

**PLANNING APPLICATIONS COMMITTEE**

**Wednesday, 11th December, 2013**

**10.00 am**

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





## **AGENDA**

### **PLANNING APPLICATIONS COMMITTEE**

**Wednesday, 11th December, 2013, at 10.00 am**      Ask for:      **Andrew Tait**  
**Council Chamber, Sessions House, County Hall, Maidstone**      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.      Substitutes
2.      Declarations of Interests by Members in items on the Agenda for this meeting.
3.      Minutes - 6 November 2013 (Pages 5 - 8)
4.      Site Meetings and Other Meetings

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

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

1.      Application GR/13/702 (KCC/GR/0240/2013) Engineering operations comprising ground works to create a development platform and a temporary waste handling facility for excavated material and other ancillary works at Church Path Pit, Northfleet Works, The Shore, Northfleet; Lafarge Cement Ltd (Pages 9 - 40)
2.      Application TW/12/868 (KCC/TW/0454/2011) Retrospective change of use from car breakers yard and storage of damaged vehicles and trailers to depot with site office and open storage of inert spoil from road excavations and installation of lighting at Westdene, Whetsted Road, Five Oak Green, Tonbridge; CLC Construction Ltd (Pages 41 - 54)

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

1. Proposal SE/13/3029 (KCC/SE/0289/2013) Hardstanding playground including removal of some existing trees and the planting of new trees at Otford Primary School, High Street, Otford; KCC Property and Infrastructure Support (Pages 55 - 70)

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

1. County matter applications (Pages 71 - 74)
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, 3 December 2013

## KENT COUNTY COUNCIL

### PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 6 November 2013.

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

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr J Crossley (Principal Planning Officer - County Council Development), Mr J Wooldridge (Principal Planning Officer - Mineral Developments), Mr P Rosevear (Senior Transportation Engineer), Mrs V Clothier (Senior Solicitor) and Mr A Tait (Democratic Services Officer)

### UNRESTRICTED ITEMS

#### **67. Membership**

*(Item A1)*

The Committee noted the appointment of Mrs P Brivio in place of Mr R Truelove.

#### **68. Minutes - 9 October 2013**

*(Item A4)*

RESOLVED that the Minutes of the meeting held on 9 October 2013 are correctly recorded and that they be signed by the Chairman.

#### **69. Site Meetings and Other Meetings**

*(Item A5)*

The Committee agreed that its next training session would follow its meeting on Friday, 24 January 2014 and that the topic would be "Landscape Issues."

#### **70. 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**

*(Item C1)*

(1) Mr M Baldock informed the Committee that he had been lobbied about the application by members of the public from his own and the neighbouring constituency. He had not, however, expressed a view on this matter and would consider the application with a fresh mind.

(2) In agreeing the recommendations of the Head of Planning Applications Group, the Committee agreed an Informative advising of the need to also let the County and Parish Councils know when work was not programmed to take place on site in any year.

(3) RESOLVED that: -

- (a) permission be granted to the application subject to conditions, including conditions covering the development being completed and the site restored by no later than 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 Permission SW/03/430 and any approved pursuant to the conditions set out below; all non-agricultural vehicles attending the site using the permitted access; all loaded HGVs leaving the site being sheeted; no more than 100 HGVs visiting the site per day (100 in / 100 out); hours of operation being 0700 to 1800 on Mondays to Fridays and 0700 to 1300 hours on Saturdays, with no operations on Saturday afternoons, Sundays or Bank Holidays; extraction and removal of brickearth only taking place for a maximum of 4 weeks each year between the months of May and 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; the safe storage and handling of any oil, fuel or lubricants required on site; 75cm of brickearth being maintained at the base of the void; removal of any crop or vegetation before soil stripping commences each year; soil protection measures; measures to manage and protect the topsoil stored on site; the restoration to agriculture being completed in accordance with the details approved under Permission SW/03/430; topsoil being evenly re-spread to achieve 35cm depth following extraction; the 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 outcome of the archaeological investigations carried out to date, including post excavation work and reporting, being completed within 18 months of the grant of permission; and
- (b) the applicant be advised by Informative of the need to also let the County and Parish Councils know when work is not programmed to take place on site in any year.

**71. Proposal GR/12/0441 (KCC/GR/0148/2012) - Realignment and widening of Rathmore Road, Gravesend; KCC Highways and Transportation**  
*(Item D1)*

(1) Mr M A Balfour advised that he would not be voting on the application as he was the Deputy Cabinet Member for Environment, Highways and Waste.

(2) Various documents were tabled. These were a letter from "Urban Gravesham"; a letter from Mr Jonathan Clay including an Appendix giving the High Court decision in the *East Northamptonshire 2013* case; and a supplementary report from the Head of Planning Applications Group responding to Mr Clay's correspondence.

(3) The Head of Planning Applications Group reported additional correspondence from five businesses in Railway Place, Gravesend objecting to the proposal, together with an e.mail communication from another person (Suzanne Couves) not volunteering any address but also objecting to the proposal. .

(4) Mr Roger Steer and Mr Geof Foxwell addressed the Committee in opposition to the proposal. Mr Stephen Dukes from Kent Highways Services spoke in reply on behalf of the applicants.

(5) Mr T A Maddison moved, seconded by Mr T L Shonk that consideration of this proposal be deferred pending a Members' site visit.

*Carried by 9 votes to 8 with 2 abstentions.*

(6) RESOLVED that consideration of this proposal be deferred pending a Members' site visit.

**72. 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**  
*(Item D2)*

(1) Mr M Baldock informed the Committee that he was a former pupil of Lansdowne Primary School. This fact had not in any way caused him to pre-determine the proposal, which he would consider with a fresh mind.

(2) RESOLVED that:-

- (a) permission be granted to the proposal subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; the submission of details of the coloured render to be used externally; a scheme of landscaping, including 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 into the site; potential land contamination being addressed; surface water drainage and infiltration into the ground being 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 cycle parking area before the development is first used/occupied; the submission of an updated School Travel Plan for approval, including an implementation programme and parking review strategy, which is 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 being restricted to between the hours of 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays; and the submission of a Construction Management Strategy, 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; and

- (b) the applicant be advised by Informative of the general advice from the Environment Agency and Southern Water regarding site drainage and foul sewer connection.

**73. 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 (Item D3)**

RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; the use of the classroom being solely those applied for, with no other uses taking place unless otherwise agreed in writing by the County Planning Authority; and hours of use of the classroom being limited to 0800 and 2200 hours, seven days a week.

**74. 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**

**Application by Lafarge Cement UK for engineering operations comprising ground works to create a development platform and a temporary waste handling facility for excavated material and other ancillary works on land at Church Path Pit, Northfleet Works, The Shore, Northfleet, Gravesend, Kent, DA11 9AN – GR/13/702 (KCC/GR/0240/2013)**

A report by Head of Planning Applications Group to Planning Applications Committee on 11 December 2013.

Application by Lafarge Cement UK for engineering operations comprising ground works to create a development platform and a temporary waste handling facility for excavated material and other ancillary works on land at Church Path Pit, Northfleet Works, The Shore, Northfleet, Gravesend, Kent, DA11 9AN.

Recommendation: Permission be granted subject to conditions.

Local Members: Mr NS Thandi and Mrs S Howes

Unrestricted

**Site description and background**

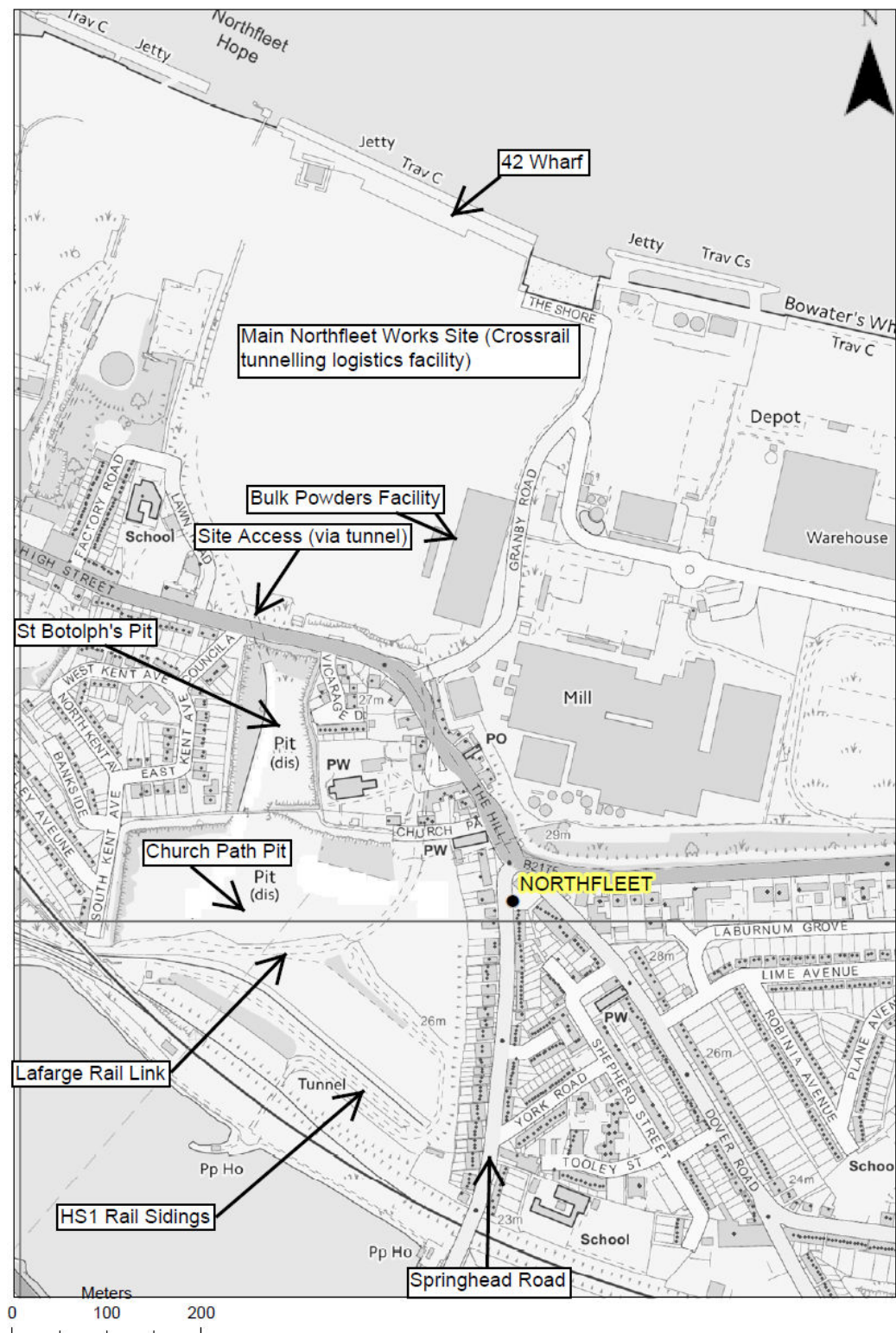
1. The application site comprises 5.7 hectares (ha) of land in Church Path Pit, Northfleet, Kent. The old chalk quarry covers a total of 8.6 ha and forms part of the former Northfleet Cement Works site on the south bank of the River Thames in Gravesham. Although the northern part of the application site is formally known as St Botolph's Pit, the term Church Path Pit has been used for ease of reference by the applicant and in this report. Church Path Pit is bounded to the north, east and west by chalk cliffs between 15 metres (m) and 25m in height and to the south by the North Kent railway line. The land above the cliffs is primarily in residential use (e.g. South Kent Avenue, East Kent Avenue, Council Avenue, Northfleet High Street, Vicarage Drive, Church Path, Springhead Road) with some retail and ecclesiastical uses (e.g. The Hill). The majority of the cliffs are nearly 25m high (including those in St Botolph's Pit and on the northern and eastern boundaries of Church Path Pit). Those on the south western boundary of Church Path Pit (adjacent to South Kent Avenue) are approximately 15m high. The site location and key features referred to in this report are illustrated on the plans on pages C1.2 and C1.3.

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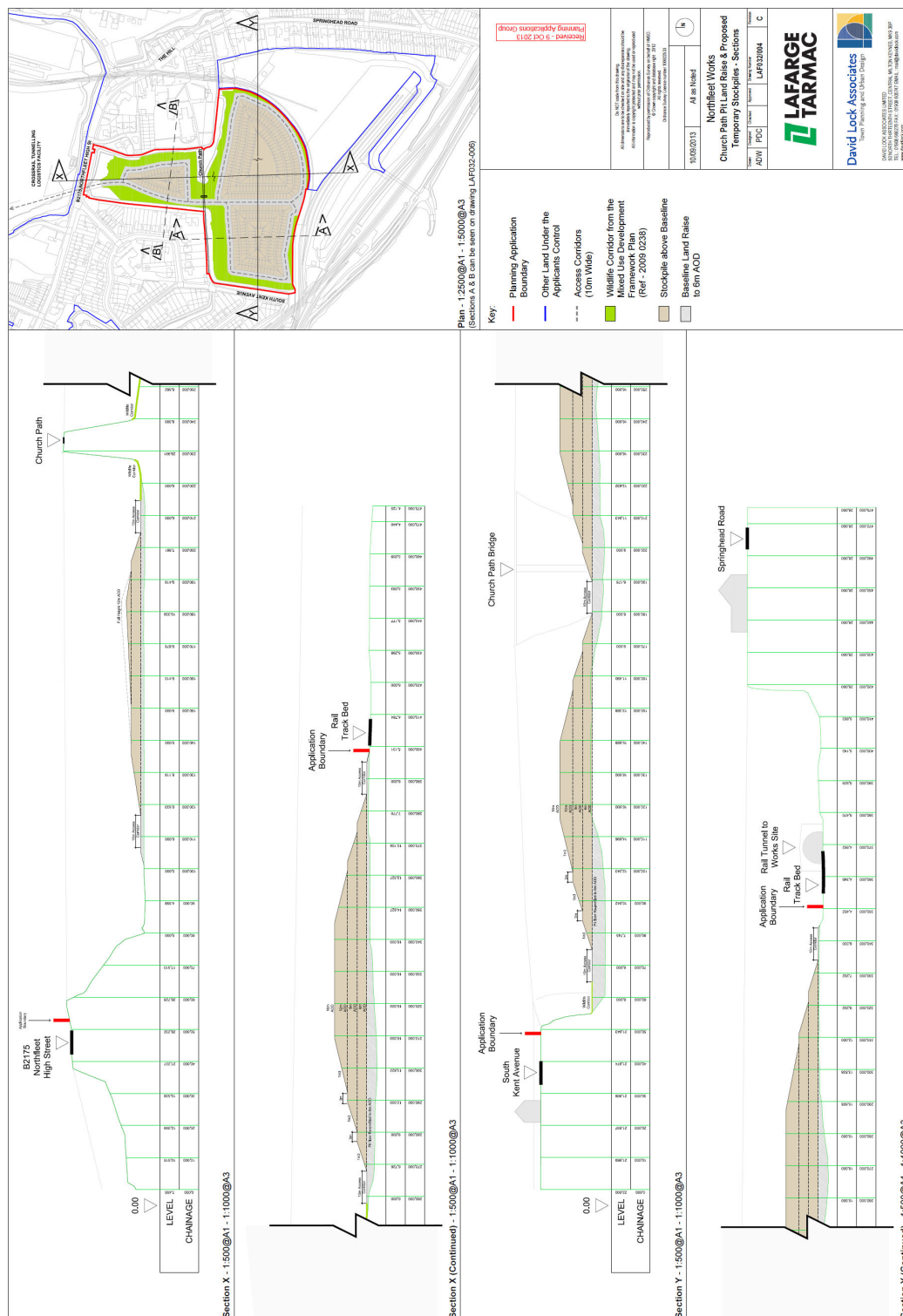


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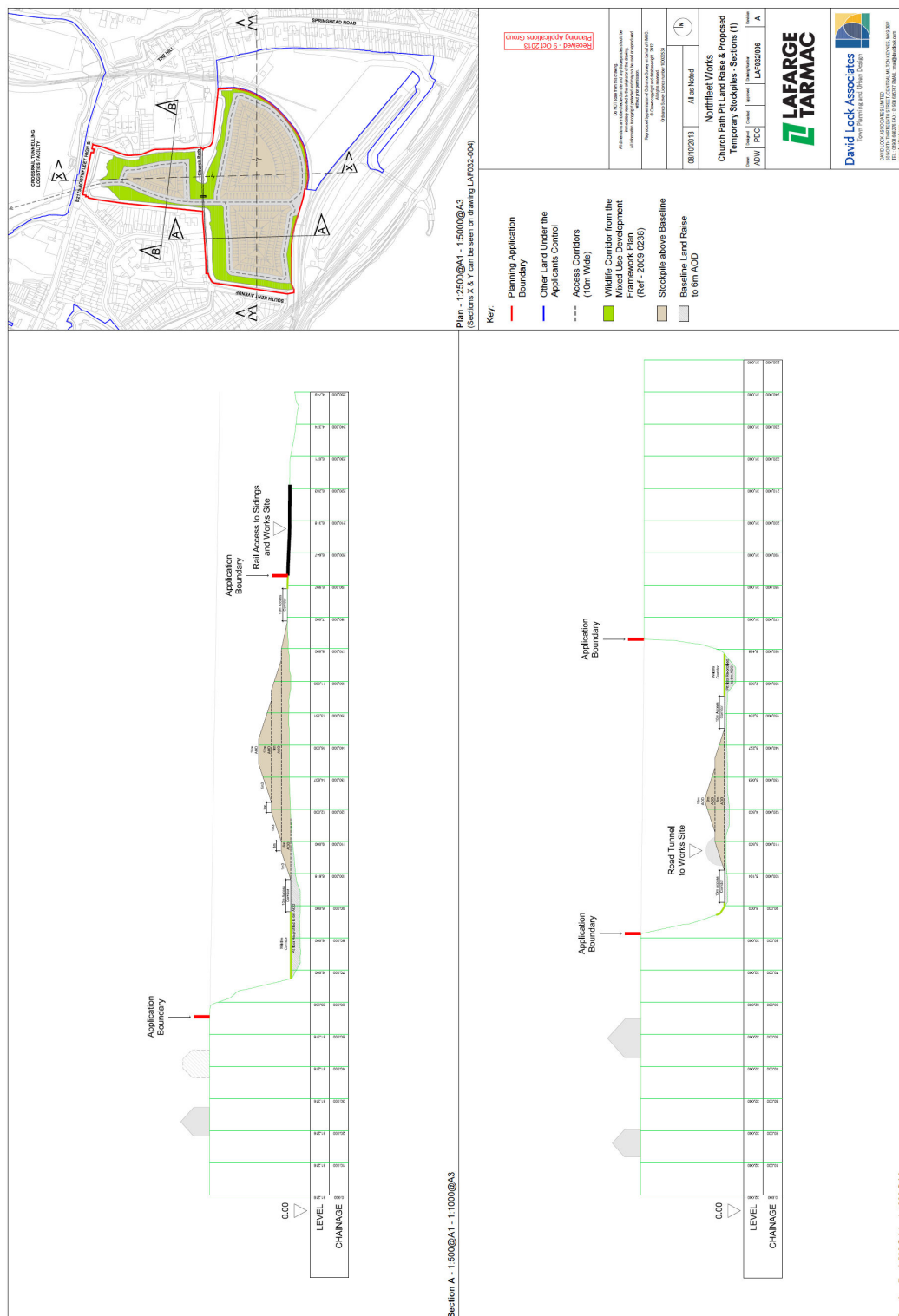
## Item C1

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2. Church Path Pit is largely vacant (comprising scrub and bare ground with variations in levels) but is occupied by the reinstated rail access to the former Northfleet Works site and associated sidings which currently serve the Crossrail Tunnelling Logistics Facility via a rail tunnel under The Hill owned by Lafarge Cement UK. The Crossrail facility provides for the importation of excavated materials by train and the storage of these materials until exported by sea and is permitted to operate until April 2016. The permission (as amended in March 2013) requires that imported material stockpiles do not exceed 14.5m in height and should normally be kept at about 10m high. The operations are also subject to an Environmental Permit (issued by the Environment Agency) and a number of requirements in respect of noise and vibration (required by Gravesham Borough Council under the Control of Pollution Act 1974 (as amended)). Once the Crossrail facility is removed, the rail link will serve the permitted Bulk Aggregates Import Terminal. It may also be able to serve the Bulk Powders Import Terminal which has been operational for some time and is currently accessed by road. The application site occupies that part of Church Path Pit to the north of the rail access. To the south (within Church Path Pit) are two turn-back sidings associated with the Channel Tunnel Rail Link (CTRL) / High Speed 1 line (HS1).
3. Vehicular access to Church Path Pit is available from that part of the former Northfleet Cement Works site to the north of Northfleet High Street via a tunnel owned by Lafarge Cement UK. Emergency vehicular access can also be obtained from the A226 Thames Way to the south via a private way through a tunnel under the North Kent railway line. Public footpath NU8 links Church Path (a restricted byway) with South Kent Avenue via an elevated footbridge at cliff-top level. A supporting structure for the walkway is located within the application site at the base of Church Path Pit. Public footpath NU7 runs between the eastern end of the footbridge and Northfleet High Street between the edge of the Church Path Pit and Vicarage Drive.
4. The application site is not allocated for any specific purpose in the adopted Kent Waste Local Plan (March 1998) or in any of the Kent Minerals Local Plans although it is safeguarded for the CTRL in the Kent Minerals Local Plan Chalk and Clay (December 1997). The Kent Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (May 2011) indicates (Site O) that Northfleet Wharf (including the land subject to the Bulk Aggregates Import Terminal and the adjoining Bulk Powders Import Terminal to the north of Northfleet High Street adjacent to the River Thames) will be safeguarded as a wharf and rail importation facility. The application site is part of an area safeguarded for the CTRL in the adopted Gravesham Local Plan First Review (1994). It remained safeguarded for the CTRL and was allocated as part of the Northfleet Cement Works / Land East of Grove Road Major Development Site in the Gravesham Local Plan Second Review Deposit Version (May 2000). It is now identified for employment use as part of the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area in the Gravesham Local Plan Core Strategy Submission Document (December 2013, as amended in May 2013).
5. None of the application site lies within any international, national or locally designated wildlife areas, although the area to the south of the Northfleet Line is part of the Ebbsfleet Marshes Local Wildlife Site. A Conservation Area (The Hill), which forms the

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historic core of Northfleet (containing six listed buildings, including the Grade 1 listed Parish Church of St Botolph), lies just to the north east of the application site on higher land at the eastern end of Northfleet High Street. The application site also lies within the Northfleet Industrial Source Area air quality management area (AQMA) declared for industrial sources of fine airborne particles (PM<sub>10</sub>) and nitrogen dioxide (NO<sub>2</sub>).

**Planning History**

6. The area has a long history of cement manufacture. This has resulted in a fragmented landscape with varying ground levels. Cement making at Northfleet Works ceased in December 2008 and the demolition of the majority of the associated structures was completed in December 2010. A number of recent planning applications have been submitted at the former Northfleet Works site that are particularly relevant to the current proposals.
  - Gravesham Borough Council granted planning permission (GR/20050561) for a Bulk Powders Import Terminal in 2005. This has been partially constructed in the eastern part of the Northfleet Works site to the north of Northfleet High Street and is operational. The permission (which is for permanent development) would allow the facility to be extended to handle up to 1 million tonnes (mt) of bulk powders each year via 42 Wharf.
  - The County Council granted planning permission (GR/09/286) for a Bulk Aggregates Import Terminal on 21 February 2011 on land immediately to the west of the Bulk Powders Terminal. The facility would also utilise 42 Wharf and have a capacity of 3mt each year. Aggregates would be imported at the wharf and exported by rail, river or road. The permission included the reinstatement of the rail link to the site via Northfleet sidings and Church Path Pit, ship unloading facilities, an enclosed area for storing aggregates and an ancillary ready-mixed concrete plant. The requirements of a number of conditions (8, 12 and 38) attached to the permission were approved on 6 June 2011. The permission (which is for permanent development) has been implemented in so far as the rail link and associated sidings have been completed but the facility has yet to be built and is not yet operational.
  - Gravesham Borough Council resolved to grant outline planning permission (GR/20090238) for Mixed Use Development comprising offices, warehouses, industrial units and houses at the former Northfleet Cement Works site on 13 April 2011 subject to the prior completion of a Section 106 (legal) Agreement. The application proposed that the development in Church Path Pit would comprise offices, warehouses and industrial units and include a level development platform at 6m above ordnance datum (AOD). The application area included all the land at the former Northfleet Works site (excluding that relating to the Bulk Powders Terminal and Bulk Aggregates Import Terminal and a small area of Church Path Pit containing the base of some pylons). It is understood that the detailed drafting of the Section 106 Agreement is ongoing and has yet to be completed.
  - The County Council granted planning permission (GR/10/1127) for a tunnelling logistics facility for the receipt, handling, processing and transhipment of



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excavated Crossrail material and ancillary uses on 15 April 2011. The Crossrail tunnelling logistics facility is located on land also subject to the Bulk Aggregates Import Terminal and Mixed Use Development proposals. The requirements of a number of conditions (5, 8, 9, 15, 16, 22, 24, 25, 26, 27, 29 and 30) attached to the permission were approved on 6 June 2011. A non-material amendment to the permission which (amongst other things) allowed an increase in stockpile heights was approved on 27 March 2013. The Crossrail facility is fully operational. Excavated material arrives by rail and is stockpiled prior to being exported by ship to Wallasea Island in Essex for use in a habitat creation scheme. The Crossrail permission is for temporary a period ending on 15 April 2016.

- The County Council issued a screening opinion (KCC/SCR/GR/0129/2013) on 2 May 2013 advising that proposals for ground works and a temporary waste handling facility for excavated material at Church Path Pit did not constitute EIA development and did not need to be accompanied by an environmental statement on the basis that the proposed development would not have significant effects on the environment by virtue of its nature, size or location when considered either individually or cumulatively with other development in the area.

### **The Proposal**

7. The application seeks planning permission for engineering operations comprising ground works to create a development platform and a temporary waste handling facility for excavated material and other ancillary works on land at Church Path Pit, Northfleet Works, The Shore, Northfleet, Gravesend, Kent. The application was submitted in July 2013, a Reptile Mitigation Strategy was submitted in August 2013 and further information responding to a number of issues raised by consultees and other respondents was submitted in October 2013. A meeting was held between representatives of the applicant, the County Council, High Speed 1 (HS1) and Network Rail to discuss a number of detailed issues on 7 November 2013 (e.g. site drainage and stockpile stability) and additional information was provided by the applicant in respect of these and related matters on 15 November 2013.
8. The applicant states that Crossrail needs additional storage capacity at the site to augment that at its existing facility as a result of its inability to export waste as rapidly as originally intended from that site due to delays in fully implementing the necessary conveyor system at Wallasea Island (i.e. the intended final destination for the excavated materials). This would enable tunnelling operations in London to continue as planned and waste to be taken to Northfleet by rail. It would also provide additional contingency in the event of further delays. The applicant also states that the proposed development offers the opportunity to bring forward the ground works element of the mixed use development proposals. The applicant further states that the primary source of material for the engineering operations would be excavated materials from the Crossrail project, although materials excavated from elsewhere within the Northfleet Works site could be used (consistent with any requirements for the retention of these as part of the mixed use development proposals) and other sources may also be considered. The proposed temporary waste handling facility would deal exclusively

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with Crossrail materials. The applicant additionally states that previously permitted HGV management plans would be reviewed as required. The applicant has suggested that a condition be imposed restricting the materials to be used to Crossrail flows imported to the site by rail unless approval is first obtained from the County Council for alternatives (i.e. from other sources and by river or road).

9. The applicant proposes that excavated materials would continue to be imported to the existing Crossrail Tunnelling Logistics Facility by rail and then moved to the application site by tipper and other machinery through the private vehicle tunnel under Northfleet High Street. This would avoid the need to use the public highway for these operations. The materials would be placed using excavators. The applicant proposes that hours of operation within Church Path Pit be restricted to between 08:00 and 18:00 hours Monday to Friday and between 08:00 and 13:00 hours on Saturdays with no Sunday working in order to minimise operational impacts. The applicant also proposes that similar measures be employed to minimise noise, dust and air quality impacts as is the case for the development already permitted to the north of the High Street (e.g. careful selection of plant and machinery used on site and regular maintenance, minimising the height from which materials are dropped, switching off plant and machinery when not required, minimising vehicle speeds and the use of water suppression as necessary).

Ground works for development platform

10. The engineering operations would provide the 6m AOD development platform required for the mixed use development in the majority of Church Path Pit (as referred to in paragraph 6 above) as well as on the base of the former pylons which lie just outside that area. The creation of the development platform would require about 55,000 cubic metres (m<sup>3</sup>) of material. The resultant depth of infill would vary across the site depending on the exact levels already in place. In some places it would be as much as 4m and in others nothing. The development platform would remain in place following any temporary storage of excavated material. The applicant states that the mixed use development envisaged a balance of cut and fill across that entire site (about 31ha) and that whilst the development now proposed would revise those assumptions this could be accommodated within the tolerances for the proposed overall ground works (i.e. no significant overall change).
11. A concrete collar would be constructed around the support for Church Path bridge to safeguard the structure and ensure it is not affected by the land raising or related operations. It would also be necessary for ecological mitigation works (e.g. trapping and translocation of reptiles to an area outside the application site) to take place before any groundworks take place. The proposed receptor site lies in that part of Church Path Pit to the south east of the reinstated rail access to the former Northfleet Works site.
12. The applicant states that the permanent development platform would be created before any temporary storage of materials takes place in Church Path Pit. Consistent with the mixed use development proposals, a network of wildlife corridors would be established around the base of the cliffs to provide new habitat opportunities once the

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development platform is created. The applicant proposes that these be fenced off from any works associated with the temporary storage of materials to enable habitat creation and the potential re-introduction of species at a relatively early stage. It also proposes that the wildlife corridors be created using topsoil containing ruderal vegetation (i.e. vegetation growing on disturbed or derelict land). The wildlife corridors would also accommodate four surface water storage depressions which would enable surface water from the site to be stored during storm events and infiltrate as currently.

Temporary waste handling facility

13. Imported Crossrail materials would be stockpiled at heights of up to 10m on top of the permanent development platform (i.e. no higher than 16m AOD). Storage heights in that part of the site to the north of Church Path bridge (i.e. St. Botolph's Pit) would be restricted to 6m (i.e. 12m AOD). Materials would be stockpiled in layers of between 3m and 4m deep and having angles of repose (side slopes) of 1:3. Stockpiles would be separated from one another and the wildlife corridors by 10m wide access corridors. This would enable up to 111,500m<sup>3</sup> of material to be temporarily stored on the site.
14. The applicant states that the placement of this material could be undertaken in a relatively short timescale (about 2 months) and that the stockpiles would probably be removed by the end of 2014. However, it has requested that any planning permission allow an 18 month period from the date of issue for this. The stockpiled materials would be removed via the vehicle tunnel and existing Crossrail Tunnelling Logistics Facility to Wallasea Island in accordance with planning permission GR/10/1127. The applicant also states that the temporary storage would have the added benefit of surcharging the development platform and promoting settlement in advance of the mixed use development.
15. The application is supported by a Planning, Design and Access Statement, a number of drawings, a Structural Inspection report on the vehicle tunnel, a Geotechnical and Geo-environmental Site Investigation report, an updated Phase 1 Habitat Survey, a Reptile Mitigation Strategy, a Code of Construction Practice, a Geotechnical Appraisal, a Flood Risk Assessment, a Drainage Strategy and a Stock Pile Stability report. Drawings showing the proposed site layout and sections are included on pages C1.4, C1.5 and C1.6.

**Planning Policy Context**

16. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (NPPF) and Planning Policy Statement PPS10 (Planning for Sustainable Waste Management) (as amended in March 2011).
17. **Kent Waste Local Plan (March 1998)** – These include saved Policies W3 (Locational Criteria), W6 (Need), W7 (Re-use of Category A Waste), W18 (Noise, Dust and Odour Control), W19 (Ground and Surface Water Interests), W20 (Land Settlement, Stability, Land Drainage and Flood Control), W21 (Nature Conservation), W22 (Road Traffic and

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Access), W25 (Siting, Design and Appearance of Plant and Buildings), W25A (Re-use of Buildings and Site Features), W27 (Public Rights of Way), W31 (Landscaping Schemes) and W32 (Operation and Restoration Schemes).

18. **Gravesham Local Plan First Review (1994)** – In 2007, as part of the transitional arrangements for the new planning system, the Secretary of State agreed a number of adopted Local Plan First Review policies could be saved and remain in force until replaced by updated policies. These include saved Policies E1 (Existing Industrial Areas), TC0 (General Townscape, Conservation and Design), TC1 (Design of New Developments), TC2 (Listed Buildings), TC3 (Development Affecting Conservation Areas), TC5 (Archaeological Sites), TC6 (Scheduled Ancient Monuments), TC7 (Other Archaeological Sites), TC10 (Landscaping), C8 (Sites of Nature Conservation Interest), LT8 (Public Rights of Way), T0 (General Policy for Transport), T1 (Impact of Development on the Highway Network), T2 (Channelling Traffic on Primary and District Distributor Network), T3 (Development not well related to the Primary and District Distributor Network), T14 (CTRL), R1 (The Commercial Riverside – Maintenance of the River Frontage for Water Transport) and R2 (The Commercial Riverside – Wharves).
19. **Gravesham Local Plan Second Review Deposit Version (May 2000)** – The Local Plan Second Review has not been subject to examination and has not been formally adopted. However, the Borough Council resolved to use the document as a material consideration when determining planning applications. It now provides the Council's most recent position in respect of policy areas not covered in the Local Plan Core Strategy. Since the Local Plan Core Strategy addresses those issues relevant to the proposed development that are included in the Local Plan Second Review Deposit Version, there is no need to refer to them when determining this application. However, it is worth noting that draft Policy MDS3 identified the application site as within the Major Development Site at Northfleet Cement Works / Land East of Grove Road.
20. **Gravesham Local Plan Core Strategy Submission Document (December 2013, as amended May 2013)** – The Borough Council is currently preparing the Local Plan Core Strategy which will replace a number of the Local Plan First Review saved policies. The draft Core Strategy was approved by the Council and submitted to the Secretary of State on 22 May 2013 for public examination. The Council is proposing some minor amendments (May 2013) which have also been submitted. Relevant draft policies include: CS01 (Sustainable Development), CS02 (Scale and Distribution of Development), CS03 (Northfleet Embankment and Swanscombe Peninsula East Opportunity Area), CS07 (Economy, Employment and Skills), CS11 (Transport), CS12 (Green Infrastructure), CS18 (Climate Change), CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment).
21. **Kent Minerals and Waste Development Framework – Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (May 2011)** – Draft Policies CSW1 (Sustainable Waste Management and Climate Change), CSW2 (Waste Hierarchy), CSW3 (Strategy for Waste Management Capacity), CSW5 (Non-Strategic Waste Sites), CSW6 (Location of Non-Strategic Waste Sites), CSW9 (Inert Waste

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Management Provision), CSW11 (Inert Waste Landfill), CSW13 (Remediation of Brownfield Land), DM1 (Sustainable Design), DM2 (Sites in International, National and Local Importance), DM3 (Archaeological Features), DM4 (Historic Heritage), DM5 (Safeguarding Mineral Resources and Importation Infrastructure), DM7 (The Water Environment), DM8 (Health and Amenity), DM9 (Cumulative Impact), DM10 (Transportation of Minerals and Waste), DM11 (Public Rights of Way), DM12 (Infrastructure Safeguarding), DM13 (Information Required in Support of an Application), DM15 (Restoration and Aftercare) and DM16 (After-use).

## **Consultations**

22. **Gravesham Borough Council** – No objection but makes the following comments:-

- The proposed creation of a development platform would be consistent with the proposals submitted to the Borough Council to land raise Church Path Pit as part of the Mixed Use Development outline application (GR/20090238).
- Seeks reassurance that the proposed development would have a minimal impact on surrounding residential properties and suggests that:
  - A comprehensive Code of Construction Practice covering all environmental impacts (including the submission of an application for consent under Section 61 of the Control of Pollution Act 1974 and sufficient dust mitigation measures for windblown dust) be submitted to and approved in writing by before any works commence;
  - Regular chemical testing of all material brought to the site be undertaken;
  - Any planning permission granted should only relate to the use of materials that are imported by rail as part of the Crossrail development and that the use of other materials imported by road or river should require further assessment or planning permission;
  - The SUDS issues raised by Southern Water are properly addressed and are the subject of conditions as necessary; and
  - The conditions suggested by HS1 should be included as part of any planning permission that is granted.

23. **Environment Agency** – Initially objected to the proposed development due to the absence of a Flood Risk Assessment and indicated that it may also wish to recommend conditions relating to groundwater and contaminated land as part of any further consultation. Notwithstanding this, it also indicated that it had no objection in principle to the proposed development and that its objection could be overcome by the provision of a Flood Risk Assessment which demonstrated that the development would not increase risk elsewhere and where possible reduces flood risk overall. Following consideration of the further information submitted in support of the application in October and November 2013, raises no objection subject to the development being undertaken as proposed (including as set out in the Drainage Strategy dated November 2013) and the imposition of the following conditions:

1. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in

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writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved. [Reason: To protect groundwater and the public water supply as site overlies a principle aquifer and is within an SPZ1 for abstracted supply.]

2. No infiltration of surface water drainage into the ground water is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details. [Reason: To protect groundwater and the public water supply as site overlies a principle aquifer and is within an SPZ1 for abstracted supply.]

Has also requested that the applicant be advised of a number of issues relating to the definition of waste, the implications of this and the need to ensure that all contaminated materials are adequately characterised both chemically and physically and that the permitting status of any proposed on site operations is clear.

24. **High Speed 1 (HS1)** – Initially expressed concerns about potential adverse impacts on the integrity, safety, security, operation, maintenance and liabilities of HS1 and its property as a result of a lack of detail contained in the submitted application and requested that these issues be addressed. Following the receipt of further information in October 2013, it maintained its objection due to continuing concerns about: the proposed spoil material properties, earthworks stability and compaction operations; the quality of chalk and the potential for chalk dissolution; the shear strength parameters for the chalk layer; and the lack of any investigation by intrusive methods of the geology under the HS1 rail sidings and the lack of any detailed numerical modelling of the potential movement of the sidings as a result of the proposed development. However, following the meeting on 7 November 2013 and consideration of the additional information submitted on 15 November 2013, it has raised no objection subject to:
  1. the development being implemented as proposed (including compliance with the Drainage Strategy dated November 2013 and the reports relating to stockpile stability dated 24 September 2013 and 11 November 2013 and the provision of the stand-off's to HS1's apparatus shown on the application drawings); and
  2. no water of effluent being discharged from the site onto HS1 or its associated drainage system.
25. **Network Rail** – No formal comments received. However, it was closely involved in assessing and commenting on the proposals with HS1 such that its interests have been addressed in paragraph 24 above.
26. **Southern Water** – Advises that the site lies within a Source Protection Zone around one of its public water supply sources but will rely on the consultation with the Environment Agency to ensure that its interests are protected. Advises that the

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applicant will need to ensure that arrangements exist for the long term maintenance of any Sustainable Urban Drainage Systems (SUDS) to ensure that these remain effective in perpetuity as they are not adoptable by sewerage undertakers. States that good management would avoid flooding from the proposed surface water system which may otherwise result in the inundation of the foul sewerage system. Advises that where a SUDS scheme is to be implemented, drainage details should specify the responsibilities of each party for its implementation, a timetable for this and a management and maintenance plan for the lifetime of the development (including arrangements for the adoption by any public authority or statutory undertaker). Further advises that it has no records of public sewers across the site. However, is possible that there may be and that if this is the case an investigation of its condition would be required. This would need to establish the number of properties it serves and the potential means of access before further works could take place. It also advises the applicant to discuss this as necessary with Atkins Ltd.

27. **KCC Biodiversity Projects Officer** – Initially raised a number of concerns about the ecological aspects of the proposed development and sought clarification on a number of issues including the nature of the current habitat of the site, the proposed mitigation, the relationship between the application and the Mixed Use Development proposals (including the proposed development of the receptor site as part of the latter), the potential effects of lighting on bats, the potential impact on nesting and other birds and impact on reptiles.

Following consideration of the further information submitted in support of the application, together with those details submitted as part of the Mixed Use Development proposals, she states that there is sufficient information to allow adequate consideration of potential ecological impacts. She advises that the NPPF requires the County Council to be satisfied that the proposed development would not result in a net loss of biodiversity and that (when viewed in isolation) this is not possible in this case as the current application is incapable (in itself) of fully mitigating any losses. However, when viewed in the context of the overall habitat creation proposed as part of the Mixed Use Development she is satisfied that the objectives of the NPPF would be met. Notwithstanding this and the fact that planning permission has yet to be issued for the Mixed Use Development, she has raised no objection subject to conditions to secure the following:-

- All ecological measures / works being undertaken as proposed.
- Additional post-translocation monitoring of the receptor site and wildlife corridors being undertaken during years 1 and 3 (post-translocation). This additional work to include presence / likely absence surveys and habitat suitability assessments for reptiles and the submission of a report describing the results of the monitoring and containing contingencies and / or remedial actions (in the event that the monitoring shows that the conservation aims and objectives are not being met) being submitted to the County Council.
- Any lighting being designed (and clearly demonstrated) to ensure that dark corridors will be maintained in the wildlife corridors by the use of directional lighting and hoods. Where possible, the lamps used should be low or zero UV

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such as low pressure sodium lamps.

- The retention of the receptor site as reptile habitat for at least 7 years post-translocation.

28. **KCC Rights of Way (Countryside Access Service)** – No comments.

29. **KCC Archaeology and Conservation** – KCC Archaeological Officer has no comments and KCC Conservation Officer has no adverse comments.

30. **KCC Landscape Officer** – No significant concerns regarding landscape given the temporary nature of the proposed stockpiling. Has emphasised the need to use lighting sparingly to further reduce visual impact given the proximity of homes and other sensitive buildings.

31. **Port of London Authority** – No objection.

**Representations**

32. The application was publicised both by site notices and newspaper advertisement and 145 local residents / business properties were notified.

33. At the time of writing this report four letters / emails of representation have been received. Although only two raise formal objections, the others have raised a number of issues and concerns.

34. The objections relate to:-

- Noise (from proposed engineering operations and trains in Church Path Pit, including squealing noise from train wheels).
- Dust and atmospheric pollution.
- The applicant not identifying all the land it owns or controls in the area (e.g. the tunnels under Northfleet High Street and The Hill and the Blue Lake to the south of the North Kent railway line).
- Granting permission would give tacit agreement for further development in Church Path Pit and a dilution of any initial controls over working hours, etc.
- Adverse impacts on the amenity of local residents surrounding Church Path Pit (particularly those living on the rim of the pit).
- Many of the applicant's statements in respect of measures intended to minimise noise and vibration impacts include phrases such as "where reasonably practical", "where possible" and "may be extended" are used with such frequency that these are meaningless and unenforceable.
- Adverse ecological impacts (given that Church Path Pit was listed as being of High potential importance for invertebrates in 2006).

35. One of the respondents raising a formal objection has also included a copy of a letter to one of Gravesham Borough Council's Environmental Health Officers in which detailed concerns are expressed about noise from the rail link within Church Path Pit



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(particularly at night). It is clear from this letter, and other correspondence that I am aware of, that the respondent has long standing and continuing issues with the operation of the rail link. The same respondent also raised a number of issues (but neither objection nor support) in response to the Bulk Aggregates Import Terminal application (which included an amendment to the previously consented rail link) and had requested that measures be taken to minimise the impact of noise associated with trains using the rail link (e.g. spraying the tracks with lubricant).

36. The issues and concerns raised by the other respondents relate to:-

- Noise.
- Dust and air quality.

**Local Members**

37. County Council Members Mr NS Thandi and Mrs S Howes were notified in August 2013 and again in October 2013 following the receipt of further information in support of the application. No comments have been received from either Member.

**Discussion**

38. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In the context of this application, the development plan policies outlined in paragraphs 17 and 18 above are of most relevance. Material considerations include the national planning policies referred to in paragraph 16 and the draft or emerging policies referred to in paragraphs 19 to 21. Members should note that the Inspector dealing with the Gravesham Local Plan Core Strategy gave a preliminary view on 23 September 2013 (following a hearing session held on 18 September 2013) in which he expressed serious concerns about the soundness of the Plan, particularly in respect of the proposed housing provision and annual delivery rate over the Plan period. The Borough Council has since requested that the Inspector provide his recommended main modifications to the Plan in order that it could undertake further work and enable the Plan to be found sound. Whilst any resultant modifications to the Plan are unlikely to have a significant bearing on the current application, the weight that can be attached to the emerging Plan needs to be carefully considered when the application is determined.

39. The issues to be considered in this case are:-

- Need / sustainable development;
- Site suitability;
- Transportation;
- Noise, vibration, dust and air quality impacts;
- Groundwater and surface water impacts;
- Ground stability (e.g. tunnels and cliffs);

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- Biodiversity impacts;
- Landscape and visual impact;
- Archaeology and historic interest;
- Public rights of way; and
- Cumulative impact.

Need / sustainable development

40. Crossrail is a key national infrastructure project that is designed to significantly increase the capacity of the rail network into and across London and relieve congestion and overcrowding and meet growth demands, as well as support economic development and regeneration in areas such as the Thames Gateway. The delivery of Crossrail is provided for in the Crossrail Act (2008). The emerging Gravesham Local Plan Core Strategy supports the extension of Crossrail to the Borough. The objectives of the Crossrail project are also supported by policies in the NPPF relating to the economy and sustainable transport. PPS10 states that the overall objective of Government policy for waste is to protect human health and the environment by producing less waste and using it as a resource wherever possible. It also states that planning authorities should help deliver sustainable development through driving waste management up the waste hierarchy and looking to disposal as the last option. Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development and that this should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means that, unless material considerations indicate otherwise, proposals that accord with the development plan should be approved. It also states that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits. Paragraph 19 of the NPPF states that the planning system should support sustainable economic growth. Sustainable waste management, as its title suggests, is at the heart of PPS10. The need for sustainable development is also reflected in many of the adopted, draft and emerging policies referred to in paragraphs 17 to 21 above. The waste hierarchy, which provides an order of preference for waste management solutions ranging from prevention (*most effective*), preparing for re-use, recycling, other recover and disposal (*least desirable*), is an important principle of sustainable waste management. It is specifically referred to in PPS10 and draft Policy CSW2 of the Kent Minerals and Waste Development Framework – Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (May 2011) (i.e. the emerging Kent Minerals and Waste Local Plan).
41. The proposed use of the site would assist in ensuring that materials arising from the Crossrail development can continue to be removed by rail from the tunnel portals without unnecessary delay. The proposed use of the tunnel arisings for the creation of the development platform and the temporary storage of additional material prior to its onward transportation to assist in delivering the permitted development at Wallasea Island would accord with the waste hierarchy and meet the sustainability objectives of the NPPF, PPS10 and a number of adopted, draft and emerging development plan policies and is therefore supported in principle. If planning permission is granted, it

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would be desirable to ensure that the development platform is created prior to the proposed stockpiling activities in order to reduce the likelihood of additional materials from other sources needing to be imported at a later date in the event that insufficient materials are imported as part of the Crossrail works. Whilst I am satisfied that this could be secured by condition, I also consider that it would be prudent to provide sufficient flexibility to enable some stockpiling to take place prior to the completion of the entire development platform if unforeseen issues arise that prevent this from happening for a period of time (e.g. if insufficient suitable materials for use in the creation of the development platform are available at any particular time).

Site suitability

42. The application site is not identified or allocated for any use in the Kent Waste Local Plan (1998) or any of the Kent Minerals Local Plans and is not proposed to be allocated in the emerging Kent Minerals and Waste Local Plan. However, 42 Wharf, the Bulk Powders Terminal and Bulk Aggregates Import Terminal will be safeguarded. The site is safeguarded for the Channel Tunnel Rail Link in the adopted Gravesham Local Plan First Review (1994) and was allocated as part of the Northfleet Cement Works / Land East of Grove Road Major Development Site in the Gravesham Local Plan Second Review Deposit Version (May 2000). The emerging Gravesham Local Plan Core Strategy identifies the site as within the Northfleet Cement Works Regeneration Area (Key Site 1.5) which forms part of the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area. Draft Policy CS03 states that Key Site 1.5 will provide employment development of approximately 39,000 sq.m of new employment floorspace comprising business, industrial, and storage and distribution facilities (use classes B1, B2 and B8) and a Bulk Aggregates Import Terminal providing around 1,330 new jobs. The County Council has already permitted the Bulk Aggregates Import Terminal element whilst Gravesham Borough Council has resolved to grant planning permission for the development of Church Path Pit which would require the creation of a development platform at 6m AOD. These are both entirely consistent with draft Policy CS03.
43. Paragraph 24 of PPS10 states that waste management facilities proposed on sites not allocated for such use should be considered favourably when they are consistent with the policies set out in PPS10 and a range of criteria. These criteria include the physical and environmental constraints on development (including existing and proposed neighbouring land uses), the capacity of existing and potential transport infrastructure to support the sustainable movement of waste (seeking modes other than road transport where practicable and beneficial) and giving priority to the re-use of previously developed land. Policy W3 of the Kent Waste Local Plan states that proposals which only involve waste processing and transfer at locations outside those identified on the proposals map will not be permitted unless they can avoid the need for road access, or can gain ready access to the primary or secondary route network and preferably have potential for a rail or water transport link and are located within or adjacent to an existing waste management operation or within an area of established or proposed general industrial use. Policy W7 states (amongst other things) that proposals to prepare Category A waste for re-use (e.g. tunnelling arisings) will be

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considered against whether they: would minimise impacts on the local and natural environments; have or could secure ready access to the main road network, or have a rail or water link provided that there is acceptable access to an appropriate road network; and are within or adjacent to existing waste management facilities or are part of a location within an established or committed general industrial type area. Draft Policy CSW5 of the emerging Kent Minerals and Waste Local Plan supports locating non-strategic waste sites in or close to the Thames Gateway Growth Area and within or adjacent to existing minerals or waste sites where it can be demonstrated that benefits arise from co-location. Draft Policy CSW6 also encourages co-location where transport, operational and environmental benefits can be demonstrated.

44. The application site has good rail, river and road access. The proposed development would effectively form an extension to the existing Crossrail facility (which has operated successfully for some time) and provide the development platform required as part of the proposals for the redevelopment of the site. It need not involve the use of any significant road transport (since materials would be imported by rail and exported by sea) and would appear capable of complying with all of the above policies provided that it meets the detailed “tests” associated with the various environmental, operational and other policies addressed elsewhere in this report. Given the temporary nature of the proposals, which could be assured by a condition limiting the duration of the development, it would not prejudice the implementation of the development envisaged by the Gravesham Local Plan Core Strategy. Indeed, given the current availability of Crossrail material, it could actually assist in meeting emerging Local Plan objectives earlier than would otherwise be the case. Although one respondent has objected on the grounds that granting planning permission would give tacit agreement to further development in Church Path Pit, it should be noted that such development is likely to take place regardless of the outcome of the current application. It is also worth noting that the County Council supported the Mixed Use Development proposals on the basis that they were generally consistent with strategic policies.

Transportation

45. The use of sustainable transport (particularly by rail and water) is promoted in the NPPF, PPS10, Policies W3 and W7 of the Kent Waste Local Plan and draft Policy CS11 of the emerging Gravesham Local Plan Core Strategy. Policies W3 and W7 of the Kent Waste Local Plan require that proposals have good access to an appropriate road network and preferably have rail or water transport links. Draft Policy DM10 of the emerging Kent Minerals and Waste Local Plan supports development that minimises road miles.
46. The proposed development would involve Crossrail tunnel arisings being imported by rail to the existing sidings in the former Northfleet Works site to the north of Northfleet High Street as already happens. It would then be transported via a private vehicle tunnel under Northfleet High Street before being used to create the development platform or stockpiled. Stockpiled materials would be removed via the same tunnel before being exported from 42 Wharf. In this way, it would not be necessary to use

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road transport. Although the applicant has indicated that materials excavated from elsewhere within the Northfleet Works site could be used and that other sources could be considered that would involve importation of materials by HGVs on the public highway or ships or barges on the river, it has indicated that it would be happy to accept the imposition of a condition restricting materials to those from Crossrail flows imported to the site by rail unless approval is first obtained from the County Council for alternatives. The Borough Council has also requested that this be the case.

47. In considering the proposed development, it needs to be borne in mind that the principle of importing Crossrail materials by rail and road to Northfleet Works has already been established, that the Crossrail planning permission includes no specific restrictions on the number of trains allowed to use the site (although the application had assumed that up to 4 trains per day would deliver clay to the site and Crossrail had booked 5 train paths per day to accommodate this) and that the existing Crossrail permission allows up to 688 HGV movements (344 in / 344 out) per day associated with those works. It should also be noted that as all Crossrail materials are currently imported by rail, very few HGV movements currently take place. The only additional requirement that would need to be met if materials were to be imported to the existing Crossrail facility by road is for a revised HGV Management Plan to be submitted to and approved in writing by the County Council. Issues such as routeing have been well rehearsed as part of both the Bulk Aggregates Import Terminal and Crossrail proposals and would need to be satisfactorily reflected in any revised HGV Management Plan. If materials were to be imported by river, detailed arrangements on how materials would be landed and transported across 42 Wharf to the site would first need to be proposed, assessed and found to be acceptable. Regardless of the outcome of the current application, Crossrail material would continue to be imported by rail. The Bulk Aggregates Import Terminal planning permission would also enable train movements to continue permanently through Church Path Pit to serve that development such that any refusal based on continued train movements would very difficult to defend.
48. In the absence of further details on sources of materials or any revised HGV Management Plan, I consider that it is appropriate to restrict materials used in the manner suggested by the applicant and requested by the Borough Council. I am satisfied that this approach is reasonable and would enable the implications of alternatives to be appropriately tested by the County Council if the applicant wanted to extend the source of materials or their method of importation. Subject to the imposition of an appropriate condition(s), I am satisfied that the proposed development would be acceptable in terms of transportation issues and would accord with the above policies.

Noise, vibration, dust and air quality impacts

49. Government waste policy seeks to ensure that potential adverse amenity and health impacts associated with development proposals are minimised. PPS10 is clear that noise, dust and proximity to sensitive receptors are important considerations when making decisions on waste management development. PPS10 also makes it clear

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that modern, appropriately located, well-run and well-regulated, waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health and that the detailed consideration of a waste management process and the implications (if any) for human health is the responsibility of the pollution control authorities. It further states that: the planning and pollution control regimes should complement rather than duplicate each other; waste planning authorities should concern themselves with implementing the planning strategy in the development plan and not with the control of processes which are a matter for the pollution control authorities; and waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. Although the NPPF does not include waste policy, it also makes it clear (paragraph 122) that planning decisions should focus on whether the development itself is an acceptable use of land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. It also states that local planning authorities should assume that these regimes will operate effectively. The NPPF also states (paragraph 123) that planning decisions should aim to avoid noise from new development giving rise to significant adverse effects 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, including through the use of conditions. It further states (paragraph 109) that the planning system should contribute to and enhance the local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of air or noise pollution.

50. Policy W18 of the Kent Waste Local Plan states that before granting planning permission the planning authority must be satisfied as to the means of control of noise, dust, odour and other emissions, particularly in respect of its potential impact on neighbouring land uses and amenity. Draft Policy CS19 of the emerging Gravesham Local Plan Core Strategy states that new development should safeguard amenity and avoid adverse environmental impacts from noise and air pollution. Draft Policy DM8 of the emerging Kent Minerals and Waste Local Plan requires minerals and waste proposals to demonstrate that they are unlikely to generate unacceptable adverse effects from (amongst other things) noise, vibration, dust and emissions or exposure to health risks and associated damage to quality of life and wellbeing to adjoining land uses and those in close proximity.
51. Those four local residents who have responded have all expressed concerns about potential adverse noise and dust / air quality impacts. One has also raised further concerns about noise and vibration associated with existing (and proposed) rail movements.
52. No objections have been raised by Gravesham Borough Council in respect of noise, vibration, dust and air quality impacts subject to the prior approval of a comprehensive Code of Construction Practice and consent being obtained under Section 61 of the Control of Pollution Act (1974) as was the case with the current Crossrail operation. The Borough Council's Environmental Health Team was / would be responsible for

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issuing any Section 61 consent. The Environment Agency (responsible for any Environmental Permit) has no objections in respect of these issues.

53. The Borough Council has already resolved to permit the proposed development platform as part of the Mixed Use Development and the proposed temporary waste handling facility is very similar to that already operating on that part of Northfleet Works to the north of the High Street. Both the resolution to permit and experiences with the current Crossrail operations indicate that the proposed development can be undertaken without giving rise to unacceptable impacts on the local community. Whilst concerns have been expressed by a small number of local residents about potential impacts associated with the proposals, and one local resident has complained to the Borough Council about noise and vibration associated with train movements through Church Path Pit, no complaints have been made to the County Council about the ongoing Crossrail operations. Since the Borough Council has been addressing noise and vibration issues as part of the Section 61 consent process, and I understand is in discussion with the complainant about these matters, I do not consider that it should directly affect any decision on the current application. The proposed development itself would be contained within Church Path Pit and St Botolph's Pit at a lower level than surrounding properties and the difference in levels would serve to minimise noise and air quality / dust impacts associated with operations. The proposed submission of a comprehensive Code of Construction Practice (which would include measures to address matters such as noise, vibration, dust and air quality) is capable of being secured by condition if planning permission is granted and would serve to provide controls in a similar way to the existing Crossrail operations. It would also be appropriate to impose a condition restricting operations on the application site to those times proposed (i.e. between 08:00 and 18:00 hours Monday to Friday and between 08:00 and 13:00 hours on Saturdays with no Sunday working), extended to preclude Bank / Public Holiday working. Any impacts that do arise would also be temporary as the stockpiles are proposed to be removed within 18 months.
54. Subject to the above matters being secured by conditions, I am satisfied that the proposed development would be acceptable in terms of noise, vibration, dust and air quality issues and would accord with the above policies.

Groundwater and surface water impacts

55. PPS10 states that locational criteria for waste management facilities should include the proximity of vulnerable surface and groundwater. Paragraph 120 of the NPPF states that planning decisions should ensure that new development is appropriate for its location and that the effects of pollution on the natural environment and the potential sensitivity of the area should be taken into account. Paragraph 100 seeks to ensure that development in areas of highest flood risk is avoided and that development does not increase the likelihood of flooding elsewhere. Policies W19 and W20 of the Kent Waste Local Plan respectively state that the planning authority will need to be satisfied that surface and ground water resource interests will be protected and land drainage and flood control have been satisfactorily taken into account. Draft Policy CS19 of the emerging Gravesham Local Plan Core Strategy states that new development should

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not pose an unacceptable risk or harm to the water environment, including the quality and/or quantity of ground waters, surface waters, wetlands and coastal water systems and should avoid adverse environmental impacts from land contamination. Draft Policy DM7 of the emerging Kent Minerals and Waste Local Plan requires that proposed development does not have a detrimental impact on the quality or flow of groundwater or surface water drainage or exacerbate flood risk in areas prone to flooding and elsewhere.

56. Although the Environment Agency indicated that it had no objection in principle to the proposed development it initially objected on the grounds that the applicant had failed to undertake and include a Flood Risk Assessment. It also indicated that it may wish to recommend conditions relating to groundwater protection and contaminated land. The applicant submitted a Flood Risk Assessment as part of a package of further information in October 2013 and a Drainage Strategy in November 2013. The Environment Agency has since advised that it has no objection subject to the development being implemented as proposed and conditions relating to the remediation of potential ground contamination and surface water drainage. Notwithstanding its acceptance of the Drainage Strategy dated November 2013 (which provides for infiltration of surface water drainage into the ground water through a number of surface water storage depressions), the Environment Agency has confirmed that it still wishes the second condition relating to this issue (referred to in paragraph 23 above) to be included in any planning permission in order that proposals for any additional infiltration to be properly assessed. HS1 has requested that no water or effluent be discharged from the site onto HS1 apparatus or its associated drainage system and that the Drainage Strategy dated November 2013 be complied with. I am satisfied that conditions could be imposed to address these issues if planning permission is granted. Southern Water indicated that it was content to rely on the Environment Agency to ensure its water supply interests are protected and raised a number of issues about drainage (SUDS and public sewers). In view of the Environment Agency's position, I am content that the issues raised by Southern Water have been adequately addressed. I am also satisfied that the Borough Council's suggestions on these matters would be met.
57. Subject to the imposition of conditions to address the above, I am satisfied that the proposed development would be acceptable in terms of groundwater and surface water interests and would accord with the above policies.

Ground stability (e.g. tunnels and cliffs):

58. The main national planning policies relating to ground stability of relevance to the proposals (i.e. the potential instability of tunnels and cliffs) are set out in the NPPF. Paragraph 120 states that planning decisions should ensure that development is appropriately located in order to prevent unacceptable risks from land instability. It goes on to say that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and / or landowner. Policy W20 of the Kent Waste Local Plan requires land stability to have been satisfactorily taken account of. There are no specific ground stability policies in the adopted, draft or



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emerging Gravesham Local Plans.

59. The applicant has included details of a structural inspection of the tunnel linking Botolph's Pit and the main Northfleet Works site through which access would be obtained. This advises that the tunnel and its approaches are in good condition with little sign of defect or blemish although it recommends that minor repairs are carried out to areas of spalled (flaking) concrete. The integrity of the rail tunnel and cliffs above it was assessed prior to the re-commencement of its use as a requirement of the Bulk Aggregates Import Terminal permission and is now being monitored and managed by the applicant in accordance with an approved scheme. There is a requirement on the Bulk Aggregates Import Terminal permission for a similar assessment and scheme to be submitted for the main road tunnels linking Northfleet Works with the A226 Thames Way. The Mixed Use Development proposals were accompanied by a Land Stability Statement which assessed the stability of all cliffs, tunnels and pit floors at Northfleet Works (including Church Path Pit, St Botolph's Pit and Vineyard Pit between the main Northfleet Works site and the A226). The proposed long term mitigation and management measures contained therein would be secured by the planning permission to be issued pursuant to that application by Gravesham Borough Council. The Statement was also submitted in support of the Crossrail application and that permission requires the same management and mitigation measures to be complied with.
60. HS1 initially objected to the proposals due to concerns about potential impacts on its apparatus (see paragraph 24 above). These concerns were the subject of discussions and have since been overcome by the submission of further information in October and November 2013. HS1 has most recently stated that it has no objection in terms of ground stability subject to the development being undertaken as proposed (including compliance with the reports relating to stockpile stability dated 24 September 2013 and 11 November 2013 and the provision of the stand-off's to HS1's apparatus shown on the application drawings). HS1's initial concerns about drainage have been addressed in the "Groundwater and surface water impacts" section above.
61. Given the temporary nature of the Crossrail proposals, as there have been no significant recent problems relating to the cliffs, rail or road tunnels and as the long term implications of tunnels and cliff stability will be fully addressed as part of the permanent Bulk Aggregates Import Terminal and Mixed Use Development proposals, I am satisfied that there is no need to impose additional measures in respect of these issues other than to require the mitigation set out in the land stability statement which accompanies the application and for the development to be implemented as proposed.
62. Subject to the imposition of conditions to address the above, I am satisfied that the proposed development would be acceptable in terms of ground stability and accord with the above policies. The imposition of the conditions requested by HS1 would also satisfy the Borough Council.

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Biodiversity impacts

63. PPS10 states that locational criteria for waste management facilities should include consideration of whether there would be any adverse effect on a site of international importance for nature conservation (SPA, SAC and Ramsar Sites) or a site with a nationally recognised designation (SSSI or NNR). Paragraph 118 of the NPPF states that local planning authorities should seek to conserve and enhance biodiversity when determining planning applications. It also states that permission should not normally be granted for development on land outside a SSSI that is likely to have an adverse effect on the SSSI and emphasises the importance of protecting European designated sites (e.g. SAC, SPA and Ramsar Sites). Policy W21 of the Kent Waste Local Plan states that the planning authority will need to be satisfied that the ecological interests of the site and its surroundings have been established and provisions made for the safeguarding of species of wildlife importance. Policy C8 of the adopted Gravesham Local Plan First Review (1994) seeks to protect habitats or features of importance for nature conservation. Draft Policy CS12 of the emerging Gravesham Local Plan Core Strategy states that: wildlife stepping stones and corridors will be created, protected, enhanced and maintained; biodiversity sites will be protected commensurate with their interest; there will be no net loss of biodiversity in the Borough and opportunities to enhance, restore, re-create and maintain habitats will be sought within new development; and where a negative impact on protected or priority habitats/species cannot be avoided on development sites and where the importance of the development is considered to outweigh the biodiversity impact, compensatory provision will be required either elsewhere on the site or off-site, including measures for ongoing maintenance. Draft Policy DM2 of the emerging Kent Minerals and Waste Local Plan states that proposals should not give rise to significant adverse effects on the character, appearance, ecological or amenity value of sites of international, national or local importance unless it can be demonstrated that there is an overriding need for the development and any impacts can be mitigated or compensated for such that there is a net gain or improvement to their condition.
64. Objections have been received from one respondent about adverse ecological impacts. The respondent referred to a 2006 entomologists report relating to brownfield sites in the Thames Gateway in which Church Path Pit was assessed as being of high potential importance for invertebrates.
65. Although the County Council's Biodiversity Projects Officer has advised that the proposed development would not (in itself) fully accord with the objectives of the NPPF in that it would result in a net loss of habitat, she is satisfied that the proposed development is acceptable when viewed in the context of the wider Mixed Use Development proposals which would involve the creation of various habitats elsewhere within the former Northfleet Works site. On this basis, she has recommended that a number of conditions be imposed to secure the proposed ecological measures / works, additional post-translocation monitoring, appropriate lighting and the retention of the receptor site as reptile habitat for at least 7 years post-translocation if planning permission is granted. Although it would affect the applicant's ability to fully implement any permission granted for the Mixed Use Development, it has indicated its willingness

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to adhere to latter condition. I am advised that an agreed regime of reptile trapping and translocation has already been completed.

66. Ideally, planning permission would already be in place for the Mixed Use Development in such circumstances. It is understood that this has been delayed due to the need to conclude detailed discussions about a number of matters (including highway improvements and housing delivery) for the Section 106 Agreement unrelated to biodiversity or ecological considerations. However, I am satisfied that it is reasonable for the Borough Council's resolution to grant planning permission to be relied upon in this case to ensure that the overall ecological objectives to be met. In coming to this view, I have had regard to the benefits of the proposed development referred to elsewhere in this report, the fact that the Borough Council has not raised any concerns on the issue and as the site is identified for employment development such that the creation of a development platform would almost certainly be required regardless of whether the Mixed Use Development were to proceed as currently envisaged. I am also satisfied that the temporary storage of materials on top of the proposed development platform would not directly affect the habitat within Church Path Pit and that any biodiversity impacts associated with that element could be addressed as necessary by conditions (e.g. the wildlife corridors being fenced off from the stockpiles and internal haul roads to prevent incursion by associated operations).
67. Subject to the above matters being secured by condition(s), I am satisfied that the proposed development would be acceptable in terms of biodiversity interests and would accord with the above policies when considered in the context of the Mixed Use Development proposals.

Landscape and visual impact

68. The main national planning policies relating to landscape and visual impact of relevance to the proposals are set out in the NPPF and PPS10. These promote sustainable development, the protection and enhancement of the environment and the quality, character and amenity value of urban areas. Policy W25 of the Kent Waste Local Plan seeks to ensure that the siting, design and external appearance of processing plant, hard surfacing, buildings and lighting is carefully controlled to minimise visual intrusion and assist integration into the local landscape. Policies W31 and W32 respectively seek appropriate schemes of landscaping and operation (with restoration as appropriate). Policy TC1 of the adopted Gravesham Local Plan First Review (1994) states that the design and massing of buildings should normally be in keeping with their surroundings. Policy TC10 states that details of landscaping proposals will normally be required for new developments. Draft Policy CS19 of the emerging Gravesham Local Plan Core Strategy states that new development should avoid adverse environmental impacts from light pollution. Draft Policy DM1 of the emerging Kent Minerals and Waste Local Plan states that proposals should minimise impact on the environment and protect and enhance the character and quality of an area. Draft Policies DM15 and DM16 require satisfactory provision for restoration, aftercare and after-use (as appropriate) as part of minerals and temporary waste management development.

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69. No landscape or visual amenity objections have been received about the proposed development although concerns have been expressed that it is more likely to lead to the future development of Church Path Pit. The greater likelihood of future development is not a material planning consideration. The proposed development will not be highly visible since the topography of the site and surrounding area means that it would be well contained by high cliffs and vegetation. However, as it is possible to see into the site from some public viewpoints (including footpaths) and residential properties surrounding the site, the development would be visible. It is worth noting that the proposed development platform would be required as part of the Mixed Use Development proposals regardless of the outcome of this application and that the proposed stockpiles would be lower than the maximum permitted height of the buildings proposed as part of that development. The County Council's Landscape Officer has no significant concerns given the temporary nature of the proposed stockpiling but has recommended that lighting be used sparingly to minimise visual impact. Lighting has already been discussed in the above "Biodiversity impacts" section and I am satisfied that the proposed controls can satisfactorily ensure that lighting does not give rise to unacceptable visual impact. I also consider that it would be appropriate to impose conditions limiting stockpile heights to those proposed (i.e. 16m AOD in Church Path Pit and 12m AOD in St Botolph's Pit) and restricting the amount of material stockpiled at the site to 111,500m<sup>3</sup>. I do not consider it necessary to limit the amount of material for the development platform since that would simply be created at 6m AOD.
70. Subject to the imposition of conditions to secure a suitable lighting scheme (either separately or as part of the proposed Code of Construction Practice), maximum stockpile heights and volume of stockpiled material (as above) and the development being implemented as applied for, I am satisfied that the proposed development would be acceptable in terms of landscape and visual impact and would accord with the above policies.

Archaeology and historic interest

71. The main national planning policies relating to the historic environment are set out in the NPPF. This emphasises the importance of protecting designated heritage assets (e.g. scheduled monuments and listed buildings) and also makes it clear that effects on non-designated assets should also be taken into account when determining planning applications. Policies TC0, TC1, TC2, TC3, TC5, TC6 and TC7 of the adopted Gravesham Local Plan First Review (1994) are all relevant. These (*variously*) seek to conserve and enhance the built environment, protect listed buildings, conservation areas and scheduled ancient monuments and their settings and promote the identification, recording, protection and enhancement of archaeological sites, ancient monuments and historic landscape features and their educational, recreational and tourist potential through management and interpretation. Draft Policy CS20 of the emerging Gravesham Local Plan Core Strategy states that the Borough Council will accord a high priority towards the preservation, protection and enhancement of its heritage and historic environment as a non-renewable resource. Draft Policy DM2 of

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the emerging Kent Minerals and Waste Local Plan states that proposals should not give rise to significant adverse effects on the character, appearance or amenity value of sites of international, national or local importance (including scheduled ancient monuments, conservation areas and listed buildings and their settings) unless it can be demonstrated that there is an overriding need for the development and any impacts can be mitigated or compensated for such that there is a net gain or improvement to their condition. Draft Policies DM3 and DM4 specifically refer to archaeology and historic heritage.

72. No objections have been received from KCC Archaeology and Conservation or others in respect of either any impact on the application site itself or the historic interest associated with The Hill Conservation Area or any listed buildings in that area or elsewhere. Since the proposed development would take place in the base of a chalk former quarry and would primarily involve the deposit of materials rather than further extraction, I am satisfied that the proposals would have no significant effect on archaeology. The landscape and visual impact of the proposed development has already been discussed above and I am satisfied that any conclusions drawn there can reasonably apply to any heritage interest associated with The Hill Conservation Area and any listed buildings.
73. I am satisfied that the proposed development would be acceptable in terms of archaeology and heritage issues and would accord with the above policies.

Public rights of way

74. The NPPF states (paragraph 75) that planning policies should protect and enhance public rights of way and access. Policy W27 of the Kent Waste Local Plan states that where proposals could adversely affect a public right of way, the County Council will secure the interests of its users. Policy LT8 of the adopted Gravesham Local Plan First Review (1994) seeks to maintain and improve the public rights of way network and, as opportunities arise, seek to provide new recreational footpaths and cycleways in the Borough. Draft Policy DM11 of the emerging Kent Minerals and Waste Local Plan states that planning permission will only be granted for development that adversely affects a public right of way if satisfactory prior provision is made for its diversion which is convenient and safe.
75. KCC Rights of Way (Countryside Access Service) has no comments on the proposed development. The proposed development would not directly affect any public right of way provided the concrete collar is constructed around the support for Church Path bridge to safeguard the structure (and therefore footpath NU8). Potential impacts on users of rights of way around the site would be similar to those associated with adjoining properties, albeit that any impacts would only be experienced during those periods when they are being used and therefore transitory. I am satisfied that any impacts would be minimal given that the rights of way are all at higher elevations than the base of Church Path Pit and provided appropriate controls are in place to minimise noise, dust and air quality. These issues have already been addressed elsewhere in this report.

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76. Subject to the provision of the concrete collar around the support for Church Path bridge to safeguard the structure (and therefore footpath NU8), I am satisfied that the proposed development would be acceptable in terms of public rights of way and would accord with the above policies.

Cumulative impact

77. The proposed development needs to be considered in the context of previous development (the Northfleet Cement Works), existing development (Bulk Powders Import Terminal and Crossrail Tunnelling Logistics Facility), permitted development (Bulk Aggregates Import Terminal) and proposed development (including the Mixed Use Development proposals that the Borough Council has resolved to permit) in the area. The proposed development would increase the size of the area used for the storage of Crossrail materials and additionally introduce this element into Church Path Pit and St Botolph's Pit. Whilst this has the potential to increase impacts on the environment and local amenity, I am satisfied that appropriate controls can be required (as discussed elsewhere in this report) such that any impacts would not be unacceptable. I note that the proposed development platform would be required as part of the Mixed Use Development, that the Mixed Use Development could not take place simultaneously with that proposed, that the proposed stockpiling and associated movement of materials would only be for a maximum period of 18 months and that the current Crossrail stockpiling activities have not given rise to any significant concerns. I also note that whilst complaints have been made to the Borough Council about noise associated with rail movements through Church Path Pit, those impacts which have given rise to the complaints would continue regardless of the outcome of the current application. I am therefore satisfied that the proposed development would not give rise to unacceptable cumulative impacts and is consistent with draft Policy DM9 of the emerging Kent Minerals and Waste Local Plan.

**Conclusion**

78. For the reasons set out in paragraphs 40 to 44, I am satisfied that the proposed development is acceptable in principle at this location. For the reasons set out in paragraphs 45 to 77 I am also satisfied that it meets the relevant detailed "tests" associated with the various environmental, operational and other policies and complies with the policies set out in paragraphs 16 to 21. On this basis I am satisfied that subject to the imposition of the various conditions referred to in this report, the proposed development represents sustainable development, accords with relevant development plan policies and that there are no material planning considerations that mean that planning permission should be refused. I therefore recommend accordingly.

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**Recommendation**

79. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO conditions covering amongst other matters:

- Duration (18 months from date of planning permission);
- Materials restricted to Crossrail tunnel arisings imported by rail (unless otherwise approved beforehand in writing by the County Council);
- The creation of the development platform prior to the stockpiling of materials (unless otherwise approved beforehand in writing by the County Council);
- The prior approval of a revised Code of Construction Practice;
- No development taking place until consent has been obtained under Section 61 of the Control of Pollution Act (1974);
- Hours of use restricted to between 08:00 and 18:00 hours Monday to Friday and 08:00 and 13:00 hours on Saturdays, with no Sunday, Bank or Public Holiday working;
- The Drainage Strategy dated November 2013 being implemented as proposed;
- Except as provided for in the Drainage Strategy dated November 2013, no infiltration of surface water into groundwater unless approved beforehand in writing by the County Council;
- The remediation of contaminated land (if found to be present);
- No water or effluent being discharged onto HS1 apparatus or into its drainage system;
- Implementation of the recommendations of the report on the tunnel between St Botolph's Pit and the main Northfleet Works site;
- Compliance with the reports relating to stockpile stability dated 24 September 2013 and 11 November 2013 (including stand-off's between material stockpiles and HS1 apparatus);
- The proposed ecological measures and works, together with additional post-translocation monitoring;
- The retention of the translocation receptor site for at least 7 years post-translocation;
- Lighting (only to be used if details are approved beforehand);
- Fencing for the wildlife corridors;
- Maximum stockpile heights (16m AOD in Church Path Pit and 12m AOD in St Botolph's Pit);
- The amount of stockpiled materials being restricted to 111,500m<sup>3</sup>; and
- The installation of a concrete collar support for Church Path bridge before importation and placement of materials.

Case Officer: Jim Wooldridge
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Tel. no. 01622 221060
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Background Documents: see section heading.
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**Item C2**

**Retrospective change of use from car breakers yard and storage of damaged vehicles and trailers to depot with site office and open storage of inert spoil from road excavations and installation of lighting at Westdene, Whetsted Road, Five Oak Green, Tonbridge TW/12/868 (KCC/TW/0524/2011)**

A report by Head of Planning Applications Group to Planning Applications Committee on 11 December 2013.

Retrospective application by CLC Construction Ltd., for a change of use from car breakers yard and storage of damaged vehicles and trailers to depot with site office and open storage of inert spoil from road excavations and installation of lighting at Westdene, Whetsted Road, Five Oak Green, Tonbridge, Kent, TN12 6SD.

Recommendation: Permission be granted subject to conditions.

Local Member: Alex King

Classification: Unrestricted

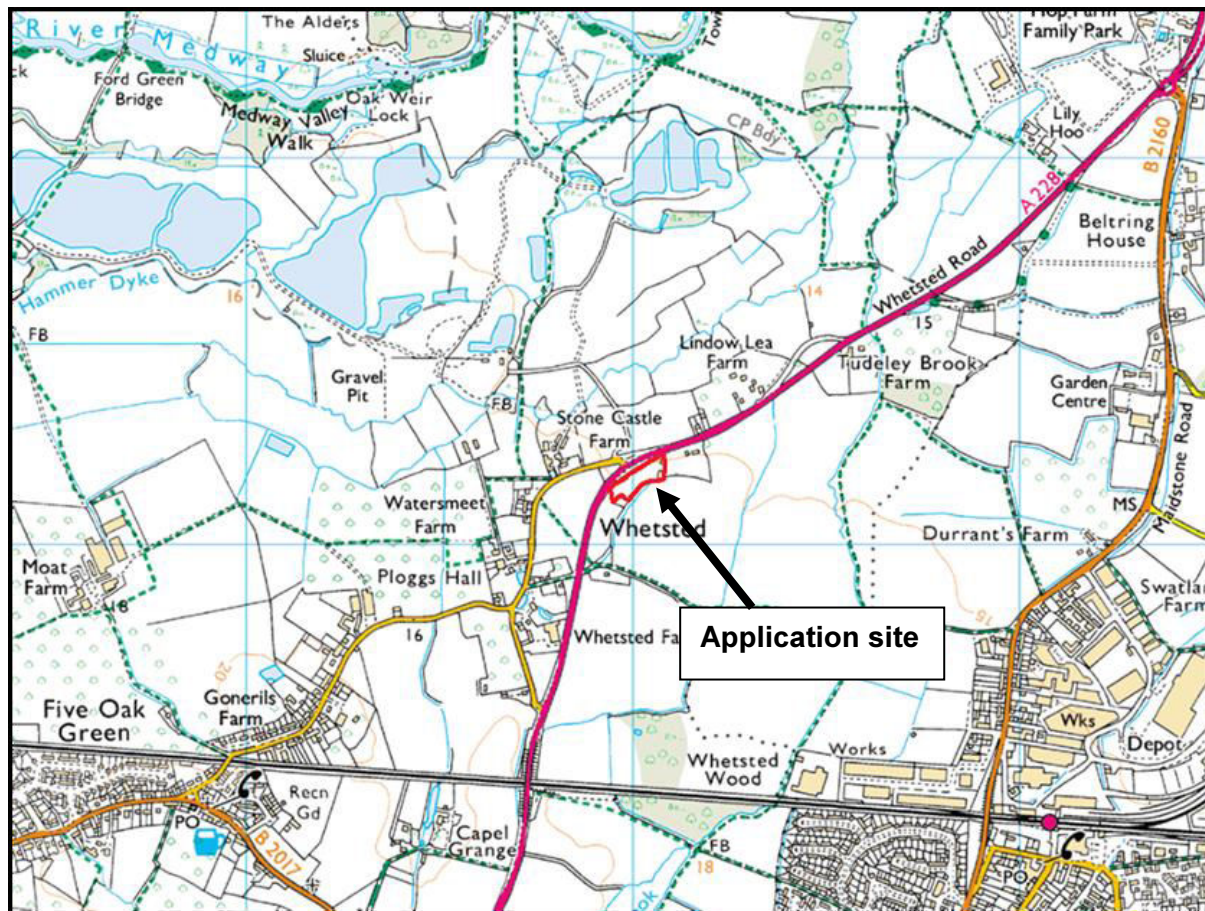
### **Site description**

1. The site is located to the west of Whetsted on the south side of Whetsted Road. The A228 Whetsted Road connects Pembury and Tunbridge Wells to the south west of the site with Maidstone to the north east. The site is approximately 200 metres in length and is bounded by a plant nursery to the west, a well screened residential property to the east (approx. 50 metres from the site) and open land to the south. Beyond the plant nursery to the south west of the site (approx. 180 metres) is another substantial residential property, known as Sebastapol, although this screened to some extent by small woodland. The northern boundary of the site fronting Whetsted Road is formed by a mature hedgerow set behind a post and rail fence. The fencing is set well back from the edge of the carriageway to provide a wide verge.
2. The area at the eastern end of the site is concreted and accommodates offices and storage buildings together with operational parking. The western end of the site comprises open storage. The site is relatively flat and fairly well screened from the road.
3. The application site is located within the Metropolitan Green Belt.
4. CLC Construction occupies the site and this application seeks retrospective planning permission to change the use of the site. The Applicant company undertake reinstatement works on behalf of a variety of utility companies. After a utility company dig a hole in the road and/or pavement to undertake maintenance or repair works, CLC will fill and finish the public highway. They reinstate approximately 600 holes per day across the South East. Their work consists of reinstating the highway and also removing the remaining spoil which is taken back to the depot.

**Retrospective change of use from car breakers yard and storage of damaged vehicles and trailers to site office and storage of inert spoil from road excavations and installation of lighting at Westdene, Whetsted Road, Five Oak Green, Tonbridge TW/12/868 (KCC/TW/0524/2011)**

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Fig 1. Site Location Plan



**Retrospective change of use from car breakers yard and storage of damaged vehicles and trailers to site office and storage of inert spoil from road excavations and installation of lighting at Westdene, Whetsted Road, Five Oak Green, Tonbridge TW/12/868 (KCC/TW/0524/2011)**

Fig. 2 Site Layout Plan



## Planning History

5. The application site has been used for a number of storage and scrap vehicle uses over the years and I set out the chronological order of planning applications submitted to the Borough Council below.
  - TW/79/0321 – Retrospective planning application for workshop and storage building – Appeal dismissed.
  - TW/80/0976 – Retrospective planning application for replacement workshop and storage building for motor vehicle repairs and dismantling – Appeal dismissed.
  - TW/80/1159 – Change of use to breakers yard – Permission granted.
  - TW/81/1201 – Retrospective planning application for workshop and storage building for motor vehicle repairs – Tunbridge Wells Borough Council records show decision as “Deemed Refused (Historic Use Only)”.

**Retrospective change of use from car breakers yard and storage of damaged vehicles and trailers to site office and storage of inert spoil from road excavations and installation of lighting at Westdene, Whetsted Road, Five Oak Green, Tonbridge TW/12/868 (KCC/TW/0524/2011)**

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- TW/84/0671 – Change of use from agriculture to storage of agricultural plant – Refused
- TW/84/0672 – Retrospective planning application for workshop and storage building in connection with dismantling and repair of vehicles and parts – Refused.
- TW/86/1093 – Use of land for storage of accident damaged vehicles and trailers – Appeal allowed for temporary period.
- TW/87/1817 – Retention of workshop/store building - Appeal allowed.
- TW/92/1228 – Lawful Development Certificate for use as a vehicle breakers yard – Certificate Confirmed as Lawful. (Eastern end of site)
- TW/95/10989 – Continued use of land for storage of damaged vehicles and trailers (renewal of TW/86/1093) – Temporary permission granted until 17 January 2001. (Western part of site)
- TW/96/1322 – Continued (and permanent) use of land for storage of accident damaged vehicles and trailers – Appeal allowed. (Western part of site)

6. The significant planning history can be described as follows. Planning permission was granted on appeal for the temporary use of land for storage of accident damaged vehicles and trailers, and the retention of the workshop/store building in January 1989. In April 1993 Tunbridge Wells Borough Council issued a Lawful Use Certificate for the use of the eastern part of the application site as a vehicle breakers yard, although the plan attached to the permission on the Council website indicates that this permission covers the whole of the application site (Permission TW/92/1228). No restrictions were placed on this Certificate and therefore the storage and breaking of vehicles can operate 24 hours per day, with no limits on the height of vehicles stored within the site. A further temporary consent was granted for continued use of the land for storage of damaged vehicles and trailers. In January 1998 following an appeal, permission was granted on a permanent basis for the use of the central and western part of the site for the storage of accident damaged vehicles and trailers. The permission is limited to this use but is a permanent permission and allows the stacking of vehicles up to a height of 5m across the site and it is against this background that the current applications should be considered.

## **Proposals**

7. Following protracted negotiations and a change of Agent this application has now been amended so that there is no longer any intention to process any of the waste material on site. The proposal no longer seeks planning permission for the crushing and screening of the aggregate on site. What is now proposed is that the site be used as depot for the Applicant and that only small quantities of inert waste are brought back to the site at the end of every day. That waste would be stockpiled and bulked up for onward transfer to a suitable reprocessing facility. It is that minor element of waste handling that makes it appropriate for the County Council to deal with this planning application rather than the Borough Council. In all other respects the site operates as a local depot for the Applicant Company.

**Retrospective change of use from car breakers yard and storage of damaged vehicles and trailers to site office and storage of inert spoil from road excavations and installation of lighting at Westdene, Whetsted Road, Five Oak Green, Tonbridge TW/12/868 (KCC/TW/0524/2011)**

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8. As set out above the Applicant carries out excavation works created by utility contractors. At the end of the day the company lorries often return to site with small volumes of surplus excavated inert materials in order of 0.5 cubic metres per vehicle. This material would be deposited within the designated area shown on the layout plan. This storage bay area would be created by three 3 - 4 metre high retaining walls constructed of interlocking concrete blocks. The maximum amount stored at any one time would be no more than 50 - 60 cubic metres of material, equating to an area of around 10m x 10m. The material would be removed from site in bulk loads of 10 -15 m<sup>3</sup>, taken for reprocessing offsite (i.e. Gallaghers in Maidstone) into material suitable for backfilling. The same vehicle would collect recycled material suitable for reuse by the Applicant for backfilling reinstatement works. This imported material would be stored in an area adjacent to the waste storage bay, in similar volumes and over a similar sized area (i.e. 10m x 10m). The development would generate between 120 and 150 vehicle movements per day. The Applicant currently operates around 9 light goods vehicles and 23 HGV's (of varying sizes) from the site, although this varies over time. The Applicant's Operators Licence allows for up to 26 HGV's.
9. It is proposed that the hours of operation would be 0600hrs – 1900hrs Monday to Sunday (with the exception of emergency reinstatement works).
10. The proposal also includes the installation of lighting at the site.
11. Members will note this is a retrospective application and the site as been operating as proposed for approximately 2 years.

### **Planning Policy Context**

12. **National Planning:** The National Planning Policy Framework came into force on 27 March 2012; it replaces all previous national planning policy guidance. However, the framework does not contain specific waste policies since national waste planning policy is to be published alongside the National Waste Management Plan for England. Pending this, Planning Policy Statement 10 (Planning for Sustainable Waste Management) is to remain in place. The other matters addressed in the framework primarily carry forward previous national planning policy guidance.
13. The NPPF presumes in favour of sustainable development. Sustainable development seeks to ensure that society can meet the needs of the present without compromising the ability of future generations to meet their own needs. The Framework also refers to the UK Sustainable Development Strategy Securing the Future which sets out 5 guiding principles for sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society, achieving a sustainable economy; promoting good governance and using sound science responsibly. In terms of the planning system, the NPPF identifies that there are 3 dimensions to sustainable development which create 3 overarching roles in the planning system -- economic,

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social and environmental. These roles are mutually dependent. In facilitating the delivery of these roles 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. Specifically relevant to this proposal is the chapter on Green Belt Land which sets out Government policy on inappropriate development and the use of previously developed land and the potential for greater impact on the openness of the Green Belt.

14. **Kent Waste Local Plan (Saved Policies) (March 1998):** Policies W3 (Locational Criteria), W6 (Need), W7 (Re-use), W9 (Separation and Transfer - Location of facilities), W18 (Noise, Dust and Odour), W19 (Surface and Groundwater), W20 (Land Drainage and Flood Control), W22 (Road Traffic and Access), W25 (Plant and Buildings), W21 (Landscaping).
15. **Kent Minerals and Waste Local Plan Draft:** Draft Policy CSW16 of the Kent Minerals and Waste Local Plan: Strategy and Policy Directions Consultation (May 2011) which supports other forms of waste development subject to there being a proven need and no unacceptable harm to the environment or communities.
16. **Tunbridge Wells Borough Local Plan:** Policy MGB1 (Maintain the openness of the Green Belt).
17. **Tunbridge Wells Local Development Framework Core Strategy Development Plan Document June 2010:** Core Policy 2 (presumption against inappropriate development that would not preserve openness of the Green Belt).

## **Consultations**

18. Consultations were carried out and the following comments received:

**Tunbridge Wells Borough Council:** No objection

**Capel Parish Council:** The site situated in the green belt would have a detrimental impact on highway safety and although the light installation has undergone some adjustment it still has a significant harmful impact on the neighbouring properties and highway.

**Environment Agency:** No objection subject to drainage details being agreed by condition

**Kent County Council Highways and Transportation:** The application has now provided details of visibility splays available at the access and having revisited the site it is noted the splays have been cleared and visibility is much improved. Whilst the applicant has been unable to provide any detailed history and traffic associated with

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the previous uses, it is evident that the previous authorised uses included a vehicle breakers yard, and storage of damaged vehicles and trailers all of which would have involved access by large vehicles. It is noted that this use has been on site since 1 November 2010 and having checked the crash data and found no recorded crashes associated with the recent use of the access. Therefore on balance it is considered that it would be difficult to resist the use in highway terms subject to a condition to cover provision and maintenance of the visibility splays and parking and turning areas.

**KCC Noise and Dust Consultant (Amey):** *Consultations were carried out on the proposals when it was still intended to carry out aggregate crushing and screening at the site. Concern was raised about the potential of noise levels associated with the operation of plant associated with those activities. Since those elements of the proposals have been removed the potential for noise disturbance would arise at a result of general activity and vehicles moving about on site. The main mechanism for controlling noise generation would be by restricting the hours of operation, so no further advice was sought from our noise consultants. There were no concerns relating to dust arisings.*

**KCC Biodiversity Comments:** No objections.

**CPRE Protect Kent:** Acknowledge the historical use of the site and therefore consider the proposed change of use is reasonable but only if subject to strict and enforceable conditions to protect the landscape and the environment. If the application is approved it should be subject to: a) a condition requiring improved landscaping of the site perimeter, with tree or native hedge planting, b) a condition restricting the hours of use between 6am and 7pm, c) conditions requiring approved noise and dust control measures, d) a condition requiring a full lighting plan to be approved, with no lighting permitted between 7pm and 6am, e) a condition requiring approved measures to ensure that there will be no pollution of watercourses, f) a condition limiting the number of HGV movements.

## **Representations**

19. The application has been publicised both by site notice and newspaper advertisement and the nearest neighbouring properties were notified. A second round of neighbour notification was carried out following receipt of some additional details, and following the withdrawal of the crushing and screening elements a third round of notification was carried out and letters were sent to those who had written in originally (4 letters). Two letters of representation have been received since that final round of consultation. The following comments are made :

- Activities at the site have been taking place at the site beyond 11pm at night; operations should be restricted to normal working hours to limit noise impact.
- The site activities are noisy.
- There have been issues with dust contamination arising from the site.
- The proposals would result in increased local business traffic, especially at



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early evening / early morning on a dangerous junction.

- Objections to lighting, especially early evening and through the night.

### **Local Members**

20. The County Council Member Mr Alex King was notified of the application. He commented that local residents concerns are as follows: the site was previously used as a scrap yard and there was never any noise or out of hours working and although the Borough Council planners advised there were no restrictions on noise levels or hours of working this was because there was no need because of the way the site operated; the site is already being used 24 hours a day; it is noisy and the floodlights are on all night; there are pollution risks to the local water courses; there are fire risks and the site is unsuitable for this type of activity.
21. Mr King has been re-consulted on the additional details and also when the application was amended so that processing activities were dropped from the proposals. No further comments have been received to date.

### **Discussion**

22. The Development Plan - Specifically Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. Material planning considerations include the National Planning Policy Framework (NPPF) which promotes sustainable development and the local plan policies.
23. Given the nature of the proposal the NPPF it is of less relevance in this case as PPS10 is to remain in place until any new waste policies are published alongside the new National Waste Management Plan for England. However the presumption in favour of sustainable development still applies, particularly on previously developed land and of specific relevance are the following: Delivering Sustainable Development, Part 1 – Building a strong, competitive economy; Part 7 – Requiring good design; Part 10 – Meeting the challenge of climate change, flooding and coastal change and Part 11 - Conserving and enhancing the natural environment (paragraphs 120 and 123, pollution and noise respectively).
24. Against the general presumption in favour of sustainable development it is also necessary to consider other key determining issues which in this case are the history of the planning activities on the site and its location within the Metropolitan Green Belt, need, amenity impacts and traffic.

### **Planning History and the Green Belt.**

25. Clearly the site has been subject to a number of historical uses with an involved planning history. Over a period of years car breaking and storage of scrap vehicles have taken place on the site originally without the benefit of planning permission. A



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Lawful Development Certificate was issued in 1993 to allow the use of part of the site as vehicle breakers yard, with no restrictions on the way the site is operated.

26. Also in 1998 planning permission was granted on appeal for the use of the western part of the site for permanent retention of damaged vehicles and trailers. The Inspector at the time considered the appropriateness of that type of development in the Green Belt; the effect of the proposal on the openness of the Green Belt and whether any harm would be outweighed by very special circumstances. He concluded that the lack of alternative sites, the fact that the site had been operated as a storage area since the 1970's and for over 8 years with the benefit of planning permission, had good road access and did not closely adjoin a residential area did constitute the very special circumstances such as to outweigh the harm to the Green Belt by reason of inappropriateness and reduced openness. The only condition attached to that permission related to restricting stacking heights to no more than 5 metres. Today Green Belt policy recognises that there will be circumstances whereby the use of previously developed land will not be inappropriate and will be acceptable where it does not have a greater impact on the openness of the Green Belt, although this generally refers to development involving the construction of new buildings.
27. This proposal does not involve the construction of any new buildings but seeks permission to change to the use of the whole site to a depot with a small element of waste related development which would be located away from sensitive receptors at the road side of the site and within a small clearly defined area. Furthermore the proposed waste element of the development is very minor and ancillary to the primary storage and office use of the site. It is argued in the application that given the reduced impacts of the proposals in comparison with the permitted uses it is not considered that the development is inappropriate. The proposed use however is one that would not normally gain support in such a green belt location and in my view should still be considered an inappropriate development. However the planning history at this site is very relevant for the determination of the proposal. The Applicant also submits that even if the development were considered to be inappropriate there are very special circumstance to justify approval of the development; namely:
- the application site is all brownfield land, permanent planning permission exists on site for storage and recycling uses,
  - no new buildings are proposed and the footprint of the proposed use would be identical to that of the existing permitted use,
  - the overall impacts from the development would be lower than that of the permitted use,
  - the site is well located for the main road network, well screened and remote from residential receptors,
  - locating the ancillary waste use adjacent to the main storage/office use has significant sustainability benefits.

I concur with those views and I am satisfied that the proposal will not result in any greater impact on the openness of the Green Belt than the previous uses some of which have been taking place for over 30 years. It is not therefore considered appropriate to look at alternative sites. On that basis I conclude that the potential

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harm to the Green Belt is limited and is outweighed by the very special circumstances set out above, such an approach is consistent with the earlier Inspector's view on this site.

**Need and Location**

28. Need – Policy W6 of the Kent Waste Local Plan states that need will be a material consideration in the determination of applications for waste management development on sites outside those identified within the plan where demonstrable harm would be caused to an interest of acknowledged importance. Whilst there is no demonstrable harm, consideration of the general need for this type of facility is set out below. PPS 10 states the overall objective of Government policy for waste is to protect human health and the environment by producing less waste and using it as a resource wherever possible; it states “By more sustainable waste management, moving the management of waste up the ‘waste hierarchy’ of prevention, preparing for reuse, recycling, other recovery, and disposing only as a last resort, the Government aims to break the link between economic growth and the environmental impact of waste”. The waste element of this proposal is small but it does allow for waste material to be bulked up and taken for recycling, thereby moving the waste up the waste hierarchy. The Applicant would then import a small proportion of waste that had been recycled for reuse in their activities around the County. The site offers the Applicant the space required to operate their fleet of vehicles from and allows sufficient space to stockpile the small quantities of waste material until such time as sufficient material is available to take it for reprocessing in a larger vehicle. Whilst processing is not taking place on site due to the potential amenity impacts it still offers a sustainable solution to dealing with the Applicants waste arisings.
29. Location - Policies W3, W6, & and W9 of the Kent Waste Local Plan identify the location criteria against which individual proposals will be considered, whilst policies W18 to W22 and W25, W27 and W31 set out the operational criteria. Saved Policy W9 of the Kent Waste Local Plan supports proposals for waste development where they are not specifically allocated, where they are within or adjacent to existing waste management facilities or are part of a location within an established or committed general industrial-type area. The application site has permitted uses which are industrial in their nature and the proposed change of use therefore accords with this policy.
30. The evolving Minerals and Waste Local Plan also seeks to support waste related development. Draft Policy CSW16 of the Minerals and Waste Local Plan: Strategy and Policy Directions Consultation (May 2011) states that forms of waste development not covered by specific policies in the Core Strategy will be granted planning permission subject to there being a proven need for the facility and it would not cause unacceptable harm to the environment or communities.

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**Amenity Impacts**

31. Noise - As set out earlier in this report initial noise concerns related to the operation of the plant and equipment associated with the crushing and screening proposals. These have been negotiated away from the scheme which now proposes continued use of the whole site as a depot with offices and a small ancillary element of waste handling and importation of recycled material. The Noise Assessment Report identified the prevailing soundscape at the nearest properties to be characterised and governed by the traffic on the A228 Whetsted Road. It also acknowledged that the proposals would involve the operation of a small number of HGV'S (grab lorries and tipper lorries) at the site, however operation of these vehicles would generally be of short duration. It is considered that these operations would have no greater impact than the previous uses on the site. In fact this application further offers the opportunity to control the number of vehicle movements associated with the use of the site as well as controlling the hours of use. It is therefore considered that noise levels would be adequately controlled by imposing conditions to restrict the hours of use and the number of vehicle movements. The proposed hours of operation are 0600 hours to 1900 hours Monday to Sunday (with the exception of vehicles entering or leaving the site to carry out emergency reinstatement works). It should be noted that utility repairs are undertaken 7 days a week and although the majority are planned, the company also need to respond to emergency situations such as water leaks. Some works are also scheduled for weekends to avoid road closures and disruption during the busy weekday periods. Given the location of the site on the busy A228 it is considered that the requested hours are not unreasonable and should be considered against the existing permissions on the site which could see activities taking place 24 hours a day, 7 days a week.
32. Dust – No specific issues were raised by my dust advisor although the local residents have expressed some concerns about dust generation at the site. One particular concern related to a fine glass type dust. I have raised this with the Applicant who explained they had been trialling the use of a recycled glass material for reinstatement works but had decided not to pursue its use any further. I am assured that all of this material has been removed from site. The Dust Management Plan was drawn up with reference to the crushing and screening operations now no longer part of the proposals. However the proposed mitigation measures identified are still relevant for the management of dust arising from the proposed operations. I therefore propose a condition to ensure adherence to the mitigation measures identified in the management plan.

**Landscape and Lighting**

33. The site lies immediately adjacent to the busy A228 in a rural part of the Borough but is not directly affected by any landscape or nature conservation designations. It does however have the potential to be a prominent site, given the flat surrounding countryside. Having said that it is generally considered to be well screened, particularly from the passing traffic. It might be helpful at this point to consider the

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Inspector's conclusions on the whether the site detracted from the character and appearance of the countryside in the earlier appeal case. The Inspector's report recognised the flat nature of the surrounding land, the existing buildings on the site, as well as the adjacent land to the south having been developed as a nursery with utilitarian sheds, polytunnels and close boarded fencing. The Inspector acknowledged the deciduous planting alongside the main road and field hedging to be effective in mitigating the adverse visual impact the storage use on the site would have on the character and appearance of the countryside. This situation remains unchanged today and it is further unlikely that any materials would not be stored as high as the previous stack heights allowed for damaged vehicles. It should be noted that for a period of time the Applicant did hold stockpiles of waste material awaiting processing which were highly visible from the road. Following input from the Regulation Committee these stockpile heights were significantly reduced to an agreed level. I understand that material has been removed from site and the situation is unlikely to arise again as the Applicant now takes the material offsite for recycling on a regular basis. A condition to restrict the volume of material being stored on site would ensure control of this situation.

34. Of more significant concern continues to be the use of the lighting at the site, which has the potential not only to impact upon the residential amenity of neighbouring properties but also the visual impact of the proposed development on the landscape and countryside setting of the surrounding area.
35. The Applicant advises that the existing lighting is divided into two types, security lighting and operational lighting. The security lighting is located at the eastern end of the site in the vicinity of the workshop, offices and vehicle parking and the operational lighting is located around the boundary of the whole site and is designed to ensure a safe working environment for employees and vehicles moving around the site. The security lighting consists of 5 directional 150w lights located on buildings and some on 3m high poles, these remain on at night time. The operational lighting is generally located on 7 or 10 m high poles and are 40 w sodium lights which are generally switched on when the site is operational during dark periods during the winter months. It is during those months when the leaves on the trees have largely gone and the use of the lights is likely to have the greatest impact.
36. The Applicant has attempted to achieve some improvement on the impact of the lighting by adjusting the angle of the lamps from horizontal (as they were) to tilted downward to throw the light more directly into the site and limit the spillage of light outside of the site. Whilst these measures are to be welcomed and will improve the situation to some degree I think it is appropriate to seek a full review of the lighting and its use. In so doing it will be necessary to balance the impact of the lighting with the safety and security needs at the site. I suggest a condition requiring the submission of an agreed lighting scheme (demonstrating containment of light spill within the site) within 3 months of any planning permission that may be granted.

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**Traffic**

37. The Application is accompanied by a Transport Statement which again was based upon the original proposals that included crushing and screening. The conclusions of that statement are still relevant however as the number of vehicle movements remains the same. Daily movements are expected to total between 120 and 150 vehicles (HGV's, LGV's and staff cars), with the large majority of movements taking place outside the normal peak hour of 8am to 9pm. The assessment makes the point that the type and number of vehicle movements to and from the site under the permitted uses could be significantly greater, more industrial in nature and uncontrolled in terms of hours and levels of noise and size of vehicles. The assessment concludes that in view of the low level of trip generation compared to the prevalent traffic flows along the A228 it is considered that the impact of the proposed development and retention of the site access on the surrounding network would be negligible. My Highways advisor acknowledges the potential for a greater number of movements and larger vehicles associated with the existing permitted uses. On that basis and subject to ensuring provision and maintenance of the visibility splays concludes that in highway terms the proposals are acceptable. It is also suggested that parking and turning areas within the site are maintained and kept available for use at all times. Conditions could be attached to ensure the above measures are delivered and maintained.

**Conclusion**

38. The site does lie within the Green Belt but the previously established uses and planning history have set the background against which this application should be considered. The proposed development would not have significant impact on the openness of the Green Belt (and on this basis it is not necessary to refer the decision to the Secretary of State). The development for which planning permission is now sought makes use of a previously developed site and offers the opportunity to put some controls in place for the future way in which the site can be operated. The proposed development is considered acceptable in principle given the established use of the site already. There is also strong support for moving waste up the waste hierarchy, away from landfill and increasing waste recycling. Even though the element of waste recycling is small and the material is actually processed elsewhere, the bulking up of the waste is to be supported as it reduces the number of vehicle movements associated with waste management.
39. Following review of the Surface Water Management Plan the Environment Agency raises no objection to the proposals subject to the submission of a detailed drainage plan.
40. I am satisfied that the likely impacts arising from this development could be mitigated with appropriate conditions, and that the application offers the opportunity to improve the potential amenity impacts that could otherwise arise to the detriment of the nearby properties and the surrounding countryside. On this basis, the application accords with the relevant development plan policies, is sustainable development and there are

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no material planning considerations that lead me to any conclusion other than that planning permission should be granted.

**Recommendation**

41. I RECOMMEND that PERMISSION BE GRANTED subject to conditions including, amongst other matters: submission of revised site layout plan showing storage area for imported recycled material and turning areas for vehicles, strictly in accordance with the application plans and details, restriction on types waste and throughput, hours of operation, submission of a lighting plan within 3 months of date of permission demonstrating no spillage of light beyond the site boundary, restriction on stockpile heights, parking and manoeuvring, restriction on number of vehicle movements, provision and maintenance of visibility splays, submission of drainage details and adherence to dust management plan.

Case Officer: Andrea Hopkins	Tel. No. 01622 221056
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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 proposals dossier for each case; and other documents as might be additionally indicated.

**Item D1**

**Proposed hardstanding playground, including removal of some existing trees and the planting of new trees at Otford Primary School, High Street, Otford – SE/13/3029 (KCC/SE/0289/2013)**

A report by Head of Planning Applications Group to Planning Applications Committee on 11 December 2013.

Application by Kent County Council, Property & Infrastructure Support for proposed hardstanding playground, including removal of some existing trees and the planting of new trees, at Otford Primary School, High Street, Otford, Sevenoaks – SE/13/3029 (KCC/SE/0289/2013).

Recommendation: permission be granted subject to conditions.

**Local Member:** Mr Nick Chard

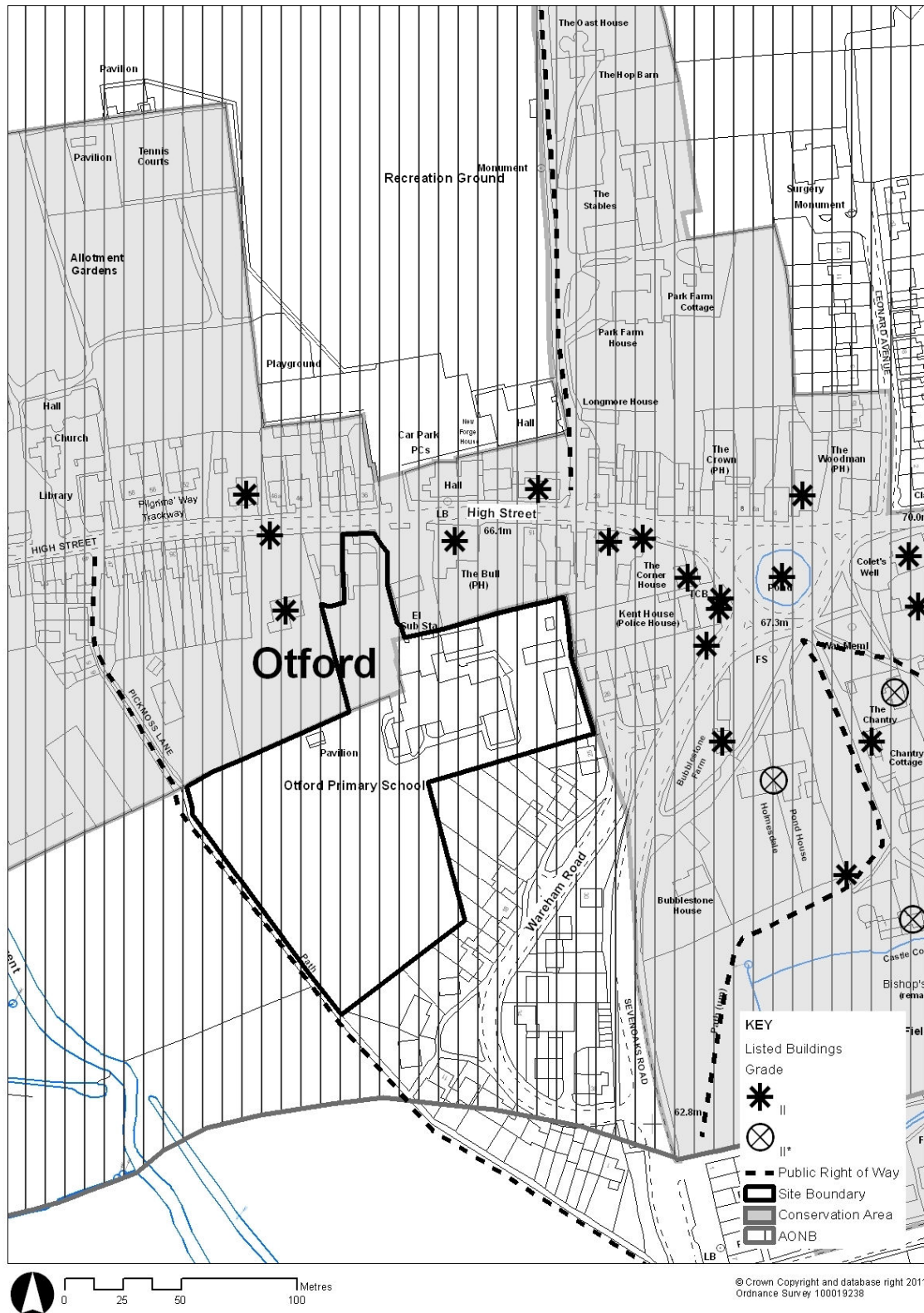
**Classification:** Unrestricted

**Site Description and Background**

1. Otford Primary School is located within the centre of Otford village, accessed via the High Street, the main road through the village centre which links the A225 Sevenoaks Road to the east with the A224 London Road to the west. Otford lies approximately 2 miles to the north of Sevenoaks, separated from the town by open countryside, which is intersected by the M26. The centre of the village of Otford is a designated Conservation Area, the boundary of which runs through the school site and then along the Schools eastern boundary (the application site is not within the Conservation Area). The school playing fields are designated within the Metropolitan Green Belt and the whole of the school site is within the Kent Downs Area of Outstanding Natural Beauty. A number of Listed Buildings are close to the School site (see site plan).
2. Until recently, the school site comprised two main single storey buildings, one of traditional brick construction built c1890 located on the site frontage on the High Street, and the other being a 1970s system build (SEAC), located to the south of the original school building and its associated playground. Two modular classroom units are also located on site, accommodating four additional classrooms in total. A timber frame detached building provides a single classroom for the school, and an additional room and outdoor play area which accommodates a private pre-school nursery. Playing fields extend to the south west of the site, beyond which lie open countryside. To the immediate south of the 1970s classroom building residential houses in Warham Road back onto the school site. The application site lies between the 1970s classroom building and the southern site boundary, to the south of existing classrooms and the newly extended school hall. The rear boundary fences of properties in Warham Road bound the application site to the south, in addition to existing trees and vegetation.

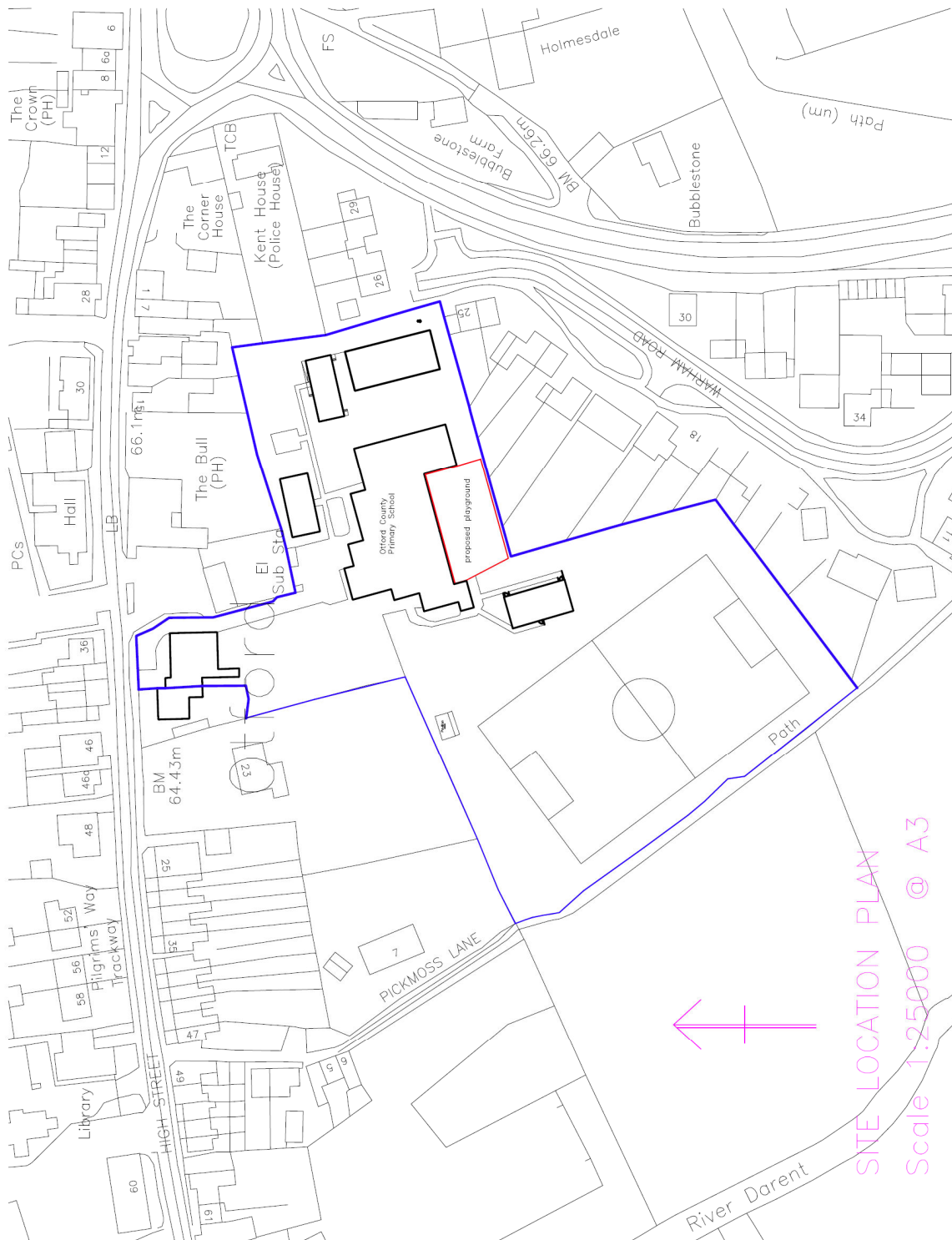
Proposed hardstanding playground at Otford Primary School, High Street, Otford – SE/13/3029 (KCC/SE/0289/2013)

Site Location Plan



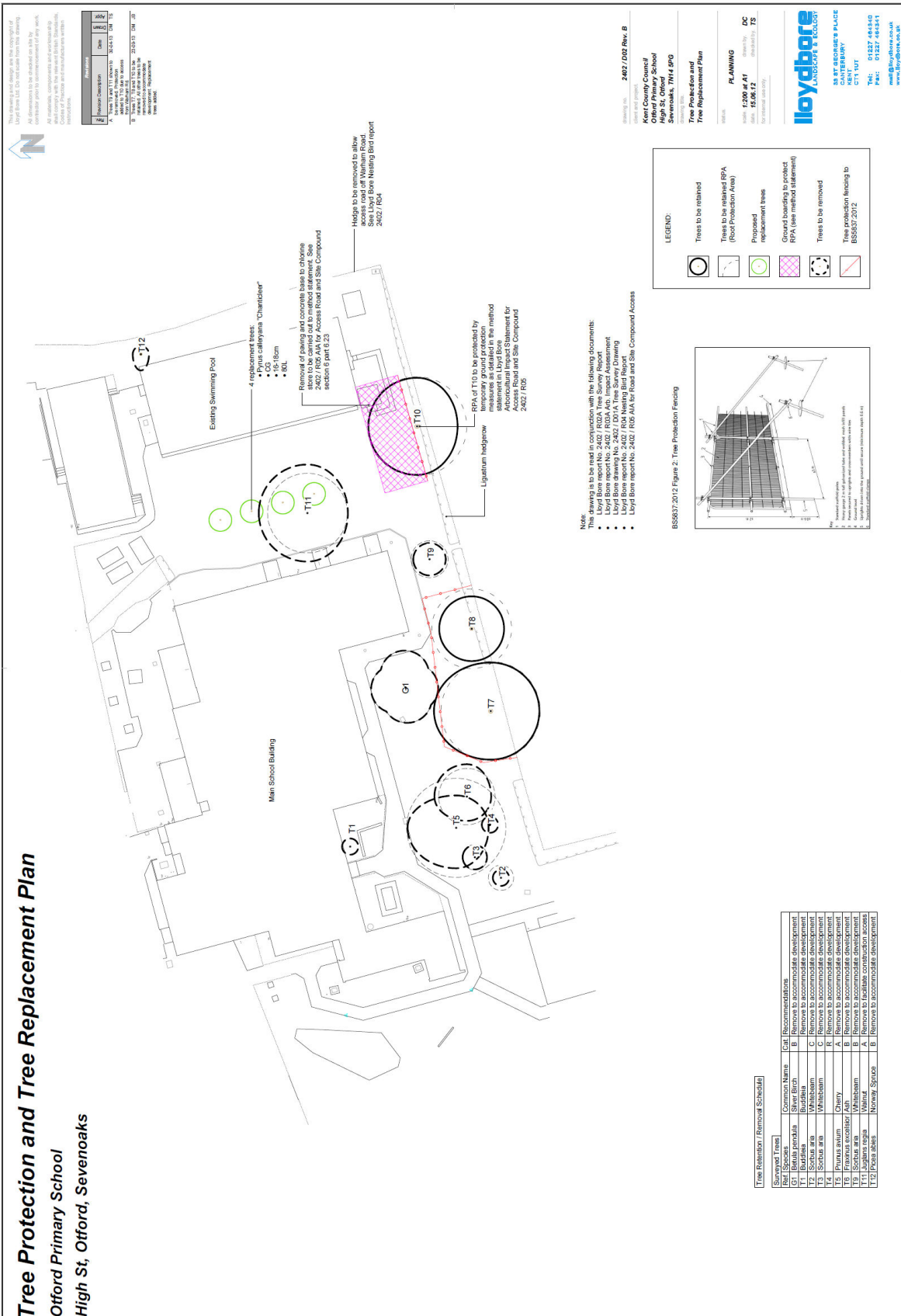


Proposed hardstanding playground at Otford Primary School, High Street, Otford – SE/13/3029 (KCC/SE/0289/2013)



### Item D1





**Proposed hardstanding playground at Otford Primary School, High Street, Otford – SE/13/3029 (KCC/SE/0289/2013)**

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3. To the east of the school site, adjacent to Warham Road, a new single storey 3 classroom extension has recently been completed. The application (reference no. SE/13/488) was considered by Members of the Planning Applications Committee on the 10 April 2013 and subsequently granted planning permission on the 17 April 2013. The application also included an extension of the existing school hall, as previously referred. Members of the Planning Applications Committee also visited the site on the 27 March 2013. That planning application was part of the County wide Basic Needs Programme, and enabled Otford Primary School to expand from a 1 form of entry, to 2 forms of entry.
4. Vehicular and pedestrian access to the school site is via the High Street, controlled by security gates. Parking on site is limited, with a total of twelve parking bays for staff and visitors located to the south east of the access. Otford Village Car Park, which is owned and managed by Otford Parish Council, is located opposite the school, and a zebra crossing on the High Street is located to the east of the school and the Parish Car Park entrance. The temporary construction access used for the construction of the newly completed classroom block remains in situ, accessed via Warham Road, with the haul road running parallel to the School's southern boundary. This temporary access and haul road is to be removed, and the land reinstated as amenity grassland, and the access closed off with 1.8m closed boarded fence to match the existing. However, as the applicant would wish to use that access in association with the development hereby proposed, they are awaiting the outcome of this planning application before fully reinstating the site.

*A site location plan is attached.*

**Proposal**

5. This application has been submitted by Kent County Council Property and Infrastructure Support, and proposes to create an additional 545 metre square of hard standing to be used as playground. The application site lies to the south of the newly extended school hall and existing classrooms, and is currently used as amenity grassland for informal play. The applicant advises that the current guidelines for hardstanding play areas at a 2 form of entry Primary School is 2,470 metre square, whereas the School currently has only 1,170 metre square. Although the application site is already used for informal play, its surfacing would provide an additional 545 metre square of hard play space, bringing the provision on site to 1715. This would offer a greater usable area for play throughout the year, and in all weathers.
6. The applicant advises that two existing mature trees on the site boundary adjacent to the application site, and boundary planting, would be retained as part of this proposal, and the submitted Tree Survey Report details the methods that would be employed to protect these trees throughout construction works. The proposed hard standing would not extend into the Root Protection Zone of the two mature trees on the site boundary, and a proposed brick edging to the hard play area would delineate this. However, 8 trees are proposed to be removed, including a Walnut (not directly affected by the development proposed), Cherry, Silver Birch, Whitebeam, and Ash. The School have requested that the fruit bearing trees be removed due to maintenance issues, and the remainder are semi-mature and not overly visible from outside of the school site. The applicant is proposing to plant 4 replacement trees, which would be planted between the newly completed three classroom extension and the existing school building, in the location of the Walnut Tree proposed for removal.

**Proposed hardstanding playground at Otford Primary School, High Street, Otford – SE/13/3029 (KCC/SE/0289/2013)**

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7. The applicant has confirmed that the provision of the hardstanding playground would enable further space at the front of the school, adjacent to the access from the High Street and existing staff car parking, to be used for 6 additional on site staff car parking spaces.

*The planning application is accompanied by a Supporting Design Statement, Tree Survey Report and Arboricultural Implications Assessment and Method Statement.*

**Planning Policy Context**

- 8.(i) **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (March 2012), which 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).

The NPPF states that, in determining applications, 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:

- 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.

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

**(ii) Development Plan Policies**

**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 EN4A -** Proposals for all forms of non-residential development must make satisfactory provision for the safe and easy access of those with disabilities.

**Proposed hardstanding playground at Otford Primary School, High Street, Otford – SE/13/3029 (KCC/SE/0289/2013)**

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- 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 EN23-** Proposals for development or redevelopment within or affecting Conservation Areas should be of positive architectural benefit by paying special attention to the desirability of preserving or enhancing the character or appearance of the area and of its setting. The design of new buildings and alterations to existing buildings should respect local character, whilst the treatment of external spaces including hard and soft landscaping, boundary walls, street furniture and signs should be compatible with and enhance the appearance of the area
- Policy NR10** – Proposals for all forms of development should minimise pollution of the environment through the careful design and layout of any buildings or land uses.
- 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 LO7** - Within the rural settlement confines of Otford development on a modest scale will be permitted where it can take place in an acceptable manner consistent with local character. Within all the settlements covered by this policy new development should be of a scale and nature appropriate to the village concerned and should respond to the distinctive local characteristics of the area in which it is situated
- 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.
- Policy SP1** – Requires all new development to be designed to a high standard, reflect the distinctive local character of an area, create safe, inclusive and attractive environments, incorporate sustainable development principles and maintain biodiversity. Account should be taken of guidance adopted by the District Council in the form of Conservation Area Appraisals and Parish Plans, amongst other matters. The Districts heritage assets and their settings, including listed buildings, conservation areas, historic buildings, archaeological remains, landscapes and outstanding views will be protected and enhanced.

**(iii) Supplementary Planning Guidance – Otford Parish Plan**

**Proposed hardstanding playground at Otford Primary School, High Street, Otford – SE/13/3029 (KCC/SE/0289/2013)**

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**Consultations**

9. **Sevenoaks District Council** raises no objection.

**Otford Parish Council** raises no objection. Further comments are made with regard to health & safety implications of the school's existing combined vehicular/pedestrian access, which is via a narrow entrance driveway from the High Street. The Parish Council asks if this matter is covered within the School Travel Plan.

**Kent County Council Highways and Transportation** – raise no objection.

**Local Member**

10. The County Council Local Member Mr Nick Chard was notified of the application on the 9 October 2013.

**Representations**

11. The application was publicised by the posting of 2 site notices around the application site and the individual notification of 15 nearby properties. Borough Councillor J. Edwards- Winder, and the Chairman of the Otford Parish Plan were also individually notified of the application (both expressed a significant interest in the Basic Needs Programme application for the 3 classroom extension – application reference SE/13/488).
12. At the time of writing this report, 3 letters of objection have been received. The main points of objection are summarised as follows:-

General matters and amenity concerns

- The proposed development is an unnecessary build on Green Belt land;
- The removal of trees from the AONB, Green Belt and Conservation Area is not acceptable;
- Removed trees should not be replaced. There are many on the school boundary which shed leaves onto private property;
- The covering of land with a hard surface would create drainage problems;
- Residents were assured that the School had sufficient play space for a 2 form of entry Primary School;
- The proposed playground is too close to residential properties, increasing noise pollution. Noise from balls etc. on a hard surface is going to be louder than that on the existing grass;
- Residents already experience enough noise from football matches on the school field during the school term, weekends and school holidays.

Construction

- If permission is granted and the intention is to use Warham Road as an access a very stringent Traffic Management Strategy should be imposed as a condition of consent;
- The Traffic Management Strategy for the recently completed project was infringed on numerous occasions;
- Further use of Warham Road as an access for this project would create a culture of expecting to use the roadway at any time by any vehicle;
- Strong objection is raised to the use Warham Road for construction access. The

**Proposed hardstanding playground at Otford Primary School, High Street, Otford – SE/13/3029 (KCC/SE/0289/2013)**

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- access should be closed off immediately;
- Warham Road has been left in 'a deplorable state' after the recently completed construction work.

## **Discussion**

### Introduction

13. This application seeks planning permission for an area of hardstanding playground, including removal of some existing trees and the planting of new trees and, as a consequence, the freeing up of space at the front of the school for 6 additional on site car parking spaces. In considering this proposal regard must be had to the Development Plan Policies referred to in paragraph 8 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 impact on the Green Belt, Conservation Area and Area of Outstanding Natural Beauty, and general amenity concerns, including noise and construction matters.
14. In this case the key determining factors, in my view, are the impact upon residential amenity in terms of construction and noise, 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 and reflected in the Policy Statement for Schools. 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.

### Impact on Green Belt, Area of Outstanding Natural Beauty and the Conservation Area

15. As shown on the site location plan on page 2 of this report, and as detailed within paragraph 1, the application site is within the Kent Downs Area of Outstanding Natural Beauty (AONB). In addition, the school playing fields are within the Metropolitan Greenbelt, and the eastern school boundary marks the boundary of the Conservation Area. For the avoidance of doubt, the application site itself is not within the Metropolitan Green Belt or the Conservation Area, and as such any impacts would be indirect.
16. First, with regard to the Green Belt, local residents have stated that the proposed playground is an 'unnecessary build on Green Belt land'. However, as noted above, although the school playing fields are within the Green Belt, the proposed development would not be, and therefore policies to protect the Green Belt would not be relevant in this instance. Nevertheless, the proposed development would be 2 dimensional and would not, in my view, affect the openness of the Green Belt in any case. In addition, the



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development site is not within, or directly adjacent to, the nearby Conservation Area. Views from and into the Conservation Area would not be affected by the development as proposed, and I do not consider that the development would affect the character and/or appearance of the Conservation Area. I therefore consider the proposal to be acceptable in terms of impact on the adjacent Green Belt and nearby Conservation Area.

17. The development site is, however, within the Kent Downs Area of Outstanding Natural Beauty (AONB). As outlined in paragraph 8 of this report, Sevenoaks District Local Plan (2000) Policy EN6, and Sevenoaks District Core Strategy (2011) Policy LO8, seek to conserve and enhance the distinctive character of the Kent Downs AONB. The proposed development is within the school site boundary, adjacent to existing built development, and is 2 dimensional in nature. I do not consider that the playground itself would detract from the character of the wider Kent Downs AONB landscape. The applicant has also sited the proposed playground so as to minimise tree removal, ensuring that two existing mature trees on the site boundary adjacent to the application site, and boundary planting, would be retained as part of this proposal. The submitted Tree Survey Report details the methods that would be employed to protect these trees throughout construction works and the proposed hard standing would not extend into the Root Protection Zone of the two mature trees on the site boundary. Brick edging to the hardstanding play area would delineate this.
18. However, 8 trees are proposed to be removed, including a Walnut (not directly affected by the development proposed), Cherry, Silver Birch, Whitebeam, and Ash. The School have requested that the fruit bearing trees be removed due to maintenance issues, and the remainder are semi-mature and not overly visible from outside of the school site. The applicant is proposing to plant 4 replacement trees, which would be planted between the newly completed three classroom extension and the existing school building, in the location of the Walnut Tree proposed for removal. Local residents appear to have mixed views on both the loss of trees, and proposed replacement planting. First, it is suggested that removal of trees within the AONB is not acceptable. However, the proposed trees to be removed are not subject to Tree Protection Orders, nor are they within the Conservation Area. Permission to remove such trees would normally, therefore, not be required. As part of this planning application, however, the removal of the trees must be considered. The trees to be removed as all within the school site, are in the main semi mature, and offer little in terms of visual amenity, and/or screening between the school site and adjacent properties. The Walnut Tree, and other fruit bearing trees, also cause maintenance issues for the school, and their removal has been requested. Sevenoaks District Council, and the Parish Council, raise no objection to this application, and I do not consider that the development would have a detrimental impact on the character of the AONB.
19. As outlined above, the applicant is proposing the provide 4 replacement trees, which would be planted between the newly completed three classroom extension and the existing school building, in the location of the Walnut tree proposed for removal. Objection to these replacement trees has been raised by a local resident on the basis that there are many trees on the school boundary which shed leaves onto private property. However, the replacement trees would be planted within the school site, not on or adjacent to the site boundary, and the planting of replacement trees to compensate for tree removal is standard practice, and encouraged by the County Council under the circumstances. I fully support the provision of replacement trees and consider that, should planning permission be granted, a condition of consent would ensure that four replacement trees are provided in the location proposed.

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20. In summary, therefore, I consider that the proposed development would not have a detrimental impact on the openness of the adjacent Green Belt, the character and appearance of the adjoining Conservation Area, or the Kent Downs AONB. The siting of the playground extension is logical in terms of its relationship to the School's accommodation, and is also acceptable in terms of its minimal impact on the local landscape.

General matters and amenity concerns

21. The consultation process has identified a small number of general matters and amenity concerns that need to be considered and addressed in the determination of this application. With the exception of construction matters, which will be discussed later in this report, I will address general matters and amenity concerns in the following paragraphs.

**Need**

22. A local resident has questioned the need for the playground extension as residents were previously assured that the school had sufficient outdoor play space. This query has arisen due to the matter being raised during the recent determination of the planning application for the 3 classroom extension (SE/13/488). At the time of determining that application, the Parish Council and local residents were concerned that the school had insufficient playground/playing field space, and questioned whether the site could accommodate an expansion from 1 form of entry to 2 forms of entry. At the time of determining that application the applicant advised that:

*“With regard to hard surface play space requirements, a 2 FE Primary School would require 1,030m<sup>2</sup> under Building Bulletin 99. Otford Primary School has an existing total of 1,170m<sup>2</sup>, excluding 281m<sup>2</sup> of reception hard play area and an area set aside for the provision of car parking. In addition, Otford Primary School has 8,693m<sup>2</sup> of playing field space, well above the 5,000m<sup>2</sup> recommended for a 2 FE Primary School.”*

23. However, in the supporting documentation for this application the applicant states that current guidelines for hardstanding play areas at a 2 form of entry Primary School is 2,470 metre square, whereas the School currently has only 1,170 metre square. Although the application site is already used for informal play, its surfacing would provide an additional 545 metre square of hard play space, bringing the provision on site to 1715 metre square. The applicant advises that this would offer a greater usable area for play throughout the year, and in all weathers. The proposed playground would also be directly accessible from the new extended school hall and adjacent classrooms.
24. I am led to believe that the figures first provided (with application SE/13/488) related only to informal hard play, and that the figure provided with this current application relates to informal hard play plus hard games courts. However, the school has obtained funding which has made the provision of additional hard play achievable and affordable and, notwithstanding that the School was previously satisfied with the level of hard play provided, the additional 545 metre square of play space currently proposed would aid the school in providing suitable outdoor play space all year round. I do not consider that the development is unnecessary and, in the absence of material harm, I see no reason to refuse the application on this ground.

**Proposed hardstanding playground at Otford Primary School, High Street, Otford – SE/13/3029 (KCC/SE/0289/2013)**

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**Noise pollution**

25. Local residents have objected to this application on the ground of increased noise generated from children at play on a hard surface. First, it should be noted that outside play is only for short periods throughout the day, on weekdays only, and for limited months of the year, and is not therefore a constant source of noise. In addition, this small area of hard play space would not have any impact on noise generated at evening/weekends by use of the school playing field by local football teams. The playground space proposed is located on an area of the school site already used for informal play, albeit on grass, and is screened from adjoining properties by boundary fencing and planting. In my view, the noise generated by pupils playing on a hard surface instead of the current grass surface would not be detectable over and above the existing level of noise. Under the circumstances, I do not consider that this application would lead to an increase in noise nuisance given the existing use of the application site, the boundary treatment, and the limited periods of use, and see no reason to refuse the application on this ground.

**Drainage**

26. A local resident has expressed concern that the proposed surfacing of the grass play area would result in drainage problems. It should be noted that the application drawings show the provision of a new gully within the play area, which leads to a soakaway located to the west of the hard surfacing proposed. The drawings also show that the playground would fall in level from east to west, ensuring surface water is directed towards the school playing field, where it can naturally drain. In addition, a landscaping strip would remain between the proposed playground and the site boundary, which would also naturally absorb and drain any surface water before it could reach the site boundary. However, given the fall of the playground, surface water should not run towards the site boundary. In considering that the applicant has designed the playground to fall from east to west, and has included the provision of a new gully, I do not consider that the playground would result in surface water drainage issues, especially those which would affect neighbouring residents.

**Car parking and access**

27. It should be noted that the applicant has confirmed that the provision of the playground would enable further space at the front of the school site, adjacent to the access from the High Street and existing staff car parking, to be used for 6 additional on site staff car parking spaces. Although car parking is not a direct requirement of this application, as the proposed playground does not impact upon existing car parking, or have an impact on staff/pupil numbers, access and car parking was a key issue in the determination of the three classroom extension application (SW/13/488). Therefore, I consider the provision of additional on-site car parking for staff to be a positive indirect benefit of this application.
28. It should be noted that the Parish Council has questioned the Health & Safety implications of the school's existing combined vehicular/pedestrian access, which is via a narrow entrance driveway accessed via the High Street. However, this is the school's existing access, and is managed by the School to avoid pedestrian/vehicular conflict. The School are currently in the process of updating their Travel Plan, to be submitted pursuant to condition under application reference SE/13/488. That condition requires the School Travel Plan to be developed in liaison with the Parish Council and its Parish Plan Team and, therefore, any concerns the Parish Council may have regarding safety of the access could be addressed in the preparation of that document.

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Construction matters

29. As outlined in paragraph 4 of this report, the temporary construction access used for the construction of the newly completed classroom block remains in situ, accessed via Warham Road, with the haul road running parallel to the School's southern boundary. This temporary access and haul road is to be removed, and the land reinstated as amenity grassland, and the access closed off with 1.8m closed boarded fence to match the existing. However, as the applicants wish to use that access in association with the development hereby proposed, they are awaiting the outcome of this planning application before fully reinstating the site.
30. Local residents have raised concerns and objections to the proposed use of Warham Road as the construction access for the playground, and consider that the access should be closed off immediately. However, the use of this access to construct the playground would be logical given the location of the existing haul road and the lack of appropriate access via the school's entrance on the High Street. However, the Construction Management Strategy submitted and approved regarding application reference SE/13/488 was breached on occasion, and residents did experience a degree of disruption and nuisance due to vehicles associated with the construction of the 3 classroom extension. That development was, however, substantial and involved the delivery of bulk materials, the use of a number of operatives and site personnel, and had a relatively long build period. The hardstanding playground proposed would involve a limited number of deliveries, would be fairly low key in terms of number of site operatives, and would have a short build period of only a few weeks. That should result in far less disruption to local residents. It should also be noted that Kent County Council Highways and Transportation have raised no objection to this application, and have no concerns over the proposed construction access.
31. However, as requested by local residents, should permission be granted I consider that the applicant should submit a Construction Management Strategy for approval prior to the commencement of the development. That must include the provision of access, parking and circulation within the site for contractors and other vehicles related to construction operations, details of the use of Warham Road and local consultation, and management of the site access to avoid peak school times. Subject to this, I see no reason to refuse this application on the ground of use of Warham Road as a construction access.
32. In addition, local residents have stated that Warham Road has been left in 'a deplorable state' after the recently completed construction work. However, I can confirm that a condition of consent was imposed on application reference SE/13/488 requiring the submission of a pre-construction condition survey of local roads, and that upon completion of the works, any damage as a result of vehicles associated with the construction of that development be made good. I can confirm that the pre-construction condition survey of local roads was submitted and approved prior to commencement of that development, and that any damage to local roads as a result of vehicles associated with the construction of that development will be made good upon removal of the haul road, reinstatement of the amenity grass area, and closure of the construction access point with 1.8 metre close boarded fencing (to match that already installed).
33. It is also suggested by local residents that further use of the construction access in Warham Road would create a 'culture of expecting to use the roadway at anytime by any vehicle'. However, I can confirm that this access is a) required to be closed off and the boundary fencing completed pursuant to condition of consent on application

**Proposed hardstanding playground at Otford Primary School, High Street, Otford – SE/13/3029 (KCC/SE/0289/2013)**

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reference SE/13/448, and b) cannot be used as an access to the school as Kent County Council have to pay a considerable sum for a licence to cross a strip of land between Warham Road and the School Boundary which is owned by a third party. The licence has recently been renewed for a temporary period to allow for the anticipated construction of the playground, but there is no intention to renew this licence or maintain this access. I can therefore confirm that the construction access would be removed, and closed off upon removal of the haul road and completion of the works on site.

34. Given that there are 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. I consider it appropriate that details of how the site access would be managed to avoid peak school times should also be included within the Construction Management Strategy.
35. In addition to the above, should permission be granted, conditions of consent would ensure that dust, 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**

36. 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, including those that seek to protect the landscape and the local amenity. 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 impact on the local landscape, including the Kent Downs Area of Outstanding Natural Beauty and the adjacent Conservation Area, or residential 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**

37. 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;
  - protection of trees to be retained;
  - provision of 4 replacement trees;
  - 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;

**Item D1****Proposed hardstanding playground at Otford Primary School, High Street, Otford – SE/13/3029 (KCC/SE/0289/2013)**

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- construction management plan, including the provision of access, parking and circulation within the site for contractors and other vehicles related to construction operations, details of the use of Warham Road and local consultation, & management of the site access to avoid peak school times;
- measures to prevent mud and debris being taken onto the public highway.

Case officer – Mary Green	01622 221066
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Background documents - See section heading
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**E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS - MEMBERS' INFORMATION**

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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.

AS/12/813/R19	Details of External Lighting Pursuant to Condition 19 of Planning Permission AS/12/813 For a Household Waste Recycling Centre and Waste Transfer Station Ashford Household Waste Recycling Centre, Cobbs Wood Industrial Estate, Brunswick Road, Ashford TN23 1EL
DA/12/1170/R	Application for a non-material amendment to the site layout, sludge cake storage building, revisions to kiosks, plant and odour control stack. Long Reach Wastewater Treatment Works, Marsh Street, Dartford, Kent, DA1 5PP
DA/12/1170/R6	Details pursuant to condition 6 (construction traffic management plan) of planning permission DA/12/1170 – upgrade to sewage treatment works including sludge cake storage building, odour control stack, kiosks, containerised plant and associated works. Long Reach Wastewater Treatment Works, Marsh Street, Dartford, Kent, DA1 5PP
DA/12/1170/R20	Details of a written scheme of geo-archaeology pursuant to condition 20 of planning permission DA/12/1170 – upgrade to sewage treatment works. Long Reach Wastewater Treatment Works, Marsh Street, Dartford, Kent, DA1 5PP
GR/13/708	Erection of permanent single-storey office building at the existing waste transfer station to replace portacabin accommodation at unit 4 Apex Business Park, Queens Farm Road, Shorne, Gravesend
SH/13/841	Section 73 application to amend condition 9 of planning permission SH/09/362 to source green waste from anywhere within the East Kent Waste Partnership Area at Hope Farm, Crete Road East, Hawkinge, Folkestone, Kent, CT1 7EG
SW/10/774/RA	Application for a non-material amendment to vary the colour of the cladding. Plot 17, Ridham Dock, Iwade, Sittingbourne, Kent, ME9 8SR
TM/10/2029/RVAR	Details of perimeter coppicing, drainage, soil handling, access and traffic, air overpressure, groundwater and fly tipping pursuant conditions 6, 7, 8, 14, 15, 24, 28 & 30 of ANNEX A1, conditions 23 & 25 of ANNEX A2, conditions 21, 22 & 27 of ANNEX A3 and conditions 10 & 22 of ANNEX A4 of planning permission TM/10/2029. Hermitage Quarry, Hermitage Lane, Aylesford, Kent, ME20 7PX

E.1

TM/12/2549/R      Application for a non-material amendment to planning permission TM/12/2549 to allow the relocation of two pumping containers at Blaise Farm Quarry. Blaise Farm Quarry, Kings Hill, West Malling, Kent, ME19 4PN

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

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

### **Background Documents** – The deposited documents.

AS/13/1112	Renewal of planning permission for a mobile building. The Ray Allen Centre, Stanhope Road, Ashford
CA/13/1747	Internal classroom alterations and ground floor infill extension and entrance/foyer reception enclosure Herne Bay Junior School, Kings Road, Herne Bay
DO/13/285/R	Non- material amendment to include covered canopy/walkway between mobiles. Sholden CEP School, London Road, Sholden, Deal, Kent CT14 0AB
DO/13/285/R6	Addition of External Lighting Pursuant to Condition 6 of Planning Permission DO/13/285. Sholden CEP School, London Road, Sholden, Deal, Kent CT14 0AB
MA/13/796/R	Application for a non-material amendment: seeking approval for the inclusion of PV and solar panels and 3 no. 'Monodraught' wind catchers. Maidstone Grammar School, Barton Road, Maidstone
SH/11/399/R	Non-Material Amendment; Minor Alterations To The Elevations, Roofscape And External Hard & Soft Landscaping. Marsh Academy (Inclusion Centre), Station Road, New Romney
TH/13/102/R2	Details Of Colour Finish Pursuant To Condition 2 of Planning Permission TH/13/102 Provision of 2 Mobile/Sectional Buildings. The Foreland School, Lanthorne Road, Broadstairs, Kent CT10 3NX
TH/13/113/R3,4&5	Details Pursuant To Conditions 3 (Archaeological Work), 4 (External Materials) and 5 (Landscaping) Of Planning Permission TH/13/113 For a Classroom Extension. Northdown Primary School, Tenterden Way, Margate, Kent, CT9 3RE



TH/13/641	New vehicular crossover onto Millmead Road to facilitate emergency access only. Existing fencing to be adjusted in order to fit new matching gates. Northdown Primary School, Tenterden Way, Margate, Kent, CT9 3RE
TH/13/113/RVAR	Details Pursuant To Conditions 3 (Archaeological Work), 4 (External Materials) And 5 (Landscaping) Of Planning Permission TH/13/113 For a Classroom Extension. Northdown Primary School, Tenterden Way, Margate, Kent, CT9 3RE
TW/13/2366	Construction of stand alone classroom block of four classrooms with associated facilities. Extension of existing staff room and construction of new access ramp and steps to existing school. St James' CE Junior School, Sandrock Road, Tunbridge Wells
TW/13/2697	Removal of the existing mobile classroom and replacement with a new one classroom modular building including welfare facilities. The Skinners School, St Johns Road, Tunbridge Wells

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

#### **Background Documents –**

- *The deposited documents.*
  - *Town and Country Planning (Environmental Impact Assessment) Regulations 2011.*
  - *DETR Circular 02/99 – Environmental Impact Assessment.*
- (a) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an Environmental Statement:-
- KCC/CA/0317/2013 - Variation of conditions 2, 10 and 11 of planning permission CA/12/606 for the infilling of open lagoons formally used for the disposal of tannery wastes.  
Oldridge Wood Lagoons, Swanton Lane, Off Canterbury Road, Littlebourne, Canterbury.
- KCC/CA/0341/2013 - Variation of conditions (8) and (9) of planning permission CA/13/18 to allow for the acceptance of commercial and industrial waste from commercial, industrial and institutional premises from sources in and external to the Canterbury District and source segregated fractions from waste collections from domestic properties in the Canterbury District in addition to existing waste streams and without exceeding the existing 82,000 tonne limit.  
Plots D and E, Lakesview Business Park, Hersden, Canterbury

KCC/DA/0226/2013 - Application for temporary consent (5 years) for the erection and operation of a construction and recycling facility for concrete and road base/planings and ancillary plant storage areas and reception, weighbridge office and parking.

Eastern Quarry, off Watling Street, Swanscombe

KCC/TH/0305/2013 - Planning application for the erection of a new two-storey classroom block, revised parking layout to include an additional 35 car parking spaces including a new grass-crete staff car park to be accessed via Chestnut Drive, provision of a dedicated fire brigade access, the removal of 3 temporary classroom buildings, and various other external and internal alterations to the existing school buildings.

Bromstone Primary School, Rumfields Road, Broadstairs.

KCC/SW/0282/2013 - Construction and operation of a Secondary Aggregates Recycling Facility comprising sorting, crushing and screening of selected inert construction and demolition wastes to produce secondary aggregates, blending of materials to generate soils, salt storage (seasonal) and construction of a temporary screening bund for a temporary period of three years.

Land at Rushenden Road, Queenborough

- (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