 (KCC/SE/0273/2013)**

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4. An assessment of the capacity of the classroom identified that the classroom was not being used for a significant amount of time and that this has been declining over the years. Data has been provided that showed that between April 2011 and March 2012 the classroom was used for educational purposes for 99 days throughout this period. Therefore the classroom was not used for the remaining 266 days. Between April 2012 and March 2013 the classroom was used for educational purposes for a total of 101.5 days and used for 10.5 days for children birthday parties. Therefore the classroom was not used for the remaining 253 days. The typical uses of this classroom include educational sessions; adult education; teacher training and operational uses. It has therefore been decided to apply for a change of planning use to expand the permitted use of the classroom in line with those at Shorne Wood, Trosley and Brockhill Country Parks.
5. The most recent planning application at this site was permitted under planning permission SE/08/1896 for an extension to the car park. It proposed to increase the number of parking spaces from a total of 85 spaces to 126 spaces. This also included an additional 2 disabled parking spaces.

**Proposal**

6. The current application requests a partial change of use for the classroom under which it was granted planning permission, to permit dual use for both educational activities and functions during periods when it is not fully occupied by educational bookings. Following an assessment of capacity as mentioned in the paragraph above, the applicant has identified that there is still a considerable period of time when the classroom is lying empty and under-used. This under-use has bought about the decision by the applicant to allow occasional bookings of the classroom for meetings and functions, such as:
  - Corporate business use hire for team meetings and seminars;
  - Corporate and in-house Kent County Council training team to hire the room for staff training sessions to include Health and Safety training, First Aid and other staff training courses requiring a function room;
  - Corporate team building events using the room as a base but using the Park for bushcraft, geocache and outdoor environment themed events;
  - Launches for relevant products and events;
  - Children and adult birthday parties room hire;
  - Receptions for weddings, christening and other gatherings;
  - Hire of the room for Adult Education and children's learning activities;
  - Early evening bookings for local Scouts and other youth groups;
  - Early evening bookings for groups and organisations, and
  - Any other suitable bookings.
7. The applicant intends to continue to use the classroom principally for educational purposes. The Park's environmental education packages include a range of modules aimed at Key Stage 1 and 2 children, focusing on habitats, sustainability and natural play (Forest School) and the park will continue to expand the educational offerings at the Park. The Park is also currently working on providing NVQ level qualifications in countryside management and land-based studies, and has also developed accredited awards to train teachers in conducting Forest School activities. However the key objective of all the educational activities that are offered at the Country Park is aimed to get young people outdoors learning about and enjoying the environment around them. As such, many of the activities are designed to take place primarily outside in the Park

**Change of use of classroom facility, Lullingstone Country Park, Castle Road, Eynsford – SE/13/2646 (KCC/SE/0273/2013)**

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and so the classroom is not always required. In addition to that, the Park is also now able to offer environmentally themed birthday parties, using the classroom as a gathering point and somewhere to have lunch, but also taking the children out into the Park for activities such as mini-beast hunts, pool-dipping and bush craft. This is proving to be a great success and brings in business particularly at weekends when the classroom is most under used.

8. The applicant has noted that other Kent Country Parks have been expanding their functions offerings by encouraging functions' attendees to use the Park as well whilst they are there. These Parks have developed a range of team-building activities in the Park which businesses can take part in either as an add-on meeting or for a full day. This includes ranger led guided tours, geocaching (an electronic treasure hunt around the Park), orienteering and volunteering activities. This is proving to be a particularly good way to encourage people who would not normally experience the countryside to get out and enjoy the Park. That also encourages repeat visits with their families later on. This is something the applicant would also like to introduce and encourage at Lullingstone Country Park.
9. The classroom which is the subject of this planning application is approximately 45 square metres in size and can accommodate around 40 delegates/attendees. The applicant notes that the existing Country Park is very well located in terms of its accessibility onto the highway network. The Country Park is accessed from Eynsford on the A225 towards Otford. The Park is well signposted with brown tourist signs. Access from the A225 is via Castle Road, which is a country lane that easily accommodates two way traffic and regularly accommodates 52 seater coaches and horseboxes and weekly deliveries from lorries and vans to the onsite café. The site is also well catered for in terms of parking provision with an existing visitors' car park totalling 126 spaces. Furthermore, the applicant has considered that given the majority of functions would take place Monday to Friday, which are the Park's quietest days, they do not foresee that there would be any parking issues in terms of space constraints.
10. The applicant considers that on the basis of school trips being mostly seasonal, they feel that the classroom can be managed in such a way as to be able to deliver both education and functions without adversely impacting on each other. An example of such day-to-day management has been highlighted within the application to include the prioritisation of educational bookings within the classroom between May and June, the peak school visits time of the year.
11. The applicant sets out that the maximum hours of use of the function room would not exceed 08:00 to 22:00 seven days a week as part of these proposals. However it has become apparent from the other Country Parks, that usage outside of daylight hours is minimal.
12. Whilst the applicant recognises that the intended change of use of the facility would represent a partially commercial use of the classroom, they have confirmed that it is not the intention of the facility to generate a profit or detract from the principle use of the classroom as an educational/interpretation facility. Instead, running functions within the classroom has the potential to generate a reasonable amount of income to the Park to directly offset its running costs and help allow to keep the Park open as a public service. Hence this is the reason why this planning application has been submitted to the County Council for determination.

**Change of use of classroom facility, Lullingstone Country Park,  
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**Planning Policy**

13. The most relevant Government Guidance and Development Plan Policies summarised below are appropriate to the consideration of this application:

- (i) **National Planning Policy and Guidance** – the most relevant National planning policies and policy guidance are set out in:

**National Planning Policy Framework (March 2012)** sets out the Government's planning policy guidance for England and as guidance is a material consideration for the determination of planning applications. It does not change the statutory status of the development plan which remains the starting point for decision making. However the weight given to the development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

The NPPF contains a presumption in favour of sustainable development, identifying 3 overarching roles in the planning system – economic, social and environmental, which are considered mutually dependent. Within the over-arching roles there are 12 core principles that planning should achieve. These can be summarised as:

- be genuinely plan-led;
- a creative exercise in finding ways to enhance and improve the places people live their lives;
- proactively drive and support sustainable economic development;
- secure high quality design and a good standard of amenity;
- take account of the different roles and character of different areas, including protecting Green Belts, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities;
- support the transition to a low carbon future, taking account of flood risk and coastal change and encourage the reuse of existing resources and the development of renewable energy;
- contribute to conserving and enhancing the natural environment and reducing pollution
- encourage the effective use of land by reusing brownfield land, providing that it is not of high environmental value;
- promote mixed use developments;
- conserve heritage assets;
- manage patterns of growth to make fullest use of public transport, walking and cycling; and focus significant development in locations which can be made sustainable; and
- take account of strategies to improve health, social and cultural well being, and deliver sufficient community and cultural facilities and services to meet local needs.

In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objections covering the following matters is particularly relevant:

- consideration of whether opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;

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- achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- the protection provided for open space, including playing fields;
- the great importance the Government attached to Green Belts, with the fundamental aim of Green Belt Policy being to prevent urban sprawl by keeping land permanently open. Great weight should be given to conserving landscape and scenic beauty in (amongst other designated areas) Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty, and
- conserving and enhancing the natural environment.

The Framework also requires that local planning authorities should look for solutions rather than problems. It states that those determining applications should seek to approve applications for sustainable development where possible.

**14. Sevenoaks District Local Plan: Adopted 2000:**

**Policy EN1 -** Proposals for all forms of development and land use must comply with the policies set out in this Plan, unless there are overriding material considerations. Scale, height, design, layout, retention of important features (such as trees), residential and local amenity, access and parking are just some of the criteria which should be considered in the determination of a planning application.

**Policy EN6 -** The Kent Downs and High Weald Areas of Outstanding Natural Beauty are shown on the Proposals Map. Development which would harm or detract from the landscape character of these areas will not be permitted.

**Policy VP1** –Vehicle parking provision in new developments will be made in accordance with KCC adopted vehicles parking standards.

**Sevenoaks District Core Strategy: Adopted February 2011:**

**Policy LO8 –** Seeks to maintain the extent of Green Belt, and conserve and enhance the countryside, including the distinctive features that contribute to the special character of its landscape and its biodiversity. The distinctive character of the Kent Downs Area of Outstanding Natural Beauty and its setting will be conserved and enhanced.

**Consultations**

**15. Sevenoaks District Council raises no objection to the application.**

**Eynsford Parish Council** – raises an objection to the application on the basis that it does not provide enough information about the days and hours of use, and the type/class of use is not specified in sufficient detail. The Parish Council would like to see what would not be allowed as well as what would be allowed. They would also like to see the relevant change of use spelt out.

Upon sending the Parish Council additional information to answer the questions raised in their first reply, the following subsequent reply has been received:

**Change of use of classroom facility, Lullingstone Country Park, Castle Road, Eynsford – SE/13/2646 (KCC/SE/0273/2013)**

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'The Parish Council still objects to this application due to the inclusion of adult parties, functions and celebrations. They do not wish to see adult parties or functions held at the visitors centre as they feel it would be an inappropriate use of this location.'

**Shoreham Parish Council (adjacent Parish Council)** – raises an objection to this application on the basis that it is a radical departure from the original use under which planning permission was granted.

Further correspondence was undertaken with the Parish Council to explain more about the proposed change of use and the following reply was received:

'The Parish Council does not wish to alter the decision to recommend refusal and is even more convinced in the light of the further information that the proposed development is creating a commercial proposition and change of use.'

**KCC Highways and Transportation** – raises no objection after having considered the development proposals and the affect on the highway network.

**Local Member**

16. The local County Member, Mr. R. Gough, was notified of the application on the 30 August 2013.

**Publicity**

17. The application was publicised by the posting of 3 site notices. There are no properties within the immediate vicinity of the application site although the nearest property which is located over 250 metres away was notified of the application.

**Representations**

18. No representations to the application have been received by Kent County Council. A representation was sent to Sevenoaks District Council by CPRE (Campaign to Protect Rural England), which can be summarised as:

- This represents a further dilution of the purpose for which the Visitor Centre was granted planning permission.
- The educational aspect is plain but 'functions' is too vague and could be interpreted or justified on an ad hoc basis.
- Wonder whether a change of use is in fact necessary when maybe greater effort should be taken to promote the classroom properly and to use it more efficiently for the original purpose, not to change its use.
- There is plenty scope for suitable lettings which would not conflict with the existing use.

**Discussion**Introduction

19. In considering this proposal regard must be had to Development Plan Policies outlined in paragraphs 13 and 14 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the



**Change of use of classroom facility, Lullingstone Country Park, Castle Road, Eynsford – SE/13/2646 (KCC/SE/0273/2013)**

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Development Plan unless material considerations indicate otherwise. Therefore this proposal needs to be considered in the context of Development Plan Policies, Government Guidance, including the National Planning Policy Framework (NPPF) and other material planning considerations arising from consultation and publicity. In my opinion, the key material planning considerations in this particular case relate to any impacts associated with the partial change of use of the classroom within the existing Visitor Centre in terms of additional highway movements, the acceptability of the proposed development given the Visitor Centre location within the Metropolitan Green Belt, together with associated impacts arising from the proposal in terms of the Kent Downs Area of Outstanding Natural Beauty (AONB) designations.

20. The application seeks planning permission for the partial change of use of the classroom within Lullingstone Country Park, to allow meetings, launches, receptions, parties and other functions to be held within the classroom in addition to its existing use as an educational/interpretational centre. The application proposes no built development as part of these proposals and is purely based on a change of use of the existing classroom space within the Visitor Centre. The application is being reported to the Planning Applications Committee as a result of the objection received from Eynsford Parish Council and the neighbouring Shoreham Parish Council. Both objections can be seen in paragraph 15 above.

**Metropolitan Green Belt**

21. Members will note that Lullingstone Country Park and indeed its Visitor Centre is located within the Metropolitan Green Belt. The overarching principles of the Green Belt, in terms of maintaining tight planning controls over any development taking place within the Green Belt is reaffirmed within the NPPF, section 9, paragraph 80 which states that the Green Belt serves five purposes:

- to check the unrestricted sprawl of large built up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The NPPF goes on to list in paragraph 90 forms of development that may not be inappropriate development within the Green Belt. One of these is for the re-use of buildings provided that these buildings are of permanent and substantial construction, provided that the openness of the Green Belt is preserved and there is no conflict with the purposes of including land within the Green Belt.

22. In considering the impact of the proposed development on the Metropolitan Green Belt, it is noted that the proposal includes no physical 'built development' over and above the existing Visitor Centre and its associated car parking facilities. Therefore the overall openness of the Green Belt, its most important attribute, would not be compromised in any way by this proposal.
23. In this particular case, I consider that the applicant has been able to demonstrate the current under use of the classroom within the existing Visitor Centre building. They have provided details of the types of use the classroom which they would like to offer on a commercial basis in order to complement the primary role as an educational/interpretation facility, together with proposing a way in which to generate an amount of revenue from the building to put towards the day to day running of the Country Park as a public facility. Whilst I note concerns raised by both Parish Councils regarding the

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intended uses of the classroom having no direct connection with the Country Park, I recognise the current under-use of the classroom and the scope for hiring the room out for functions not directly related to education or the interpretation of the Country Park. I therefore see no reason, in principle, to the managed use of the classroom at times when it may otherwise be available for such purposes.

24. Members will note that the use of the site as a Country Park has long been established, and is itself in any case an 'appropriate use' within the Green Belt. Whilst the development proposed in this particular case is considered to be 'inappropriate development' within the Metropolitan Green Belt, and is unlikely to be permitted ordinarily within a Green Belt location should the proposal involve the construction of built development, I consider that the applicant has been able to demonstrate a case of need for the change of the classroom when it may otherwise be available. I therefore see no reason, in principle, to reject the proposal primarily on Green Belt grounds. Furthermore I consider that any change of use of the classroom would be ancillary to the use of the Visitor Centre as an educational/interpretation within the wider purpose of the Country Park as an 'appropriate use' within the Green Belt in terms of providing 'opportunities' to the outdoor countryside for sport and recreation.
25. Taking account of the proposal's impact on the Green Belt in particular, given that it proposes no built development which would otherwise impact upon the openness of the Green Belt, I consider that the justification put forward by the applicant and the ancillary nature of the development when considered against the wider purposes of the building as an educational/interpretation centre within the Country Park amount to a very special set of circumstances capable of outweighing the presumption against inappropriate development. For this reason, I consider that the proposal accords with the general presumptions contained within the National Planning Policy Framework covering Green Belt Policy and Sevenoaks District Core Strategy Policy L08.

Site Designations

26. Members will note that Lullingstone Country Park Visitor Centre is also located within the Kent Downs Area of Outstanding Natural Beauty. However as noted the proposal includes no form of built development and therefore there are no visual or ecological impacts to consider as part of this development. It is therefore considered that any impact resulting from the proposed change of use would be negligible on the Kent Downs. For this reason, I consider that the proposal accords with the general principles contained in Sevenoaks District Local Plan Policy EN6 and Sevenoaks District Core Strategy Policy L08

Transport issues

27. The existing Country Park and its Visitor Centre benefits from a car park consisting of a total of 126 car parking spaces, which includes 6 disabled bays and 3 coach bays. It also has a dedicated secure motorbike area. The current proposal seeks no alteration to the level of existing parking provision on site as the applicant considers that the level will be adequate to accommodate both visitors to the Country Park and its Visitor Centre, whether that be for meetings, launches, parties or for educational functions as originally intended.
28. Members will note that the Highways and Transportation Manager has raised no objections to the proposed change of use. I am therefore minded to agree with the professional advice received and on this basis would not seek to raise an objection to

**Change of use of classroom facility, Lullingstone Country Park, Castle Road, Eynsford – SE/13/2646 (KCC/SE/0273/2013)**

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the proposed development on the basis of highway matters, and consider that the proposal is in general conformity to Sevenoaks District Local Plan Policy VP1.

Other Issues

29. It is noted that Shoreham Parish Council has raised concern that the proposed development is now creating a commercial proposition and too great a change of use. I consider that in the case of this proposal, the applicant has been able to demonstrate a suitable use for the classroom at times when it may otherwise be vacant, which would bring in an income to help further reduce public funding of the site in terms of the day-to-day running costs of the Country Park as a public service and therefore the provision of a facility for public access. This approach would therefore appear to be a sensible use of public funding in terms of reducing day-to-day running costs of an existing important public service whilst maximising the use of the classroom at periods when it may otherwise be vacant.
30. It should also be noted that the applicant is applying for a change of use of the classroom for which it was granted planning permission for in 1997. At that time, the permission stipulated that the classroom is only used for educational purposes restricted to the use of the Country Park. Due to an under-use of the classroom, the applicant is requesting greater flexibility in the types of functions that could be allowed for the classroom. These functions are listed in paragraph 6 above. It must be noted that the use of the classroom for educational facilities would take preference over other bookings and I am mindful that the applicant has been proactive to promote the use of this classroom for education purposes. I would therefore not raise an objection to this proposal on this particular point raised by the Parish Council.
31. Whilst the Parish Councils may be concerned that the proposed change of use is a 'step too far', it is important to bear in mind that the additional types of activities envisaged are not significantly different in terms of impact than those already taking place at the Centre. Moreover, it would be necessary to demonstrate some actual harm to justify refusal of this proposal, and so far none has been advanced. In particular, there are no nearby residents likely to be adversely affected, the impacts on the Green Belt and Area of Outstanding Natural Beauty are minimal and by no means alien in functional terms, and the existing transport network and parking facilities can readily accommodate the marginal increased activity. It is not uncommon for there to be concerns over potential loss of business for other local community facilities, and this was also raised in the context of Shorne Wood Visitor Centre, but after three years of such wider use there have been no complaints or evidence to substantiate such claims. Whilst competition between different operations is strictly not a material planning consideration, I consider that such concerns are often greatly exaggerated and prove to be unfounded because the Country Park Visitor Centres tend to attract activities that would not otherwise have resorted to that area at all otherwise, and the other local facilities continue to cater for those activities already being hosted.

**Conclusion**

32. The proposal seeks to supplement the current use of the classroom within the existing Lullingstone Country Park Visitor Centre when it may otherwise be under-used or vacant. The Country Park is located within the Metropolitan Green Belt and within the sensitive areas of the Kent Downs Area of Outstanding Natural Beauty. Whilst it is noted that the use of the room for meetings, launches, parties and receptions would not in themselves constitute 'appropriate' uses within a Green Belt location, I consider that

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Castle Road, Eynsford – SE/13/2646 (KCC/SE/0273/2013)**

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the applicant has been able to demonstrate a set of very special circumstances to warrant the setting aside of the general presumption against the development in this instance. I consider that the proposed change of use would complement the existing educational/interpretation role of the Visitor Centre and be ancillary to the site's main purpose in providing opportunities for leisure and recreation within the countryside, together with any additional benefits of generating a revenue stream to help sustain the day-to-day running of the Country Park as a public facility, and therefore the proposed change of use should not be presumed against on Green Belt grounds alone. Furthermore, I note that given the proposals do not include any aspect of built development there would not be any noticeable impact on the sensitive areas of either the Kent Downs Area of Outstanding Natural Beauty or the local landscape generally. Overall, 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 is a sustainable development. I also do not consider that the proposal would have any significant detrimental impact on local/residential amenity or as a result of transport movements.

**Recommendation**

33. I RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT to the imposition of conditions, including the following:

- The standard time limit;
- The development is carried out in accordance with the permitted details;
- The use of the classroom be solely used for the uses applied for and no other uses shall take place unless otherwise agreed in writing by the County Planning Authority;
- Hours of use of the classroom to be limited to 08.00 and 22.00 hours, seven days a week.

Case officer – Lidia Cook	01622 221063
Background documents - See section heading	

**E1     COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT  
PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS -  
MEMBERS' INFORMATION**

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

**Background Documents** - The deposited documents.

- |                  |   |
|------------------|---|
| CA/11/2120/R5&R6 | Details of noise monitoring pursuant to conditions 5 and 6 of planning permission CA/11/2120.<br>Studd Hill Household Waste Recycling Centre, Westbrook Lane, Herne Bay   |
| DA/13/206        | Application to vary and remove conditions within planning permission DA/00/326 (primarily to extend the end date and allow the completion of sand and gravel extraction and restoration).<br>Joyce Green Farm, Joyce Green Lane, Dartford |
| GR/13/708        | Erection of permanent single-storey office building at the existing waste transfer station to replace portacabin accommodation.<br>Unit 4, Apex Business Park, Queens Farm Road, Shorne, Gravesend,                                       |

**E2     COUNTY COUNCIL DEVELOPMENT APPLICATIONS AND DETAILS  
PURSUANT PERMITTED/APPROVED UNDER DELEGATED POWERS  
MEMBERS' INFORMATION**

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

**Background Documents** – The deposited documents.

- |                |  |
|----------------|--|
| GR/13/146/R3   | Details pursuant to condition (3) – Materials – Two storey building to accommodate eight classrooms, inclusive of welfare facilities and 11 additional staff car parking spaces and parents drop off area next to the school's main entrance.<br>St Botolph's CE Primary School, Dover Road, Northfleet, Gravesend |
| GR/13/666      | Proposed removal of existing modular building and installation of a new modular building housing four classrooms at Holy trinity C of E Primary School, Trinity Road, Gravesend  |
| MA/13/91/R3&R4 | Submission of details pursuant to condition (3) – Construction site access and (4) – Landscaping of planning permission MA/13/91.<br>Roseacre Junior School, The Landway, Bearsted, Maidstone  |

MA/13/1446	Extension of existing staffroom and construction of additional parking facilities. St Pauls Infant School, Hillary Road, Penenden Heath
SW/13/991	Proposed cabin for ancillary use as teaching/activity room. Rodmersham Primary School, Rodmersham Green, Rodmersham, Kent
TH/13/485	Construction of a building to provide 7 no. classrooms and ancillary accommodation linked to the existing school building (amended to include drop off facilities for parents, revised staff car parking and additional cycle parking within the school grounds). Newington Community Primary School, Princess Margaret Avenue, Ramsgate
TH/13/666	New extension to existing staffroom, new playgrounds, paths and external works to previous classroom extension (TH/13/485) together with amendments to fenestration on that application and fire brigade vehicular access route to the classroom extension. Newington Community Primary School, Princess Margaret Avenue, Ramsgate

### **E3 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011 – SCREENING OPINIONS ADOPTED UNDER DELEGATED POWERS**

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#### **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:-

KCC/CA/0306/2013 - S.73 application to remove Condition 1 (time limit) pursuant to approval of CA/12/145 - variation of conditions 4 & 5 of CA/92/478 - importation of industrial liquid waste (to allow a maximum volume of 735m<sup>3</sup> per week and no more than 41 tanker loads per week).  
Canterbury Waste Water Treatment Works, Sturry Road, Canterbury

KCC/DO/0299/2013 - Application for the reorganisation of the academy campus to include demolition of the science, art, design and technology and music blocks along with the main hall, existing changing facilities, temporary PE accommodation and youth centre. The retention of and extension of the existing frontage courtyard building, retention and extension of the sports hall to create a four court hall.

Refurbishment of the existing all weather pitch, widening of the westerly internal access road and provision of two areas of car parking to the east and west of the site accommodating 117 car parking spaces, 135 cycle parking space, 7 motor cycle spaces and 7 mini bus spaces. Provision of associated hard and soft landscaping.  
Dover Christ Church Academy, Melbourne Avenue, Dover, Kent, CT16 2EG

KCC/SE/0296/2013 – Planning application for the provision of floodlights to the all weather pitch approved under consent reference SE/12/1163, and amended under reference SE/12/1163/R at Knole Academy, Bradbourne Vale Road, Sevenoaks.

- (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:-

None

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

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- (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

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