

PLANNING APPLICATIONS COMMITTEE

Wednesday, 22nd October, 2014

10.00 am

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



AGENDA

PLANNING APPLICATIONS COMMITTEE

Wednesday, 22nd October, 2014, 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 S C Manion,
Mr R J Parry, Mr C Simkins, Mrs P A V Stockell and
Mr J N Wedgbury

UKIP (4) Mr M Baldock, Mr L Burgess, 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 - 2 October 2014 (Pages 5 - 10)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Applications MA/14/688 and MA/14/689 (KCC/MA/0103/2014 and KCC/MA/0099/2014) at Lenham Quarry, Forstal Road, Lenham; Brett Aggregates Ltd (Pages 11 - 46)
MA/14/688 – Variation of Conditions of Permission MA/08/45 regarding revised proposals for Phase 1 slope remediation; and
MA/14/689 – Variation of Condition 2 (working and restoration scheme) of Permission MA/09/1013/MR108), temporary relaxation of Condition 5 (extent of area outside agricultural use at any one time), and schemes pursuant to Conditions 14 (diversion of watercourse), 23 (archaeological work), 25 (compensatory habitat)

and 29 (restoration and aftercare).

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal GR/12/0441 (KCC/GR/0148/2012) - Realignment and widening of Rathmore Road, Gravesend (Pages 47 - 140)
2. Proposal TM/14/2109 (KCC/TM/0173/2014) - Erection of new school together with new car parking and associated playing field and landscaping at Leybourne Chase, London Road, Ryarsh; KCC Property and Infrastructure Services (Pages 141 - 178)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 179 - 182)
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

Tuesday, 14 October 2014

(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.)

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 Thursday, 2 October 2014.

PRESENT: Mr J A Davies (Chairman), Mr M J Angell, Mr M Baldock, Mr M A C Balfour, Mrs P Brivio, Mr L Burgess, Mr N J D Chard (Substitute for Mr C P Smith), Mr I S Chittenden, Mr T Gates, 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, Mr A Terry and Mr J N Wedgbury

ALSO PRESENT: Mr A D Crowther

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

UNRESTRICTED ITEMS

68. Minutes - 10 September 2014
(Item A3)

RESOLVED that the Minutes of the meeting held on 10 September 2014 are correctly recorded and that they be signed by the Chairman.

69. Site Meetings and Other Meetings
(Item A4)

The Committee noted the arrangements for the half-day training session on Wednesday, 15 October 2015 and agreed to visit the site of the brickearth excavation application at Paradise Farm in Hartlip on Wednesday, 19 November 2014.

70. Proposals TW/14/0127 (KCC/TW/0368/2013) and TW/14/0129 (KCC/TW/03702013): TW/14/0127: Section 73 application to vary Conditions 2, 17 and 18 of Permission TW/12/1442 for the new primary school to secure amendments in the form of a reduced car park area and revised access arrangements at Land south of Rolvenden Road, Benenden; KCC Property and Infrastructure Support; and TW/14/0129: Extension of existing Village Hall car park including resurfacing, landscaping and relocation of existing equipped play area at Village Hall, The Street, Benenden; KCC Property and Infrastructure Support.
(Item D1)

(1) The Head of Planning Applications Group tabled revised recommendations which applied separately to each of the two proposals.

(2) The Committee noted in respect of paragraph 2 of the report that the village sports field was *not* to become the new school playing field.

(3) The Head of Planning Applications Group reported the comments of the Local Member, Mr S Holden in support of the proposals.

(4) RESOLVED that:-

- (a) permission be granted to Proposal TW/14/0127 subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; the development only being implemented in parallel with Permission TW/14/0129; all planning conditions attached to Permission TW/12/1442 being maintained (including a landscaping scheme, tree protection measures and a drainage scheme); the vehicular access, turning areas and parking spaces shown on Drawing 19625A 11 Rev F being provided before the development is first occupied or brought into use; implementation of the visibility splays as shown in drawing T0155/SK015/P1 of the Transport Statement addendum; implementation of parking controls/bus cage to prevent any overspill parking taking place within the visibility splays; the submission and approval of details of a surface water drainage scheme; hours of working during construction and demolition being restricted to between 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; a construction management strategy, including access, lorry parking and circulation within the site for contractor's and other vehicles related to construction and demolition operations; and measures to prevent mud and debris being taken onto the public highway;
- (b) the applicant be advised by Informative that, in respect of Proposal TW/14/0127 their attention is drawn to:-
 - (i) the letter from KCC Highways and Transportation in which it is noted that it is the applicant's responsibility to ensure that all necessary highway approvals and consents are obtained and;
 - (ii) the letter from the KCC Landscape Officer regarding landscaping details for the new site;
- (c) permission be granted to Proposal TW/14/00129 subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; the development only being implemented in parallel with Permission TW/14/0127; details of surfacing materials; provision and retention of access, the drop-off/pick-up facility and circular routes; a scheme of landscaping, including hard surfacing, its implementation and maintenance; measures to protect those trees that are to be retained; the playing field being marked out with the pitch layout as shown on the amended plan (Outline Site Plan 19625A 23 Rev F); the implementation of visibility splays as shown in Drawing T0155/SK015/P1 of the Transport Statement addendum; implementation of parking controls/bus cage to prevent any overspill parking taking place within the visibility splays; the submission and approval of details of a surface water

drainage scheme; hours of working during construction and demolition being restricted to between 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; a construction management strategy, including access, lorry routing, parking and circulation within the site for contractor's and other vehicles related to construction and demolition operations; and measures to prevent mud and debris being taken onto the public highway; and

- (d) the applicant be advised by Informative that, in respect of Proposal TW/14/0129 their attention is drawn to:-
 - (iii) the letter from KCC Highways and Transportation in which it is noted that it is the applicant's responsibility to ensure that all necessary highway approvals and consents are obtained and;
 - (iv) the letter from the KCC Landscape Officer regarding landscaping details for the new site;

71. Proposal 14/500221 (KCC/SW/0143/2014) - creation of a 2 f.e. primary school, including a two storey building, hard and soft playing pitches, vehicular access way and on-site drop-off area, car parking cycle parking spaces, together with hard and soft landscaping on Land at Thistle Hill, Minster-on-Sea; KCC Property and Infrastructure Support
(Item D2)

(1) Mr A D Crowther was present for this item pursuant to Committee Procedure Rule 2.27 and spoke.

(2) Mr James Robson from HazleMcCormackYoung LLP had been invited to the meeting to reply to the comments made by a representative from Minster-on-Sea PC who had registered as a public speaker. Although this representative was not present at the meeting, the Chairman agreed to vary the Committee's normal procedures and invited Mr Robson to address the Committee on the design of the proposed building.

(3) During discussion of this item, it was agreed that if permission were granted, the landscaping scheme would include a range of advanced species and that there would be an Informative advising that the applicants should explore the possibility of additional environmental features such as solar panels and the potential for rainwater harvesting.

(4) On being put to the vote, the recommendations of the Head of Planning Applications Group (as amended in (3) above) were agreed by 16 votes to 3.

(5) Mr M Baldock, Mr L Burgess and Mr T L Shonk requested pursuant to Committee Procedure 2.36 (3) that their vote against granting planning permission be recorded.

(6) RESOLVED that:-

- (a) permission be granted to the Proposal subject to conditions, including conditions covering the standard 5 year time limit; the development being carried out in accordance with the permitted details; the submission and approval of details of all construction materials to be used externally; the submission of a School Travel Plan within 6 months of occupation and its ongoing review; measures being taken to prevent mud and debris being deposited on the public highway; hours of working during construction 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 or Bank Holidays; the submission of a Construction Management Plan providing details of access, parking and circulation within the site for contractors, site personnel and other operatives, and management of the site access to avoid peak school times; the access being provided prior to occupation and being retained thereafter and used for no other purpose; the cycle parking being provided prior to occupation and being permanently retained thereafter; the submission of a landscaping scheme for approval by the County Planning Authority, including a range of advanced species; the replanting of any trees and shrubs that die within 5 years of planting; the submission of details of the Swale and Ecology Garden; and the submission of details of any external lighting for written approval by the County Planning Authority; and
- (b) the applicants be advised by Informative:-
 - (i) to register the School Travel Plan with Kent County Council through the “Jambusters” website following the link www.jambusters.co.uk;
 - (ii) to adhere to the Bat Conservation Trust’s guidance in relation to external lighting;
 - (iii) that the design of the MUGA should be in accordance with Sport England’s guidance;
 - (iv) that foul drainage should be discharged to the mains sewer;
 - (v) that all necessary highway approvals and consents should be obtained; and
 - (vi) to explore the possibility of additional environmental enhancements such as solar panels and the potential for rainwater harvesting.

72. 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).

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Item C1

Applications for: (i) variation of conditions of permission MA/08/45 regarding revised proposals for Phase 1 slope remediation – MA/14/688 (KCC/MA/0103/2014); (ii) variation of condition 2 (working & restoration scheme) of MA/09/1013/MR108, a request for a temporary relaxation of condition 5 (extent of area outside agricultural use at any one time) and schemes submitted pursuant to conditions 14 (diversion of watercourse), 23 (archaeological work), 25 (compensatory habitat) & 29 (restoration & aftercare) – MA/14/689 (KCC/MA/0099/2014) at Lenham Quarry, Forstal Road, Lenham

A report by Head of Planning Applications Group to Planning Applications Committee on 22 October 2014.

Two applications by Brett Aggregates Limited for:

- (i) Application to vary conditions of permission MA/08/45 regarding revised proposals for Phase 1 slope remediation – MA/14/688 (KCC/MA/0103/2014); and
- (ii) Application to vary condition 2 (working and restoration scheme) of MA/09/1013/MR108, as well as a request for a temporary relaxation of condition 5 (extent of area outside agricultural use at any one time), accompanied by schemes submitted pursuant to conditions 14 (diversion of watercourse), 23 (archaeological work), 25 (compensatory habitat) & 29 (restoration and aftercare) – MA/14/689 (KCC/MA/0099/2014);

at Lenham Quarry, Forstal Road, Lenham, Kent, ME17 2JB

Recommendation: Permission be granted and approvals be given subject to conditions

Local Member: Mrs J. Whittle

Classification: Unrestricted

Site

1. Lenham Quarry, also known as Shepherds Farm Quarry, is located immediately north of Lenham Forstal, Lenham Heath, 1km (*0.62 miles*) south of the Ashford Road (A20) between Lenham and Charing. The established sand quarry has been operational since the early 1990s and provides building sand for asphalt and mortar production. The permitted quarry covers an area of approximately 17 hectares (ha) (*42 acres*) and is subdivided into 4 phases of working (1, 2, 3, 3a). One of the four phases (Phase 3) is still currently in agricultural use and has not yet been directly affected by mineral working. Application (i) relating to revised proposals for Phase 1 slope remediation relates to the majority of the Phase 1 area in the south-western part of the quarry. Application (ii) relates to the entire quarry.

**i) Revised proposals for Phase 1 slope remediation – MA/14/688; and
ii) application to vary condition 2 of MA/09/1013/MR108, temporary relaxation of condition 5 and schemes pursuant to conditions 14, 23, 25 & 29 – MA/14/689 at Lenham Quarry, Lenham.**

2. The entrance to the quarry is via a dedicated access road off Lenham Forstal Road to the west of the site. The quarry is bounded to the north by fields and the main line railway, to the east by fields and isolated residential and commercial properties, to the south by residential properties fronting onto Lenham Forstal Road and to the west by Lenham Forstal Road and fields. Further residential properties are located in Lenham Forstal to the south west and within a static caravan site (recently permitted) on land to the north west.
3. The M20 and High Speed 1 rail link pass 0.8km (*0.49 miles*) to the south. See attached location plan. The planning permission requires the quarry to be worked in 4 phases with the progressive restoration of each phase at a reduced ground level as working progresses to the next. The quarry plant, site offices, weighbridge, associated infrastructure and sand stockpiles are located in the north-western part of the site within Phase 3a which has been partially worked. The quarry is not easily visible from land immediately adjoining it and is well screened from Lenham Forstal Road to the west and other locations by existing soil bunds and landscape planting. However, it can be seen in long distance views from the Kent Downs Area of Outstanding Natural Beauty (AONB) approximately 2km (*1.24 miles*) to the north.
4. The quarry is identified as an existing site in the Kent Minerals Local Plan: Construction Aggregates (1993) and extensive areas of land to the east and west are identified as Areas of Search for potential future building sand extraction. A relatively small area of land immediately to the east of the quarry (Site 75: Boltons Field, Lenham Heath) is identified as Preferred Option for potential future sand extraction in the Mineral Sites Plan Preferred Options Consultation (May 2012). The quarry is identified on the Maidstone Borough Wide Local Plan (2000) Proposals Map as falling within the open countryside, with the unworked Phase 3 and land to the west (immediately to the south of the railway line) identified as a local Site of Nature Conservation Importance associated with pasture and ponds at Lenham Forstal. There are two listed buildings (Forstal Cottages) to the west of the site on the far side of Lenham Forstal Road. There are no other site specific designations, although more general development plan policies are set out in paragraph (21) below.

Background

5. Planning permission for the winning and working of sand, construction of an access road and restoration to agricultural use of land at Shepherds Farm was granted on appeal in 1989 under reference MA/87/114. The permission required that extraction be completed within 36 years (i.e. by 24 August 2025) and the site restored within a further 2 years. The permission included various conditions controlling operations on site. These included a restriction on the depth of excavation, hours of operation, noise limits, dust prevention measures, the prior approval of a working and restoration scheme and the progressive restoration of the site with no more than 4 hectares (excluding access road, processing plant area, areas of advanced tree planting, embankments and soil storage areas) being out of agricultural use at any one time.. Various approvals were subsequently given by the County Council pursuant to the permission, including the use of a sand washing plant to produce concreting sands. The previous owners (ARC Ltd / Hanson Aggregates) operated the washing plant as well as a dry screening plant at the quarry.

**i) Revised proposals for Phase 1 slope remediation – MA/14/688; and
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6. The applicant (Brett Aggregates) took ownership of the quarry in 2005. At the time of purchase the previous operator had been in breach of a number of the planning controls. The breaches included the over-extraction of sand from Phase 1 (resulting in the over steepening of the southern slope), exceedance of the permitted maximum depth of working and the installation of silt lagoons in the base of the quarry, all contributed to potential long-term land instability and difficulties in achieving the approved restoration. The planning breaches were reported to the County Council's Regulation Committee. To address these breaches and facilitate the restoration of the site the applicant submitted an application in 2008 for the importation of 237,000 m³ of inert construction fill material over a three year period to remediate part of the southern slope by backfilling to a profile no steeper than 1v:2h¹, in accordance with the approved restoration scheme. The Planning Applications Committee granted permission for the above development (under reference MA/08/45) on 15 April 2008. At that time the Planning Applications Committee was satisfied that the importation of suitable inert materials would be the most appropriate way of securing the remediation and restoration of Phase 1 of the quarry. Amongst other things, this approach would delay the need for new extraction sites to be brought forward in the County by making prudent (sustainable) use of permitted reserves and assist in protecting other areas of the Kent countryside.
7. Planning permission MA/08/45 was granted subject to conditions, including: operations being completed within 3 years of commencement; no more than 237,000 m³ of fill material being imported; no more than a combined total of 106 HGV movements per day (53 in / 53 out); development being carried out and monitored in accordance with a detailed design document; controls on hours of operation; noise limits; and dust mitigation measures. The necessary pre-development requirements in respect of detailed slope design and construction and fuel storage were approved pursuant to condition 6 and 7 on 12 August 2009.
8. The Environment Agency (EA) issued a recovery permit covering the landfill operations in July 2009. The applicant implemented the above planning permission in March 2011, with the removal of silt from one of the silt lagoons and its replacement with suitable granular material, together with the formation of a blanket over the remaining lagoons. Since this initial preparation work the applicant has struggled to source or import the required inert granular fill material necessary to safely construct the agreed 1v:2h slope. The applicant indicates that the problems sourcing the appropriate type of infill material are principally due to the drive to recycle waste, with granular fill materials often suitable for use in the production of recycled (secondary) aggregates.
9. Due to the delays in restoring Phase 1 of the quarry, a request to modify the working and restoration scheme for the overall site was made by the Brett Group in June 2006 and subsequently approved in August 2006 (under reference MA/87/114/R4 & R11). This allowed the temporary relaxation of the condition requiring the progressive restoration of the site (for a period of 18 months until 3 February 2008) to allow the applicant to continue mineral working in Phase 2 prior to restoring Phase 1, effectively allowing more than 4 hectares (9.88 acres) of the site to be out of agricultural use at any one time for the agreed period.

¹ "1v:2h" refers to the angle of the slope being 1 unit vertically for every 2 units horizontally.

**i) Revised proposals for Phase 1 slope remediation – MA/14/688; and
ii) application to vary condition 2 of MA/09/1013/MR108, temporary relaxation of condition 5 and schemes pursuant to conditions 14, 23, 25 & 29 – MA/14/689 at Lenham Quarry, Lenham.**

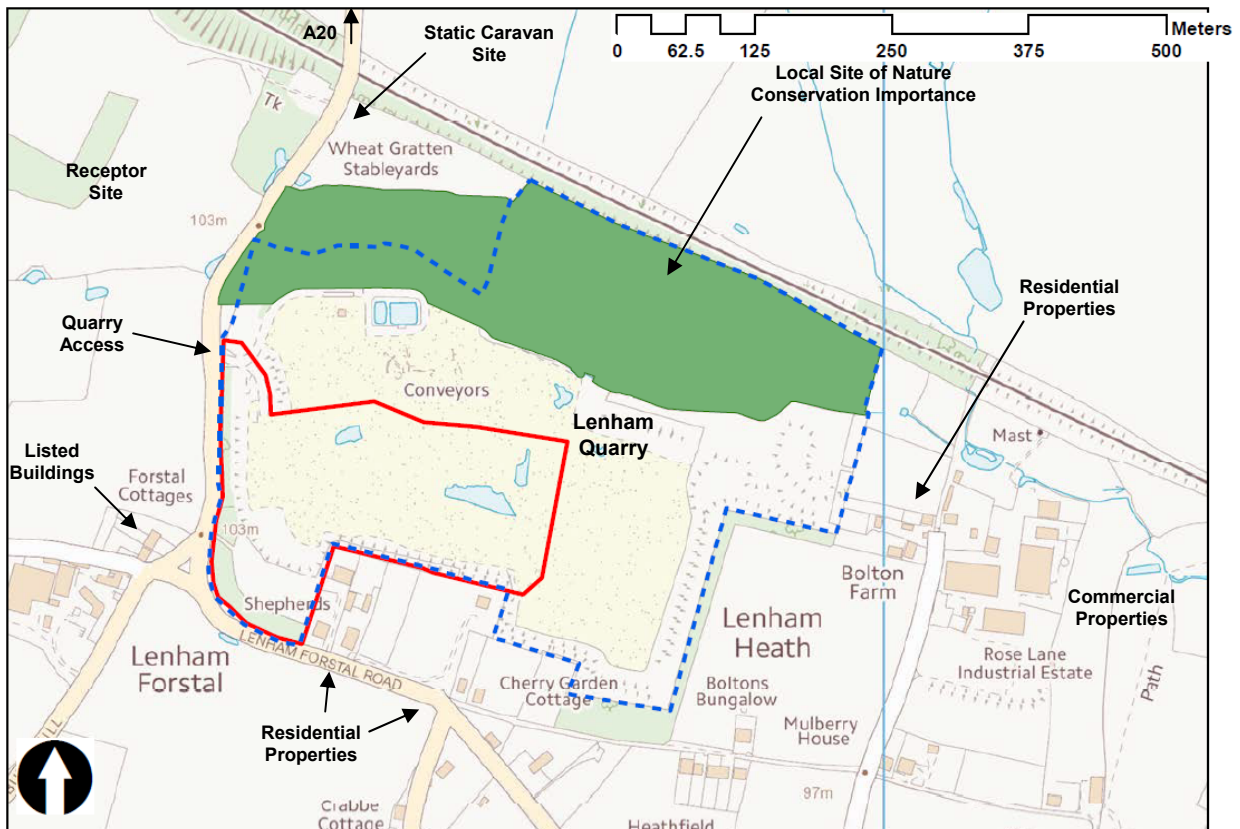
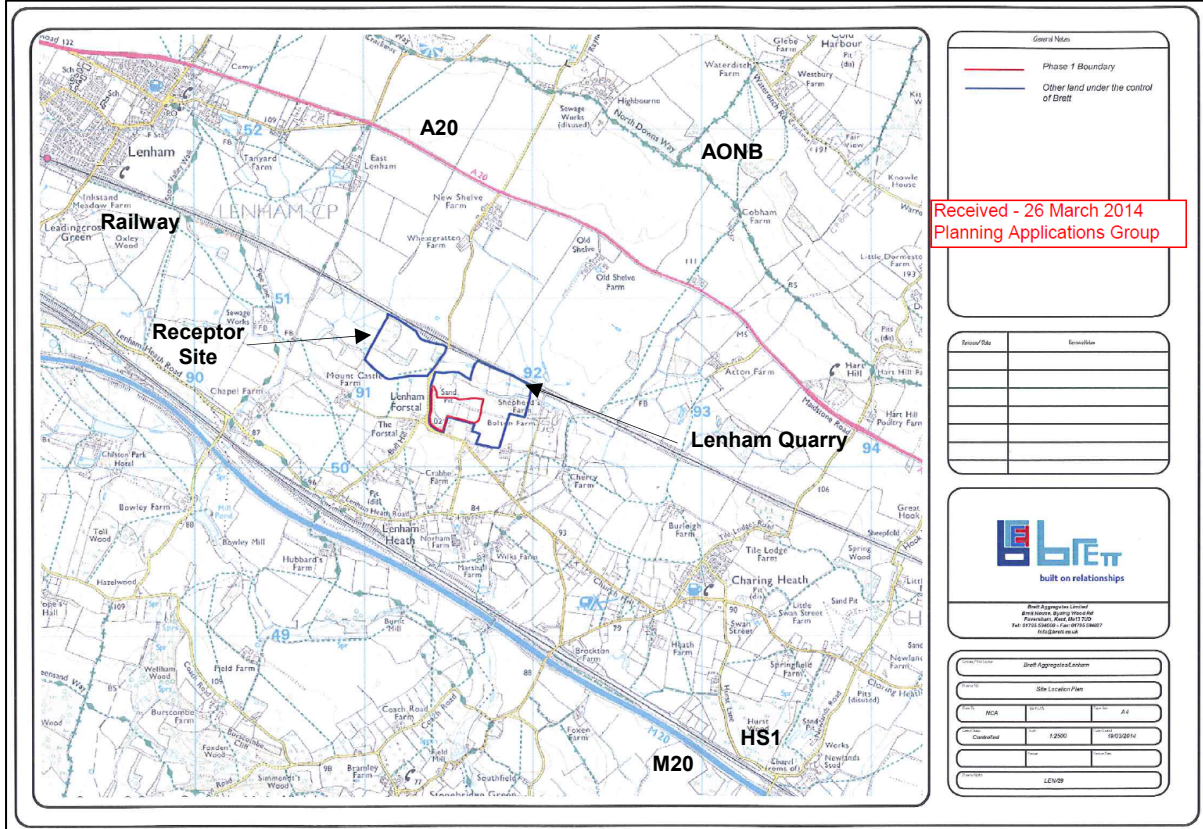
10. The mineral permission (MA/87/114) was subject to a review under the Review of Old Mineral Permissions (ROMP) process in accordance with the Environment Act 1995 and new conditions and schemes of working, restoration and aftercare were permitted on 18 February 2010 (under reference MA/09/1013/MR108). This included similar conditions to those included on MA/87/114, updated as necessary to reflect more recent planning guidance and practices, and additionally reflected the fact that planning permission MA/08/45 had been granted.
11. A further request for a temporary relaxation of the requirement to have no more than 4ha out of agricultural use was approved on 18 May 2010, this time pursuant to condition 5 of planning permission (MA/09/1013/MR108). This further approval allowed the relaxation of condition 5 until 12 May 2013.
12. Whilst the extraction of sand from the site has reduced significantly since 2008, exports took place during 2011 and 2013.

Recent Site History

13. The recent planning history for the above site includes the following:
 - MA/09/1013/MR108/R5 – Request for modification to progressive restoration pursuant to condition 5 of planning permission MA/09/1013/MR108 – Details approved on 18 May 2010.
 - MA/09/1013/MR108 – Review of Old Mineral Permissions (ROMP) – Permission granted (subject to conditions) on 18 February 2010.
 - MA/08/45/R6 & R7 – Details of a design document for the construction of the slope and proposed fuel storage pursuant to conditions (6) and (7) of planning permission MA/08/45 for site remediation works – Details approved on 12 August 2009.
 - MA/87/114/R4A & R11A – Request for modifications to working and restoration scheme and progressive restoration pursuant to conditions 4 and 11 of planning permission MA/87/114 – Details approved on 12 May 2008.
 - MA/08/45 – Importation of inert materials over a three year period for site remediation works and associated office and wheel cleaning facilities – Permission granted (subject to conditions) on 17 April 2008.

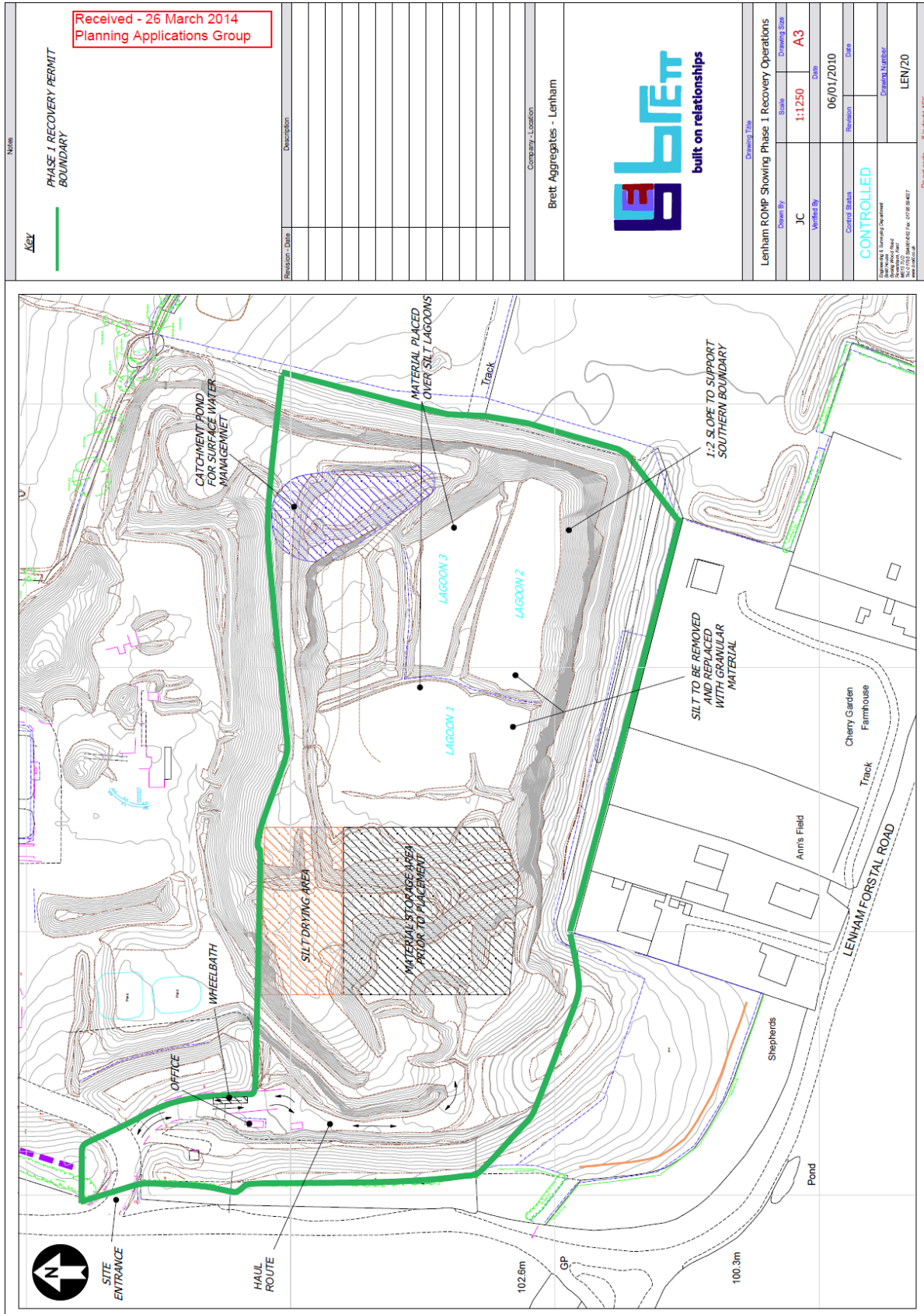
**i) Revised proposals for Phase 1 slope remediation – MA/14/688; and
 ii) application to vary condition 2 of MA/09/1013/MR108, temporary relaxation of condition 5 and schemes pursuant to conditions 14, 23, 25 & 29 – MA/14/689 at Lenham Quarry, Lenham.**

Location Plan



- i) Revised proposals for Phase 1 slope remediation – MA/14/688; and
- ii) application to vary condition 2 of MA/09/1013/MR108, temporary relaxation of condition 5 and schemes pursuant to conditions 14, 23, 25 & 29 – MA/14/689 at Lenham Quarry, Lenham.

Existing Site Layout within Phase 1 (including over steepened slope to south)



**i) Revised proposals for Phase 1 slope remediation – MA/14/688; and
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Proposal

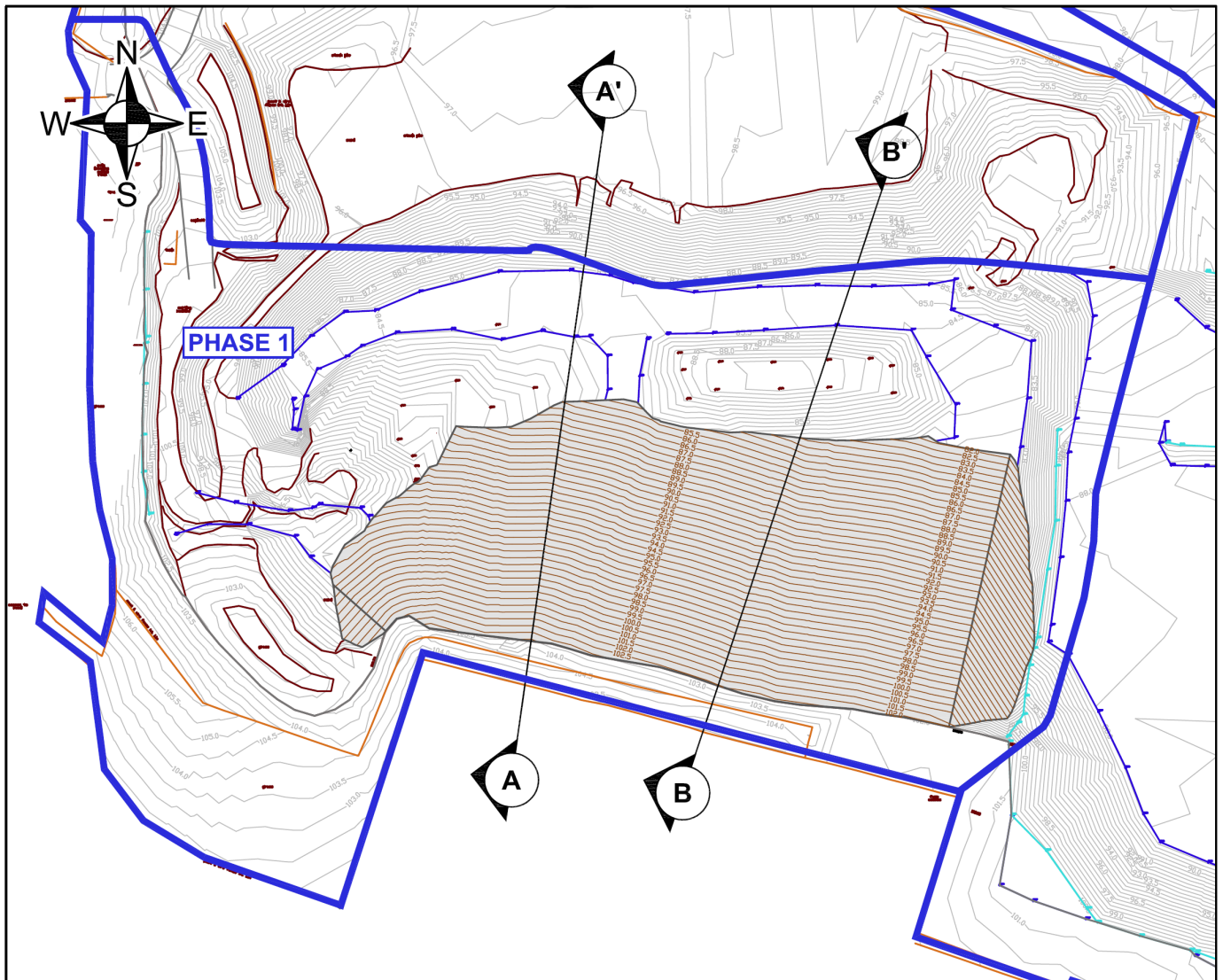
(i) Application MA/14/688 for revised proposals for Phase 1 slope remediation.

14. This application seeks to modify conditions 2, 3, 6 and 11 of planning permission MA/08/45 to enable:
- An extension to the time allowed for the importation and deposit of inert waste material for slope remediation as part of the restoration of Phase 1 of the quarry. The application seeks permission for a further period of three year period from the date on which importation of materials commences. [Condition 2]
 - A change to the pre-dominant type of inert fill material which is to be imported for use in the slope remediation work, whilst complying with the requirement that the materials used for slope remediation be restricted to inert waste materials which are the environmental and engineering equivalent of materials found on-site. The application seeks permission to modify the design of the southern slope so that it can be predominantly constructed from imported cohesive materials (clays), as opposed to the granular materials previously permitted. The cohesive materials would be similar in both physical and environmental properties to the indigenous Gault clay found over the northern part of the site. Whilst this type of material was included in the range of inert waste covered by the original permission, it is the balance between the different types of approved inert fill material that would change. Cohesive materials (clays) would be the predominant materials used in the slope remediation work. [Condition 3]
 - Constructing the southern slope from imported clays would require a change to the approved slope design. To achieve long-term stability, the restored slope would need to be constructed at a shallower gradient at 1v:4h (1:4 slope), as opposed to the 1v:2h slope originally proposed. Please see proposed the proposed layout drawing and cross-sections included above. [Condition 6]
 - Minor changes to the restoration proposals for the quarry as a whole, primarily resulting from the proposed change in slope profile within Phase 1. [Condition 11]
15. The application does not propose any other changes to the controls imposed on permission MA/08/45, including the volume of inert fill materials that would need to be imported to achieve the proposed slope design. The application proposes that all other conditions imposed on MA/08/45 should remain in effect. Materials balance calculations completed by the applicant indicate that the revised approach may require marginally less imported fill material than previous permitted (approximately 232,700m³). This has been achieved by accepting that the maximum depth of the excavation remains at 81.5m AOD, whereas previous calculations had assumed a depth of 79m AOD would be possible.
16. The application documents received in support of the proposals include a review and update of the technical reports accompanying application MA/08/45, where any matters have changed or been superseded. These reports include a Transport Assessment, Air Quality Assessment, Noise Assessment, Hydrogeology and Hydrological Assessment and Geotechnical Report. The application also includes a further Phase 1 Restoration Stability Assessment that provides technical details of the amended slope design proposed. The report concludes that the use of inert cohesive fill material (like

**i) Revised proposals for Phase 1 slope remediation – MA/14/688; and
ii) application to vary condition 2 of MA/09/1013/MR108, temporary relaxation of condition 5 and schemes pursuant to conditions 14, 23, 25 & 29 – MA/14/689 at Lenham Quarry, Lenham.**

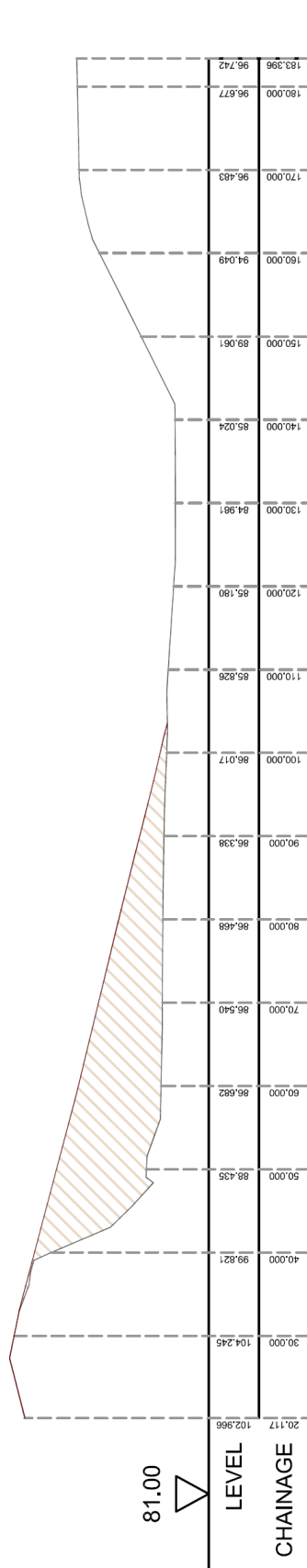
Gault Clay) would require a maximum external gradient of 1v:4h to maintain an acceptable factor of safety.

Layout Plan (Phase 1) - showing the footprint of proposed slope remediation work

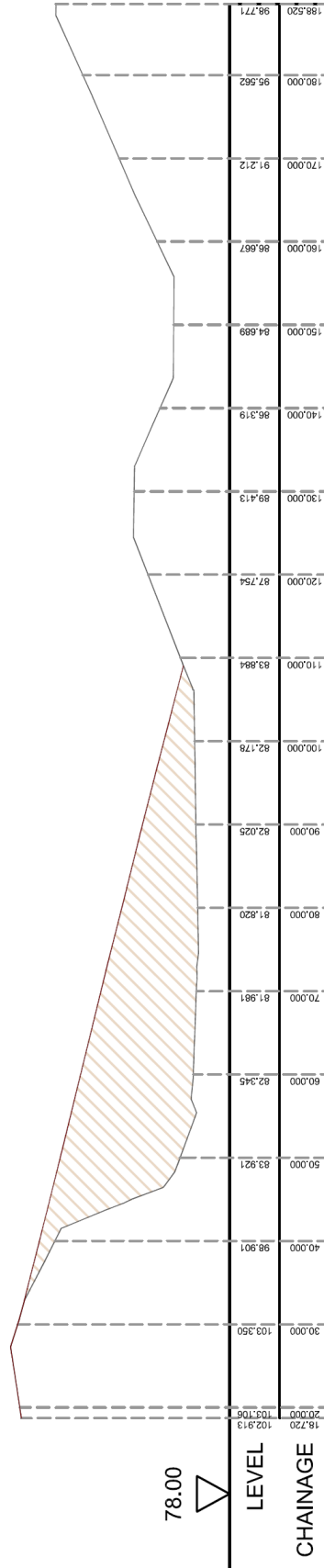


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Cross Sections - indicating level changes to achieve revised 1v:4h slope



SECTION A - A'
HORIZONTAL SCALE 1:1000, VERTICAL SCALE 1:1000



SECTION B - B'
HORIZONTAL SCALE 1:1000, VERTICAL SCALE 1:1000

**i) Revised proposals for Phase 1 slope remediation – MA/14/688; and
ii) application to vary condition 2 of MA/09/1013/MR108, temporary relaxation of condition 5 and schemes pursuant to conditions 14, 23, 25 & 29 – MA/14/689 at Lenham Quarry, Lenham.**

(ii) Application MA/14/689 to vary condition 2 of MA/09/1013/MR108, temporarily relax condition 5 and schemes pursuant to conditions 14, 23, 25 & 29.

17. The second application seeks to vary conditions placed on the ROMP permission (MA/09/1013/MR108), which forms the base consent for the whole quarry site. The proposals seek to modify:

- Condition 2 (working & restoration scheme) to allow changes to the approved final restoration scheme for the quarry to take account of the changes in slope design proposed within Phase 1 of the quarry by the application (i) above (MA/14/688). See attached drawing on page C1.14.
- Condition 5 (extent of area outside agricultural use at any one time) to permit the further temporary relaxation of this condition to allow more than 4 hectares (9.88 acres) of the site (excluding access road, processing plant, advanced tree planting and soil storage areas) to be outside agricultural use at any one time. The application seeks the proposed relaxation to run simultaneously with the 3 year period requested to complete the remediation and restoration of Phase 1 proposed above. This would enable sand extraction within Phase 2 to continue whilst the Phase 1 remediation works are undertaken.

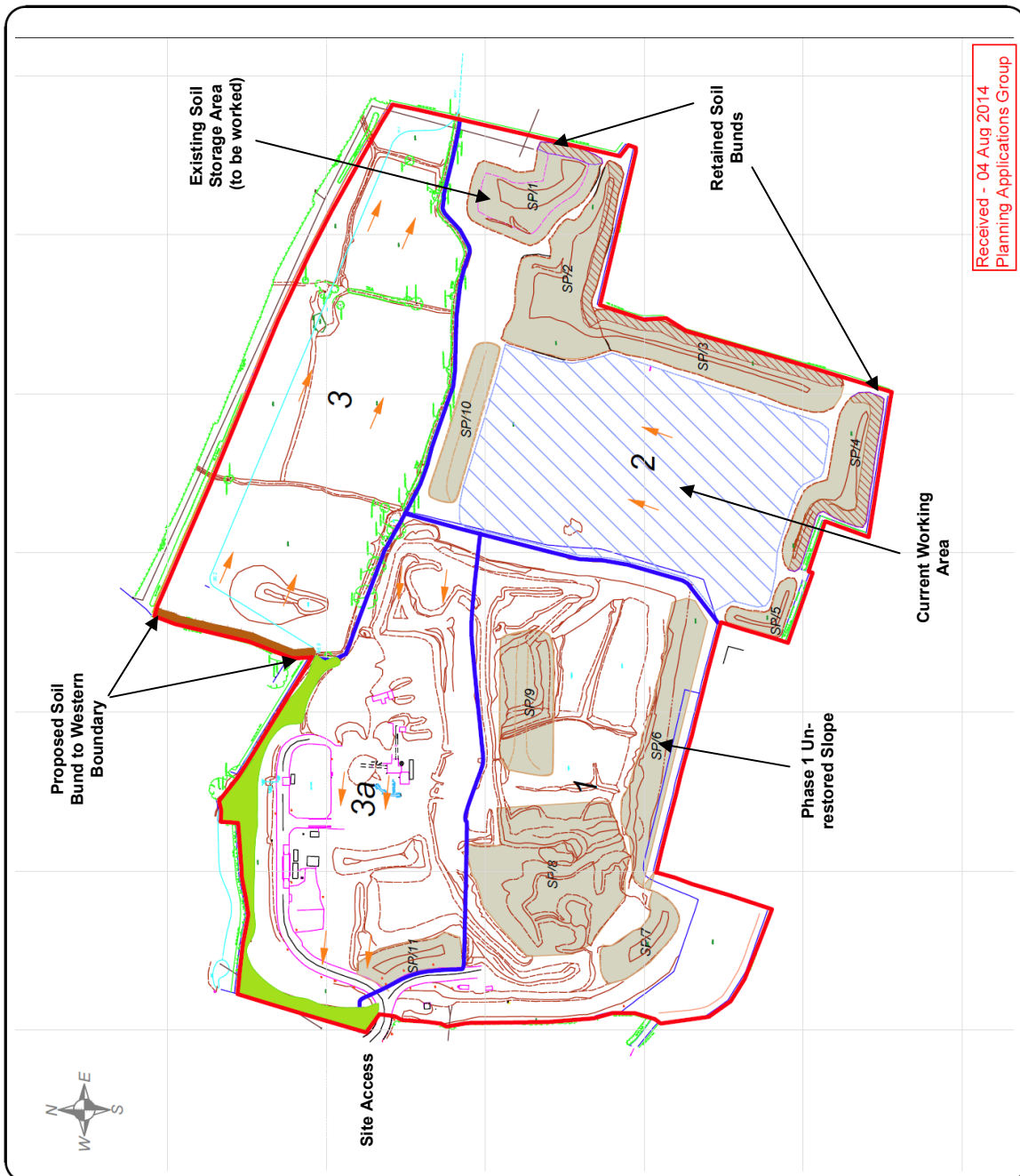
18. The application is also accompanied by four schemes submitted pursuant to conditions 14 (diversion of watercourse), 23 (archaeological work), 25 (compensatory habitat) and 29 (restoration & aftercare) of planning permission MA/09/1013/MR108. This permission requires that the proposed schemes are approved and implemented (as necessary) prior to operations commencing in Phase 3. These include:

- A scheme of surface water management, including sustainable drainage and details of the permanent diversion of the watercourse on site. The submission proposes to divert the watercourse to an open gravity fed channel to be constructed as an embankment across part of the northern slope of Phase 3 of the quarry. See attached drawing on page C1.12.
- A programme of archaeological work.
- A scheme of compensatory habitat for ponds and grasslands that will be removed during the excavation of Phase 3, including details of the management and monitoring of this process. The proposed scheme includes creation of new habitats within a receptor site north-west of the quarry (on the far side of Lenham Forstal Road). See attached plan on page C1.13. The proposed habitat creation would cover neutral grassland (including translocated turves), enhanced existing agricultural grassland, the enhance of 2 existing ponds and creation of 4 new ponds.
- A restoration and aftercare scheme, including ongoing monitoring, maintenance and management arrangements.

**i) Revised proposals for Phase 1 slope remediation – MA/14/688; and
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Revised Scheme of Working, including retained and proposed soil bunds

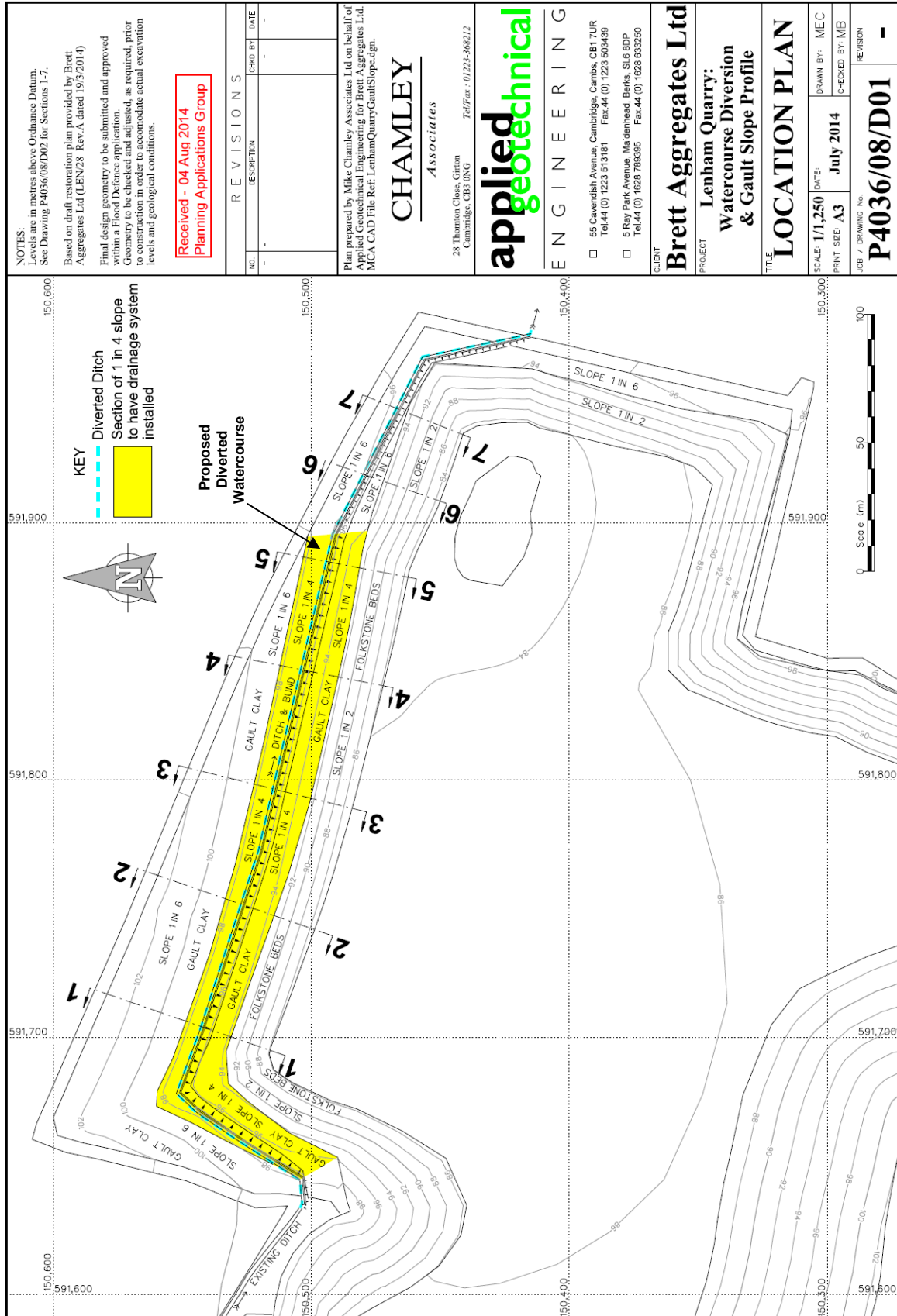
General Notes	
Key	<ul style="list-style-type: none"> Site Boundary Phase Boundary Current Working Area Top Soil/Overburden Storage Existing Tree-Planted Soil Bund New 2m High Soil Bund Existing French Drain Proposed route of diverted stream (exact route to be agreed pursuant to conditions) Direction of Working
Revision / Date	30/07/2014 01/08/2014
Revision Notes	Site boundary corrected. Phase boundaries revised. Area of top soil storage and phase 2 boundary added. (Rev A) New soil bund shown. (Rev B)
Baleit Aggregates, Lenham Brent House, Myring Wood Rd Lenham, Kent, TN11 8JG Tel: 01784 346000 Fax: 01784 346027 info@baleit.co.uk	
Project No	Baleit Aggregates - Lenham
Revision No	Revised Scheme of Working
Client	AL
Scale	1:2500
Drawn	09/01/2010
Checked	B
Issue Date	01/08/2014
Issue No	LEN19



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- i) Revised proposals for Phase 1 slope remediation – MA/14/688; and
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Watercourse Diversion and Gault Slope Profile (Phase 3)



NOTES:
Levels are in metres above Ordnance Datum.
See Drawing P4036/08/D02 for Sections 1-7.
Based on draft restoration plan provided by Brett Aggregates Ltd (LEN/28 Rev.A dated 19/3/2014)
Final design geometry to be submitted and approved within a Flood Defence application.
Geometry to be checked and adjusted, as required, prior to construction in order to accommodate actual excavation levels and geological conditions.

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REVISIONS	
NO.	DESCRIPTION / CHD BY / DATE

Plan prepared by Mike Chamley Associates Ltd on behalf of Applied Geotechnical Engineering for Brett Aggregates Ltd.
MCA CAD File Ref: LenhamQuarryGaultSlope.dgn.

CHAMLEY Associates
28 Thomson Close, Gilton, Cambridge, CB3 0NG Tel/Fax: 01223-568272

applied geotechnical ENGINEERING

55 Cavendish Avenue, Cambs, CB1 7UR
Tel:44 (0) 1223 513181 Fax:44 (0) 1223 503439
5 Ray Park Avenue, Meldreth, Beds, SL6 8DP
Tel:44 (0) 1638 786385 Fax:44 (0) 1628 632550

CLIENT
Brett Aggregates Ltd

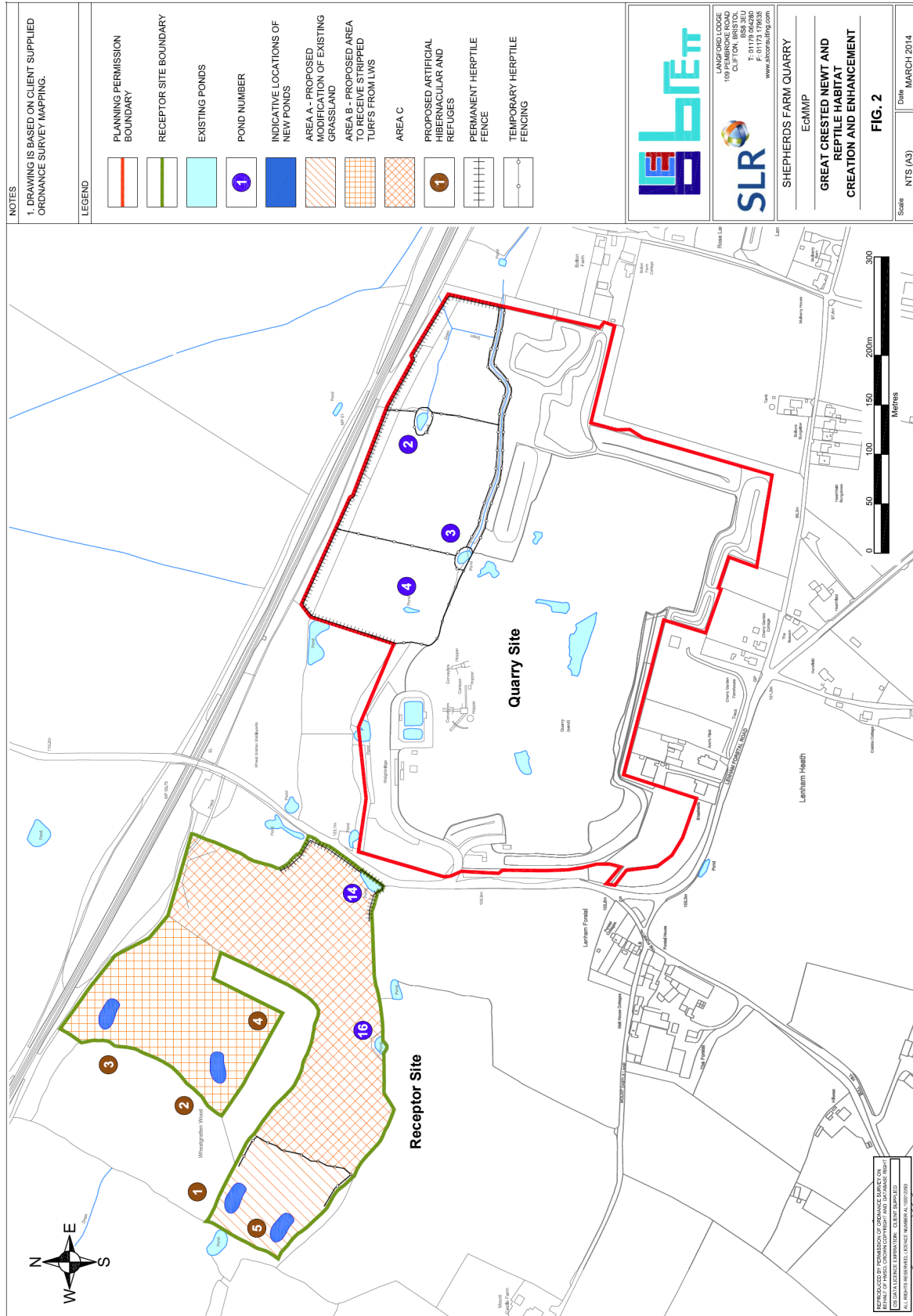
PROJECT
**Lenham Quarry:
Watercourse Diversion
& Gault Slope Profile**

TITLE
LOCATION PLAN

SCALE: 1/1,250 DATE: July 2014 DRAWN BY: MEC
PRINT SIZE: A3 CHECKED BY: MB
JOB / DRAWING No: P4036/08/D01 REVISION: -

i) Revised proposals for Phase 1 slope remediation – MA/14/688; and
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Habitat Creation and Enhancement Plan, including receptor site and new habitat



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Final Landscape Restoration Scheme (for entire quarry)

<p>Legend 1: Habitat</p> <ul style="list-style-type: none"> Permanent Pasture Conservation Grassland Ponds Relating Woody Vegetation Proposed Woodland [W] 		<p>Proposed Woodland [W]</p> <table border="1"> <thead> <tr> <th>Species</th> <th>W1</th> <th>W2</th> <th>W3</th> </tr> </thead> <tbody> <tr> <td>Alder</td> <td>650-800</td> <td>720</td> <td>560</td> </tr> <tr> <td>Birch</td> <td>650-800</td> <td>720</td> <td>560</td> </tr> <tr> <td>Crataegus</td> <td>650-800</td> <td>720</td> <td>560</td> </tr> <tr> <td>Hawthorn</td> <td>650-800</td> <td>720</td> <td>560</td> </tr> <tr> <td>Prunella</td> <td>650-800</td> <td>720</td> <td>560</td> </tr> <tr> <td>Sallow</td> <td>650-800</td> <td>720</td> <td>560</td> </tr> <tr> <td>Sweetgum</td> <td>650-800</td> <td>720</td> <td>560</td> </tr> <tr> <td>Willow</td> <td>650-800</td> <td>720</td> <td>560</td> </tr> <tr> <td>Yew</td> <td>650-800</td> <td>720</td> <td>560</td> </tr> </tbody> </table>	Species	W1	W2	W3	Alder	650-800	720	560	Birch	650-800	720	560	Crataegus	650-800	720	560	Hawthorn	650-800	720	560	Prunella	650-800	720	560	Sallow	650-800	720	560	Sweetgum	650-800	720	560	Willow	650-800	720	560	Yew	650-800	720	560	<p>Hedges [H]</p> <table border="1"> <thead> <tr> <th>Species</th> <th>H1</th> <th>H2</th> <th>H3</th> </tr> </thead> <tbody> <tr> <td>Box</td> <td>450-500</td> <td>144</td> <td>136</td> </tr> <tr> <td>Crataegus</td> <td>450-500</td> <td>144</td> <td>136</td> </tr> <tr> <td>Privet</td> <td>450-500</td> <td>144</td> <td>136</td> </tr> <tr> <td>Yew</td> <td>450-500</td> <td>144</td> <td>136</td> </tr> </tbody> </table>	Species	H1	H2	H3	Box	450-500	144	136	Crataegus	450-500	144	136	Privet	450-500	144	136	Yew	450-500	144	136	<p>Notes:</p> <ul style="list-style-type: none"> Planting to be at 2m (200mm) x 2m spacing regular spaced plants and shelter-quads as appropriate to the area and seed control by means of 500mm bio-degradable mesh fences. Planting to be in double staggered rows at a rate of 15 no. hedging plants per linear metre in double staggered rows of 1.5m and protected by stable mesh to the inside of the mesh fence. Wood counts to be in wide bio-degradable mesh rail. 	<p>Revision/Date</p> <p>30/03/2014</p> <p>30/03/2014</p> <p>30/03/2014</p> <p>30/03/2014</p> <p>30/03/2014</p> <p>30/03/2014</p> <p>30/03/2014</p> <p>30/03/2014</p> <p>30/03/2014</p> <p>30/03/2014</p>	<p>LB built on relationships</p> <p>Lenham Quarry, Lenham Quarry Lenham, Kent, TN11 3JG 01474 611111 01474 611112 01474 611113 01474 611114</p>	<p>MA/14/688</p> <p>MA/09/1013/MR108</p> <p>MA/14/689</p> <p>LEN205</p>
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All Heights AOD

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Further Supporting Information

19. Following formal consultations and the receipt of various comments from statutory consultees and nearby residents, the applicant provided further supporting information including:
- Confirmation that should permission be granted it would be happy to accept a condition that specifies that restoration of Phase 1 be completed in three years from the grant of permission.
 - An updated Scheme of Working for the quarry and associated drawing (No. LEN/19 Rev B – page C1.11) (Condition 2).
 - A technical note and associated drawings providing further information on the Stream Channel Design and Gault Slope Profile, alongside details of an impermeable lining material (Condition 14).
 - A revised Ecological Mitigation and Management Scheme and additional clarification.
 - An addendum to the Noise Assessment.
 - An updated Restoration and Aftercare Scheme and Landscape Restoration plan.
 - A revised addendum to the Dust Assessment.
20. It should be noted that in addition to providing further supporting information the applicant also offered to meet with third parties to review the application and discuss any concerns relating to the applications or the management of the site. In this instance no one was able to take up the offer.

Planning Policy

21. The Government Policy and Guidance and Development Plan Policies summarised below are particularly relevant to the consideration of this application:
- (i) **National Planning Policy and Guidance** – the most relevant National planning policies and policy guidance are set out within the following documents:

National Planning Policy Framework (NPPF) (March 2012) sets out the Government's planning policies for England and is a material consideration in the determination of planning applications. The Framework does not change the status of the development plan (included below), which remains the starting point for decision making.

The NPPF contains a presumption in favour of sustainable development, which includes economic, social and environmental dimensions that should be sought jointly and simultaneously through the planning system. In terms of delivering sustainable development in relation to this development proposal, Chapters 11 (Conserving and enhancing the natural environment), 12 (Conserving and enhancing the historic environment), 13 (Facilitating the sustainable use of minerals) and accompanying Technical Guidance are of particular relevance: The Framework places great weight on the benefits of mineral extraction, including to the economy, and seeks to make the best use of minerals as a finite

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natural resource, avoiding needless sterilisation. Chapter 13 seeks to ensure that there are no unacceptable adverse impacts on the natural, historic environment and human health from mineral extraction, ensuring that any unavoidable noise and dust are controlled, mitigated or removed at source, whilst establishing appropriate noise limits at noise sensitive properties. Chapter 13 also seeks provision for the restoration and aftercare of mineral sites, to be carried out at the earliest opportunity to high environmental standards.

The NPPF seeks local planning authorities to look for solutions rather than problems and to approve sustainable development that accords with the development plan, unless material considerations indicate otherwise. Where the development plan is absent, silent or out-of-date, the Framework seeks that permission be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against NPPF policies.

National Planning Policy Guidance (NPPG) (March 2014) including planning for air quality, conserving and enhancing the historic environment, land stability, minerals, natural environment and noise.

Planning Policy Statement (PPS) 10 (Planning for Sustainable Waste Management) sets out Government policy on waste. The key planning objectives set out in PPS10 can be summarised as: providing a framework for delivering sustainable waste management through the movement of waste management up the waste hierarchy; helping implement the national waste strategy and supporting targets that are consistent with obligations required under European legislation; helping to secure the recovery or disposal of waste without endangering human health and without harming the environment; ensuring that communities take more responsibility for their own waste (self-sufficiency) and enabling sufficient and timely provision of waste management facilities to meet the local needs; enabling waste to be managed in one of the nearest appropriate installations (proximity); and recognising the particular locational needs of some types of waste management, together with wider environmental and economic benefits of sustainable waste management, as material considerations that should be given significant weight in determining whether proposals should be given planning permission.

(ii) **Development Plan Policies:**

Kent Waste Local Plan (KWLP) (1998) – the most relevant Policies include: W5 (Land Raising), W6 (Need), W12 (Landfill of Mineral Voids), W18 (Control of Noise, Dust, and Odour), W19 (Groundwater Protection), W20 (Land Stability, Drainage and Flood Control), W21 (Nature Conservation), W22 (Road Traffic and Access), W31 (Landscaping) and W32 (Restoration and Aftercare).

Kent Minerals Local Plan: Construction Aggregates (KMLP) (1993) – Policies include: CA10 (Mineral Consultation Areas), CA16 (Traffic Considerations), CA18 (Noise, Vibration and Dust), CA22 (Landscaping) and CA23 (Working and Reclamation).

Maidstone Borough Wide Local Plan (MLP) (2000) – the most relevant saved

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policies include: ENV6 (Landscaping), ENV28 (Countryside), ENV41 (Ponds, Marshlands and other forms of Wetlands).

(iii) Emerging Policy

Kent Minerals and Waste Local Plan (MWLP) 2013-30 Submission Document (July 2014) – Draft Policies CSM1 (Sustainable development), CSM2 (Supply of Land-won Minerals in Kent), CSM5 (Land-won Mineral Safeguarding), CSW1 (Sustainable development), CSW2 (Waste hierarchy), CSW12 (Inert Waste Management in Kent), DM1 (Sustainable design), DM2 (Environmental and Landscape Sites of International, National and Local Importance), DM3 (Ecological Impact Assessment), DM5 (Heritage Assets), DM7 (Safeguarding Mineral Resources and Importation Infrastructure), DM9 (The water environment), DM10 (Health and amenity), DM11 (Cumulative impact), DM12 (Transportation of minerals and waste), DM17 (Land Stability) and DM18 (Restoration and Aftercare)

Kent Minerals and Waste Development Framework: Minerals Sites Plan Preferred Options Consultation (2012) – identifies land adjacent to the application site at Boltons Field as a potential location for an extension to the quarry (Site 75: Boltons Field, Lenham Heath).

Members will be aware that the pre-submission consultation draft of the Kent Minerals and Waste Local Plan 2013-2030 was endorsed by the full Council on 12 December 2013 for submission to the Secretary of State following a period of consultation. The consultation on the Submission Document took place between 31 July and 12 September 2014 with the Plan due to be submitted at the beginning of November 2014. On the basis that the document has not yet reached submission stage, the draft Plan and its policies carry limited weight as material planning considerations.

Maidstone Borough Local Plan Public Consultation Draft: Regulation 18 Consultation (2014) – Draft Policies: NPPF1 (Presumption in favour of Sustainable Development), SS1 (Spatial Strategy), SP5 (Countryside), DM4 (Principles of good design), DM9 (Non Conforming Uses), DM10 (Historic and Natural Environment) and DM30 (Design Principles in the Countryside).

This document has not yet reached submission stage, as such the draft Plan and its policies carry limited weight as material planning considerations.

Consultations

(i) Application MA/14/688 for revised proposals for Phase 1 slope remediation.

22. *Details of the application documents submitted on 26 March 2014 were sent to all consultees on 16 April 2014. Further supporting information was submitted by the applicant on 11 July 2014 and subsequently made available to key consultees. The following comments have been received.*
23. **Maidstone Borough Council:** raise no objection to the application, with a request that KCC give full consideration to preserving the amenities of local residents.

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24. **Lenham Parish Council:** no comments received.
25. **Environment Agency:** raise no objection to the application. The Agency notes that the variation to allow use of imported clay for slope remediation, in place of inert granular fill would be acceptable.
26. **Natural England:** raise no comment on the application.
27. **Kent Wildlife Trust:** no comments received.
28. **CPRE Protect Kent:** no comments received.
29. **Network Rail:** raise no objection, recommends that the applicant contacts Network Rail's Asset Protection team prior to any work commencing on site to discuss details design and construction details where necessary.
30. **Health & Safety Executive:** no comments received.
31. **South East Water:** no comments received.
32. **Kent County Council Highways and Transportation:** raise no objection to the application, subject to conditions on the existing planning permission being re-imposed on any new consent, including conditions 12 (volumes of imported materials to not exceed 237,000m³), 13 (total of 106 HGV movements (53 in / 53 out)), 14 (records of all HGV movements), 15 (all HGVs to be sheeted), 16 (HGVs to be routed north towards Ashford Road (A20)) and 17 (provision of wheel-washing facilities).
33. **The County Council's Geotechnical Consultants:** raise no objections to the application and comments as follows:
- 'The slope stability analysis [included with the application] sensibly assumes a worse case of imported Gault Clay fill. We accept the parameters used, assumed groundwater conditions and the outcome which shows that a 1v:4h slope would have an adequate factor of safety.'*
- 'Fills other than Gault Clay would usually have better geotechnical properties and therefore most inert fills would be acceptable for inclusion in the 1v:4h buttress slope. A minimum undrained shear strength of 50 kPa is specified which would effectively preclude unsuitable imported materials such as soft alluvium.'*
- The Geotechnical Consultant recommends that the existing geotechnical conditions imposed on permission MA/08/45 remain relevant and should be imposed on any new permission, including only inert materials that are the environmental and engineering equivalent of on-site materials to be imported and the submission of annual and final geotechnical verification reports.
34. **The County Council's Noise Consultants:** raise no objection to the application, subject to the inclusion of the noise conditions previously imposed on planning permission MA/08/45, being controls on the hours of use (0700 – 1800 hours Monday

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to Friday and 0700 - 1300 hours on Saturdays), no more than a combined total of 106 HGV movements (53 in / 53 out) and noise from operations on site not to exceed 55dB(A) LAeq 1 hour (free field) measured adjacent to any noise sensitive property.

35. **The County Council's Air Quality Consultants:** raise no objection to the application, subject to the inclusion of air quality conditions previously imposed on permission MA/85/45 including volume of inert material imported shall not exceed 237,000m³, no more than a combined total of 106 HGV movements (53 in / 53 out), all HGVs shall be sheeted, HGV routing north via Ashford Road (A20), provision of wheel-washing facilities proposed and measures to minimise and control the emission of dust as proposed within the application.
36. **The County Council's Sustainable Drainage Engineer:** raises no comments on the application.
37. **The County Council's Landscape Advice Service:** raise no objection to varying the proposals for the Phase 1 slope remediation.
38. **The County Council's Ecological Advice Service:** raise no comments on the application.

(ii) Application MA/14/689 to vary condition 2 of MA/09/1013/MR108, temporarily relax condition 5 and schemes pursuant to conditions 14, 23, 25 & 29.

39. *Details of the application documents submitted on 26 March 2014 were sent to all consultees on 16 April 2014. Supplementary supporting details submitted by the applicant on 11 July 2014, 4 August 2014, 3 September 2014 and 14 September 2014 in response to comments received were subsequently made available. The following comments have been received on the basis of the above details.*
40. **Maidstone Borough Council:** raise no objection to the application.
41. **Lenham Parish Council:** no comments received.
42. **Environment Agency:** raise no objection to the application.
43. **Natural England:** raise no objection to the application.
44. **CPRE Protect Kent:** no comments received.
45. **Kent Wildlife Trust:** raise no objection to the working scheme and positively welcome the general thrust of the revised restoration scheme.
46. **Network Rail:** raise no objection, recommends that the applicant contacts Network Rail's Asset Protection prior to works commencing on site.
47. **Health & Safety Executive:** no comments received.
48. **South East Water:** no comments received.

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49. **Kent County Council Highways and Transportation:** raise no objection to the application.
50. **The County Council's Geotechnical Consultants:** raise no concerns about the geotechnical aspects of the application (notably slope stability), subject to the work being carried out in accordance with the revised scheme of working submitted in support of the application.
51. **The County Council's Air Quality Consultants:** confirm no significant effects on air quality are expected at the sensitive receptors with the *proposed* mitigation measures in place.

Mitigation measures for air quality (dust) must include those described in the revised 'Dust Assessment Addendum'. The location and features of the earth bunds must agree with those shown on drawing 'LEN 19 Rev B – Revised Scheme of Working' (included on page C1.11) and the site operated in accordance with the 'Revised Scheme of Working' dated July 2014.

52. **The County Council's Noise Consultants:** confirm no significant effects on noise are expected at the sensitive receptors with the proposed mitigation measures in place.

The soil bunds *proposed* are expected to work as noise barriers and should be delivered and maintained in accordance with drawing 'LEN 19 Rev B – Revised Scheme of Working'. The construction of the 'new 2m high soil bund' on the western boundary of Phase 3 should be constructed before work commences on this phase of the quarry.

53. **The County Council's Sustainable Drainage Engineer:** raises no concerns, subject to the ordinary watercourse's ability to convey water remaining uninterrupted (whether through the existing or realigned channel).

Advises that, irrespective of any planning permission granted, any diversion, culvert, weir, dam or like obstruction to the flow of the identified watercourse will require the explicit consent of the Lead Flood Authority (Kent County Council) under the Land Drainage Act 1991, as amended by regulations of the Flood and Water Management Act 2010.

Confirms that any watercourse within the site's boundary would be classified as an 'ordinary watercourse' and would not be maintained by the Environment Agency or by an Internal Drainage Board. In the absence of any express agreement to the contrary, maintenance of the watercourse will be the responsibility of the riparian owners. Recommends that the applicant contacts the Lead Flood Authority at the earliest convenience to discuss the necessary Flood Defence Consent.

54. **The County Council's Landscape Advice Service:** raise no objection to the application. Confirms that the proposed scheme is satisfactory from a landscape point of view and should provide an improvement to the condition of the landscape character at the site.

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55. **The County Council’s Ecological Advice Service:** raise no objection to the application.

To enable KCC to monitor the progress and success of the compensatory measures proposed pursuant to condition 25, the key element within the updated *Ecological Mitigation and Management Plan* is the annual submission of the review of monitoring and management actions taken and necessary management prescriptions for the forthcoming year. The outcomes from this scheme will help to inform decisions in relation to site restoration and mitigation requirements for other schemes.

Confirms that the *Updated Restoration and Aftercare Scheme* submitted pursuant to condition 29 is considered acceptable from a biodiversity perspective.

56. **The County Council’s Archaeological Officer:** raises no objections to the application. Confirms that the Programme of Archaeological Works submitted is acceptable, subject to the work on Phase 3 being carried out in accordance with the specification.

Local Member

57. The local County Member for Maidstone Rural East, Mrs J. Whittle was notified of both applications on 16 April 2014.

Publicity

58. The applications were publicised by the posting of a joint site notice, a joint advertisement in a local newspaper and the individual notification of 51 nearby properties.

Representations

59. At the time of writing this report, 5 letters of representation have been received from 2 nearby properties concerning both applications – (i) MA/14/688 and (ii) MA/14/689. The representations relate to the following issues:-

- Raises concern about the delays in restoring Phase 1 of the quarry, considers that the restoration should have commenced long ago. Considers a further extension of time to be unjustified and objects to the proposed three years. Considers that the restoration must be commenced again and completed within the shortest possible timeframes, with no further extensions.
- Considers the applicant’s justification for the delays (being the downturn in the economy and the subsequent lack of appropriate fill materials) to be immaterial as the requirement to restore the site is not dependent on the cost implications.
- Raises concern over potential amenity impacts that could affect nearby properties.
- Considers that the existing bunds that surround the site must be retained to attempt to mitigate the increased noise and dust levels that would affect nearby properties. Considers that this should be a condition on any planning permission.
- Raises concern about mistakes within the initial dust assessment submitted by the applicant, notes that the report incorrectly identifies the distances from the working

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areas within the quarry to nearby residential properties. *It should be noted that the applicant addressed this point by submitting a revised dust assessment, which has been considered by the County Council's Dust Consultants in making the above recommendations.*

- Raises concern over the overall delays in working the quarry.
- Raises concern that the quarry has been 'mothballed' and has not been actively worked for 2 years. Considers that the evidence made available by the applicant is not adequate to confirm that the site has been worked in this timeframe. On this basis considers that under the requirements of condition (28) of permission MA/09/1013/MR108 restoration of the entire site should be commenced and the quarry closed thereafter.
- Requests that the Planning Authority enforce the conditions of permission MA/09/1013/MR108 without relaxing the condition relating to the timing of operations.
- Requests that the County Planning Authority reaffirms the 25 August 2025 end date for cessation of mineral extraction at the quarry and that no extensions to this date be made available.
- Raises concern that by granting extensions to timeframes to restore the first phase of the quarry this will lead to subsequent requests for other extensions to the time allowed to work the quarry.
- Strongly objects to the diversion of any streams that pass through the quarry as the watercourses feed a well within a neighbouring property.
- Considers that the watercourses form a natural wetland within the quarry site that should be preserved.
- Raises concern that the applicant is not abiding by the agreed working programme.
- Raises concerns that a plan included with the original Ecological Mitigation and Management Plan incorrectly labels the boundary between Phases 2 and 3. The concern being that a top soil / overburden storage area to the east of Phase 2 (adjacent to Boltons Farm Cottage and Bolton Farmhouse) is retained and not incorporated into a new Phase 3 to be worked.
- Raises concern that due to the quarry not being worked the site is subject to regular trespass, including children, grazing of horses and individuals using firearms and dogs to hunt rabbits. Considers that the site should be patrolled 24/7 from now on.
- Raised concern that Ragwort is being allowed to grow within the quarry site and that as a result seeds are blown into neighbouring paddocks. Notes that Ragwort is a notified plant species that is poisonous to horses and should not be allowed to grow in large quantities. Any self-seeded plants causes concern for the welfare of the animals that use the paddocks and the work required to keep the paddocks free of this plant species.

Discussion

60. Application (i) seeks planning permission to vary conditions of permission MA/08/45 relating to revised proposals for Phase 1 slope remediation (reference MA/14/688). Application (ii) seeks permission to vary condition 2 (working and restoration scheme) of MA/09/1013/MR108 and includes requests for a temporary relaxation of condition 5 (extent of area outside agricultural use at any one time) and the approval of schemes pursuant to conditions 14 (diversion of watercourse), 23 (archaeological work), 25 (compensatory habitat) & 29 (restoration and aftercare) (reference MA/14/689). The

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applications are being reported to the Planning Applications Committee as a result of 5 letters of objection received from the occupiers of 2 nearby properties. See paragraph (22) to (56) and (59) for details of all consultee views received.

61. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, the proposals need to be considered in the context of the Development Plan Policies, the National Planning Policy Framework, other Government Policy and any other material planning considerations. In considering this proposal the planning policies outlined in paragraph (21) above are particularly relevant.
62. The key determining considerations in these particular cases can be addressed under the following headings:

(i) Application MA/14/688 for revised proposals for Phase 1 slope remediation.

- geotechnical and slope design considerations;
- extension to the time allowed for the importation and deposit of inert waste material for slope remediation; and
- highway, local amenity and other considerations.

(ii) Application MA/14/689 to vary condition 2 of MA/09/1013/MR108, temporarily relax condition 5 and schemes pursuant to conditions 14, 23, 25 & 29.

- variation of condition 2 (working and restoration scheme);
- temporary relaxation of condition 5 to allow more than 4ha to be out of agricultural use;
- condition 14 (diversion of watercourse);
- condition 23 (archaeological work);
- condition 25 (compensatory habitat);
- condition 29 (restoration and aftercare); and
- other considerations.

(i) Application MA/14/688 for revised proposals for Phase 1 slope remediation.

63. This application seeks to vary an existing planning permission to extend the time allowed to complete the proposed restoration and remediation of Phase 1 of the quarry. The proposals also seek to amend the design of the proposed restored slope to allow the use of a wider range of inert fill materials, whilst still complying with the requirement that they be the environmental and engineering equivalent of other materials found on site. There are no other changes to the planning permission being proposed.
64. The principle of the development is established through permission MA/08/45. In April 2008 the Planning Applications Committee considered that the importation of inert material to site was the most sustainable way of securing the satisfactory restoration of Phase 1 of the quarry without sterilising part of the permitted mineral reserve. At the time the Committee were satisfied that the impacts of the development could be reasonably mitigated by the conditions imposed. These environmental controls would

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remain largely unchanged by the proposals put forward within application (i) MA/14/688.

Geotechnical and slope design considerations

65. Kent Waste Local Plan Policy W20 requires waste proposals demonstrate that they are acceptable in terms of land settlement and stability. The National Planning Policy Guidance (NPPG) confirms that the planning system has an important role in considering land stability by minimising the risk and effects of land stability on property, infrastructure and the public and by bring unstable land, wherever possible, back into productive use. The site operator also has a general duty under the Quarries Regulations 1999 to ensure the safety of quarry excavations and tips and that once abandoned the quarry is left in a safe condition.
66. Planning permission MA/08/45 allows for the importation of inert construction fill material to remediate and restore Phase 1 of the quarry, including raising the level of the quarry floor and buttressing the southern face of the quarry by backfilling to a slope with a profile of 1v:2h. The existing slope to the south of Phase 1 exists at an average gradient of 1v:1h, with steeper gradients across the mid-slope. Technical advice has confirmed that if left in its current condition the slope would undergo progressive failure and in the longer term it is considered likely to degrade to a point which may compromise the site boundary and impact on adjacent land.
67. To achieve a stable slope at a gradient of 1v:2h with an acceptable factor of safety, the original permission sets out detailed criteria that the proposed fill material would need to meet. In order to provide stable slopes the majority of the imported fill had to be restricted to inert granular material, which has a higher shear strength. Following the implementation of the permission the applicant has not been able to source the granular material necessary to undertake the remediation work as agreed. The applicant indicates that the lack of available appropriate material is likely to be due to the drive to recycle this type of waste, which can be suitable for use in the production of recycled aggregates.
68. Given the difficulties obtaining the necessary materials, the applicant has confirmed that it has carefully considered the options available in order to advance the restoration of Phase 1 of the quarry. The current application seeks permission to modify the approved approach to the remediation so that the slope can be constructed from a wider mix of imported inert fill materials, including cohesive materials (clays). Inert cohesive materials are considered to be similar in both environmental and engineering properties to the indigenous Gault clay found over the northern part of the site and were included in the types of waste that could be imported under the existing permission. However, the current application seeks to change the balance between different types of approved inert fill materials to allow a range of cohesive materials to be used as the predominant material in the construction of the slope. If granular materials can be sourced, they would remain suitable for use in the revised buttress design.
69. A geotechnical report prepared by the applicant confirms that constructing the southern slope from imported clays would require changes to the approved design. A shallower slope would be needed to achieve the long-term stability of the landform. The technical

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report recommends that to maintain an acceptable factor of safety whilst using a mix of cohesive materials the proposed slope should be constructed to a maximum external gradient of 1v:4h. The shallower gradient being proposed would result in minor changes to the overall footprint of the southern slope and to the approved scheme of restoration scheme.

70. The application confirms that despite the proposed changes, there would not be a need to import more inert fill materials than is already permitted (237,000m³). By accepting that the maximum depth of the quarry at 81.5m Above Ordinance Datum (AOD) (as opposed to the previously assumed 79m AOD), the materials balance calculations for the site indicate a deficit of approximately 233,500 m³, which could result in marginally less inert fill material being needed to constructed the revised slope design.
71. After examining the application and the supporting technical report, the County Council's geotechnical consultant has confirmed that the revised approach to the design of the slope would have an adequate factor of safety. He raises no objections to the application subject to the development being carried out in accordance with the proposed scheme and recommends that the existing geotechnical conditions imposed on permission MA/08/45 remain relevant and should be re-imposed on any new permission. These include only inert materials that are the environmental and engineering equivalent of on-site materials to be imported and the submission of annual and final geotechnical verification reports. It is also noted that the Environment Agency raise no objection to the application, confirming that the use of imported clay in place of inert granular fill materials would be acceptable from an environmental perspective.
72. In terms of the slope design the County Council's Landscape Advice Service has confirmed that it has no concerns over the proposed variation to the slope remediation and that, as part of the overall restoration scheme, it should improve the condition of the landscape character. Given these views and that (in visual terms) the design of the revised landform does not significantly depart from the approved restoration scheme, the proposed approach is considered acceptable and would accord with the relevant development plan policies. I am also satisfied that the development would not impact on the setting of the nearby listed buildings due to the topography and intervening landscaping / tree planting.
73. Taking into consideration the views of consultees, including the recommendations made by the County Council's geotechnical consultant, Landscape Advice Service and the views of the Environment Agency, I am satisfied that the proposed amendments to the slope design and mix of fill materials would be acceptable in terms of geotechnical and land stability considerations and would accord with the relevant development plan policies and government policy and guidance, subject to the conditions recommended above.

Extension to the time allowed for the importation and deposit of inert waste material for slope remediation

74. A key aspect of the application is the proposed variation of condition 2 of MA/08/45 to allow a 3 year extension to the timeframes allowed to complete the restoration of Phase 1 through the importation of inert materials to site.

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75. In response to the application one neighbouring resident has raised concern over the delays in restoring Phase 1 of the quarry. The respondent suggests that a further three year extension is unjustified and that the restoration should commence and be completed within the shortest possible timeframe. The resident considers that the applicant's justification for the delays (including the downturn in the economy and the subsequent lack of suitable fill materials) to be immaterial as the requirement to restore the site is not dependent on cost considerations.
76. In response to concerns raised about the time taken to complete the restoration, the applicant has advised that, subject to planning permission, its intention would be to commence the slope remediation as soon as possible, ideally this autumn. The applicant considers that the combination of the improvements in the economy and the broadening of the inert materials which could be used within the slope remediation work, would make sourcing suitable inert fill material much easier. In a change to the application as initially submitted the applicant has indicated that should permission be granted, a condition requiring that the restoration be completed within 3 years of the date of the permission (rather from the date of implementation) would be acceptable.
77. Whilst the delays in completing the restoration of Phase 1 of the quarry are regrettable, I accept the applicant's reasons for this and consider that the development now proposed appears capable of securing the safe and successful restoration of the site at the earliest opportunity. Ideally, this should take place as swiftly as possible. However, I do not consider that it would be appropriate to recommend a reduction in the 3 year timeframe proposed. The application was originally assessed and accepted as a 3 year project and to require that the work be carried out any quicker could potentially result in an increase in the permitted number of vehicle movements each day and the intensity of activity on site such that it could have additional amenity or other impacts. In addition to this there would be no guarantee that the applicant would be able to source the necessary materials in a shorter timeframe. I consider that the proposed period of time is entirely reasonable given the volume of materials and the work involved and would allow the restoration to take place well within the permitted timeframes for the quarry. The applicant has stated a clear intention to commence the work as soon as practicable. I am therefore satisfied that a further 3 year period is acceptable subject to this period being from the date of any new planning permission.

Highway, local amenity and other considerations

78. The NPPF requires mineral planning authorities to ensure that proposals do not have unacceptable adverse effects on the natural or historic environment or on human health, including noise, dust, visual intrusion, traffic and surface and groundwater quality.
79. With the exception of the variation of conditions 2, 3, 6 and 11 to allow the proposed change to predominant fill materials to be used along with the amendments to the overall slope design and the request to increase the time allowed to complete the restoration, this application does not seek to alter any of the other conditions imposed on MA/08/45. The conditions imposed on MA/08/45 include a maximum limit on the amount of fill material that can be imported (237,000 m³), a combined maximum of 106 HGV movements per day (53 in / 53 out), hours of operation (0700 to 1800 hours

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Monday to Friday and 0700 to 1300 hours on Saturdays), noise limits (55dB LAeq 1 hour) and dust mitigation measures. The application includes a review of the various technical reports that accompanied application MA/08/45 which conclude that the supporting information remains relevant and valid and that the proposed mitigation continues to form part of the slope remediation proposals.

80. No objections have been received to this application from consultees, including Maidstone Borough Council, the Environment Agency, Kent County Council Highways and Transportation, or the County Council's Noise and Air Quality consultants.
81. The Planning Applications Committee considered the potential environmental and amenity impacts of the proposals in April 2008 and found them to be acceptable subject to the conditions imposed the planning permission (MA/08/45). Given that there would be no changes to the proposed volume of inert fill being imported to site, the number of HGV movements, the type of plant that would be used and no other material changes in so far as they relate to the proposed development, I am content that the proposals could be adequately controlled by the imposition of the existing conditions with no significant adverse impacts on the local environment or local amenity should permission be granted. I am therefore satisfied that the proposed development would be acceptable in highway, environmental and amenity terms and would continue to accord with the relevant development plan and Government policies detailed above.

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Variation of condition 2 (working and restoration scheme)

82. Condition 2 of permission MA/09/1013/MR108 states that no operations shall take place without the prior approval of the County Planning Authority except in accordance with details of the working and restoration schemes submitted with the minerals review (ROMP) application (MA/09/1013/MR108). The current application seeks to vary condition 2 to allow for the revised scheme of working and restoration that has been submitted with the application pursuant to condition 29. The changes to the restoration scheme are primarily to accommodate the revised slope design proposed within application (i) above. A copy of the revised 'Landscape Restoration' drawing is included above. The revised landscape restoration details are considered fully along with the accompanying 'Updated Restoration and Aftercare Scheme' in paragraphs (110 -113) below.
83. The 'Revised Scheme of Working' (and accompanying drawing LEN/19 included on page C1.11) have been updated at the County Council's request in order to address: details of the soil bunds to be retained / positioned as part of the noise and dust mitigation for Phases 2 and 3; a clearer indication of the timing of the restoration of Phase 1 in relation to the continued working and restoration of Phase 2 and the timing of commencement of operations in Phase 3; and an updated approach to the working of Phase 3 that takes account of the proposed approach to the permanent diversion to the existing water course (considered in paragraphs (96 - 101) below).
84. Members will note that concern has been raised by neighbouring residents regarding various aspects of the working programme and continued operation of the site. These

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comments are summarised in paragraph (59) and include concerns over the potential amenity impacts of future phases of extraction, the need to retain the existing soil bunds to the eastern boundary and some confusion in the local community over the extent of the area of permitted for sand extraction.

85. The amenity impacts of the proposed quarry operations were considered in detail and accepted at appeal under the base permission (MA/87/114). The controls put in place under this permission were reviewed and accepted under the ROMP permission (MA/09/1013/MR108). These include conditions that restrict noise to no more than 55dB (A) LAeq at sensitive properties from day to day operations and 70 dB (A) LAeq for up to 8 weeks a year for soil / overburden stripping / placement and acoustic visual bund construction and require dust mitigation measures to prevent nuisance from windblown dust.
86. Whilst the potential noise and dust impacts of the quarry on the vast majority of properties that surround the quarry were satisfactorily considered under the previous noise and dust assessments (including the ROMP application), the more recent development of a static caravan site on land to the north west necessitated additional assessments. The updated noise and dust assessments provided by the applicant conclude that once the surrounding landscape, screening bunds and permitted mitigation measures are taken into account, the residual impact of operations on site would be acceptable at all receptor locations. The Revised Scheme of Working proposes to retain soil bunds (at a height of 3m) along the site boundaries to the south, east and south-east of Phase 2 until such time as all of the sand extraction in Phases 2 and 3 is complete and the soil is needed in the restoration of Phase 3. The proposals also include the provision of a new 2m soil bund to the north-western boundary during the operation of Phase 3. See drawing LEN/19 included on page (C1.11) for further details.
87. The County Council's Noise and Air Quality consultants have considered the addendum's to the noise and dust assessments received with the application and have advised that, subject to the proposed mitigation measures (including the soil bunds) being implemented, there would be no significant effects at the sensitive properties. All existing noise and dust conditions imposed on MA/09/1013/MR103 (that are not proposed to be amended by this application) would need to be re-imposed on any new planning permission.
88. The comments received from nearby residents appear to result, at least in part, from some confusion over the extent of the permitted working area within the quarry site. The concerns received focus on an existing soil storage area located to the east of the quarry. For the avoidance of doubt, whilst this area has been used for the storage of topsoil and overburden stripped from Phases 1 and 2, the land beneath forms part of the working area originally permitted with sand to be extracted as part of Phase 2 of the quarry. The materials stored on this part of the site would be used to restore Phase 1 and parts of Phase 2. As indicated above, the applicant has confirmed that a soil bund 3 m high would be retained at this point until extraction in Phases 2 and 3 are complete. This approach to the working of the quarry was fully assessed under the base permission and ROMP permission and is considered to be acceptable. It also accords with the NPPF, NPPG and the Development Plan.

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89. No objections have been raised by Maidstone Borough Council or the Environment Agency. Taking this into account alongside the recommendation of the County Council's Noise and Air Quality Consultant, I am satisfied that the proposed variation to condition 2 to allow the revised schemes of working and restoration would be acceptable, subject to the existing planning conditions relating to noise and dust placed on MA/09/1013/MR108 being re-imposed on any new permission. The details of the proposed restoration scheme are considered in more detail within paragraphs (110 - 113) below.

Temporary relaxation of condition 5 to allow more than 4ha to be out of agricultural use

90. Condition 5 of MA/09/1013/MR108 requires the progressive restoration of the open quarry (*to lower levels*) as work proceeds on site, such that no more than 4 hectares (excluding access road, processing plant area, areas of advanced tree planting and soil storage areas) are out of agricultural use at any one time (without the prior approval of the County Planning Authority).

91. Due to the delays in restoring Phase 1, condition 5 has been relaxed (on a temporary basis) on a number of occasions to afford the applicant an opportunity to progress with extraction of sand from Phase 2 whilst not prejudicing quarry restoration. This has enabled the quarry to continue to be worked and has ensured that an available supply of sand is maintained on site. As a result, Phase 2 has been partially worked (as shown on the 'Revised Scheme of Working' drawing included on page (C1.11)) and more than 4 hectares of the defined quarry area is already open and outside agricultural use. The applicant is seeking a further temporary relaxation of condition 5 for a period of 3 years to allow the revised approach to the restoration of Phase 1 (as proposed within application (i) MA/14/688) to continue in tandem with extraction of sand from Phase 2.

92. Members will note that a number of the concerns raised by local residents relate to delays in the working and restoration of the quarry, including fears that these delays could ultimately result in a request to extend the life of the quarry beyond the final date for the cessation of all extraction within the quarry (i.e. 24 August 2025). One of the representations received requests that the County Planning Authority reaffirms the 25 August 2025 end date for the quarry and that no extensions to this date be made available. I propose that the same end-date be replicated on any new planning permission. Whilst I am not aware that the applicant has any plans to seek to vary this requirement, it should be noted that the planning system would allow such an application to be made and that its acceptability or otherwise would need to be assessed at that time.

93. The residents have also noted that the quarry has been 'mothballed' over the last few years. Their comments suggest that no work has taken place over the last 2 years such that they consider that the requirements of condition (28) of permission MA/09/1013/MR108 should be enforced, the site restored and the quarry closed thereafter. Condition 28 states that if excavation ceases and does not recommence to any substantial extent for a period of 2 years, or such longer period as may be agreed by the County Planning Authority, the workings shall be restored and landscaped within a further period of one year in accordance with the approved restoration scheme. The

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applicant has indicated that whilst operations on site have been significantly reduced in recent years, limited quantities of sand have been exported over this timeframe such that the requirements of condition 28 would not come into effect.

94. The intention of condition 28 is to ensure that the County Planning Authority has a mechanism to secure the proper restoration of the site within a reasonable timescale if the site is abandoned or partially worked and not recommenced to any substantial extent. It should be noted that even if condition 28 were to be triggered, and restoration sought by the Planning Authority, the planning permission for extraction of sand from the site would continue to run until 25 August 2025. As such, subject to operations being carried out in accordance with the various conditions, the quarry could be re-opened and worked at any point until this final date. I am satisfied that the applicant has exported some sand (albeit in limited quantities) over the last few years and that it does not intend to abandon the quarry such that it will be worked and restored. On this basis, I do not believe that the requirements of condition 28 are applicable in this instance. The only way the County Planning Authority could prevent further mineral working at the site prior to 2025 would be to formally revoke the permission. This would have significant cost implications for the County Council by way of compensation, as well as unnecessarily sterilise minerals.
95. As indicated above, whilst the delays in restoring Phase 1 are not ideal it is important that this work is secured in the most sustainable way. It is also important that the available permitted mineral resource is safeguarded and extracted in a sustainable manner, thereby helping to maintain the County Council's landbank of construction sand. A decision not to allow the temporary relaxation of condition 5 would delay further work within Phase 2 until Phase 1 is restored. This would, in turn, further delay the working of the overall quarry without actually resulting in additional land being returned to agricultural use. I note that none of the consultees have raised any objection to this proposal and therefore consider that a further temporary relaxation of the condition 5 would be acceptable. However, as with previous approvals I consider that until such time as Phase 1 of the quarry is restored this should be limited to the extraction of material from Phase 2 only, with any work in Phase 3 being limited to preparatory works, works relating to the compensatory habitat and the diversion of watercourse (discussed below).

Condition 14 (diversion of watercourse)

96. A small watercourse flows in an easterly direction across the north-eastern part of the quarry and forms the southern boundary of Phase 3 of the permitted operations. The principle of diverting the watercourse to enable the extraction of sand from Phase 3 whilst maintaining the flow of water across the site to properties to the east has already been established such that this principle should not be revisited if an acceptable solution for its diversion is proposed.
97. Members will note that one of the representations received from a local resident raises an objection to the diversion of any stream that pass through the quarry as the watercourses feed a well within a neighbouring property. The respondent considers that the stream forms a natural wetland within the quarry should be preserved.

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98. Condition 14 of permission MA/09/1013/MR108 requires the submission of a detailed scheme of surface water management for approval prior to any work taking place affecting the watercourse. The scheme is required to include details of the temporary diversion of the watercourse during mineral extraction; the permanent location and engineering design of the realigned watercourse upon restoration; and timescales for implementation.
99. Initially it was anticipated that the watercourse would need to be temporarily diverted to enable Phase 3 to be worked, with a permanent diversion at a later stage. After reviewing the available options, the applicant proposes to adjust the working of Phase 3 to prioritise extraction from the northern part of the phase. This approach would enable the construction of the northern slope down to a level where the foundation of the diversion route could be created. Thereby avoiding the need to temporarily divert the watercourse and enabling a permanent diversion channel to be established early in operations. Work to the south could then be undertaken at a later stage once the diversion is complete. To ensure the stability of the landform the proposed approach would adopt a lined open channel created by forming an embankment across the slope constructed so as not to destabilise the underlying clay. The proposed design is supported by drainage calculations and a scheme to manage surface water runoff within the excavation.
100. Neither the Environment Agency nor the County Council's Sustainable Drainage Engineer raise any concerns over the proposals. The Sustainable Drainage Engineer advises that any diversion, culvert, weir, dam or like obstruction to the flow of the identified watercourse would require a separate consent by the Lead Flood Authority (Kent County Council) under the Land Drainage Act 1991, as amended by regulations of the Flood and Water Management Act 2010. In relation to the geotechnical aspects of the slope design, embankment and channel the County Council's Geotechnical Consultants raise no objections, subject to the work being carried out in accordance with the revised scheme of working submitted in support of the application.
101. Notwithstanding the concerns expressed by the local residents I am satisfied, having regard to the technical consultee comments, that the proposed scheme would be the most sustainable approach to the diversion of the watercourse and would maintain the necessary flow through the site to properties beyond. The proposed design and the revised approach to the working of Phase 3 of the quarry would preclude the need to temporarily divert the watercourse and enable the new channel to be constructed with a gradient that would allow the watercourse to flow without the need for a pump. The open channel would also present an opportunity to create a new habitat on site and ensure that the scheme can be easily maintained. I am therefore content that the submitted details satisfy the requirements of condition 14 and should be approved.

Condition 23 (archaeological work)

102. Prior to any work taking place in Phase 3 of the quarry, condition 23 of planning permission MA/09/1013/MR108 requires the applicant to submit details of a programme of archaeological work for approval. This is required to ensure that any features of archaeological interest within Phase 3 are properly examined and recorded.

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103. The application documents received include a written scheme of investigation addressing the above condition. The scheme acknowledges that whilst the site contains no designated heritage assets and no Historic Environment Records, a large number of finds have been made in the vicinity, indicating potential for archaeological remains to be preserved within Phase 3 of the site. Following advice from the County Council's Heritage Conservation Group, the scheme proposes a strip map and sample operation, comprising monitoring of topsoil stripping, identification and recording of a full plan of archaeological remains present and the investigation of a sample of those remains. Following the fieldwork the results would be analysed and reported, with an archive of finds deposited with a suitable museum.
104. Where a heritage asset would be lost the NPPF seeks to ensure that developers record and advance understanding of its significance in a manner proportionate to its importance and the impact. The County Council's Archaeological Officer has considered the programme of work and advised that the proposals are acceptable, subject to work within Phase 3 being carried out in accordance with the specification. The Archaeological Officer has requested that condition 23 be partially discharged to confirm that the programme of works is acceptable and only fully discharged once the extent of post excavation and publication work has been agreed and a full report on the archaeological fieldwork received.
105. On the basis of the above, I am content that the proposed programme of archaeological works satisfies the pre-commencement aspects of condition 23 such that the condition should be partially discharged in accordance with the recommendations above.

Condition 25 (compensatory habitat)

106. Chapter 11 of the NPPF (Conserving and enhancing the natural environment) recognises that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on biodiversity. Policies W21 of the Kent WLP and ENV28 of the Maidstone Local Plan seek to protect existing habitats and biodiversity and, where possible, seek opportunities to incorporate biodiversity enhancements in and around development.
107. Members will note that Phase 3 of the permitted quarry falls within a local Site of Nature Conservation Importance (Local Wildlife Site) associated with pasture and ponds at Lenham Forstal. Condition 25 requires the submission of a scheme of compensatory habitat to create replacement ponds and grassland, including the translocation of species to a receptor site and a management and monitoring plan.
108. Phase 3 includes 3.23ha (7.9 acres) of unimproved neutral grassland, standing water, hedgerows, dry ditch and running water habitats, which support various species, some of which are protected and may require European licences to translocate. The applicant has provided an Ecological Mitigation and Management Plan, which has been revised and amplified in response to consultees' comments, including those received from Natural England, Kent Wildlife Trust and the County Council's Ecological Advice Service. The latest vision to the Plan proposes a detailed mitigation strategy for the habitats that would be lost. The strategy would involve the creation of 6ha (14.8 acres) of compensatory habitat on a receptor site within land to the west, which currently

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compromises agricultural grassland. The proposed enhancements to the receptor site would take place prior to the start of excavation of Phase 3 and include the creation of four replacement ponds and the enhancement of two existing ponds, the translocation of neutral grassland turves removed from Phase 3 and the seeding and planting of new species to create replacement grassland and wetland habitats. The proposals include the monitoring of the new habitats for up to 9 years after the translocations are complete to ensure the success of the scheme. In the long-term, further mitigation is proposed through the phased restoration of the entire quarry site.

109. All of the consultees that have helped guide the revisions to the Mitigation and Management Plan have confirmed that they are satisfied with the latest scheme. On the basis of this specialist advice, I content that the proposed approach to condition 25 would be acceptable, would accord with the development plan policies in place and should be approved.

Condition 29 (restoration and aftercare)

110. The NPPF encourages restoration and aftercare of mineral sites at the earliest opportunity and to the highest environmental standards.
111. Condition 29 requires the submission of a restoration and aftercare scheme (including a programme of work, maintenance and monitoring) for approval by the County Planning Authority in accordance with the principles set out by the documentation received in support of permission MA/09/1013/MR108. The application includes a detailed 'Updated Restoration and Aftercare Scheme' that address the requirements of condition 29, whilst varying the scheme slightly from that approved (in principle) under MA/09/1013/MR108, primarily to take account of the above mentioned changes to the restoration of the slopes within Phase 1. This scheme was amended by the applicant during the consideration of the submission to take account of comments made by Kent Wildlife Trust and the County Council's Ecological and Landscape Advice Services. The final restoration scheme being proposed is included on page (C1.14). The scheme includes restoration of the land at a reduced ground level to include agricultural land (permanent pasture), conservation grassland, woodland, new hedgerows, the diverted watercourse and new ponds.
112. In commenting on the revised scheme the County Council's Landscape Advice Service advises that the updated Restoration and Aftercare scheme is thorough and successfully covers the elements required under condition 29, confirming that the proposed scheme is satisfactory from a landscape point of view and should provide an improvement to the condition of the landscape character at the site. The County Council's Ecological Advice Service raises no concerns regarding the submitted scheme and recommend that condition 29 be discharged. Kent Wildlife Trust positively welcomes the general trust of the revised restoration scheme and Maidstone Borough Council raises no concerns.
113. On the strength of positive comments raised by the technical consultees, I am satisfied that the revised restoration and aftercare scheme would continue to ensure that the site is returned to an effective after use, restoring the land to a high environmental standard that would be acceptable in visual terms and would not conflict with the setting of the

**i) Revised proposals for Phase 1 slope remediation – MA/14/688; and
ii) application to vary condition 2 of MA/09/1013/MR108, temporary relaxation of condition 5 and schemes pursuant to conditions 14, 23, 25 & 29 – MA/14/689 at Lenham Quarry, Lenham.**

nearby listed buildings nor long distance views from the AONB. I am therefore content that the proposed scheme is acceptable and that the condition should be discharged.

Other considerations

114. Members will note that concerns have been raised by local residents regarding the potential misuse of the application site by people trespassing on land within the applicant's control. The concerns received suggest that this has been occurring on a regular basis and is being worsened by the reduction in activity within the quarry over the last few years. Whilst I can appreciate local residents concerns, particularly over the alleged use of firearms, this is a site management issue (and potentially a matter for the police) and is not one that could be controlled through the planning system. This type of issue could occur irrespective of the land use, whether as a quarry or in agricultural use. The applicant has acknowledged the concerns raised and is prepared to address the issue as far as they are able. The applicant has asked that the local community contact it direct with details of previous concerns or in the future if the issues continue to arise. Whilst it will not be possible for the applicant to monitor the site 24 hours a day, I would suggest that if the proposed applications were permitted and activity within the quarry picks up again this would help increase monitoring and may reduce the opportunity for further incidents to take place.
115. I also note the concerns raised by a neighbouring resident regarding the potential growth of Ragwort within the quarry site and the possibility of this plant spreading into neighbouring property, raising concern for the wellbeing of horses grazing adjacent land. The applicant has advised that it employs ground-work contractors to maintain the site during the growing season and that part of its responsibilities are to ensure that no Ragwort and other weeds are allowed to grow uncontrolled on site. Condition 2 of the ROMP permission (MA/09/1013/MR108) includes a requirement that all soil mounds remaining more than 6 months shall be seeded with grass seed mixture and kept weed free. This requirement affords the County Planning Authority an element of control over some areas of the quarry and if it is not satisfied that the maintenance is being carried out it could take action to secure compliance. Those parts of the site that have yet to be worked and remain in agricultural use (Phase 3) fall beyond the scope of the above condition and any maintenance required would be a matter for the applicant / landowner. Notwithstanding the above, having visited the site on several occasions over the past few years (including during the summer months) I can confirm that the site is generally well maintained and appears to be cared for in an appropriate manner. As the applicant is now aware of the local concerns and has measures in place to address this issue, I see no reason to extend the requirement of the current condition.

Conclusion

(i) Application MA/14/688 for revised proposals for Phase 1 slope remediation.

116. I am satisfied that the proposed variation of conditions 2, 3, 6 and 11 of permission MA/08/45 to allow a change to predominant fill materials to be used in the construction of the proposed slope, the subsequent amendments to the overall slope design and the request to increase the time allowed to complete the restoration would accord with the relevant development plan policies. The proposed variations would not significantly change the permitted development and I am content that the proposals would not give

**i) Revised proposals for Phase 1 slope remediation – MA/14/688; and
ii) application to vary condition 2 of MA/09/1013/MR108, temporary relaxation of condition 5 and schemes pursuant to conditions 14, 23, 25 & 29 – MA/14/689 at Lenham Quarry, Lenham.**

rise to significant adverse impacts and that any impacts that may arise could be satisfactorily mitigated by re-imposing the conditions placed on the base permission.

117. I am also satisfied that the proposed approach continues to represent the most sustainable solution to resolving the breaches in planning control and the restoration of Phase 1 of the quarry without sterilising the permitted primary aggregates on site. I therefore recommend accordingly.

(ii) Application MA/14/689 to vary condition 2 of MA/09/1013/MR108, temporarily relax condition 5 and schemes pursuant to conditions 14, 23, 25 & 29.

118. I am satisfied that the proposals are sustainable and consistent with the relevant development plan and government policies against which the application should be considered and that there are no material planning considerations that indicate the application should be refused.

119. I therefore recommend that permission be granted to vary condition 2 of MA/09/1013/MR108 and that approval be given to the temporary relaxation of condition 5 and to the schemes received pursuant to conditions 14, 23, 25 & 29.

Recommendation

120. I RECOMMEND that:

(i) Application MA/14/688 for revised proposals for Phase 1 slope remediation.

PERMISSION BE GRANTED in respect of planning application MA/14/688, SUBJECT TO:

- the re-imposition of conditions previously imposed on permission MA/08/45 updated and amended as necessary;
- a variation of condition 2 requiring the importation and deposit of inert waste to cease on or before 3 years from the date of the planning permission; and
- variations to conditions 3, 6 and 11 to permit the revised approach to the slope construction and design;

(ii) Application MA/14/689 to vary condition 2 of MA/09/1013/MR108, temporarily relax condition 5 and schemes pursuant to conditions 14, 23, 25 & 29.

PERMISSION BE GRANTED in respect of planning application MA/14/689, SUBJECT TO:

- the re-imposition of conditions previously imposed on permission MA/09/1013/MR108 updated and amended as necessary;
- a variation to condition 2 permitting the revised working and restoration schemes; and
- a condition ensuring that the soil bunds proposed within the Revised Scheme of Working are maintained on site during excavation of sand from Phases 2 and 3 (as recommended by the County Council's Noise and Air Quality Consultants as

Item C1

**i) Revised proposals for Phase 1 slope remediation – MA/14/688; and
ii) application to vary condition 2 of MA/09/1013/MR108, temporary relaxation of condition 5 and schemes pursuant to conditions 14, 23, 25 & 29 – MA/14/689 at Lenham Quarry, Lenham.**

part of the noise and dust attenuation); and

APPROVAL BE GIVEN in respect of

- the temporary relaxation of condition 5 (to allow more than 4ha of the site to be outside agricultural use at one time) for a temporary period of 3 years from the date of the planning permission, subject to operations being limited to the extraction of material from Phase 2 only, with any work in Phase 3 being restricted to preparatory works, works relating to the compensatory habitat and the diversion of watercourse; and
- the schemes submitted pursuant to conditions 14, 23, 25 and 29.

I FURTHER RECOMMEND THAT AN INFORMATIVE be added to the decision notice recommending that the applicant contacts the Lead Flood Authority to discuss and obtain the consent required under the Land Drainage Act 1991, as amended by regulations of the Flood and Water Management Act 2010, to divert the identified watercourse.

Case Officer: James Bickle

Tel. no: 03000 413334

Background Documents: see section heading

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

A report by Head of Planning Applications Group to Planning Applications Committee on 22 October 2014.

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

Recommendation: Permission be granted subject to conditions.

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

Classification: Unrestricted

Deferral and Members' Site Visit

1. At the Planning Applications Committee meeting on 6 November 2013 Members resolved to defer a decision on the application pending a Members' Site Visit. Accordingly, a group of Planning Application Committee Members visited Gravesend on the 20 January 2014 to familiarise themselves with the site and surroundings and issues arising from the proposal. The Democratic Services Officer's notes of the visit are attached as appendix 1. Since the Site Visit the applicant has made some changes to the proposal, where necessary has revised supporting information and has provided further clarification regarding some aspects of the proposals as set out below.

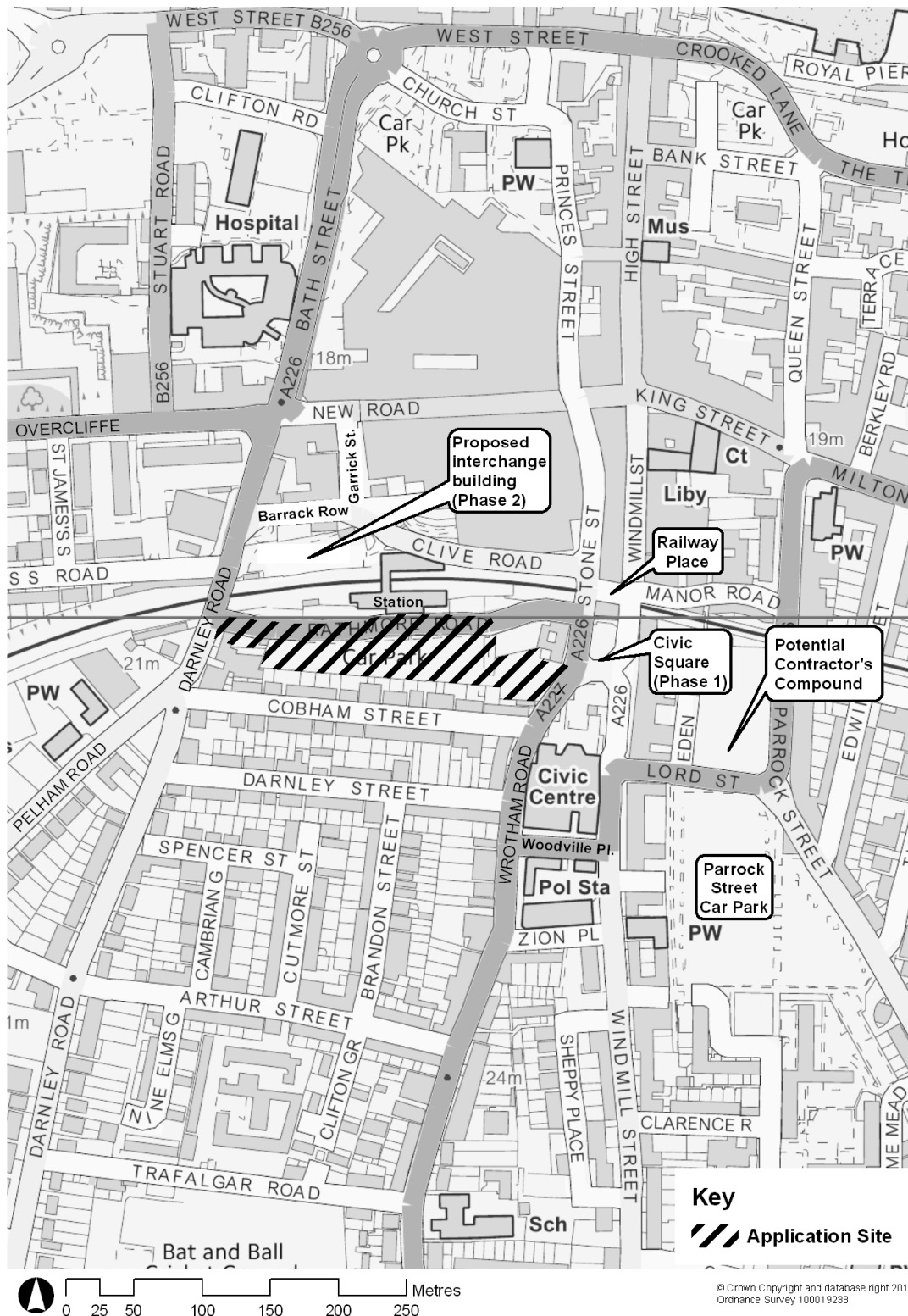
Site

2. The application site lies to the south of Gravesend railway station. It comprises an area of land 0.95 of a hectare (2.35 acres) which includes Rathmore Road, the public car park of 225 spaces to the south (owned by Gravesham Borough Council), and 13 & 15 Darnley Road and The Lodge, Rathmore Road to the west. Properties in Cobham Street to the south, Darnley Road to the west and Stone Street to the east back onto the site. To the east the application site fronts onto Wrotham Road opposite the Civic Centre. Site location plans are attached.
3. Rathmore Road is a narrow, enclosed, sunken one way street from Darnley Road to the west through to Stone Street to the east that provides access to the south side of Gravesend Station. On the south side of Rathmore Road there is a grass bank with a line of hornbeam trees above a stone retaining wall. At either end of Rathmore Road there are advertising hoardings on the side walls to 13 Darnley Road and 24 Stone Street.

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

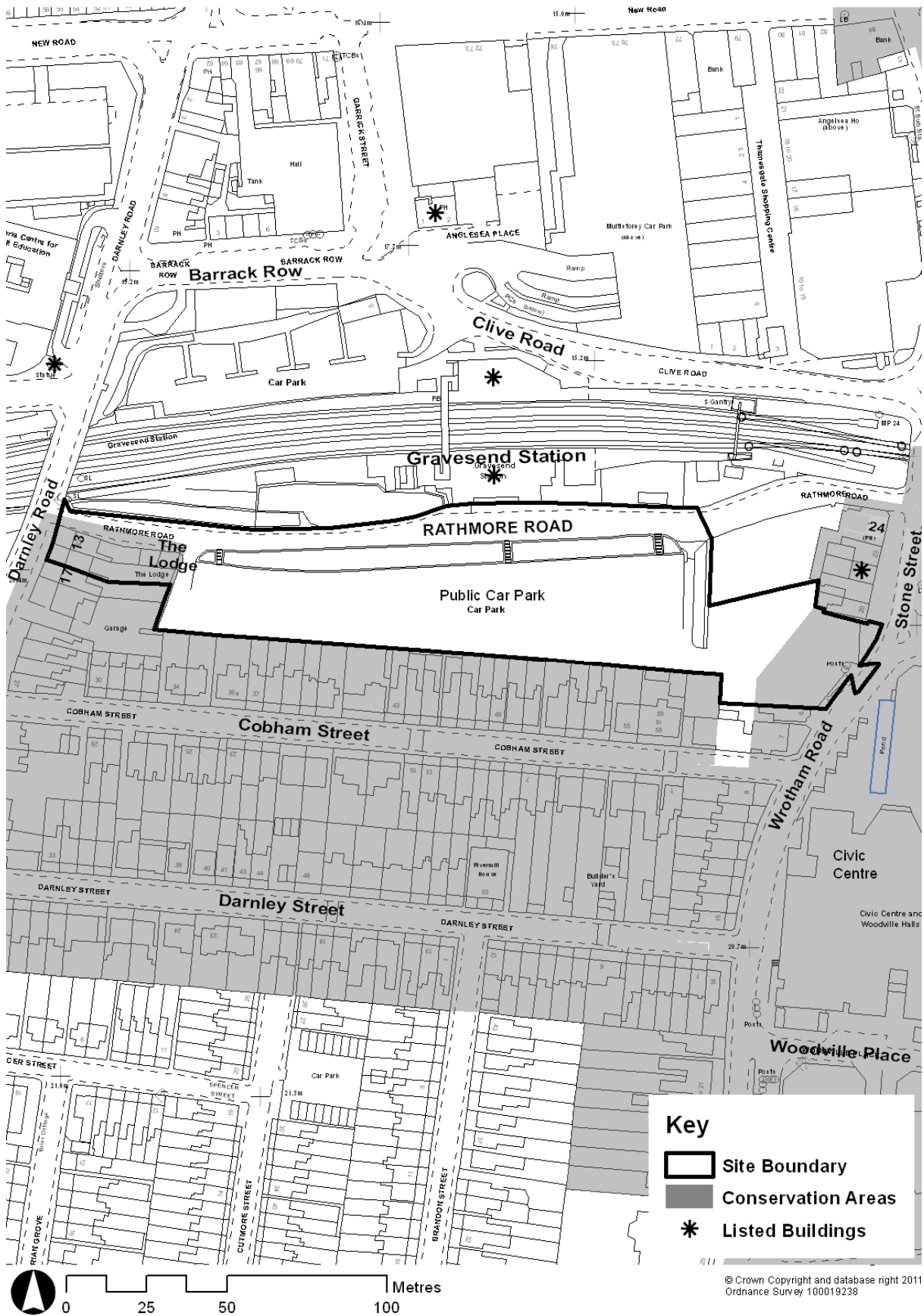
- The application site is partly within and otherwise adjoins or is close to the Darnley Road and Upper Windmill Street Conservation Areas. Gravesend Railway Station building to the north and numbers 20–24 Stone Street to the east, a small terrace, are Grade 2 Listed Buildings.

Site Location Plan



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

Site Context Plan



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Ordnance Survey 100019238

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

Background, Relevant Planning History and Proposal

5. This application which was submitted in April 2012 seeks full planning permission for improvements to Rathmore Road, Gravesend that include its realignment through the existing car park at the eastern end to a new junction immediately south of 20 Stone Street, widening at the western end involving the demolition of 13 Darnley Road and The Lodge, Rathmore Road, and signalisation of its junctions with Stone Street and Darnley Road; and improvements to the railway station forecourt, including the provision for a drop-off/pick up area, and taxis and disabled parking.
6. The application was submitted in the context of *'The phased implementation of the Gravesend Transport Quarter Master Plan'* which was granted outline planning permission by Gravesham Borough Council in October 2010. That proposal included:
 - (a) Erection of an interchange building providing car park, retail/office units and bus interchange on Barrack Road;
 - (b) Realignment and diversion of Rathmore Road between Wrotham Road and Darnley Road;
 - (c) Erection of residential development on south side of Rathmore Road;
 - (d) Erection of an office development on the west side of Wrotham Road, north of no.6 with maximum floor space of 234 square metres (2518.75 square feet); and
 - (e) Ancillary streetscape, junction and transport interchange improvements including creation of new pedestrianised civic square between Civic Centre and Sensory Gardens.

The outline permission expired on the 21 October 2013.
7. The aim of the Gravesend Transport Quarter Master Plan has been to create a major gateway for Gravesend with a transport interchange that integrates the railway station with the town centre and with bus (including *FASTRACK*) and taxi services by rationalising traffic movements and improving pedestrian linkages.
8. The intention has been for the Master Plan to be implemented in phases. Phase 1 which included the creation of the Civic Square was completed in November 2011.
9. The erection of an interchange building providing a car park with 396 car parking spaces, retail/office units and bus interchange on Barrack Row was identified as Phase 2. The application for approval of reserved matters for this submitted on behalf of Network Rail pursuant to the outline permission was approved by Gravesham Borough Council in July 2011. As no construction commenced the approval expired in July 2013.
10. The development subject of this planning application, for the realignment and widening of Rathmore Road and related works, has been identified as Phase 3, of which it is stated in the application not to be dependent upon Phase 2 being completed. The proposed realignment is effectively a 250 metres (about 820 feet) length of new carriageway that connects the northern part of Wrotham Road (before it turns into Stone Street) and Darnley Road. It bisects the existing Rathmore Road car park, and connects halfway along the existing Rathmore Road, immediately adjacent to the railway station entrance. The realignment, facilitated by the demolition of No. 13 Darnley Road and 'The Lodge', would create of additional road space and enable the new Rathmore Road to carry two-way traffic, giving greater flexibility for vehicle movements around this part of the town centre. It would provide an alternative through route into the town centre and enable Clive Road to exclusively carry buses, local delivery vehicles and traffic to and from the existing (and proposed) car parks. The route from Clive Road to Darnley Road via Barrack Row would be for buses only. The applicant states that the realignment

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

provides the most direct route possible between Wrotham Road and Darnley Road, designed to ensure minimal disruption to existing, neighbouring residential and commercial boundaries.

11. An application for Conservation Area Consent for the demolition of 13 Darnley Road, The Lodge, Rathmore Road and front and rear boundary walls of 15 Darnley Road was consented by Gravesham Borough Council in January 2011. *This expired in January 2014. However, since 1 October 2013 the requirement to obtain Conservation Consent has been abolished as a consequence of the Enterprise and Regulatory Reform Act 2013 and provision made that planning permission will be required instead. In that respect, it will be noted that planning permission is being sought for these demolitions as part of this current application.*
12. In addition to the demolitions necessitated by this proposal, 22 trees would need to be removed. The construction of the road would also involve the creation of a cut in slope on the south side (now with a retaining wall - see below), as a result of the varying levels across the application site. A 2.4 metre high timber acoustic barrier would be erected at the top of this slope, in order to mitigate the impact of traffic noise that would be experienced at properties in Cobham Street to the south. It is now proposed that the area of the car park unaffected by the construction of the road would be retained for car parking (see below). Existing drainage features would be re-used wherever possible and the runoff would continue to drain either to soak-away or the public sewer. The realignment of the road would provide additional space in front of the railway station with circulation for drop-off and pick up, an area for taxis and disabled parking. To the rear boundary of 24 Stone Street, to the east and adjoining the footway behind the proposed disabled parking, the construction of a retaining wall would be required. Landscape proposals include appropriate replacement planting and enhanced paving materials consistent with the Civic Square. Proposals for street lighting include 8 metre columns along the road and footways, and 10 metre columns outside the station.
13. A section of the existing Rathmore Road would remain to the east. A lay-by would be provided for deliveries but it would otherwise become an enhanced pedestrian route to and from the station from the eastern end of the town centre and now also with a shared footway/cycleway on the north side (see below). Streetscape improvements would be carried out to this part of Rathmore Road together with Darnley Road, Clive Road, Stone Street, Railway Place as part of Phase 3 under permitted development rights.
14. The applicant has indicated a potential contractor's compound on land immediately north of Lord Street between Eden Place and Parrock Street. This is shown on the location plan on page D1.2. However this does not form part of the application and is for information only.
15. The applicant stated in the application that the new Rathmore Road alignment would enable an area of land for possible future development, situated between the new Rathmore Road and the rear of the Cobham Street properties, identified as Phase 4. This land had outline permission for residential and retail/office development as indicated in paragraph 6(c) and (d) above. *It is now proposed to be retained for car parking (see below).*
16. Although at the time this application was submitted proposals for a scheme to widen and realign Rathmore Road benefited from outline permission, as referred to in paragraph 6 (b) above, a fresh application was submitted, rather than an application for approval of reserved matters. That was partly as a result of some changes that have been made to the scheme but also because the development is to be carried out by (or

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

on behalf of) the County Council as Highway Authority and therefore falls to be determined by the County Planning Authority. The applicant advised that these changes from the outline scheme included the following:

- The retaining wall, associated with the proposed future development, that extended along the longer part of the south side of the scheme has been removed and replaced with a cutting slope.
- The layout to the station forecourt has been amended.
- The materials to the station forecourt have been amended.
- Details of the retaining wall required at the rear of 24, Stone Street have been provided.
- The alignment of the new Rathmore Road has been updated
- Lighting details have changed.
- The acoustic barrier has been added.
- The soft landscape proposals have been amended.

17. As well as a Planning Application Report and a Design and Access Statement, the application as originally submitted was accompanied by an Air Quality Assessment, Tree Survey/Arboricultural Report, and Ecological Scoping Report, and a Bat Survey, Desk Study Report which assesses potential contaminated land, geotechnical and construction issues, Heritage Statement, Townscape and Visual Impact Assessment, Noise and Vibration Impact Assessment, Draft Site Waste Management Plan, Flood Risk Assessment, and the Design and Access and Planning Statements from the Outline Application. Amongst other matters the Planning Statement makes reference to and summarises the main findings of the Transport Assessment submitted with the outline application, but that was not submitted with this application.
18. A Screening Opinion was adopted by the County Planning Authority on the 14 May 2012 following receipt of the application concluding that Environmental Impact Assessment is not required and therefore that the application did not need to be accompanied by an Environmental Statement.

Additional/Amended documents received August 2013

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

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

Amendments received April 2014

20. Following the Members' Site Visit on the 20 January 2014, the applicant notified me in February that it was intended to submit revisions to the application for the following reasons:
- Gravesham Borough Council's intention to have car parking on their retained land and the associated access and scheme implications.
 - To address concerns expressed and provide further clarification regarding the impact of the scheme.
21. Revised drawings together with supporting documents amending the above planning application were received in April following which further consultation, notification and publicity has taken place. The amendments include:
- Part of the Rathmore Road car park is proposed to be retained as a remodelled car park with 65 spaces including 5 disabled spaces with an in/out access in a similar position to the existing car park entrance.
 - In order to maximise the amount of land available for an effective car parking layout to be provided, a low retaining wall has been incorporated at the back of the proposed southern footway to the new road. This increases the extent of the retained land. The retaining wall varies in height but is less than 1.4m (the threshold beyond which it would be defined as a highway structure). The surface area of the earth slope between the retaining wall and the acoustic noise fence would be slightly reduced but the applicant states that there is sufficient space for planting to help screen and break up the visual appearance of the acoustic noise fence. Revised planting details for the slope have been submitted. It is also stated that the concept of the retaining wall is consistent with the existing situation that has a retaining wall of similar height and gives an opportunity for adopting a material and finish to enhance the townscape of the area in front of the station.
 - A pedestrian ramp, designed to meet the requirements of the Disability Discrimination Act 1995 is proposed at the Wrotham Road end of the car park to connect to the proposed Toucan crossing on the new Rathmore Road. The ramp would allow easy access by pedestrians from the car park to the railway station and town centre.
 - Minor realignment to the noise barrier is proposed incorporating two gaps to accommodate the car park access and pedestrian ramp. The applicant states that the implications for the residents locally in Cobham Street and Darnley Road of these breaks in the continuity of the noise barrier (which have been considered in a revised noise assessment) are not considered significant.
 - The shared cycleway/footway between Darnley Road and the railway station is shown to be removed and proposed to revert to pedestrian only footway.
 - Part of the old Rathmore Road is proposed to be designated as shared cycleway/footway to provide better connectivity between the town and railway station.
 - Cycle markings are proposed at the Wrotham Road/Rathmore Road junction to guide cyclists onto the shared cycleway/footway along Rathmore Road.
22. In addition the following amendments are proposed to the related works outside the application boundary which are proposed to be carried out under permitted development rights:
- The two bus stops in Clive Road between the railway station and Thamesgate shopping centre entrance are proposed to be relocated to Barrack Row to bring the bus stops/routes together with those already located in Garrick Street. The footway width would be increased to 3.3 metres (10 feet 10 inches) wide on the south side

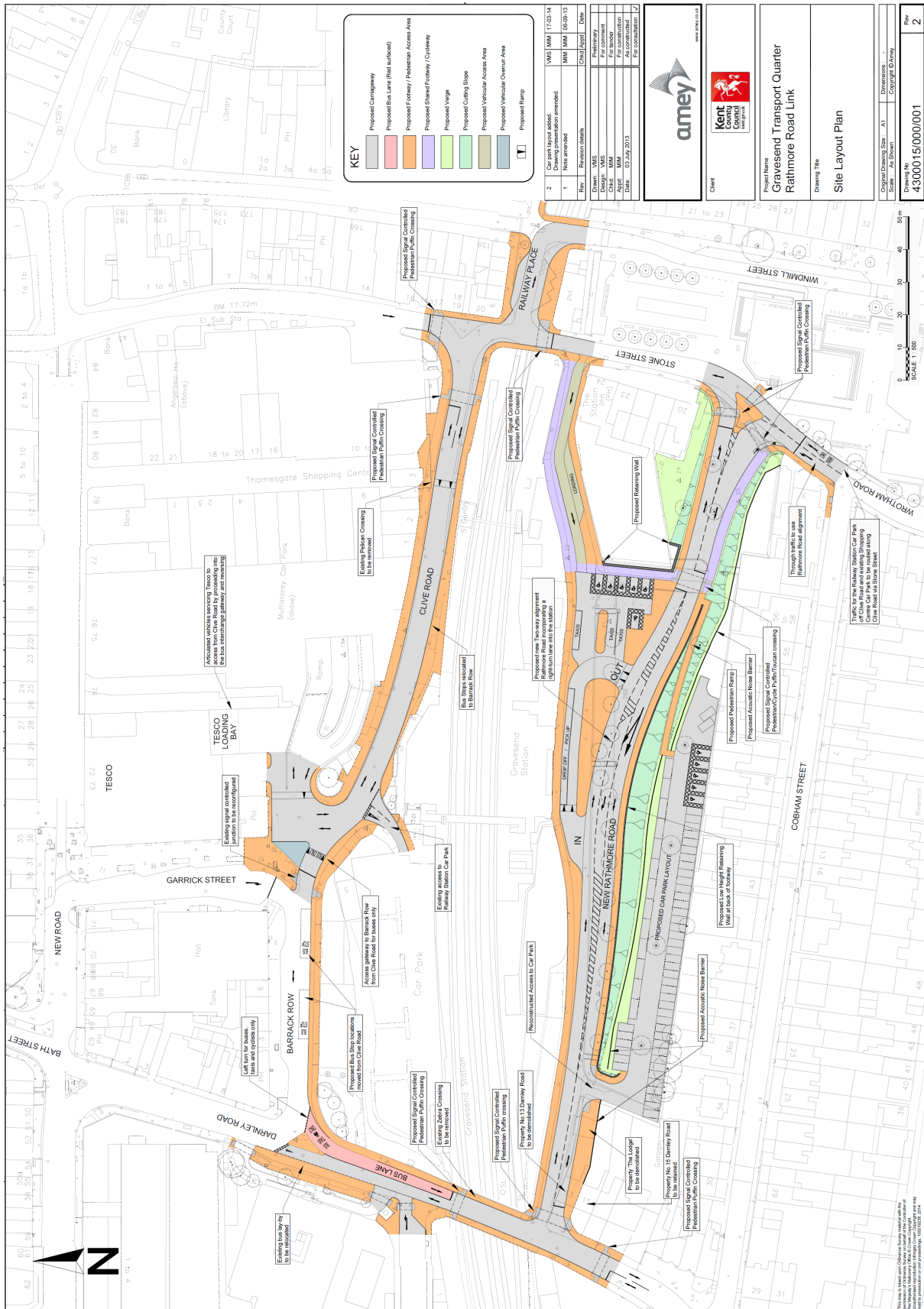
Proposed realignment and widening of Rathmore Road, Gravesend – GR/2012/0441 (KCC/GR/0148/2012)

- of Barrack Row to provide room for shelters at the back of the footway and to maintain continuity of the footway in front.
- The bus lane on Darnley Road is now shown for use by buses, bicycles and taxis.
23. The revised drawings and supporting documents amending the application include a report which identifies the changes to the scheme and supporting information as well as clarifying some aspects of the application. It highlights the following benefits of the scheme to Gravesend town centre:
- Would maintain the town centre one-way system in a more direct and simpler manner.
 - Would provide additional road space and by making the new Rathmore Road two-way would give greater flexibility for vehicle movements in this part of the town centre.
 - Would enable Clive Road to be maintained exclusively for buses, local delivery vehicles and traffic to and from existing and proposed car parks.
 - Would remove the severance caused by traffic on Clive Road between the railway station, Thamesgate shopping centre and town centre creating an improved pedestrian environment.
 - Would exclude through traffic from Barrack Row and enable public transport to be moved to a single location giving the opportunity for a future interchange.
 - Would provide an enhanced environment and facilities at the Rathmore Road railway station entrance.
 - Would provide public realm improvements through the use of granite paving materials complementing the new Civic Square.
24. The applicant states in the report that the scheme was identified as Phase 3 because it had originally been expected that Phase 2 would proceed in advance. However, Phase 2 has been delayed and whilst the scheme remains part of the overall Gravesend Transport Quarter Master Plan, it is now being promoted as a 'standalone' scheme because of the current uncertainty about the timing of Phase 2, which is outside of the control of the applicant. The applicant also states that there is no direct linkage between the scheme and Phase 2, although there are implications for each depending on the timing of the delivery of each phase. On the one hand, Phase 2 proceeding in advance of the scheme would provide replacement commuter parking but existing traffic would have to be accommodated through the public transport interchange. On the other hand, the scheme would remove through traffic from Barrack Row and ease the construction of Phase 2 but replacement commuter parking and the public transport interchange would follow later.
25. The revised drawings and supporting documents amending the application also include: a Noise and Vibration Addendum; Heritage Statement Addendum; revised scheme plans; revised cross sections; and drawings showing revised landscape proposals for the cut in slope and related cross-sections.

Reduced copies of the amended drawings showing the proposed road layout and cross sections through the road, and elevations of 13 and 15 Darnley Road as originally submitted are attached.

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

Scheme Plan

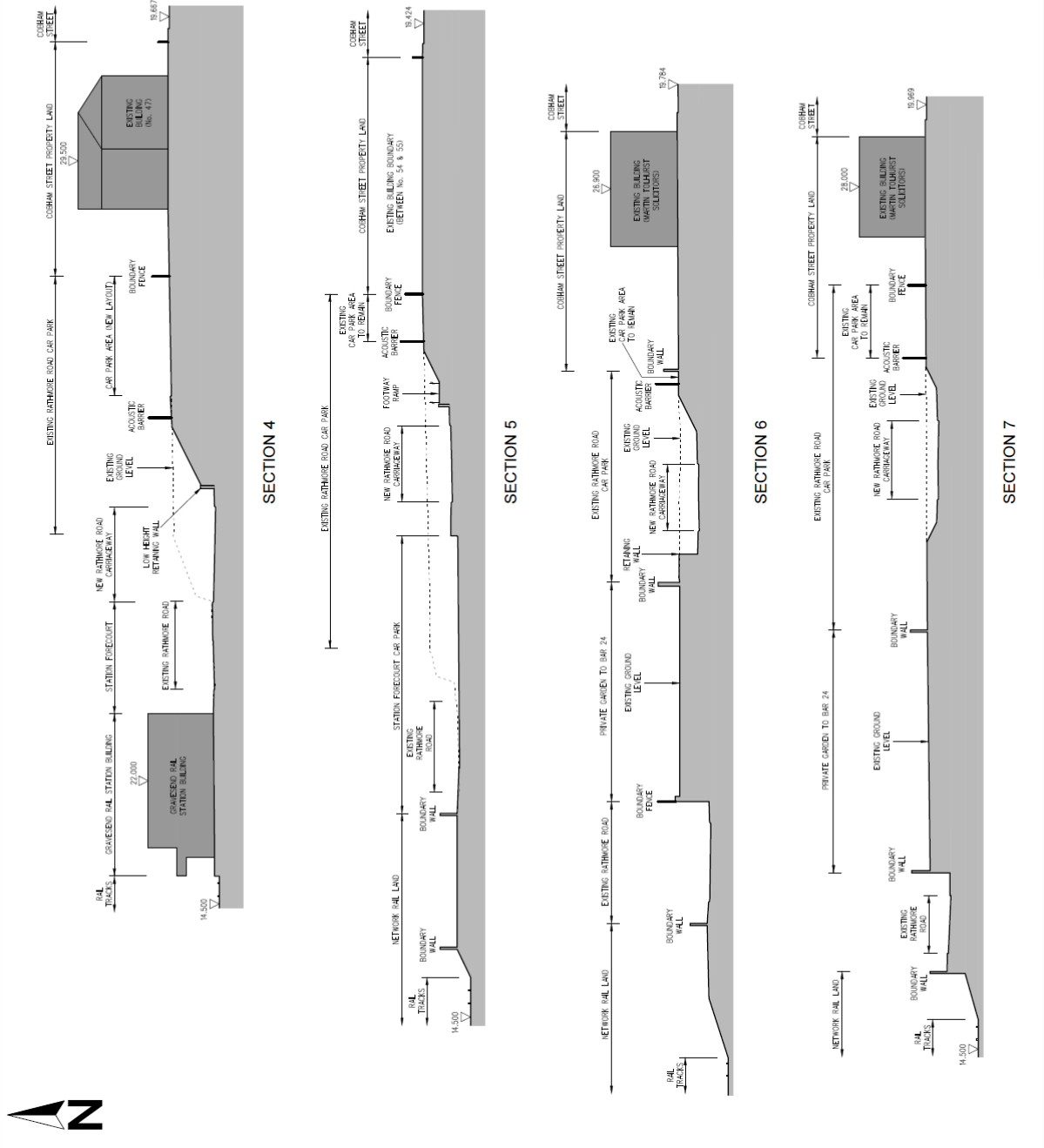


Proposed realignment and widening of Rathmore Road, Gravesend – GR/2012/0441 (KCC/GR/0148/2012)

Cross Sections 4 to 7

Notes

- 1. Refer to Drawing No. 4300015/000/003 for Section locations.

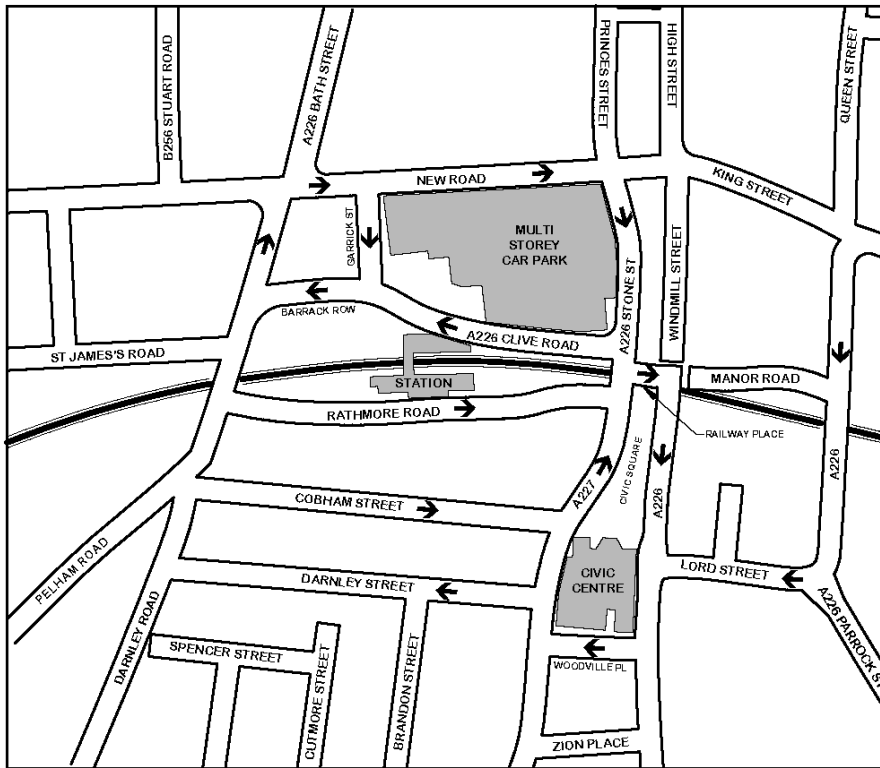


Rev	Revision details	Chkd	Appd	Date
1	Retaining wall added	MM	MM	17/03/14

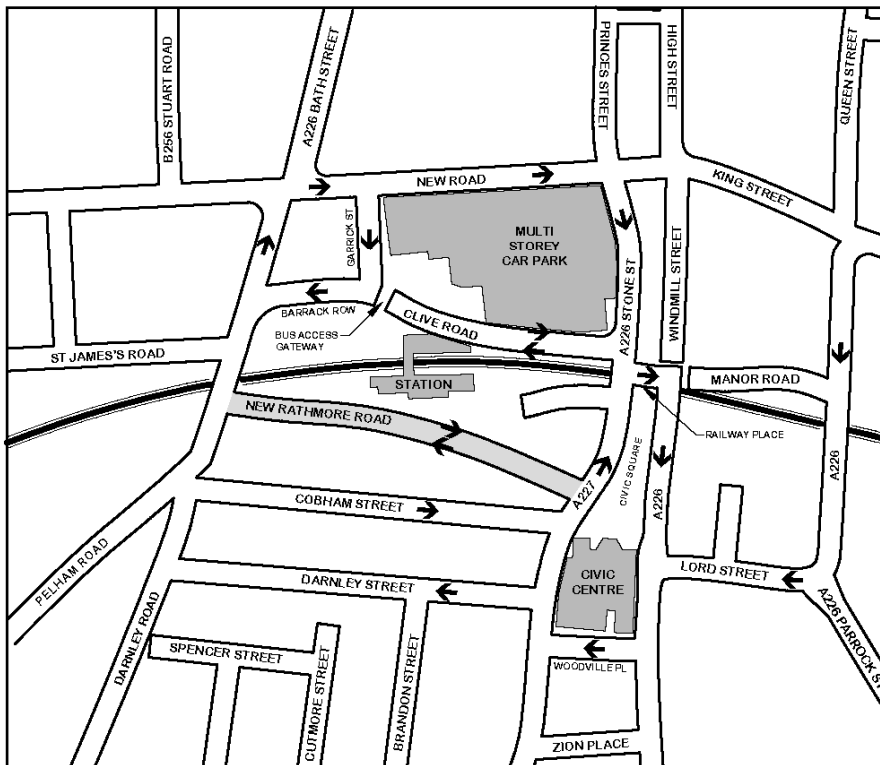
Drawn:	TMV	Preliminary
Design:		For comment
Chkd:	MM	For tender
Appd:	MM	For construction
Date:	19 Sept 2013	As constructed
		Other

Client	
Project Name	
Gravesend Transport Quarter	
Drawing Title	
New Rathmore Road Cross Sections Sheet 2 of 2	
Original Dwg Size:	A3
Scale:	Not to Scale
Dimensions:	-
Copyright:	© Amey
Drawing No.	4300015/000/004
Rev	1

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



EXISTING ROAD LAYOUT



PROPOSED ROAD LAYOUT

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

Planning Policy

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

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

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

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

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

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

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

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

Policy TC0 General Townscape Conservation and Design. *[Replaced by: CS12 Green Infrastructure, CS19 - Development and Design Principles, and CS20 - Heritage and the Historic Environment.]*

Policy TC2 Sets out the approach for development affecting listed buildings including their setting, the primary consideration being the maintenance of the integrity of the original listed building. *[Continues to be saved and will be reviewed as part of the Site Allocations and Development Management Policies Development Plan Document.]*

Policy TC3 Where development proposals are acceptable in relation to other policies their impact on conservation areas will be carefully judged and they will be expected to make a positive contribution to the conservation area. Demolition of unlisted buildings within conservation areas will be resisted unless the Borough Council is satisfied that the existing building is harmful to the conservation area and that the redevelopment or other use of the site will be beneficial. *[Continues to be saved and will be reviewed as part of the Site Allocations and Development Management Policies Development Plan Document.]*

Policy TC5 Archaeological Sites. *[Replaced by: CS09 Culture and Tourism and CS20 - Heritage and the Historic Environment.]*

Policy TC10 Landscaping. *[Replaced by: CS12 Green Infrastructure and CS19 - Development and Design Principles.]*

Policy T0 General Transport. *[Replaced by: CS11 – Transport.]*

Policy P1 Public Car Parking in Central Gravesend: Seeks. *[Replaced by: CS11 – Transport.]*

- (iii) As a result of the adoption of the Core Strategy referred to below it was agreed by the Borough Council that **Gravesham Local Plan Second Review (Deposit Version) 2000** should no longer be used as a material consideration for development control purposes.

- (iv) **Gravesham Local Plan Core Strategy** was considered by an independent Inspector at Examination hearings in September 2013. The Council consulted on main and minor modifications to the Core Strategy from December 2013 to January 2014, after which the Inspector held additional Examination hearings in April 2014. The Planning Inspector's Report was received on the 22 July and concludes that subject to the inclusion of a number of main modifications the Local Plan Core Strategy is sound, provides an appropriate basis for the planning of the Borough to 2028 and should be adopted. The Core Strategy and Policies Map were formally adopted by the Borough Council at a meeting of the Full Council on 30 September 2014.

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

The most relevant policies from the Core Strategy (as adopted September 2014) are as follows:

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- Policy CS01 Sustainable Development** - States that a positive approach will be taken which reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and in the Core Strategy.
- Policy CS05 Gravesend Town Centre Opportunity Area** - The Area will be the principal focus for town centre related economic and social activity in the Borough. This will be achieved by, amongst others, improving its role as a transport hub by the creation of a public transport interchange. Within the Opportunity Area, the Council will (amongst other things):
- Seek to improve pedestrian access between the town centre, the River Thames and surrounding areas and reduce the physical barriers created by the one-way system;
 - Manage traffic accessing and passing through the area through its approach towards the provision and distribution of public car parks; and
 - Support improved public transport access, including the provision of an integrated transport interchange at Garrick Street/Barrack Row.
- Policy CS11 Transport** - proposals will be supported which improve public transport provision and facilities in the Borough; including, the development of transport hubs at Gravesend Town Centre [and Ebbsfleet] to provide high quality interchange facilities between bus, rail, walking and cycling, and an adequate supply of public car parking will be ensured. Improvements will also be sought to walking and cycling facilities and networks in the Borough to provide improved access to Gravesend Town Centre [and Ebbsfleet] and to other services and facilities in the Borough.
- Land required for the possible future extension to crossrail and to protect High Speed 1 is safeguarded under this policy which states that proposals that would prejudice these will be refused. *The Policies Map shows that the railway land and station to the north of Rathmore Road is safeguarded for crossrail safeguarding. The notation also includes a small section of the existing Rathmore Road at its eastern end which under the current proposals is to be retained for cycle and pedestrian use.*
- Policy CS12 Green Infrastructure** – Amongst other things seeks to protect, conserve and enhance biodiversity, habitats and species.
- Policy CS19 Development and Design Principles** – Sets out criteria for new development, that includes (amongst other things) safeguarding amenity, including loss of privacy, daylight and sunlight of its occupants and those of neighbouring properties and land, and avoid adverse environmental impacts in terms of noise, air, light pollution and land contamination; designed and constructed so that it does not pose an unacceptable risk or harm to the water environment; and details of appropriate hard and soft landscaping, public art, street furniture, lighting and signage and will ensure that public realm and open spaces are well planned, appropriately detailed and maintained so they endure.
- Policy CS20 Heritage and the Historic Environment** - Accords a high priority towards the preservation, protection and enhancement of heritage and the historic environment as a non-renewable resource, central to the regeneration of the area and the reinforcement of sense of place.

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When considering the impact of a proposed development on a designated heritage asset, the weight that will be given to the asset's conservation value will be commensurate with the importance and significance of the asset. For non-designated assets, decisions will have regard to the scale of any harm or loss and the significance of the heritage asset.

Consultations**27. Gravesham Borough Council made the following comments about the proposal as originally submitted:**

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

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

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

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

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

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

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

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

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

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

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

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

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

Next, whilst it is not the responsibility of this development proposal to design a scheme for the residual land of Rathmore Road car park, as the road works fall within the 'framework' of the approved Transport Quarter Master Plan that seeks to utilise this land for development, it would seem necessary and reasonable for it to consider how access to the site may be provided in the context of the current scheme. Despite the presence of an acoustic fence the application confirms that access will be retained at the existing

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car park entrance, albeit not for use by the general public. This would appear to be sufficient to ensure the highway design does not impose any significant constraints for the future use of this land for any reasonable town centre use, such as a residential developed envisaged through the Master Plan. It is accepted that the merits and impacts of any such future development, such as on townscape and residential amenity, would stand to be assessed at that time and subject to the proposal.

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

The Borough Council has made the following further comments in the light of the additional/amended details and applicant’s response to the matters raised above received in August 2013:

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

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

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

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

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

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

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

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

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

The Borough Council made the following comments in response to addendums to the noise and air quality reports, and a soft landscaping, scheme received in October 2013:

"In terms of the noise addendum, a recommendation of that report is that noise monitoring is undertaken at 1-4 Cobham Street, 6A Wrotham Road and 15 Darnley Road during the construction phase to confirm, or otherwise, the predicted noise levels. GBC would advise that were the levels to be higher than predicted then the local authority should be advised and an investigation carried out by the contractor in order to demonstrate best practicable means are being employed to reduce construction noise to a minimum.

Turning to the air quality addendum, it is positive that reassurances have been given as to the commencement of monitoring at the identified locations in order to better inform the process and thus assist in deciding the best form of mitigation. However, the fallback reliance by the applicant on the Land Compensation Act for claims by affected property owners is queried as I am advised [the Borough Council considers] that this legislation does not cover adverse impacts on air quality.

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The submission of a soft landscaping scheme prior to determination is welcomed. The scheme principally includes the planting of native trees (mix of English Oak, Common Beech and Silver Birch) along the line of the grassed bank to the south of the realigned Rathmore Road. Coupled with the extensive low level planting proposed this appears to be an adequate solution to 'soften' the street scene and in particular reduce the potential dominance of the acoustic barrier. It may however be prudent at this stage to seek assurances from the applicant that these trees will be suitable for planting on what will be a relatively steep slope. GBC would encourage the imposition of a planning condition requiring approval of the size of the trees to be planted as well as arrangements for aftercare, including the standard requirement that any trees that fail within the first five years are replaced by the developer."

The Borough Council has made the following further comments below regarding the amendments received in April 2014:

[It comments first that that it does not comprise a consolidated response, so relevant comments previously offered by the Borough Council remain.]

"Although submitted as a stand-alone application, "when originally submitted in May 2012 this scheme gave effect to the outline approved Transport Quarter Master Plan to realign Rathmore Road which formed part of the on-going delivery of this wider vision. Whilst this outline planning permission has now expired, the Borough Council remains supportive of this application which will provide improved connectivity to the Town Centre and be fundamental to realising the longer term aspiration of providing a public transport interchange adjacent to the train station. Furthermore, an important component of this scheme is that the surface materials tie in with those used on Community Square, which formed the first phase of the Transport Quarter Master Plan.

The principal change to the application is that part of the existing Rathmore Road car park will be retained, with pedestrian and vehicular access achieved by realignment of the acoustic barrier to incorporate gaps. The retention of 65 public car parking spaces (which includes 5 disabled spaces) is a welcome response to local objection regarding loss of town centre parking. The 2012 Regulatory Board report considered the future of the residual land (now proposed to be retained as car park), and it is considered that the proposed retention of a smaller car park meets the expectations of the Council in that regard.

It is prudent to recognise that the retention of this existing section of public car park would not prevent consideration of the site for alternative uses in the future, particularly since access to the land is retained.

An updated noise assessment has been undertaken to account for two gaps in the acoustic fence and conclusions that it will not generate adverse noise effects are accepted by GBC. The minimal increase in noise levels at the properties in Cobham Street is considered to be outweighed by the public benefit of retaining part of the car park.

The noise report reiterates previous findings that the property most adversely affected will be 15 Darnley Road and the applicant recommends that they acquire it and convert it from residential to commercial so that the effects are less sensitive. As previously advised concerning air quality mitigation for the same property, such mitigation would require planning permission in its own right and any application would be determined on its individual merits and having regard to local planning policy. This requires adequate

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safeguarding through planning condition, and it is recommended that relevant planning permissions are sought in advance of any works commencing. For the avoidance of any doubt this does not fetter the Borough Council in the determination of any subsequent planning application.

The noise report also advises that post-construction noise monitoring is no longer required due to remodelling concluding that effects on 1-4 Cobham Street and 6A Wrotham Road are not significant and that it intends to acquire and change the use of 15 Darnley Road. However, the report highlights 17 Darnley Road as being eligible for noise insulation and so the Borough Council advises that post-construction monitoring at this location is necessary, unless further justification is submitted confirming otherwise.

The amended application acknowledges that Conservation Area Consent (CAC) for the demolition of 13 Darnley Road and The Lodge has now expired. However, the recent abolition of the CAC procedure allows the current planning application to be upgraded to include assessment of this matter under single cover. The Borough Council reiterates the request for this building's recording and architectural salvage - it may be expected that salvaged exterior features are incorporated into 15 Darnley Road, over which there will be control by the applicant as they intend to purchase it, or offered to the owners of adjacent buildings in the terrace for incorporation into their properties. It will also be important to impose a planning condition prohibiting demolition until such time as a contract is let for the construction works.

Whilst the extent of soft landscaping is reduced due to less available area for planting, it is noted that the same quantity of 'feature' trees remain (mix of 25 English Oak, Common Beech and Silver Birch) along the grassed bank to the south of the realigned Rathmore Road. The Borough Council retains the view that the soft landscaping appears to be an adequate solution to soften the visual impact of the acoustic barrier and contribute to the setting of the listed train station, subject to adequate arrangements for aftercare. The inclusion of a retaining wall raises no adverse comment, although use of a material sympathetic to the area is important.

In conclusion it is considered that the proposed retention of a reduced and remodelled car park, together with the associated changes to acoustic fencing and landscaping, are positive. The properties in Cobham Street will benefit from reduced nuisance from improved modern lighting as a consequence of the remodelling of the car park, whilst retaining this part of a key town centre car parking facility.

The changes to the cycle and footway access provide a better balance between the interests of cyclists and disabled, and meets a concern of the Gravesham Access Group."

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

The Environment Agency has no comments to add regarding the amendments received in April 2014.

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

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

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

English Heritage has no comments to add regarding the amendments received in April 2014 and confirms their advice remains as previously stated.

Network Rail: no views received.

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

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

Other detailed issues were raised as follows:

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

It was also noted that the proposed highway scheme had been designed to integrate with the completed Phase 2 Transport Quarter scheme which includes a certain amount of off-site highway works which would potentially not be in place should the scheme be implemented in advance of Phase 2. Commented that whilst this could most likely be accommodated by design, recommended that a review of the design be carried out at any location where the proposal would need to tie into an area of the public highway

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which would alter as a result of the non-implementation of Phase 2 to ensure that either scenario (i.e. with or without Phase 2 in place) could be accommodated.

Following receipt of the additional/amended details and a response from the applicant to the detailed points above in August 2013, KCC Highways and Transportation - Development Planning Manager commented as follows:

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

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

With regard to the amendments received in April 2014, KCC Highways and Transportation - Development Planning Manager has commented as follows:

“These proposal plans are similar to those which were commented on previously in respect of highway matters when no principle objections were raised on the basis that any outstanding technical detail issues could be picked up through the subsequent post planning detailed highway works approval process. As such the following comments relate specifically to the elements of this proposal which have since been altered or to issues which have arisen as a result of those alterations:

Initially, note is made of the proposed retention of part of the existing Rathmore Road car park via the existing western access to the current facility. Whilst town centre parking management and parking provision in general is a matter for the local planning authority, Gravesham Borough Council, the proposed retention of this parking provision is nevertheless seen as a highway benefit as it serves to partially off-set the loss of future provision resulting from the postponement and delay of the Phase 2 Transport Interchange building and car park element of the overall Transport Quarter proposals.

In respect of the amended highway elements of this layout proposal it is first noted that the proposed shared cycle/footway facility on the north (east bound) side of the proposed Rathmore Road west of the station entrance has reverted to a footway only with cycle movements now expected to be via the adjacent east bound carriageway. Whilst it is normally preferable to secure a dedicated facility for cyclists or shared pedestrian/cycle facility it is recognised that in this instance there is likely to be a high pedestrian footfall due to the adjacent station entrance with low projected east bound vehicle flows and so an on-street solution for cyclists here would not constitute a safety concern. Furthermore, there is no significant scope to further widen the footway over much of the length of Rathmore Road due to existing physical constraints locally and so no objection is raised to this amendment.

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Secondly, whilst there is no principle objection to the proposed introduction of an additional shared footway/cycle facility along the retained eastern limit of the existing Rathmore Road, it is noted that there is the potential for conflict to occur between cyclists, pedestrians and vehicles at the western end of this facility where it links to the station access road. It is accepted that such conflict can be managed through the final detailed design solution for this area as a whole and whilst no principle objection is therefore raised it is nevertheless recommended that particular emphasis be placed on the need at the detailed highway works approval stage to manage conflict in this area in respect of both the most recent alterations to the cycle facilities and also in respect of vehicles exiting the old part of Rathmore Road in a westerly direction, vehicles using the station access road and vehicles/taxis entering or exiting the taxi stacking and disabled parking area to the east of the station access road.

As a further general point of note the current scheme has been subject to a number of significant amendments since the original design was carried out and an associated Safety Audit completed. Whilst the absence of a Safety Audit of the highway proposals prior to a planning decision being made would not constitute reason for raising formal objection to a planning proposal, it is generally recommended where significant highway works are being delivered via a planning proposal that a Safety Audit to Stage 1 minimum be carried out in advance of a planning decision being made. This is in order to avoid the potential for such an Audit carried out post-planning to identify issues which cannot be resolved without altering the permitted planning layout.

It is accepted in this case that many of the alterations which have been made to the original scheme are detailed arrangement issues which will be assessed at the post planning detailed design stage through a Stage 2 Safety Audit but note is made that some alterations have occurred in respect of the principal arrangement which will also require the original Stage 1 Audit to be updated so as to reflect the current proposal - specifically in the vicinity of Barrack Row where the general arrangement has been altered to reflect the postponement of the Phase 2 transport interchange works. Therefore, whilst no principle objection is raised in respect of the absence of an updated Stage 1 Safety Audit, we would continue to give an advisory recommendation that an updated Safety Audit be carried out to Stage 1 at the earliest opportunity to reflect the current proposals.

Finally, note has been made that the location of the 'bus gate' facility between Clive Road and Barrack Row may result in the potential for the gate feature to potentially be bypassed via the A.W. Commercials forecourt to the south and for conflict to be created between the gate feature, the A.W. Commercials access and pedestrian movements via the pedestrian crossing at this locality. It has subsequently been confirmed that the gate feature will in fact be a traffic signal arrangement without a physical gate which will overcome the safety concern relating to vehicles potentially seeking to bypass the feature via the adjacent vehicle crossover and hardstanding area and no principle objection is therefore raised. However, note should be made that the final detailed design arrangement in respect of this feature will need to address the issue of maintaining vehicular access to the A.W. Commercials building without increasing pedestrian/vehicle conflict in close proximity of the pedestrian crossing facility.

In conclusion, no principle highway objections are raised in respect of these proposals but we would continue to recommend that the advisory points raised above be addressed at the appropriate time."

The updated Stage 1 Safety Audit has now been carried out. Although some issues were raised by the auditor the Development Planning Manager (Highways and

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Transportation) has confirmed that he is satisfied with the proposed actions or otherwise of the scheme designer in respect of addressing them.

KCC's Noise Adviser

The comments, detailed in my report to the Committee on 6 November 2013, relating to the Noise and Vibration Assessment March 2013 and subsequent Addendum are no longer relevant, as it has been superseded by the Noise and Vibration Addendum submitted in April 2014. KCC's Noise Adviser has commented on that as follows:

Construction Phase

"The assessment does not predict likely construction noise and/or vibration levels as a result of the proposed development and it is considered that failure to quantify construction noise levels is a significant omission within the report.

In order to enable the impact of construction noise to be properly assessed, predictions of noise and vibration from each phase of the proposed construction works should be provided."

Operational Use of the Scheme

"The assessment has more accurately modelled the junction of New Rathmore Road, Wrotham Road and Stone Street, which has reduced the number of properties predicted to experience a significant adverse effect. The remodelling undertaken has used reasonable assumptions and therefore it is considered that it is likely to provide more accurate predictions of traffic noise.

The assessment concludes that the scheme is slightly beneficial. In the long term there is one property that will experience a significant adverse effect, and seven properties that will experience significant beneficial effect. The property that is predicted to experience the significant adverse effect is being purchased as part of the scheme, and will no longer be residential.

The scheme is unlikely to give rise to significant noise impacts during operation."

KCC's Air Quality Adviser commented on the March 2013 Air Quality Assessment as follows:

Construction Phase

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

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

Operational Phase

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

The year chosen for emission factors is not clear. If 2014 emission factors were used, the predicted concentrations are considered to be under-predicted. The year

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chosen for emission factors should be stated. For a more conservative assessment, the base year 2010 should be used to calculate emissions factors.

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

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

Contour plots should be included.”

The applicant subsequently addressed these matters in an addendum. KCC’s Air Quality Adviser accepted the responses given, considered that the mitigation measures should be covered by condition, and had no further comment to make.

With regard to the amendments to the Scheme received in April 2014, KCC’s Air Quality Adviser considers that some further assessment should be required to take account of the effects of the retained car park and relocation of the bus stops on Air Quality.

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

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

The County Council’s Conservation Architect commented as follows:

Setting of the Conservation Area

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

Setting of Historic & Listed Buildings

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

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

Boundary Treatment

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

With regard to the amendments received in April 2014 the Conservation Architect commented as follows:

As previously advised the following will need conditioning in respect of recording, materials and design:

The demolition of 13 Darnley Road has been accepted in the previous approved planning application. The following need to be conditioned:

A level 3 survey in accordance with English Heritage “Understanding Historic Buildings *A guide to good recording practice*” The north gable wall of number 15 should be faced in brick, Flemish bond, in a brick sample to be approved (Smeed Dean London Stock being the most appropriate new brick, but reclaimed brick from careful demolition of number 13 would be preferable).

The retaining walls should be in a yellow stock brick, as above, and either in English Garden wall bond or Flemish bond.

The quality of paving materials referred to as high quality should be conditioned. Comments that the most appropriate materials to the setting of the listed railway station are York stone and granite kerbs of British origin (Cornish/Scottish granite being the most appropriate). However raises no objection to the proposed materials matching those used for the Civic Square.

Also comments that the primary objective for the planting would preferably be indigenous specimen hedgerow planting with the ability to screen the acoustic barrier which would dominate the setting of the listed railway station and this part of the Conservation Area.

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

“There is potential for archaeological remains to survive within this development site but there is likely to have been some disturbance from post medieval construction, especially associated with the development of the railway. Undisturbed archaeology

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could survive in pockets, although the area around Rathmore Road seems to have a strip of land, earlier allotments, which has high potential for archaeology. There are listed historic buildings within close proximity of this development and there may be local heritage sites which need careful consideration, especially the location of WWII civil defence sites.

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

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

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

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

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

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

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

Local Members

28. The former local County Members, Mr L. Christie and Mr H. Craske (Northfleet and Gravesend West division) and Mr B. Sweetland and Mr J. Cubit for Gravesend East division, which is close to the east side of the application site, were notified of the application on the 15 May 2012. Following receipt of the additional/amended details in

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August 2013 the current local County Members, Mrs S. Howes and Mr N.S. Thandi (Northfleet and Gravesend West division) and Mr. C. Caller and Mrs J. Cribbon (Gravesend East division) were notified on the 30 August 2013. They were also notified of the amendments received in April 2014 on the 25 April 2014.

Publicity

29. The application was publicised by an advertisement in a local newspaper, the posting of 8 site notices and the individual notification by letter of some 380 neighbouring properties (including residential properties, retail and business premises, etc.) in May 2012. It was also published on our website. The publicity and notification were repeated at the end of August/beginning of September 2013 following receipt of the additional/amended details. The amendments received in April 2014 were also subject to further publicity which included advertisement in a local newspaper, the posting of 8 site notices and the individual notification of 122 neighbouring properties (being those adjoining the proposed scheme and car park). In addition all other people/parties who had previously made representations were notified of the amendments.

Representations**Representations received in response to the original publicity and notification**

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

Nearby residents

- It is considered that during construction high levels of noise, vibrations and volumes of dust would have a detrimental effect on local residences, especially affecting residents who are home during daytime hours.
- Considers that on completion, high levels of pollution, traffic fumes and dust will lead to poor local air quality which would be detrimental to health especially if the residential proposal, which would otherwise act as a buffer between Cobham Street and the scheme, is not forthcoming.
- Questions whether the bank bordering the road would deaden the additional traffic noise.
- Careful consideration should be given to the change in status of the road and subsequent impact on local residents.
- A life long resident from a neighbouring property is concerned about the demolition of 13 Darnley Road which is part of a Georgian terrace unique within the Conservation Area. In particular it would spoil the appearance and value of its design with its characteristic features of the early 1900's, such as the ironwork. Also, considers that as it was designed as a block of four it would also lose some degree of structural stability.
- Is concerned about the likelihood of accidents at the Darnley Road end if two-way traffic is introduced to Rathmore Road. Has observed that there are very few hold-ups in this area at present and is not convinced that the proposal would solve Gravesend's traffic problems and is in favour of retaining the current one-way system. Furthermore, is not convinced that the proposal would bring any benefits to

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the prosperity of Gravesend and that the funding would be better spent on pot-holes and such like which would be less costly.

- Is concerned that their rightful access to the forecourt of their property which is needed for vehicular access might be overlooked leading to its loss of use as a result of a proposed pedestrian crossing in Darnley Road.

Other Gravesend residents

- The scheme would have a major impact on the centre of Gravesend but it has not been subject to Department for Transport (DfT) assessment, approval, management or monitoring
- The phased approach to the scheme will mean a lack of coherence between phases.
- Already important elements such as better interface between the station and the town centre, aspects such as the bus station and retail/accommodation appear to have been lost from the scheme.
- It seems that the major benefits seen by the Local Planning Authority are to improve the fabric and ambience of town centre rather than to deliver transport benefits.
- The principal expenditure is associated with the construction of a very large multi-storey car park and it is not clear that this is needed or economically viable or will be an attractive gateway feature for the town.
- It is not clear how better integration of public transport will be achieved as there is insufficient space for additional bus services.
- There will still be traffic interfering with pedestrian flows and a risk of increased traffic congestion as a result of re-routing traffic.
- The scheme is likely to have negative effects on the current transportation situation in Gravesend.
- The purported benefits seem small and require confirmation by detailed evaluation according to DfT guidelines.
- Phase 1 was controversial at a time of financial crisis. It is likely that the further expenditure of £75m on scheme will be even more controversial as the benefits seem small in relation to costs.
- There appears to be no overall business case for the scheme, yet there would be a loss of revenue to the Borough Council from the loss of the car park and financial consequences for local people, commuters and visitors through higher car parking rates.
- The benefits of mixed use development on the Rathmore Road car park site have not been carried forward into the submitted scheme.
- All major transport schemes are being reviewed in the light of the country's financial problems and it seems difficult to justify exempting this scheme from such a review.
- Recommends that the proposal should be reviewed in accordance with DfT guidance for major transport schemes, a business case should be established, set against clear scheme objectives, the multi-storey car park should be downsized or removed from the scheme proposal.
- Concerned that the scheme is not being approved as a whole. Considers that the Rathmore Road changes will not be necessary if Phase 2 does not go ahead. Concerned that the Borough Council were encouraged at the Regulatory Board meeting (June 2012) to proceed with the project anyway on the basis that the County Council KCC would withdraw funding for the scheme if it did not proceed quickly.

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- Considers that a safety audit and comprehensive traffic assessment has not been carried out and that traffic flows are likely to worsen, be more dangerous and would blight the area around Community Square as well as adversely affect shop keepers.

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

- The proposal does not appear to conform to the approved outline consent in several respects, not least in that it does not deliver the mix of uses, including residential development that was originally proposed on the current Rathmore Road car park and provides, only new highway and drop off areas with a large dead area to the south of the new alignment. It utterly fails to make efficient use of precious town centre land, which currently provides well located, convenient and attractive parking as well as a very valuable revenue income to Gravesham Borough Council.
- The effects of the works to Railway Place and Clive Road to be carried out under permitted development rights as highway works should be considered as part of the this proposal.
- Strongly supports the principle of improvements to the public transport interchange in Gravesend but is profoundly concerned that the Transport Quarter proposals would in fact cause harm to the town centre. The new Community Square and the area around the station would become dominated by traffic, and the scheme would introduce significant quantities of goods vehicles, including HGVs into public areas currently very attractive to pedestrians, including the new much admired Community Square. The overall effect would be to cause deterioration in the quality of environment and danger to pedestrians in that area.
- As a result of the absence of an up to date local plan in Gravesham, the preparation and approval of the outline scheme for Transport Quarter has taken place wholly outside of the statutory plan-led system. No Environmental Impact Assessment has taken place and the project has been progressed piecemeal without any serious external scrutiny and very little consultation. The piecemeal approach to the approval of the phases continues. Contrary to the NPPF, this scheme has avoided the scrutiny of local community involvement and consultation to which such strategic proposals normally are subject. Considers that the failure to subject the project as a whole, which is plainly a substantial scheme of much greater than merely local effect is contrary to the Environmental Impact Regulations and Directive.
- Considers that consultation over this proposal has been minimal with not one community organisation, trade association or the Urban Gravesham civic society being consulted and that an exhibition held for a few days in the Civic Centre provided minimum information.
- Phase 3 is part of the larger Transport Quarter project and should be treated as such in its assessment. The following points are directed only to the Phase 3 application, but KCC is strongly urged to refuse the application and to require the whole project to be reconsidered:
 - The scheme makes very inefficient use of land, losing 242 long term car parking spaces to realign an existing road. It is not sustainable development, and it conflicts with NPPF which requires development to optimise the potential of the site to accommodate development, [paragraph 58]. This is a poor design that would create an area dominated by traffic on a two-way highway scheme. The total area of roads and areas dedicated to traffic within the vicinity of the Station is substantially increased as a result of the scheme.

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- The parking areas in Railway Place would be removed, including the disabled spaces. These provide a vital stopping area allowing pick up and drop off at the very gateway of Gravesend's retail centre. No replacement is proposed.
- HGV and other goods traffic serving Tesco and Thamesgate Centre, together with the traffic from the new multi storey car park and the Thamesgate Centre would have to exit the area by passing through Railway Place and Community Square. Can find no assessment of the impact of this entirely new traffic into this sensitive area. It is likely to bring severance and heavy vehicles into an area that works very well at present. The scheme conflicts with the objective of the NPPF [paragraph 35] that requires development to "*create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.*"
- There needs to be a condition that prevents Phase 3 from going ahead in the absence of Phase 2. The net effect of Phase 3 without Phase 2 is significant net loss of parking and no bus interchange. Phase 2 funding is not certain – and is down to Network Rail, and therefore outside of KCC's control.
- No new residential development on the car park site is now proposed – the scheme does not conform to the outline. No retaining wall is proposed, there does not appear to be any provision for access to the area south of the new alignment and therefore it is not clear how future housing could be achieved. The area south of the realigned road would become a dead area as no use is proposed for it in the scheme.
- The scheme causes the loss of part of the early Victorian terrace at the Darnley Road end of the scheme. They are not listed, but are in fact very good examples of tall early C19th town houses predating the coming of the railway in 1849. Conservation Area consent was granted at the time that the outline proposal but subject to the contract being let for this phase. The loss of the part of the terrace is therefore a material consideration. The NPPF requires authorities to give substantial weight to the need to protect and enhance the historic environment.
- Considers that the consultation conducted in respect of this proposal has been derisory and contends that no residents or trade organisations have been consulted or even notified.
- In summary, considers that this is not sustainable development, it is a hugely expensive car dominated proposal wasteful of land which currently serves an important purpose to the town centre. It would lead to deterioration of the pedestrian environment and cause substantial damage to the quality of environment in the town centre. It should be subjected to an EIA, together with the rest of the Transport Quarter project. If the scheme is to go any further, full consultation with local people and residents, trade and civic societies should now take place.
- Wishes to endorse the objections to the Transport Interchange proposals sent by Urban Gravesham.
- Considers that the Master Plan for the Transport Quarter is out of character with the Riverside Heritage of Gravesend. Considers that the multi-storey car park will prove to be a future eye-sore to the environment.
- Requests that development is designed and built with reference to existing and future communities and the human scale of the inhabitants of this unique town, Gravesend.

A resident living outside of Gravesend

- Access for existing business occupiers, such as Tesco and those at the Thamesgate Centre would be made more difficult.
- The existing tram shed building should be preserved for posterity.

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- The proposed car park is hideous and would be a real blot on the streetscape, totally out of keeping for the vista along Barrack Row. *[This comment and the previous comments relate to the Interchange Building proposals.]*

Urban Gravesham

- There is no certainty that Phase 2 will be implemented. Without Phase 2, Phase 3 is not logical and has no apparent benefit but would lead to loss of car parking, and income to Gravesham Borough Council, creation of a large 'dead' area to the north of Cobham Street plus the domination of the new Community Square by roads and traffic.
- The application should not be determined until there is certainty over Phase 2 or a planning condition imposed which precludes commencement of Phase 3 until funding has been secured and a timetable is in place for implementation of Phase 2.
- With the uncertainty of Phase 2, there will be the loss of Rathmore Road car park spaces, with no certainty that it would be replaced having a serious effect on the town centre's economy and increased pressure on other car park capacity in the town.
- The proposals would result in the loss of short term convenience and disabled parking at Railway Place and Windmill Street which could have a significant effect on business in the area.
- Changes to traffic circulation results in increased cars and service vehicles using Railway Place and Windmill Street, when exiting from the Thamesgate Shopping Centre and the proposed Transport Interchange car parks. Particularly concerned about goods delivery vehicles causing severance and visual intrusion, as well as introducing pollution and danger into the Community Square.
- The damaging effects to the Conservation Areas and Listed Buildings are not outweighed by the very limited benefits.
- The proposal is more insensitive than the outline application being wasteful of land, providing a two-lane highway meandering across the former car park and large areas dominated by traffic.
- The proposals leave no room for the construction of housing on the south side of New Rathmore Road.
- Considers that the proposal should be regarded as pursuant to the outline application as it is part of the overall scheme for the transport Quarter.
- Questions why an Environmental Statement has not been included in both the outline and detailed application and the validity of the environmental reports included in the detailed application and whether a Screening Opinion led to the decision for it not to be subject to Environmental Impact Assessment (EIA). Questions the requirement for EIA with respect to the demolition of buildings. Considers that overall, the detailed application is in breach of the EIA Regulations and that any consent would be unlawful.
- Comments that there does not appear to be any assessment on the harm caused by severance, pollution and increased hazard caused by the increased number of vehicles diverted through the Community Square
- Considers that the public consultation has been inadequate including that the details of changes in traffic flows have not been spelt out or systematically consulted upon despite their crucial importance for small businesses along the route. Comment that in their experience there is widespread ignorance of what is proposed and its effects and request that a wider more systematic consultation is carried out prior to determining this application.

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Gravesend Access Group

- Loss of and lack of suitable and numbers of replacement disabled parking spaces, particularly for people visiting the town and Civic Centre.
- Requests consultation on this issue.

Representations received in response to the additional/amended details received in August 2013

31. In response to the further publicity and notification repeated at the end of August beginning of September 2013 at the time of writing I have received further representations from some respondents that have written in before and additional representations as follows:

Nearby residents

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

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

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

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

Other Gravesend residents

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

- Until there is an agreed core strategy/local planning framework it would be premature, unwise and risky to proceed with the proposal.
- The Master Plan for Gravesend Transport Quarter has been so overtaken by events and stripped of content and context that it needs to be reviewed and reconsidered.
- The Gravesend Transport model of 2007 should be independently checked so an assessment can be made of whether the projections contained within the planning assessment are a reliable guide for decision makers. Local people familiar with the town remain highly sceptical of the ability of new junctions between Darnley Road and Rathmore Road to cope with the weight of traffic and for two way traffic on Clive Rd and Railway place to be safe.
- Concerns about the overall management of the Transport Quarter remain. Asks whether the Department for Transport (DfT) could be asked to review the

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documentation for the scheme to provide reassurance that the scheme meets minimum standards. Also, whether the appointed planning consultants can provide a completed checklist confirming that the planning for the scheme meets DfT guidance requirements.

- Concern remains about control over the project, when the intention remains to proceed with large scale expenditure when the need seems to be reduced and the benefits marginal. Considers that there are obvious cheaper alternatives now available and that there needs to be a forum and a management focus for a review and for adjusting the scope of the project.
- It is clear that decisions to approve the scheme were made through the Kent Strategic Transport Programme in quite different circumstances (and assuming a quite different content for the overall Transport Quarter) and the priority for this investment needs to be reviewed in the light of other pressing needs.
- It is unclear how the overall objective for regeneration of the town would be created by taking away the car parking close to the Station, making it more difficult for the town to be accessed for commuters and potentially providing an incentive to switch to Ebbsfleet or other stations. Now that Phase 2 is not to be built, it surely calls into question the need for Phase 3.
- The focus on regeneration has led to insufficient attention to the consequences for traffic. To those of us who live locally the consequences for traffic bottlenecks at the Darnley Road junction with Rathmore Road and for traffic becoming a hazard for pedestrians using the Railway Place and the community square /Windmill Street is a serious environmental and safety concern. The prospects of HGV traffic through Railway Place is of particular concern. Seeks reassurance that these aspects have been properly assessed and satisfactorily addressed.
- Asserts that it is misleading to see the project as a series of discrete investments and it should be seen as an integrated transport scheme. Seeks reassurance on the legality of breaking the scheme into discrete packages and suggests that this was to escape government controls on major transport schemes and to avoid conducting an Environmental Impact Assessment.
- Considers that the overall scheme as originally conceived falls into the category of a major transport scheme and should be subject to Government review in the light of other priorities.
- Considers that the proposal delivers very little advantages that could not be delivered much more cheaply by improvements to bus stops in Barrack Row. Comments that overall the expenditure of £8-10m would worsen traffic flows, increase risks for pedestrians in Railway place and the Civic square/Windmill Street area, and deliver marginal benefits compared to more modest ways of improving Barrack Row for buses.
- Recommends that approval be withheld pending resolution of the overall management responsibilities, clarity on the benefits to be delivered and the confirmation of the business case and value for money of the investment proposed. These should be reassessed once the Gravesham Core Strategy is approved and greater strategic guidance is available. Without a better understanding of the strategic context, i.e. an agreed local core strategy offering a clear development path for Gravesend, it is not clear what an appropriate transport interchange is, e.g. would it meet the needs of an extended Crossrail service? Or the needs of a developed airport in the estuary? Or of a redeveloped Swanscombe peninsula?
- Considers that without a stronger local grip on this scheme there are large risks of an inappropriate investment causing deterioration to traffic flows and pedestrian safety coupled with significant losses of car parking income and parking amenity in return for nebulous regeneration effects.

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

- Objects to this scheme, which it is considered that along with the Heritage Quarter development it is likely to sound the death knell for this lovely old town.
- Understands that it is not even certain that all of the stages of the development even have funding, therefore turning it into a complete farce by consideration of implementing parts of the whole for no reason. Surely common sense dictates that the development should be all or nothing.
- Not only would this reduce parking in the town (and income for GBC) but it would necessitate the destruction of more of Gravesend's heritage, which should not be countenanced.
- Would like to see Gravesham Borough Council start to properly pay attention to the feelings of Gravesham residents regarding built heritage in the Borough and ensure that all agreed developments pay due attention to their surroundings.
- Considers that the scheme is totally unsuitable for purpose, horrendously expensive with no justification for it, would make traffic flow around the town worse, the additional traffic signalled junctions would add to delays experienced at present holding traffic in densely populated areas, ruin air quality and pedestrians and cyclists would suffer the consequences.
- Concerned about a 'rat run' being created along Princess Street and the possible solution of short phasing the traffic lights controlling Stone Street seriously holding up the buses that use Stone Street.
- Concerned about the dangers of commercial traffic using the Stone Street/Railway place. States that the Dry Cleaners entrance is on the apex of the corner and right in the blind spot of any articulated vehicle going around this junction.
- Concerned about the narrowness and practicality of shared cycleway/footpaths.
- Cannot find any justification for the demolition and destruction of the integrity of late Georgian/early Victorian terrace fronting Darnley Road. Concerned about the danger and possibility of accidents of 44 tonne, articulated lorries turning from Rathmore Road into Darnley Road, as at Railway Place.
- Is concerned that taxis would not be able to use the left turn at the end of Barrack Row identified for buses only.
- Is concerned about whether lorries driving into the proposed "bus gate" at the Clive Road/Barrack Row junction could reverse back safely.
- Queries how two-way traffic in Clive Road is better than existing for passengers coming out of the station.
- Comments that by moving the bus stops up to Barrack Row it would increase the distance mothers with children would have to walk to the shops; and the elderly or infirm exiting from the station would be faced with an uphill walk and 3 times as far to reach the bus stops.
- Queries where all the disabled parking bays would be re-sited.
- Considers that in view of the inadequacy of these proposals the application should be refused.

Representations received following publication of the November 2013 Planning Applications committee report

32. Further representations were reported verbally or circulated to Members at the committee meeting on the 18 November 2013, including the following:

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Nearby local businesses

- A petition with 5 signatures from Traders in Railway Place & Windmill Street the text of which is attached appendix 2.

A representation with no address given

- An email stating that they object strongly to the proposals, as it is considered that they do not represent value for money, cut down on disabled parking and do nothing to make the town more accessible, do not consider the flow of traffic as planned is a good idea, and ask that the scheme be thrown out.

Urban Gravesham

- A letter from Urban Gravesham which was circulated – appendix 3.
- A letter written on behalf of Urban Gravesham raising some legal questions, and our response which were circulated at the Planning Applications Committee meeting of 18 November 2013, attached as appendix 4.

Representations received after the November 2013 Planning Applications committee meeting

33. A number of further representations were received following the committee meeting which include the concerns and objections to the proposal summarised below:

Nearby residents

- Is concerned about higher noise assessed by the applicant at his property and with no housing development now proposed to provide a shield noise would be a real problem.
- The loss of the car park is unacceptable to residents and all users who would now struggle to park. The Borough Council failed to factor in the impact from the loss of the Lord Street multi-storey car park after which chaos ensued and this would be worse.
- The loss of existing trees is completely needless and would ruin the area. The dead space between existing properties and the new road would become a magnet for gangs of youths to hang around upon.
- The Scheme has been stripped of its previous benefits and is now needless and damaging.

A nearby local business

- Concerned that their customers would not be able to use the shop due to the closure of the car park and therefore without customers would no longer be able to afford running the shop and have to close down. Considers that small local business providing a service to the local people of Gravesend should be supported.
- Not only is the closure of the car park a worrying issue for local shops but it would also affect the traffic flow as customers of theirs and other shops would still need to maintain their routine of coming into town and would therefore park illegally. That would cause huge congestion, is now likely to affect the disabled parking on Railway Place and therefore take this privilege away from people who really need it.

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Other Gravesend residents

- Strongly objects to the proposal because of the resultant loss of station parking. To lose this facility, without any compensating parking areas being made available would make life for commuters much more difficult than it already is. People would have to park further away from the station, surrounding roads are restricted in the times that you can park there (i.e. not a full day) which would result in a long walk from parking places to the station.
- Considers that, there are surely, planning laws that deal with the Council's requirements to provide suitable parking facilities at transport hubs such as stations. Has parked in this car park for years, states that he has never been made aware of any plans to develop it. Queries what consultations have been undertaken and suggests that if there have been they were probably surreptitious.
- Concerned about where the cars would be parked, the possibility of on-street parking and further roads having to be made one-way as a result.
- The proposal is entirely against the grain of recent developments, including the Community Square, the aim of which is to render the town centre a people-friendly environment. We need to cancel this and look forward to a car free shopping and strolling experience.
- Considers that to change the road layout and traffic flows would be a mistake and requests that mistakes of the past are not repeated in the name of progress, or convenience, or increasing shopper footfall.
- A registered disabled user is concerned about the loss of the car park and the detrimental effect it would have on the freedom and quality of life for disabled users that need easy access to the station, particularly as they do not understand what benefits the Scheme would bring to any one at all.
- Concern is also raised on behalf of a paraplegic driver who uses the car park as it has one of the few wheelchair parking spaces with flat access on the driver's side which he needs.
- Considers the proposal to be a waste of public money which could be better spent in the town centre and help with the regeneration of the town across a wider area.
- The proposal would close a vital station car park, divert traffic through the town square where a conflict between pedestrians and traffic would occur and with the loss of disabled car parking inconvenience some of the most vulnerable in society.
- The community square would become polluted and noisy.
- The proposals would likely cause congestion to the south side of the station delaying all trips. Diverted large lorries from Tesco are a real risk to commuters, rushing through this area.
- Considers that it is an ill thought out plan which has been pushed through by the Borough and County Council without any master planning, piecemeal and lacks any foresight for Gravesend.
- Considers that the whole ethos of the 'transport quarter' has been superseded and that permission should not be given without full consideration of the best solution for the town and people of Gravesend.
- Hard pressed commuters would need to park further away making their daily lives more difficult and longer.
- The proposals do not respect the heritage of the area.
- Considers that the major problem with traffic in the area is caused by the buses stopped at the bus stops in Clive Road. Suggests that if Garrick Road and the top end of New Road were made 2-way for buses only, the Clive Road bus stops could be relocated there without disrupting the whole town and would save a lot of money.

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Residents living outside of Gravesend

- The first time she heard of changing the traffic around the town centre was from a leaflet placed on her car that was parked in the Rathmore Road car park. Concerned at loss of car parking spaces including disabled spaces close to transport links. She relies heavily on the car park as she commutes to London and another car park 5 or 10 minutes away would be impractical.
- Loss of spaces would also lead to a loss of footfall in the town centre.
- Concerned about directing additional traffic around the community square.
- Closure of the car park would mean people would not come into Gravesend.
- The car park is convenient for disabled users going into the town and Civic Centre and should not be closed.
- Comments that during the period over Christmas 2013 when the Rathmore Road car park was closed, it was evident that the Lord Street car park did not have capacity to accommodate the displaced vehicles. On two occasions when arriving before 09.00 she could not find a vacant space. Also, comments that parking on the street anywhere within 5 square miles radius of the station is restricted to residents.
- There is currently no viable public transport service that allows residents who live on the outskirts of Gravesend to travel to the railway station.

Representations with no address given

- It would be a huge loss to lose this car park which is where most commuters park as the station car park has few available spaces leaving the only reasonably priced car park for commuters as Lord Street.
- Is concerned about the closure of the car park, introduction of a two way road, demolition of a Georgian House, and the combination of both a pedestrian footway/cycle way.
- The scheme should be re-visited before any funds are committed to the project.
- An employee of a local business and regular user of the car park wishes to voice objection to the proposal to close the car park as part of the regeneration of the town centre. Asserts that, surely, the purpose of the regeneration is to encourage more visitors to the town, yet it would be more difficult and less convenient for visitors. To close a car park in such close proximity to the station, especially one used in the main by commuters, employees of town centre businesses and disabled and elderly shoppers is, in her opinion, senseless.
- Questions how the amount of money can be justified when there is no sensible, safe and pleasant outcome.
- The loss of 242 parking spaces without alternative provision is ill conceived given the increase in rail passenger capacity/use of Gravesend railway station and would be exacerbated when development of Stone Quarry development commences and rail passenger numbers increase. It would significantly increase traffic congestion with large numbers of commuters being dropped off picked up. It would also affect the viability of local shops if shoppers cannot use this car park.

Gravesend Access Group

- Concerned that the footpaths would be for use by both pedestrians and cyclists. As a member of Gravesend Access Group, comments that she is aware that any shared surfaces are highly dangerous for people with disabilities, such as impaired sight, hearing and mobility. Wishes that this issue be given proper consideration in the ongoing planning.

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- Comments that the Access Group already has concerns about the loss of disabled parking bays from the Rathmore Road car park and that the suggested site for replacement bays does not seem to consider the needs of people who require such facilities.
- The chair of the access group comments that the shared cycle space suggested for Rathmore Road should clearly be segregated by a tactile line and tactile pavement at the start and end of cycle path, as it is dangerous for pedestrians with young children elderly disabled to use the pavement safely.

Gravesend Heritage Association

- Gravesend Heritage Association object most strongly to the proposal:
 - it would result in the loss of a handsome terraced house on Darnley Road junction, damaging effects on Upper Windmill Street and Darnley Road Conservation Areas, and 20-24 Stone Street Grade 2 listed buildings;
 - it would see the incredible situation of HGV's and other traffic being diverted across the main Civic Square after it has just been largely removed; and
 - cannot see what the gains of the scheme would be at all.

Representations received in response to the Members' Site Visit

34. Following the Members' Site Visit the Chairman of the Planning Application's Committee received a letter from two of the Gravesend residents who attended the visit setting out their conclusions and recommendations on the issues that emerged. The letter is attached as appendix 5.

Representations received in response to the further publicity and notification relating to the amendments received in April 2014

35. In response to the further publicity and notification relating to the **amendments received in April 2014** I have received further representations from some respondents that have written in before and additional representations as summarised below. In addition I have received a copy of a further letter from one of the residents referred to in paragraph (34) above addressed to the Chairman of the Planning Applications Committee which was circulated to Members of the Committee by the Committee Clerk on the 16 May 2014. For ease of reference I attach a copy as appendix 6. I have also now received a petition with 86 signatures collected by a café owner on Railway Street the text of which is attached as appendix 7.

Nearby residents

- Objects to the amended application on account of the following concerns:
 - A decrease in air quality due to the increase in traffic volume;
 - Shares the shop keepers' concerns regarding the risks of narrowing the pavements in Railway Place, with the increased traffic due to the scheme;
 - The retention of only 65 spaces within the Rathmore Road car park is woefully short of the current usage and would create a shortage of spaces in the town;
 - An acoustic barrier would be absolutely hideous and spoil the area;
 - The destruction of the green area and trees around the current car park;
 - The increase in heavy traffic around the pedestrian area by the Civic Centre; and
 - The complete failure of the scheme to justify itself worthwhile and necessary compared to the existing set up.

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Nearby local businesses

- Reiterates and repeats previous concerns as summarised under paragraph (33) above.
- Considers that diverting the traffic around Railway Place would have an adverse effect on the safety of pavements and the air quality and noise environment of the Civic Square, drive people away from using and consequently have an adverse impact on all the shops in the area.
- People should be encouraged to visit the town centre but the proposal would have the opposite effect and drive even more people towards Bluewater.
- At the present time traffic flows around the area well considering it is the town centre. There is some standing traffic at peak times but it quickly moves on. The introduction of the extra traffic lights would result in delays not experienced currently.
- Consider that the money could be better spent to improve the public and work areas of the town as well as its roads and general upkeep of the town to make it a pleasant environment to live and work in.
- Concerned about loss of disabled parking with relocation further away from the Windmill/Manor Road junction, which is the gateway to banks, building societies, shops, library etc. Questions its suitability at the bottom of a slope of the existing Rathmore Road making it difficult for wheel chair users uphill and the alternative provision in Parrock Street which is treble the distance to the gateway.
- Concerned at the loss of 150/200 parking spaces, the loss of a Georgian house, the introduction of two-way traffic in Rathmore and Clive Roads, relocating bus stops on Clive Road to Barrock Row away from shops and the introduction of HGV's to unnecessary journeys around the town centre.

Other Gravesend residents

- Objects to the loss of the car parking spaces as it is the main car park for commuters who would not be able to park with easy access to the station.
- The station is evidently getting busier and it makes no sense to close the car park which is well used throughout the day.
- It is suggested that a retaining wall between the road and the car park be provided instead of a slope, to allow more parking spaces to be retained. It is also suggested that it would act as an acoustic barrier and negate the need for another one.
- The proposal meets a tiny proportion of its original aims to create and integrated transport scheme. It has now become a nightmare with every fresh detail emerging.
- The one way system around Gravesend should be considered in one complete project.
- A development proposal which will affect a different part of the one way system has been granted planning permission. It proposes traffic calming along West Street with built out bus stops and extra Puffin Crossings along both West Street and Crooked Lane. These measures will undoubtedly slow the traffic down on this section as that is its aim. This in turn will therefore encourage traffic heading south out of town to go up Princess Street and Stone Street to miss out the remainder of West Street and Crooked lane, thereby creating a short cut.
- The 3 sets of traffic lights within the scheme would each contain 4 phases, 3 individual phases for traffic and 1 for pedestrians. Comments that at any given time at least 66% of the traffic would be prevented from moving by a red light and if the pedestrian cycle is activated it means that no traffic at that junction will move for probably between 45 seconds and 1 minute. Railway Place/Stone Street/Clive Road and Rathmore Road, Darnley would be subject to extra delays. Because of

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the tight turns the resulting stop lines for the lights would be set back many yards from the junction, this would enable large oncoming vehicles to be on the wrong side of the road, through necessity, whilst negotiating the turn.

- Disabled Parking by its mere name should mean that it is situated, if at all possible, on flat level ground not at the bottom of an incline as in this proposal. The thought of an elderly person pushing their husband/wife up the incline of Rathmore Road causes great concern.

A resident living outside of Gravesend

- Objects to demolition of 13 Darnley Road which is part of a locally important historic terraced building, shown on the 1840 tithe map, allegedly dating from the early 1830s and shown on early OS maps as Hutchinsons Place. Comments that, though not listed, this group is locally important and specifically cited as such in Gravesend Borough Council documents relating to the Darnley Road Conservation Area, which states 'The Georgian-style Nos. 13 to 19 Darnley Road are of three-storeys and present elegant, brick faced facades, featuring cast iron balconies, to the road.' He strongly believes that the integrity of the group should be preserved, and some other alternative needs to be sought in order to avoid the demolition of No. 13.

Gravesend Access Group

- The Access Group is against the shared cycle spaces as they should be segregated to make it safe for all pedestrians.

Discussion

Introduction

36. The proposal involves the realignment and widening of Rathmore Road, effectively to create 250 metres (about 820 feet) of new two way highway with footways either side, and shared footway/cycleway at the eastern end only (in the scheme as amended), improvements to the railway station forecourt, together with other consequential or related works (including demolitions), as described in the earlier part of this report. The amended proposal also now includes continued use of the residual land for car parking. It should be noted that some of the consequential and related works are outside of the application site because they are within or adjoining the boundaries of existing highway, and can be carried out by the Highway Authority under permitted development rights.
37. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, in considering this application, regard must be had to the relevant Development Plan Policies and National Planning Policy Framework guidance, outlined in paragraph (26) above, and other material planning considerations.
38. The proposal raises a broad range of issues as reflected in the consultee responses and representations received. In my opinion, the key material planning considerations in this case include the principle of the development, the changes in traffic circulation and flows, loss of car parking, traffic noise and vibration, and air quality impacts, affect on heritage interests, impacts on townscape and visual amenity, biodiversity, flood risk and drainage, land contamination and construction impacts. In addition, some questions

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have been raised and comments made in respect of Environmental Impact Assessment, Sustainable Development and about the adequacy of public consultation.

Consideration of the principle of the proposed development

39. The principle of the new improved section of road has previously been established by the now expired outline planning permission, as one element or phase of the proposed Gravesend Transport Quarter Master Plan. The application is made in that context although for the reasons explained in paragraph (16) above, it is a fresh, stand alone, detailed application. If planning permission is granted, it is now expected that the proposed development (Phase 3) would take place in advance of the proposed Interchange Building (Phase 2) as there is no certainty if and when that might be constructed. [Besides which it would now need to be the subject of a fresh planning application.] Although there had previously been an expectation that Phase 2 would happen in advance of the proposals for the road, there is no overriding reason why it should have to be in that order. It will be noted that the Transport Assessment, Noise and Vibration and Air Quality Assessments have now been carried out to reflect this change in sequence.
41. In addition to the change in sequence of the development phasing, representations are made which question whether Phase 3 is in fact necessary if Phase 2 does not happen. The point is also made that there are no proposals forthcoming for the residential and retail/office and that the retaining wall on the south side of the new road originally proposed in the outline application to maximise the development area is not included. Furthermore, there is concern over the changed circumstances, business case, funding and value for money, management and benefits, and that phases are being considered as discrete investments/projects. It has also been asserted that these matters should first be resolved and that the proposals should be reassessed once the Local Plan Core Strategy is approved and that until then determination of this application would be premature. Concerns are reiterated in representations received to the amended scheme, amongst others, that it is being considered as a standalone project. It is considered that it should be presented as a complete proposal encompassing all the elements of the Transport Quarter development so that decision makers can be aware of the total costs and benefits. It is also recommended in the covering letter to the Chairman (appendix 6) that KCC remit the transport hub requirements of Gravesend as part of the Swanscombe Development as a National Infrastructure project to the relevant national planning authority.
42. Whilst there is some inter-dependence between different phases of the Transport Quarter Master Plan, arguably this proposal for Rathmore Road is one element which is not dependent on another happening, and as the applicant has stated it is not dependent on Phase 2 being completed, (which in any event is outside of the applicant's control). The applicant has, similarly, stated that the Rathmore Road scheme would not preclude the delivery of other aspects of the Master Plan. Although circumstances have changed and the Master Plan may not now be delivered in the way originally envisaged, this application (as amended) stands to be considered on its merits as submitted, and I can see no reason to delay its determination further.
43. It will be noted that since Members considered and deferred the application in November 2013 that the Local Plan Core Strategy has now been adopted. At the time it was acknowledged that the situation with the Development Plan was not wholly definitive because the adopted Local Plan dates back to 1994 and the final outcome in respect of objections to policies in the emerging Core Strategy were not then known. In the circumstances, I considered the aims and objectives of individual policies and the

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wider aspirations relevant to this application against the NPPF; I concluded that they were consistent with it.

44. The relevant Core Strategy policies then in the emerging Plan remain substantially unchanged in the adopted Plan. Policy CS01 of the Local Plan Core Strategy (as set out in paragraph (26iv) above) reflects the presumption in favour of sustainable development consistent with the NPPF. Policy CS11 (as set out in paragraph (26iv) above) of the Local Plan Core Strategy supports proposals that improve public transport provision and facilities in the Borough. In particular, the development of a transport hub at Gravesend Town Centre to provide high quality interchange facilities between bus, rail, walking and cycling will be supported. Improvements will also be sought to walking and cycling facilities to provide improved access to Gravesend Town Centre. Policy CS05 also supports these improvements. In my view, the aims and objectives of these policies remain consistent with the NPPF guidance which promotes sustainable transport to give people a real choice about how they travel. It is also stated in the NPPF that the Government recognises that different policies and measures will be required in different communities.
45. There are a number of components to the proposal for Rathmore Road in addition to its widening and realignment. Provision would be made for a shared footway and cycleway within part of the scheme, safe crossing facilities, improved arrangements and facilities for drop-off and pick up at the railway station, parking for taxis and disabled parking, and improvement to the redundant stretch of Rathmore Road to the east for mainly cycle and pedestrian use. It is proposed that enhanced paving materials would be used, including those areas of improvement to be carried out under permitted development, and where appropriate landscaping be carried out. The residual land south of the road would now continue in use for car parking. The proposals would allow Rathmore Road to become two-way and take through traffic currently using Clive Road/Barrack Row and allow Barrack Row to be re-designated for buses and taxis only, with Clive Road becoming two-way for access to the car parks and for deliveries. The existing and proposed layouts on page D1.14 indicate changes to the traffic circulation.
46. The benefits of the scheme highlighted by the applicant are set out in paragraph (23) above. In brief, the proposals seek to provide an enhanced public realm with improved linkages for pedestrians and cyclists to and from town centre and the railway station, and put in place measures that would provide opportunities for the improvement of bus facilities and services, including the possible future development of Phase 2 or alternative proposals for the provision of a bus interchange. In that respect, arguably there would be some advantage, over the original phasing envisaged, for the new road, consequential changes to traffic flows and management to be in place beforehand. In my view, the proposals in this application would make a significant contribution in delivering the wider aspirations and benefits for integrated sustainable transport for Gravesend town centre set out within the Local Plan Core Strategy and consistent with the NPPF guidance for sustainable transport. Taking into account the above factors, I consider that in principle the proposal should be supported on policy grounds alone. Nevertheless, there are a number of other matters arising from the details of the proposal that need to be considered in determining the application, and these are considered below.

Changes in traffic circulation and flows

47. As indicated in paragraph (19) the Transport Assessment Report submitted in August 2013 is on the basis of the proposed development being implemented in advance of the delivery of Phase 2 for the Transport Interchange building. The Assessment takes

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account of changes to the traffic circulation as a result of the proposals set out in paragraph (45) above and shown on the existing and proposed layouts on page D1.14 and the loss of the Rathmore Road car park and its 225 spaces. The Assessment assumes an opening year for the new road of 2014 and also considers the position for 2029 (15 years after opening) utilising 'The Gravesend Transport Model' developed during 2007. The summary and conclusions from the Transport Assessment are as follows:

- (i). The Assessment states that in terms of traffic generation the main influencing factor within the proposals is the change to car parking provision in the area. For the transport assessment in the 2014 and 2029 scenarios with the new Rathmore Road traffic has been redistributed from the existing car park in Rathmore Road to the Parrock Street car park. In terms of traffic distribution the main impact of the proposals is to divert traffic from Clive Road/Barrack to the new road which would be made two-way.
- (ii). Traffic flows for the highway network around the proposed Rathmore Road Link have been modelled for the AM Peak (08:00 – 09:00 hours) and the PM Peak (17:00 – 18:00 hours). [The traffic flows in the base year of 2007 reflects the highway network before the new Civic Square was constructed when traffic from Lord Street was re-routed behind the Civic Centre along Woodville Place.] The Assessment states that at the assumed year of opening (2014) traffic flows on the new Rathmore Road are forecast to reach some 990 vehicles per hour in the AM Peak (72 in 2007) and some 920 vehicles per hour in the PM Peak (138 in 2007). By 2029, traffic flows are forecast to be broadly similar to the year of opening. Traffic flows along Stone Street, Clive Road and Barrack Row are forecast to reduce [by 80-90% in the AM Peak and 50% in the PM Peak] as a result of the implementation of the scheme. Forecast traffic flows on Railway Place are expected to increase as a result of the scheme. However, the forecast flows in 2014 and 2029 on Railway Place in the AM Peak would be less than the 2007 flows and in the PM Peak there would be an increase of around 30% on the 2007 flows.
- (iii). In addition to modelling the traffic flows on the highway network, performance has also been assessed by looking at journey times from selected routes, which were Milton Road to West Street and Overcliffe to Milton Road. When comparing eastbound journey times between Overcliffe and Milton Road in 2029, there is no discernible difference with or without the proposed scheme in both the AM and PM Peak periods. There is a general increase in journey time predicted between 2007 and 2029 largely unaffected by the scheme. When considering westbound journey times between Milton Road and West Street in the AM Peak there is a significant increase in journey times predicted between 2007 and 2029 without the proposed scheme and journey times are expected to increase further as a result of the implementation of the scheme. A similar impact is predicted for the PM Peak between 2007 and 2029, but in this instance there is no discernible difference in predicted journey times in 2029 with or without the scheme.
- (iv). The performance of the network has also been assessed by looking at the vehicle queue lengths on Wrotham Road, Parrock Street, Windmill Street and Darnley Road. In 2007, minimal delays are presented in the Gravesend Transport Model and these have been used to compare the future year scenarios that have been assessed. For Wrotham Road and Windmill Street delays are predicted to increase between 2007 and 2029 in the AM Peak. Delays with the scheme are also predicted to be greater in 2029 than without the scheme. A similar situation would occur in the PM Peak although the increase in delays is predicted to be less severe. Parrock

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Street also has a predicted increase in delays between 2007 and 2029 in the AM Peak and a predicted increase in delays in 2029 with the scheme. However, in the PM Peak predicted delays in 2029 without the scheme are less than 2007 and in 2029 with the scheme are broadly similar to 2007. Darnley Road in both the AM and PM Peak periods has predicted delays in 2029 without the scheme that are broadly similar to 2007 and a predicted increase in delays in 2029 as a result of the scheme.

- (v). The Transport Assessment concludes that the implementation of the new Rathmore Road is not predicted to have a significantly adverse impact on vehicular traffic in the forecast year of 2029 compared with the situation without the scheme. It goes onto conclude, rather the scheme demonstrates a benefit to more sustainable modes of transport by creating an environment and connection between the railway station and the town centre that is largely free of private vehicles through altering the alignment of the current ring-road and thereby reducing severance for pedestrians and cyclists.
48. In view that it is now proposed that the residual land would continue to be used for car parking, the redistributed traffic from the existing Rathmore Road to the Parrock Street car park, referred to in paragraph (47(i)) above, would be less than previously assessed. Whilst the Transport Assessment has not been updated to reflect this, it is stated in the report submitted with the amendments that it is not considered it would have any significant effect on traffic flows. In that respect, it has been calculated, on a pro-rata basis from data available in the Transport Assessment, that the effect of retaining 65 spaces represents only 2.5% of the AM Peak period and 6.5% PM Peak period of the predicted flow on the new Rathmore Road.
49. It will be noted that a number of representations have been made about the changes to traffic circulation, including doubts expressed about the benefits of the scheme, traffic and pedestrian conflicts, traffic congestion, the Community Square and the area around railway station being dominated by traffic, and increased traffic being a hazard for pedestrians using Railway Place and the Community Square/Windmill Street and concerns about heavy goods vehicles having to use this route also bearing in mind the restricted widths and radii. Questions have also been raised about safety audit and compliance with Department for Transport (DfT) guidance. These concerns have largely been reiterated in the representations to the application as amended.
50. The scheme is not intended to address any particular traffic flow concerns but is in essence an enabling scheme to allow improvements to the public transport facilities and their connectivity to the town centre. Changes to flows, journey times and delays arising from the proposals of the redistributed traffic within the town centre are acknowledged in the Transport Assessment. There would inevitably be some advantages and disadvantages. In terms of the required change of the respective roads from one-way traffic to two-way traffic, and vice versa, I understand that this would have to be subject to appropriate Traffic Regulation Orders.
51. The applicant highlights that in removing general traffic from Barrack Row the scheme would enable a public transport interchange to be created and significantly reduce traffic flows along Clive Road that would improve the pedestrian environment and connectivity between the Railway Station and the town centre. In addition, the applicant advises that provision of traffic signals at the Clive Road/Stone Street/Railway Place junction, including an “all-red” pedestrian phase, would bring a degree of control to traffic movements not currently in operation that should assist pedestrians. The applicant has also advised that to assist with pedestrian movement on the crossings, the signals will

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be fitted with detection equipment that would automatically allow longer crossing times for pedestrians, if needed.

52. The applicant has carried out tracking exercises based on a 16.5 metre long articulated heavy goods vehicle (the maximum legal size) to ensure that heavy goods vehicles can safely negotiate Railway Place from Stone Street to Windmill Street and Clive Road to Windmill Street. Diagrams showing these have been provided with the amended details submitted in April 2014 in support of the application. Stone Street to Clive Road has also been included and in response to a request the applicant has also provided diagrams showing the tracking for heavy goods vehicles negotiating the junction of Rathmore Road with Darnley Road, Darnley Road (south to Rathmore Road, Rathmore Road to Darnley Road south, and Rathmore Road to Darnley Road north). These demonstrate that the tracks and overhang of the vehicle body can be safely accommodated.
53. The applicant has previously confirmed that a safety audit of the scheme had been carried out and that further safety audits would take place at the detailed design stage. In response to the views of the Development Planning Manager (Highways and Transportation) to the amendments received in April 2014, the applicant has now had a further stage 1 safety audit carried out to take account of the amendments to the scheme. Some issues were raised by the auditor and the Development Planning Manager (Highways and Transportation) has confirmed that he is satisfied with the proposed actions or otherwise of the scheme designer in respect of addressing them.
54. It will be noted that the Gravesham Access Group is concerned about the proposals for footways with shared cycleway and would wish to see these segregated. I understand that within the available width within the scheme it is not possible to do this. However the applicant advises that a strip of 'textured' paving known as 'corduroy hazard warning surface paving' is normally provided across the footway at the start of the shared surface, so that visually impaired people are warned of the presence of these types of provision.
55. With regard to DfT assessment, approval, management or monitoring, the applicant advises that it is not required because of the source and quantum of the funding. There is also no requirement in the Town and Country Planning (Development Management Procedure) Order 2010 to consult the DfT as part of the planning application process on this particular scheme – the County Highway Authority being the relevant consultee relating to the highway considerations.
56. The views of The Development Planning Manager (Highways and Transportation) for the Highway Authority are set out in paragraph (27) above. In addition, I sought his further advice on the issues raised in third party representations following the initial consultations referred to above. He made the following additional comments:

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

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that particular aspect of this proposal which has been considered in greatest detail from a highway perspective.

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

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

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

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

Finally, with regard to the issue of value for money and whether the projected benefits of the scheme outweigh potential additional journey times, it is not a requirement of the Development Planning [*their*] role to argue the case for the scheme in this respect, only to assess its overall impact. That being said, this is a

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scheme which has been approved by the Homes & Roads Partnership as part of a programme of works supporting development across Kent Thameside *[with funding provided by the Homes and Communities Agency]* (in particular support of public transport infrastructure improvements in this case) and so the impact assessment in this respect has to consider the wider benefits of the proposals against the potential local impact.

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

57. Notwithstanding the representations that have been made, in the light of the views of The Development Planning Manager (Highways and Transportation) above and those set out under paragraph (27) above, I do not consider that an objection on highway grounds relative to the changes in traffic circulation, flows, journey times and delays could be sustained. Moreover the proposals would make an important contribution towards the aspirations for improved public transport links and connectivity within the town, i.e. for all travellers and not just motorists, in accordance with the relevant planning policies. However there are issues arising from the development of the new road and consequential changes to traffic circulation and flows relating to traffic noise, vibration and emissions which are considered below.

Car Parking

58. The proposals as originally submitted would have resulted in the complete loss of the Rathmore Road car park and its 225 spaces. However, the amendment to the proposals means that the land not required for the road would continue in use for car parking, although providing only 65 spaces. It will be noted, that representations to the original proposal about loss of these long term car parking spaces, the loss of overall car parking capacity in the town centre, the effect on the economy of the town centre, the loss of revenue to the Borough Council and the loss of convenience for existing users of the car park have largely been reiterated in the additional representations now received, particularly from commuters, despite the amendment. Policy CS 05 of the Local Plan Core Strategy states, amongst other things, that the Council will manage traffic accessing and passing through the area through its approach towards the provision and distribution of public car parks, and in Policy CS11, amongst other things, states that it will ensure an adequate supply of public car parking.
59. The issue of public car parking is essentially a matter for Gravesham Borough Council. I understand that the loss of parking places at Rathmore Road car park as a result of the scheme has been discussed between the applicant and Gravesham Borough Council which is also the landowner. Further discussions have led to the amendment which would see some use of the car park continue. The applicant has advised that there is known spare capacity in the Parrock Street car park and therefore the balance of current users of the Rathmore Road car park would be able to relocate there. There is also no reason why the delivery of the scheme would prevent Network Rail providing additional station car parking at some later date. The Development Planning Manager (Highways and Transportation) has previously commented on the issue of parking as set out in paragraph (56) above and raised no objection in this respect. In response to the amendment, as set out under paragraph (27) above, he has commented that the proposed retention of the parking provision is seen as a highway benefit partially offsetting the loss of future provision resulting from the postponement and delay of the Phase 2 Transport Interchange building and car park element of the overall Transport Quarter proposals. It will also be noted that, as set out under paragraph (27) above, the Borough Council in its formal views to the amendments comments that the retention of

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65 spaces is a welcome response to local objection regarding loss of town centre car parking.

60. The proposals as originally submitted also gave rise to objections to the loss of and lack of suitable and numbers of replacement disabled parking spaces, particularly for people visiting the town and Civic Centre. Some concerns continue to be expressed in the representations received to the amended proposals about the location, distance and gradients. A total of 23 disabled spaces are affected by the proposed scheme and related permitted development works. The amended proposals include 5 disabled spaces in the retained car park as well as the 6 spaces already proposed between the road and the Railway Station. The applicant advises that the 3 spaces that would be lost from Railway Place have already been provided on Windmill Street as part of Phase 1 of the Gravesend Transport Quarter Master Plan. The net loss of 9 disabled spaces would be addressed by re-provision at the northern (nearest) end of the Parrock Street car park, which is equally convenient and level for access to the town centre as the existing locations.
61. The issues relating to the car parking arising from the proposals will be noted. I am satisfied that the applicant and the Borough Council have given this due consideration. Furthermore I am advised by the applicant that in the longer term the issue of ensuring a suitable level of car parking provision of all types will be considered by Gravesham Borough Council in the overall development of their car parking strategy. On this basis and the views expressed by the Borough Council and those of the Development Planning Manager (Highways and Transportation) on this matter, I do not consider that the issues raised about the car parking are overriding or that an objection to the proposal on these grounds could be justified in terms of the relevant planning policies relating to provision of public car parking. Whilst those commuting out of town understandably would prefer to park closer to the railway station if possible, that has only been possible hitherto due to the long time that the former allotment site off Rathmore Road has remained undeveloped and otherwise underused for a town centre location, and enthusiasm for its continued full use for commuter parking does not amount to an overriding reason to resist alternative use of the land if it could better serve the community as whole.

Noise and Vibration

62. The Noise and Vibration Assessment report previously undertaken in March 2013 and a subsequent Addendum have now been superseded. A further Assessment has been carried out which takes account of the changes to the design of the scheme, which includes construction of a low retaining wall at the back of the southern footway of the new road and gaps in the acoustic barrier necessary for the vehicular and pedestrian accesses to the car park. As with the previous assessment it takes account of the traffic effects of the proposed development being implemented in advance of the delivery of Phase 2 for the Transport Interchange building. The assessment examines the potential impacts of traffic noise and vibration at locations considered likely to be affected by the proposed new Rathmore Road Scheme arising from both the construction and operation in accordance with appropriate guidance and methodology, and considers mitigation measures appropriate to the impacts. The Assessment assumes an opening year for the new road of 2014 and also considers the position for 2029 (15 years after opening).

Construction of the Scheme

63. With regard to the Noise and Vibration Impacts for the Construction Impacts the April 2014 Assessment Report reproduces the relevant section from the earlier March 2013

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Assessment Report. That acknowledges that those properties in close proximity to the New Rathmore Road would have the potential to be most affected by construction and vibration due to the various construction activities taking place, such as excavation and earthmoving. However, it went on to state that the construction methodology and programme have yet to be determined and therefore a detailed construction assessment could not be undertaken at this stage, although it did set out the anticipated mitigation measures.

64. Our Noise Adviser considered that in order to enable the impact of construction noise to be properly assessed, predictions of noise and vibration from each phase of the proposed construction works should be provided. A Construction Noise Assessment based on assumed construction methodologies, plant and programme to identify likely noise impact during construction has now been provided. The conclusions of the assessment are as follows:

“Noise from construction works (if not controlled/mitigated) has the potential to give rise to significant adverse effects on the receptors located close to the scheme, i.e. closest properties by Darnley Road, rear façades properties Cobham Street, 6A Wrotham Road and, 6A Railway Place and 16A Stone Street.

For this reason at this stage the following mitigation measures (which have not been taking into account in this technical note) are anticipated:

- Apply best practice means (i.e. control of noise at source) and control the spread of noise (e.g. screening, etc.) as those stated in BS 5228-1 to reduce noise levels at sensitive receptors

To avoid significant adverse effects due to groundborne noise (and vibration) best practice means and mitigation measures (i.e. control of vibration at source) as those stated in BS 5228-2 (Ref. 5) should be followed by the contractor.

It is noted that restrictions to working hours are likely to be required for noisy activities with the potential to impact sensitive receptors. It is recommended that restrictions to working hours are proposed once detailed construction noise assessment is undertaken and that a Section 61 Prior Consent application is submitted to the Gravesham Borough Council Environmental Health Officer by the contractor appointed for the works.”

65. In response our Noise Adviser considers that the assessment should have outlined the assumed modelling parameters; would have expected to see higher values for operating durations for construction plant, particularly if a worse case assessment is sought; and would expect further information as to the level of noise attenuation which could be expected as a result of the control measures. I consider that these deficiencies in the assessment and proposals for mitigating the adverse noise impacts would best be addressed when the full details relating to construction methodology and of plant are known. If permission is granted it could be addressed as part of the submission for approval of details of a Construction Environmental Management Plan/Code of Construction Practice. In addition, as suggested by the Borough Council the contractor should enter into an agreement under Section 61 of the Control of Pollution Act 1974 to deal with construction noise.

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Operational Use of the Scheme

66. The summary and conclusions of the submitted Assessment in respect of the operation of the scheme are as follows:

“The revised design with the two gaps in the noise barrier has small adverse effects in the short term at some properties between 34 and 43 Cobham Road. These effects become neutral in the long-term Do-Something comparison. Therefore, the effects in the long-term at the properties closer to the gaps in the noise barrier remain not significant.

During the quality assurance process of the noise model of the revised design, Amey decided to amend the way the layout of the junction was modelled between New Rathmore Road, Wrotham Road and Stone Street (originally modelled by Jacobs), in order to better reflect the situation that is expected to exist in the Do-Something scenarios. This caused changes in the effects previously reported for properties at 6A Wrotham Street and from 1 to 4 Cobham Street, which in this report are considered not significant.”

“In the short-term, 265 noise sensitive receptors show minor or major adverse noise impacts [1 major], which is a significant adverse effect, whereas 337 noise sensitive receptors show either minor or moderate beneficial noise impacts [7 moderate], which is a significant beneficial effect.

Therefore, the overall significance of the scheme for noise is slightly beneficial in the short-term.

In the long-term, using professional judgement, the minor adverse impacts (and therefore, significant adverse effects) that appear at 21 noise sensitive receptors on Salisbury Road and All Saints Road are mainly caused by issues not related directly to the scheme. This judgement is based on the fact that the noise increases in the long-term Do-Minimum comparison and in the long-term Do-Something comparison are similar.

Excluding the aforementioned 21 noise sensitive receptors, in the long-term, 1 noise sensitive receptor shows either minor or moderate adverse impacts, which is a significant adverse effect, whereas 7 noise sensitive receptors show either minor or moderate beneficial noise impacts, which is a significant beneficial effect.

The dwelling most affected by the changes in noise and vibration caused by the scheme (with a major adverse impact in the short-term and a moderate adverse impact in the long-term Do-Something) is 15 Darnley Road (east façade). This dwelling shows significant adverse effects on noise and an increase in airborne vibration nuisance. However, the effects on noise are not significant at night. This property also shows cumulative adverse effects, i.e. the adverse effects on noise combined with the adverse effects on air quality.

The dwellings that show the most beneficial effects due to the scheme are properties from 1 to 3 Garrick Street, 6A Railway Place, 16A Stone Street, 24 Stone Street and 160 Windmill Street (the latter is a rear façade which faces to Stone Street). The cause of the benefit at all these properties is the reduction of traffic at Clive Road, Barrack Road and Stone Street in the Do-Something scenarios.

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Overall, taking into account only significant effects, the scheme has broadly neutral effects on noise; whereas taking into account also the non-significant effects, the scheme has slightly beneficial effects on noise.

The current design of the scheme fulfils the project objectives on noise and vibration, i.e. “To minimise the impacts of noise and vibration on the local community using methods appropriate to the surrounding environment.”

Following revisions to the noise model to reflect operational junction use, predicted effects at 1-4 Cobham Street and 6A Wrotham Road are no longer significant and with a change in use at 15 Darnley Road [subject to planning permission], this property would no longer be a noise sensitive receptor. Given these changes, post construction noise monitoring at these properties is no longer recommended.”

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

It has been estimated that the western facades of 15 and 17 Darnley Road would be eligible for noise insulation under the Noise Insulation Regulations 1975 due to the increased traffic noise. Under these Regulations the Highway Authority would be responsible for reassessing the eligibility for these properties following opening of the Scheme. Other properties may qualify for noise insulation and this would be determined following further detailed analysis.

68. Our Noise adviser’s comments under paragraph (27) above will be noted. The findings of the noise assessment are accepted and it is concluded that the scheme is unlikely to give rise to significant noise impacts during operation. It will be similarly noted that the Borough Council has accepted the conclusions of the noise assessment, that the scheme as amended would not generate adverse noise effects. The Borough Council also comments that the minimal increase in noise levels at the properties in Cobham Street, arising from the gaps in the noise fencing, is considered to be outweighed by the public benefit of retaining part of the car park.

69. The criteria for new development in Local Plan Core Strategy Policy CS19 seek to safeguard amenity and amongst other things adverse environmental impacts, including noise pollution. This is also reflected in the NPPF guidance. Taking account of the noise assessments and in the light of the views our Noise Adviser and Gravesham Borough Council I would not raise an objection on grounds of unacceptable noise and vibration impacts subject to appropriate conditions, relating to construction, post-construction noise monitoring and mitigation measures. In addition, as advised by the Borough Council, an informative could be included advising that the contractor should enter into an agreement under section 61 of the Control of Pollution Act 1974 to deal with construction noise.

Air Quality

70. In submitting the most recent amendments the applicant did not consider that the changes to the scheme warranted a further air quality assessment and considers that the findings of the previous assessments remain valid. The Air Quality Assessment (March 2013) received in August 2013 takes account of the traffic effects of the proposed development being implemented in advance of the delivery of Phase 2 for the Transport Interchange building as indicated in paragraph (19) above. The Assessment includes a qualitative assessment of the effect of the construction process on air quality and a detailed assessment of the effects of vehicle emissions from road traffic on local air quality in line with appropriate methodology to determine whether the potential

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impacts of the development would compromise statutory limits with regard to air quality, and considers mitigation measures appropriate to the impacts. The report states that the methodology for the air quality assessment was agreed with Gravesend Borough Council.

71. The Assessment includes the impact of proposals on the immediate surroundings of the new road, designated Air Quality Management Areas (AQMAs) and the wider network, and identifies that there would be both some improvements and reductions in air quality. More particularly, 3 residential properties at 15 and 17 Darnley Road and 58 Cobham Street closest to the proposed scheme are assessed as having air quality impacts that are likely to exceed targets. The basement and ground floor level of 15 and 17 Darnley Road are predicted to experience increases in NO₂ pollutant concentrations above the Air Quality Objectives (AQOs). The Assessment states that the Borough Council's Environmental Health Officer (EHO) was consulted on the predicted exceedences at these locations and to agree on mitigation measures. The EHO suggested that it may be appropriate for the basement and ground floor to be declared as a commercial designation rather than residential, thereby negating the need to expand the AQMA. Whilst the first floors can remain residential as the predicted levels are below the AQOs. 15 and 17 Darnley Road are currently private properties and if the re-designation of the properties is not possible, they could be fitted with suitable mechanical ventilation system which draws external air at first floor level. The system would then positively pressurise the properties, such that polluted air does not enter through the doors and windows of the basement and ground floor. The Assessment highlights that 58 Cobham Street would need monitoring to determine whether the predicted exceedence at this location, is likely.
72. The assessment has been reviewed by both the Borough Council's Air Quality Officer and our own Air Quality adviser as set out in paragraph (27) above. The Borough Council accepts the findings of the Assessment and whilst the applicant's intention to purchase 15 Darnley Road is noted, careful consideration would need to be given to mitigating the exceedences at 17 Darnley Road, and 58 Cobham Street. It is also advised that to more accurately inform the air quality assessment process, the applicant carries out some monitoring at these locations, particularly since the exceedence at 58 Cobham Street is only marginal and actual monitoring (rather than predictions) may assist to resolve the matter. The County Council's own Air Quality Adviser's initial comments highlighted some omissions and sought clarification on a number of matters as detailed in paragraph (27) above.
73. The applicant subsequently addressed these matters in an addendum. In response to the matters raised by the Borough Council the applicant makes the following comments:

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

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74. In response to the issues raised by our Air Quality Adviser about construction activities, the applicant suggested that these are dealt with in a Construction Environmental Management Plan (CEMP) and is included as a planning condition. In response to the issues relating to the operational phase, the applicant has clarified why the value of 0.5 was used in the model and that this presents a worst case scenario, the base year of 2010 was used to calculate emission factors, accepts inclusion of agreed mitigation measure as a planning condition and does not consider that contour plots are a formal requirement or that the lack of them reduces confidence in the methodology or conclusions. Our Air Quality Adviser accepts the responses given, including that the mitigation measures be covered by condition, and had no further comment to make.
75. With reference to Gravesham Borough Council's comment that it does not consider the Land Compensation Act would cover adverse impacts on air quality, the applicant has confirmed that in their view the Act adequately makes provision for deriving compensation where mitigation proposals are not considered acceptable to property owners.
76. In response to consultation on the recent amendments to the scheme, our Air Quality Adviser considered that some further assessment should be required to take account of the effects of the retained car park and relocation of the bus stops on Air Quality. As receptors close to the car park are predicted to experience concentrations of nitrogen dioxide very close to the annual mean air quality objective of the Air Quality Management Area, and although the inclusion of the car park is unlikely to result in a significant change, our Adviser considered that this needed to be assessed. As a result the applicant has now proposed to extend post construction monitoring to include receptors potentially affected by the retention of the car park on Rathmore Road. Where monitoring results identify exceedances then appropriate mitigation would be proposed and implemented to reduce nitrogen dioxide levels to acceptable annual mean levels. Our Air Quality Adviser has accepted this approach subject to it being covered by condition.
77. With regard to the relocation of the bus stops our Air Quality Adviser was concerned about the potential for this to bring potential sources of emissions closer to receptors. The applicant has commented that while reference to the relocation of the bus stops has been made in the planning application, Clive Road/Barrack Row is not within the red line planning boundary. The applicant has also commented that there is scope to change proposed bus locations and with one of the key scheme objectives being to facilitate bus interchange, the bus stop locations are temporary. Furthermore, given the bus stop locations relative to residential properties the likelihood of adverse effects is limited. The applicant proposes to extend proposed air quality monitoring, to measure actual impacts at nearest receptors, rather than revising existing model predictions in response to this issue. In the event of an identified exceedance, alternative locations for bus stops would be reviewed and relocated, as appropriate. Our Air Quality Adviser has accepted this approach subject to it being covered by condition.
78. The criteria for new development in Local Plan Core Strategy Policy CS19 seek to safeguard amenity and amongst other things adverse environmental impacts, including air pollution. The NPPF guidance highlights the need to ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan. The Assessments of air quality carried out have been considered in some detail by both the Borough Council's Environmental Health Officer and the County Council's Air Quality Adviser. The remaining issues raised by the latter have now been resolved. If permission is granted, conditions could be imposed requiring a Construction Environmental Management Plan, additional air quality monitoring to be carried out as

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discussed above and appropriate mitigation agreed in discussion with the owners of properties. Therefore subject to this and in the light of the views of Gravesham Borough Council and our Air Quality Adviser, I would not raise an objection on grounds of unacceptable air quality impacts.

Heritage Interests

79. The application site is partly within and otherwise adjoins or is close to the Darnley Road and Upper Windmill Street Conservation Areas. In addition, the related works proposed to be carried out under permitted development referred to in paragraph (13) above and also shown on the scheme plan on page D1.9 are partly within the Darnley Road, Upper Windmill Street and King Street Conservation Areas. There are also a number of Grade II Listed Buildings adjoining the application site and the roads affected by the related works. Given the physical changes arising from the proposals, which would include demolitions, removal of trees, changes in levels, creation of new highway, erection of an acoustic barrier and retaining/boundary structures, changes to paved surfaces and kerbing, lighting and landscaping works, the character and appearance of a number of Conservation Areas and the setting of a number of Listed Buildings would be affected. [The extent of the changes can be seen on the scheme plan on page D1.9 and from the cross sections on pages D1.11 to D1.12.] There is also the potential for archaeological remains to be affected by below ground excavation.
80. As outlined in paragraph (26) above, the saved policies (TC2 and TC3 respectively) in 1994 Local Plan attach particular importance to the maintenance of the integrity of Listed Buildings, development making a positive contribution to Conservation Areas, and a presumption against demolition of unlisted buildings in Conservation Areas. Similarly, the Local Plan Core Strategy Policy CS20 accords a high priority towards the preservation, protection and enhancement of heritage and the historic environment, states that the weight given to the conservation value of a designated heritage asset will be commensurate with its importance and significance, and for non-designated assets, decisions will have regard to the scale of any harm or loss and the significance of the heritage asset. The NPPF highlights the need to consider the significance of any heritage assets affected, also to take into account the relative significance of loss of any building or other element affected and its contribution to the significance of a Conservation Area as a whole, and give great weight to the conservation of designated heritage assets when considering the impact of a development on its significance.
81. The application was accompanied by a Heritage Statement which considered the heritage assets (*Archaeological Remains, Historic Buildings, and Historic Landscapes*) within a study area extending 150 metres (about 492 feet) beyond the footprint of the proposed scheme. The assessment identified 46 heritage assets, including seventeen Grade II Listed Buildings spread across the study area including a number in six Conservation Areas and 23 known archaeological remains across the study area. The potential for the presence of unknown archaeological remains within the Scheme footprint is considered to be low, but it is proposed that a programme of archaeological investigation by trial trenching is undertaken prior to construction.
82. In accordance with appropriate criteria set out in the Heritage Statement, the Listed Buildings and Conservation Areas have been assessed to be of high significance; the significance of the other heritage assets has been assessed as low or negligible. Of the 46 heritage assets, eight have been identified that would be affected by the proposed scheme. The assessment concludes that of these eight heritage assets, the effects on the setting of three would be adverse and on the remaining five beneficial as

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summarised below. The significance of these effects has been determined as a combination of the value of the asset and the magnitude of impact:

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

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

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

83. In terms of the development within the application site itself, the adverse impacts identified in the original Heritage Statement relate to the setting of 20-24 Stone Street, the Upper Windmill Street and Darnley Road Conservation Areas and a beneficial impact identified in respect of the area around the Railway Station. The remaining beneficial impacts relate to assets affected by the related works to be carried out as permitted development.
84. The original Heritage Statement excluded consideration of the demolition of 13 Darnley Road on the basis that Conservation Area Consent had already been granted for that (together with the boundary walls of 15 Darnley Road and The Lodge), as referred to in paragraph (11) above. Conservation Area Consent has now expired and the applicant has provided an addendum to the Heritage Statement with the amendments submitted in April 2014. Since 1 October 2013 there is no longer a requirement to obtain Conservation Consent as well as planning permission for demolition of unlisted buildings within Conservation Areas. The proposed demolitions therefore stand to be considered only as part of this application.
85. The Heritage Statement addendum identifies 13 Darnley Road of medium significance taking account that the whole terrace is locally listed, and as noted above the Darnley Road Conservation Area of high significance. It assesses that there would be a major adverse impact on 13 Darnley Road due to its complete demolition, and its demolition would have a minor adverse impact upon the Conservation Area. The addendum concludes that the significances of the effect of the scheme are moderate adverse to 13 Darnley Road and slight adverse to the Darnley Road Conservation Area.
86. In respect of the adverse impacts of the loss of 13 Darnley Road the addendum states that it would be mitigated by the remainder of the terrace being maintained and

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continuing to make a positive contribution to the Conservation Area; making a full record of the building prior to demolition and if possible, salvaging any items that could be incorporated into other properties in the terrace; and using high quality paving materials in the construction of the new junction which complement the surrounding area. The addendum also considers that whilst not mitigation measures, there are further factors which influence the impact of the loss. These include: the current significant levels of traffic have a detrimental effect on the area; and that there would be an improved view of the edge of the Conservation Area on Rathmore Road due to the demolition of the lodge to the rear of no. 13 which has no historical/cultural heritage significance or architectural merit and has suffered from a variety of uses and the installation of metal shutters

87. The addendum also considers the impact of the retaining wall now proposed along the back of the southern footway on the Grade II Listed railway station building. The original assessment concluded that the scheme had a slight beneficial impact due to the improved reorganisation of the frontage through the widening of pedestrian access and the use of new granite paving materials. The widening of the carriageway was not likely to have an impact. It is concluded that the addition of the small retaining wall along the front of the cutting slope on Rathmore Road is not considered to have an impact on the railway station building and therefore there is no change to the overall slightly beneficial impact previously noted.
88. Both the original Heritage Statement and the Heritage Statement addendum acknowledge the changes that would be brought about by the proposals and provide an objective basis to understand the impacts on the various heritage assets as summarised above. Overall, I agree with the assessments made and consider that the conclusions can be accepted.
89. It will be noted that a number of objections have been received to the demolition of 13 Darnley Road including from an owner occupier of one of the other three terraces of which it is a part. If the need and benefits for the proposed improvement and widening of the road are accepted then clearly that cannot take place unless 13 Darnley Road, and also The Lodge, is demolished. In my view the demolition of The Lodge which is a single small two storey property (that has been used for a variety of retail purposes) would not be detrimental, as it has little architectural merit and has little or no significance to the Conservation Area as a whole.
90. The terrace of properties 13 –19 dates from the early 1830s and has been locally listed by the Borough Council as an unlisted building of local interest which makes a positive contribution to the Conservation Area. As such, it is regarded as a non-designated heritage asset. In 2010 an assessment of the terrace was undertaken by English Heritage arising from a request to have the building nationally listed. It was considered that the façade of no.13 was likely to be the closest in appearance to the original character although no.17 retains the greatest quantity of historic fabric of the four buildings. The conclusion reached was that although clearly of architectural and historic interest at a local level, as recognised by their inclusion in the Darnley Road Conservation Area, Nos. 13-19 Darnley Road are too altered to meet the criteria for designation at a national level. In particular, it was considered that the varying degrees of external and internal alteration to each of the properties undermined the architectural interest and integrity of the terrace as a whole.
91. The demolition of 13 Darnley Road would be regrettable since it would diminish the integrity of the terrace and would affect the character and appearance of the Conservation Area. Nevertheless, I do not consider its significance or its loss per se, or

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the effects arising from it, would be overriding reasons in themselves for refusing planning permission. Moreover I consider that the remaining three properties as a terrace would continue to have an acceptable appearance in terms of their proportions and balance together as a whole. As such they would still make an important contribution to the character and appearance of the Conservation Area. However, it would be necessary to ensure that the gable wall of 15 Darnley Road is sympathetically constructed in matching brick work to respect the character of the terrace as advised by our Conservation Architect. If permission is granted this could be covered by an appropriate condition.

92. It would also be appropriate to require the full recording of the building prior to demolition and for salvaging of interior and exterior architectural features and elements as requested by English Heritage. I consider that these should reflect those that were previously imposed on the Conservation Area Consent granted by the Borough Council including a further condition which states that demolition should not commence until such time as a contract is let for the road construction. English Heritage has also requested that, if possible, the items of salvage be incorporated into adjacent buildings in the terrace. The applicant could be asked to investigate this possibility by way of an informative, but welcome though such reuse of materials would be, the probability of this happening is quite low since the Local Authorities have very limited control or influence over private property owners.
93. The detailed design of the scheme, use of high quality materials and landscaping would be critical to mitigating the adverse impacts arising from the development and securing the beneficial improvements around the railway station and to the setting of the station's Listed Building. The timber acoustic barrier at the top of the embankment would be a significant feature of the new road and could have a negative visual impact to the improvements otherwise being made, particularly to the public realm around the railway station and the Conservation Area. However, the barrier would only be acceptable in visual terms if good quality materials and finishes are used together with some tree and shrub planting on the embankment to soften its appearance and assist in absorbing it into the background.
94. It is proposed that the barrier would have a close boarded fence type cladding. In response to the earlier comments made by our Conservation Architect and Gravesham Borough Council about the barrier the applicant has accepted the need for landscape planting. Indicative details of landscaping to the barrier have been submitted with the amended details which reflect that the embankment would now be reduced in width. The landscaping details are, in my view, sufficient to demonstrate that the timber barrier would be acceptable with appropriate landscaping and this is also accepted by the Borough Council. Materials and detailing for the proposed retaining walls to the rear of 20-24 Stone Street and also for the retaining wall now included to the back edge of the southern pavement would also need careful selection in order that they contribute positively to the proposed enhancements. If permission is granted, all of the above matters could be covered by conditions requiring full details of the landscaping and the detailed design of the scheme, including details and samples of materials to be used for the acoustic barrier, retaining walls, and all paved surfaces to be submitted for prior approval.
95. Land to the south side of the new road following construction is now proposed to remain in use for car parking. Views across this area from the rear of the adjoining Cobham Street properties which are within the Darnley Road Conservation Area would be interrupted by the 2.4 metre high acoustic barrier. It is acknowledged that it would alter the character of the Conservation Area but, in my view, the visual impact from this side

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

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

Townscape and Visual Impact

98. It is also necessary to consider more generally the townscape and visual impacts of the physical changes (referred to in paragraph (79) in the section above) arising from the proposals. In addition to those more directly concerned with heritage assets, the relevant planning policies set out design criteria for new development including the need to avoid causing harm to the amenity of neighbouring occupants, and recognise that good design is a key aspect of sustainable development and should contribute positively to making places better for people.
99. The application was accompanied by a Townscape and Visual Impact Assessment covering the site and its wider context, although as it is in an urban scheme the area is relatively tight, and physically and visually defined by the existing built elements. There are no landscape designations directly affected by the proposals. However there are Conservation Areas affected as referred to and considered more specifically in the section of the report above. There are inevitably overlapping considerations.
100. The Assessment includes a baseline study of the existing site and the surrounding townscape and visual receptors. It considers the impacts on the existing townscape character and fabric and assesses visual impacts during construction, in winter year 1 (when mitigation planting would be immature) and in summer year 15 (when mitigation planting would be established). The assessment is summarised below.

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Baseline Townscape Description

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

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

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

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

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

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

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

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

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

101. In respect of the amendments to the proposals, the applicant has commented as follows:

The changes to the scheme that impact on the townscape are limited to the proposed retaining wall. The reinstatement of the car park will be generally hidden by the acoustic barrier resulting in a neutral effect.

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The proposed retaining wall, replacing the existing ragstone wall, will be set further back from the station entrance, resulting in an overall neutral effect to local landscape and views. The new retaining feature will be constructed of brickwork in keeping with materials utilised for surrounding buildings, retaining structures and boundary walls.

The applicant also comments that during the detailed design process, the opportunity to recycle the ragstone from the existing wall would be investigated. Its reuse for the new retaining wall would be considered depending on the quantity and quality of the material available. If permission is granted this could be covered by way of an informative.

102. I consider that in general the proposals would result in improvements to the townscape particularly to the setting of the Railway Station and this would be further enhanced by the proposals for the retained 'old' section of Rathmore Road providing a mainly pedestrian/cycle connection to and from the Town Centre. As referred to in consideration of the heritage interests, the success would depend upon the detailed design, use of high quality materials and landscaping which could all be secured by appropriate conditions. I also consider that if permission is granted, it would be appropriate as requested by the Borough Council to require submission for approval of lighting details and the relevant details of enhancement for the retained 'old' section of Rathmore Road.
103. It will be noted that there would be some adverse visual impacts arising from the proposal most notably during construction and initially upon opening of the scheme. In the longer term there would be some improvement to the public realm but for some properties (e.g. in Cobham Street) the scheme would still have a moderate adverse impact. In addition with the amended proposals they would now still have views of the car park in use. It does, though, need to be borne in mind that these are private views from these properties, not ordinarily capable of influencing planning decisions in the wider public interest. Options for additional mitigation are anyway quite limited. The acoustic barrier does however provide some mitigation to the visual impacts (albeit now with two gaps for the accesses) which together with the lower level of the road would screen the traffic from most views. In addition, as the tree planting matures proposed on the embankment to the north side of the acoustic barrier this would provide some additional benefit to these properties as well as to the public realm.
104. The visual changes are acknowledged but overall I do not consider that the degree of change would be of a magnitude and significance that would result in unacceptable harm to residential amenity in terms of outlook or visual harm to the built environment in general. Subject to appropriate conditions, I consider that the design of the scheme would otherwise contribute positively to the public realm and to the townscape, and accord with the objectives of the Development Plan Policies which require development to be of a high quality design.

Lighting

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

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Ecology

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

Flood risk and drainage issues

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

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

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

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

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

Land contamination

108. A Desk Study Report which assesses potential contaminated land, geotechnical and construction issues was submitted with the application. In respect of contamination the report highlights that there are potential sources of contamination from historical use of the site and surrounding area, a timber yard and tyre depot at the eastern extent of Rathmore Road, the railway and former goods yard adjacent to Barrack Row, existing highways, and nearby landfill sites. It also notes that the current site uses which may also be potential sources of contamination. The conceptual model developed for the site indicates that several complete pollutant linkages may be present; however, an assessment of the risks suggests that made ground in the vicinity realigned Rathmore Road associated with former use of area as a tyre depot and timber yard and made ground in vicinity of Darnley Road Bridge associated with the railway are the only ones likely to be of concern and warrant further investigation. The report recommends that as part of the main intrusive site investigation works, exploratory holes are carried out in

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these areas to assess the nature and depth of any made ground, with samples sent for chemical analysis.

109. In the Planning Statement the applicant states that as part of the main intrusive site investigation works, exploratory holes were carried out to investigate the potential for contamination in the made ground at the eastern end of Rathmore Road. Slightly elevated hydrocarbons and some metals (namely copper, lead and zinc) were recorded but assessed not to be elevated enough to pose a risk to human health in the long term. No mitigation was therefore proposed. In its initial views, the Borough Council requested that further details be provided to support the applicant's conclusion that no mitigation is required to ensure no adverse risk to human health is introduced from potentially contaminated land. In response the applicant commented that:

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

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

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

110. In its views on the August 2013 additional/amended details the Borough Council acknowledges further intrusive investigation would be undertaken with a view to suitably remediating any contamination prior to the commencement of works. If permission is granted, these matters could be covered by condition as also requested by the Environment Agency in order to prevent unacceptable risks from pollution. Subject to that I would not raise an objection in that respect.

Construction and Waste Management Issues

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

Environmental Impact Assessment

112. Some questions have been raised and comments made in the representations, as set out in paragraph (30) and appendix 4, in respect of Environmental Impact Assessment. I can confirm that consideration has been given to this matter. Initially, the applicant had requested a screening opinion under Regulation 5 of the Town and Country Planning

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(Environmental Impact Assessment) Regulations 2011 before the application was received. Further information was sought from the applicant for consideration before adopting a screening opinion. In the event, the applicant proceeded to submit the application before that was concluded.

113. However upon receipt of the application, in accordance with our normal practice, we proceeded to adopt a screening opinion under Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. As referred to in paragraph (18) above, the Screening Opinion concluded that that Environmental Impact Assessment is not required and therefore that the application did not need to be accompanied by an Environmental Statement. The permitted development works were also taken into account in reaching that conclusion. Gravesham Borough Council had also previously adopted a screening opinion for the outline proposals for Gravesend Transport Quarter Development as a whole and also concluded that Environmental Impact Assessment was not required, since the proposed development is not within a defined Environmentally Sensitive Area, nor likely to have significant environmental effects overall. However it needs to be borne in mind that such conclusions do not mean that the proposed development is without any environmental impacts, but rather that such impacts are not of wider than local significance and are fully capable of being addressed as part of the normal planning assessment process.

Sustainable Development

114. As mentioned in paragraph (46) above, the proposed development is judged to be sustainable in transport terms. However the concept of sustainable development is an overarching one and attempts to bring to together a wide range of aspects within the three broad headings of environmental sustainability, economic sustainability and social sustainability. Given the breadth of interests at stake, there will often be some fundamental conflicts between certain aspects, and very few projects will be able to demonstrate sustainability in all aspects. In this instance, a case can be made out that the project is very much part and parcel of a transport and environmental improvement programme for the town as a whole, with therefore some significant associated benefits for the local economy. However, it is unlikely to be possible to achieve all of these benefits without some more localised environmental disbenefits, thereby undermining some of the environmental and social sustainability credentials. Nevertheless, planning decisions are all about balancing the various benefits and disbenefits, and in this particular case I consider that the wider sustainability credentials significantly outweigh the localised impacts, especially if those local impacts can be satisfactorily reduced by appropriate mitigating measures.

Consultation Issues

115. With regard to comments about the adequacy of public consultation, it will be noted from paragraph (29) that the application was published on our website, publicised by site notices and newspaper advertisement and some 380 neighbouring properties were notified. This was carried out in May 2012 and again at the end of August/beginning of September 2013. The amendments to the application received in April 2014 were also publicised in the same way and 122 neighbouring properties notified as well as those people/parties who had previously made representations. In addition, the applicant held an exhibition at the Civic Centre, Gravesend between the 8 and 21 May 2012. Those raising concern about lack of notification of the proposals are therefore not locally affected residents, since the scheme has received extensive publicity and press coverage over the several years that it has been in preparation.

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Funding of the Scheme and loss of car parking revenue

116. A number of objections have been raised about the cost of the scheme with the suggestion that the money could be better spent for other improvements elsewhere in the town. The cost of the scheme and application of funding is not material to determination of this application.
117. However, for information and by way of clarification, the applicant has confirmed that the scheme is to be funded in part from the Kent Thameside Strategic Transport Programme. The funding provided by the Homes and Communities Agency (HCA) towards that programme has already been approved and the business case accepted. More recently a contribution has also been approved in principle by the South East Local Enterprise Partnership (SELEP) from the Local Growth Funding (LGF) announced by the Department of Transport in July 2014. A business case would need to be prepared proportionate to the relatively small scale of the scheme for approval by the SELEP before funds are released. The current estimated scheme cost including costs to date in developing the scheme is £9.5m. The intent is for £4.2m to be funded from the LGF and thereby reducing the call on the HCA grant to £5.3m. Note that HCA funding is strictly ring fenced for transport works in Thames Gateway, and there is no question of it being used to fund other works in the town instead, since if it was not used for this scheme then it would be diverted to another transport project elsewhere in Thames Gateway. The LGF is in theory scheme specific but it is understood that the SELEP would have some discretion in moving funds to another transport scheme if it was not used for this scheme.
118. Some of the representations to the original proposal referred to the loss of revenue to the Borough Council arising from the closure of the car park. In so far as it would apply to the amended proposal with a net loss of car parking spaces, the loss of revenue is a matter for the Borough Council to weigh up against the benefits of the scheme. It is also not a material planning consideration.

Conclusion

119. As discussed and acknowledged above, this proposal raises some significant issues, not least the various effects on local amenity and the local environment, particularly those relating to traffic noise and vibration and emissions, heritage assets (including the Conservation Areas, Listed Buildings, 13 Darnley Road and Archaeological Interests), townscape and visual amenity. Whilst I have not raised planning objections to the proposal in respect of these matters, arguably it does not fully accord with Development Plan and the National Planning Policy Framework in all respects. However, bearing in mind the mitigation proposed, I consider that in the long term the proposals would provide an acceptable environment for existing residents and businesses and result in overall improvements to the public realm. Moreover the proposals would improve the pedestrian environment and connectivity between the Railway Station and the town centre and would be an important step forward for the wider aspirations envisaged by the Transport Quarter proposals for Gravesend including the future creation of a public transport interchange. Objections to the principle, and questions about the benefits of the proposals in general and to this application in particular, will be noted, but within the limitations of the existing highway/transport infrastructure within the town centre, I consider that it would open up opportunities for a more integrated approach to transport in accordance with the relevant planning policies, including those now affirmed in the recently adopted Local Plan Core Strategy. In my view the benefits arising from the scheme would outweigh the various negative impacts which are discussed in some

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detail in the relevant sections above, including the loss of 13 Darnley Road, the effects on the character and appearance of the Conservation Areas and the settings of the Listed Buildings. On balance therefore, bearing in mind the various mitigation measures proposed and appropriate conditions as discussed above, I consider that permission should be granted.

Recommendation

120. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT to conditions, including conditions covering:

- implementation of the permission within 5 years;
- the development to be carried out in accordance with the permitted details and as otherwise approved pursuant to the permission;
- submission for approval of details of horizontal and vertical alignment;
- submission for approval of details of the highway design and construction including all paved surfaces;
- submission for approval of details for the enhancement of the retained section of the existing road;
- submission for approval of details of all structures, including the acoustic fence, retaining walls, and street furniture;
- submission for approval of details of highway lighting;
- submission for approval of details, implementation and subsequent maintenance, of landscaping proposals, to include planting proposals for the slope on the south side of the new road;
- submission for approval of details of street lighting,
- implementation of the recommendations for biodiversity mitigation and enhancement,
- building recording prior to demolition of 13 Darnley Road;
- details of architectural items to be salvaged from Darnley 13 Road to be agreed in consultation with the Borough Council;
- demolition of 13 Darnley Road not to commence until such time as a contract is let for road construction;
- submission for approval of details for the construction of the gable wall to 15 Darnley Road;
- archaeological requirements;
- control of potential land contamination;
- control of infiltration of surface water drainage into the ground;
- submission for approval of details of a Construction Environmental Management Plan/Code of Construction Practice;
- details of further air quality monitoring to be submitted together with appropriate mitigation proposals and a timescale for their implementation;
- details of post construction noise monitoring to be submitted together mitigation proposals and a timescale for their implementation; and
- provision of the 11 disabled parking spaces shown on the submitted drawings.

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

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

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- the Archaeological Officer requests that consideration be given to including heritage themes in the detailed design where relevant;
- consideration should be given to the possibility of incorporating items of salvage from 13 Darnley Road into adjacent buildings in the terrace as requested by English Heritage; and
- consideration should be given to the possibility of recycling the ragstone from the existing wall along Rathmore Road and, depending on the quantity and quality available, reusing it in the new retaining wall.

Case officer – Paul Hopkins

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Background documents - See section heading
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Appendix 1

Democratic Services Officer's Notes of Site Visit

APPLICATION GR/2012/0441 (KCC/GR/0148/2012) – REALIGNMENT AND WIDENING OF RATHMORE ROAD, GRAVESEND

NOTES of a Planning Applications Committee site visit in the vicinity of Rathmore Road, Gravesend on Monday, 20 January 2014.

MEMBERS PRESENT: Mr J A Davies (Chairman), Mr M J Angell, Mrs P Brivio, Mr P M Harman, Mr P J Homewood, Mr T A Maddison, Mr S C Manion, Mrs E D Rowbotham, Mr T L Shonk, Mr C Simkins, Mr A Terry and Mr J N Wedgbury. Mr C W Caller, Ms C J Cribbon, Mrs S Howes and Mr N S Thandi were also present as Local Members.

OFFICERS: Mr J Crossley and Mr P Hopkins (Planning); Mr P Rosevear (KHS) and Mr A Tait (Democratic Services).

THE APPLICANTS: Mr S Dukes (BSS Economic & Spatial Development).

GRAVESHAM BC: Mr M Jessop and Mr J Pexton

ALSO PRESENT were 3 interested parties: Mr G Foxwell, Mr R Steer and Mrs B Woodward.

- (1) The Chairman opened the visit by explaining that its main purpose was to enable Committee Members to familiarise themselves with the application site and to gain a more detailed understanding of the proposal itself.
- (2) Mr Crossley briefly explained that the application represented what was originally intended to be the third phase of Gravesend's transport sector proposals, involving re-routing of traffic and realignment of an existing road (rather than a road improvement scheme for the benefit of motorists alone) which aimed to provide a holistic benefit for pedestrians, cyclists, public transport users, and people with disabilities rather than just motorists.
- (3) The first phase had involved re-routing traffic past the Civic Centre. Phase 2 would have involved the erection of an interchange building providing a car park with 396 spaces, retail and office units and a bus interchange along Barrack Road. An application for this development by Network Rail had received outline permission from Gravesham BC in 2011. This permission had now expired. As it was unclear whether Phase 2 would go ahead, it was necessary for the Planning Applications Committee Members to consider the Phase 3 proposal both as part of an overall scheme and as a stand-alone scheme.
- (4) Members inspected a number of locations. These are set out below:
 - (a) Civic Centre. The one way traffic route was shown together with the Rathmore Road car park, which would become the route for two-way traffic connecting Darnley Road and Wrotham Road (A226).
 - (b) Civic Square at the corner of A226 Stone Street and Clive Road. The route between Stone Street and Darnley Road would be for buses, taxis and delivery

Appendix 1 *continued*

vehicles as well as cars wanting to use the multi-storey car park. They would travel along Clive Road, but a bus access gateway would prevent access along Barrack Road for other vehicles.

- (c) The point to the north of the station in Clive Road where the bus access gateway would be installed. Mr Crossley pointed out the points along Clive Road (which would take two-way traffic) where the puffin crossings would be put in.
- (d) The Gravesend Station car park (which would become an interchange building if Phase 2 went ahead) providing a car park, retail/office units and bus interchange on Barrack Road.
- (e) The intersection of Barrack Road and Darnley Road. There would be a left turn out of Barrack Road for buses only. Mr Crossley said that most traffic heading north along Darnley Road would eventually turn left towards Dartford. The remainder would be routed around the north of the town centre. The intention was to prevent the creation of a “one way race track” and to make the town centre more readily accessible for the residents.
- (f) The corner of Darnley Road and Cobham Street and edge of the Conservation Area. Members were shown the property (number 13) which would need to be demolished if the realignment went ahead. English Heritage had decided not to list this property (or any of those next to it) because they had lost their historical significance due to various alterations that had been made. An objector commented that whenever Rathmore Road was unable to cope with the traffic, cars would use Darnley Street as a rat run and would create a dangerous bottleneck at the Darnley Street/Darnley Road junction. This view was not shared by the applicants who considered it unlikely that motorists would attempt to use that particular route.
- (g) Rathmore Road (west). Members were shown the property (“The Lodge”) behind 13 Darnley Road which would be demolished. The level of the current road would rise gradually to the existing car park level, with the existing trees (22 in all) being removed. A landscaping scheme, involving substantial replacement tree planting would be carried out. An 8 ft (2.4m) timber acoustic barrier would be erected at the top of the slope on the south side to mitigate the impact of traffic noise on the neighbouring properties.
- (h) The southern entrance to Gravesend Station. There would be no direct impact on the station, which was a listed building. In order to enhance its setting, it was proposed that the forecourt would become more extensive, including a taxi and drop-off area, disabled parking spaces, and a joint cycle/pedestrian route.

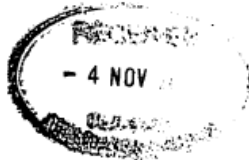
Mr Crossley explained the overall concept of town centre routes being shared by pedestrians, cyclists, public transport and motorists so that no one mode of travel would have the right of way. This would lead to greater awareness of the needs of others. The absence of this awareness was a principal reason for moving away from the current practice of segregating the various transport modes.

Appendix 1 *continued*

- (i) Rathmore Road Car Park. The car park currently catered for 225 vehicles. These would be removed as part of the realignment. Replacement disabled spaces would be provided in other locations. Amenity impacts for the neighbouring residents, including changes in noise and air quality would be mitigated, including a retaining wall. Members noted that the boundaries of the neighbouring properties were very close to the car park and also that a number of cars were parked on private land. Mr Crossley said that none of the local residents had objected about the possible loss of this provision.
 - (j) Railway Place. It was proposed that this street would be widened to enable traffic to flow between the A227 Stone Street and the A228 Windmill Street. This would involve the removal of kerbing and some disabled car parking spaces. This aspect of the proposal had also recently attracted objections from local businesses due to concerns over the loss of delivery/unloading facilities. Members also questioned whether it would be practical to have two lanes as large lorries would need to use both of them when turning into Railway Place from Stone Street.
 - (k) Windmill Street. This was the location of new disabled parking spaces. Mr Crossley said that, although people parking in these spaces would be further from the town centre, this would be compensated by the level nature of the footway and the absence of any roads to cross. He added that other motorists would be able to use the Parrock Street car park which was currently very rarely full.
- (5) Ms Cribbon asked Members to consider the impact on Manor Road when they determined the application. This route had restricted access eastwards from Railway Place, and was likely to become congested if vehicles tried to park there instead of Railway Place.
- (6) The Chairman thanked everyone for attending. The notes of the visit would be appended to the Committee report.

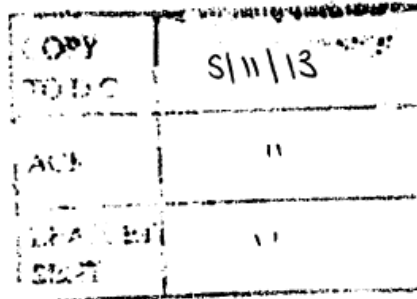
Appendix 2

A petition with 5 signatures from Traders in Railway Place & Windmill Street received following publication of the November 2013 committee report



Traders-
Railway Place and Windmill Street
25/10/13

Mr Paul Hopkins
Kent County Council,
Planning Applications Group,
First Floor, Invicta House,
County Hall,
Maidstone,
Kent ME14 1XX



Dear Mr Hopkins

Transport Quarter Proposals- Application KCC/GR/0148/2012 Revised alignment of Rathmore Road

We urge Kent County Council to throw this scheme out.

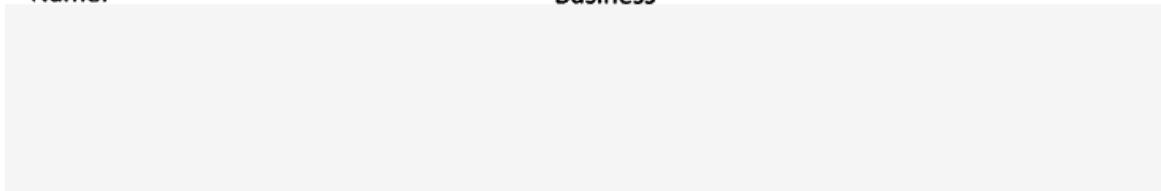
The rerouting of through traffic via Rathmore Road will mean that see the HGV's serving Tescos, the Thamesgate centre and Wilkinson's, and all cars using the Thamesgate Centre multi storey car park diverted write across the entrance to our shops and across the Community Square.

All that traffic funnelled through the very narrow Railway Place will be intimidating to pedestrians and will create a very unpleasant environment. The loss of parking spaces next to our shops, plus all this extra traffic will be severely detrimental to our businesses. We urge you and the Councillors who will make the decision to come and visit our area so that they can see, at first hand, what we are talking about.

We understand that change needs to occur, but the gains of this particular scheme are not obvious at all, and certainly do not outweigh the devastating effect it will have on our businesses and on this part of the town.

Yours sincerely

Name: Business



Appendix 3

A letter from Urban Gravesham received following publication of the November 2013 committee report which was circulated at the committee meeting

Urban Gravesham

The Civic Society for Gravesend & Northfleet



31/10/13

Planning Committee
Kent County Council,
County Hall,
Maidstone,
Kent ME14 1XX

Dear Planning Committee

Urban Gravesham comments on Transport Quarter Proposals- Application KCC/GR/0148/2012 Revised alignment of Rathmore Road

This letter outlines Urban Gravesham's objection to the application for the realignment of Rathmore Road. Urban Gravesham is the Civic Society for Gravesend and Northfleet. Urban Gravesham was established in 2005 and has a large number of subscribing members in the Borough of Gravesend. It is a member of the Kent Federation of Amenity Societies and also Civic Voice- the national charity for the Civic Movement in England. It has the benefit of being able to draw on professional planning, heritage, architectural and financial advice from its membership. The points raised in this letter have been discussed at Urban Gravesham's regular membership meetings and are fully endorsed by the Urban Gravesham Committee.

You will be aware that we have previously objected to this application. However, having read your officer's planning report, we would like to reiterate our points and would be very grateful if you could give them careful consideration.

Although the report is incredibly long and complex, the actual scheme is very simple. The main through road will be flipped from one side of the Railway Station to the other so that most through traffic can be removed from the road between the bus stops and the railway station. In addition, a couple of additional bus stops will be provided at a later (but unspecified) stage. However, the scheme has not been properly thought through. In summary:

- a substantial commuter car park (242 spaces) will be lost.
- your planning officer's report states that *'the impact of the proposal upon Town Centre public car parking is a relevant planning consideration'*

However, the report goes on to state that GBC are the 'parking authority (i.e they own car parks and decide on the charging regime for parking) and that the matter of parking is

Appendix 3 *continued*

therefore up to GBC. This can not be the case- it is like saying that a householder does not need to apply for planning permission to extend his house because he owns it.

It is legitimate for you to consider the impact of the loss of parking upon the town centre.

- There is no commitment whatsoever by Network Rail to build the Transport Interchange building to replace the parking lost by the removal of the Rathmore Road car park.
- No assessment had been made of the potential parking impact of implementing the scheme in advance of the delivery of the Transport Interchange building.
- There are bland assurances from Gravesham Borough Council that capacity exists at the Parrock Street car park for parking that would be displaced by the loss of the Rathmore Road car park. However, Parrock Street is also expected to take parking displaced by the Heritage Quarter scheme. The cumulative effect of the loss of parking at the Heritage and the Transport Quarters does not seem to have been considered.

We urge you, our Councillors, to demand that the cumulative effect of the loss of parking in the town centre is properly investigated and the results reported to you before you make your final decision.

- An attractive house in a conservation area will have to be removed to allow for a widened road. Acoustic barriers and retaining walls will also harm the character of the conservation area and the setting of the listed Railway Station. Further damage will be caused by the removal of mature Hornbeam trees. This damage is acknowledged in your officer's report.
 - Such destruction is symptomatic of the old-fashioned traffic concepts behind the scheme.
 - It is stated in the officer's report that the '*significance of the effects on townscape would ... (be) moderate beneficial*'. This assessment seems to be based on a (very) slightly more open setting in front of the station but principally on the use of high quality paving. UG is all for the use of high quality paving but notes that it can be laid without making damaging changes to the setting of the station and the conservation area.
- The scheme will have a widespread affect on the surrounding road system:
 - HGV's that serve the Thamesgate Shopping Centre and Tescos and cars that use the adjacent multi-storey car park will be redirected away from the area through the very narrow Railway Place into the Community Square. These vehicles will create an unpleasant and possibly dangerous environment on this important pedestrian route from the town centre to the station and from the town centre to the Council offices. Your officer's report indicates that no detailed safety audit of this arrangement has been carried out.

We urge you, our Councillors, to demand that a detailed safety audit is carried out and the results reported to you before you make your final decision. We are therefore asking you not to make a decision on this application at your meeting on the 5th of November.

- It is difficult to see how heavy traffic through Railway Place and Windmill Street will not harm the businesses at Railway Place. Additional harm will be caused by the removal of

Appendix 3 *continued*

disabled and short term parking in this vicinity. There has been no specific consultation with individual businesses over this matter.

The businesses on Railway Street would appreciate a site visit from the Planning Committee before you make your decision.

- The Community Square will also be affected. It has recently benefited from a very extensive (and expensive) improvement scheme that removed the vast majority of HGV's from Windmill Street where it runs across the square. To reintroduce HGV traffic seems crazy.
- The scheme will enable a 'rat run' from West Street (by the river) up Princess Street and Stone Street to Railway Street. Your Highways officer gave informal advice to myself that changes to the sequencing of traffic lights would deter this. However, we note that twelve bus routes currently use Stone Street. These will also be affected. This does not seem to have been given consideration by your officers.
- The scheme does not have the benefit of outline planning permission, nor is it likely to be a 'piece' of the jigsaw.
 - The outline planning permission for the Transport Quarter as a whole is now time expired.
 - Network Rail were to have been responsible for phase 2 of the scheme (Transport Interchange). However they have no funding for this phase and are not committed to carrying it out.
 - Your officer does not seem clear on the benefits of the application as a stand alone proposal, stating (paragraph 41) that he felt the need to seek advice on whether it is the role of the planning authority to question *'the need or otherwise of what is proposed'*. He concluded that it was not their role. UG's view is that when a scheme causes demonstrable harm it is entirely justifiable to assess this harm against the 'need' for the scheme.

Overall, there are very small benefits to be gained from carrying out this unnecessary scheme. The Transport Assessment that accompanies the application shows that the scheme will not result in increased road capacity or better traffic flows- it even says that the present capacity is 'ample'. The marginal improvement in pedestrian connections between bus and train facilities, plus some new paving is outweighed by the potential danger and unpleasantness that would be introduced to pedestrian areas elsewhere- including the new Community Square. It is also outweighed by the unnecessary loss of a well used commuter car park, and it is outweighed by damage to the townscape.

There is simply no good reason to pass the scheme, and plenty of reason, as summarised in paragraph 93 of your officer's report, to refuse it.

We believe that GBC officers and consultants have made a blunder in not realising the full consequences of their scheme. Instead of admitting that there has been a mistake they are ploughing on with it.

Appendix 3 continued

Your officer's report points out some of the obvious flaws of the scheme before coming to what it describes as a balanced conclusion. It will be obvious by now that Urban Gravesham does not agree with that conclusion. Nevertheless, the fact that report describes itself as 'balanced' means that there is leeway for you, yourselves, to weigh up what you believe are the pros and cons of the scheme and to come to your own conclusion as to whether to approve or refuse the application.

In coming to your decision we believe that a quick site visit would show you that our view is correct and that the scheme should be refused. On this occasion, we are relying on you, KCC Councillors, as the last bastion of common sense.

Thank you for taking the time to read this.

Yours sincerely



Chairman, Urban Gravesham.

Appendix 4

A letter on behalf of Urban Gravesham received following publication of the November 2013 committee report raising some legal questions and our response both of which were circulated at the committee meeting



Andrew Tait
Kent County Council

Dear Mr Tait,

RATHMORE ROAD HIGHWAYS SCHEME

Thank you for notifying me of the forthcoming decision and for the copy of the Report concerning the Rathmore Road scheme and for your invitation to speak. I have seen the letter from Urban Gravesham in response and I endorse what they say as to the merits of the scheme (or, to be more precise, their absence).

However, they have asked me to write in respect of further matters in the Report to Committee, the legal consequences of which concern me.

Heritage Assets and the Section 72 statutory duty

Firstly the Report indicates at paragraph 65 that the assessment of heritage assets “*excluded consideration of the requirement for the demolition of 13 Darnley Road on the basis that Conservation Area Consent has already been granted for that (together with the boundary walls of 15 Darnley Road and The Lodge), as referred to in paragraph (10) above. Paragraph 10 of the Report states: “An application for Conservation Area Consent for the demolition of 13 Darnley Road, The Lodge, Rathmore Road and front and rear boundary walls of 15 Darnley Road was consented by Gravesham Borough Council in January 2011 and expires in January 2014. A condition of the consent is that the demolition shall not commence until such time as a contract is let for the construction for the realignment of Rathmore Road.”*”

It is clear that the decision to grant Conservation Area consent to demolish No 13 Darnley Road is as a direct consequence of the previous proposals for Rathmore Road in particular and the Transport Quarter proposals generally, permission for which has now expired. In short there is no extant approved scheme to realign Rathmore Road and no planning permission to which the condition in the Conservation Area consent relates. Thus it is a consequence of this application that its approval would be necessary to enable the CA consent demolition to be carried out.

Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 provides a general duty in the exercise of planning functions to pay “*special regard to the desirability of preserving and enhancing the character and appearance of the Conservation Area*”. The importance of this provision was highlighted in the recent decision of the High Court in *East Northamptonshire District Council case [2013] EWCA 473* (attached) where the judge referred to the duty under section 72 which emphasises the importance of this duty which should be given a “*high priority*” and “*considerable importance and weight*” in planning decisions (see paragraphs 36, 37 and 38). So far as I can see, the Report makes no reference to this duty. Moreover the assessment of the effect of the demolition of 13 Darnley Road is omitted from the Heritage Assessment, and has been considered briefly only in paragraph 68 of the Report in the following terms:

“With regard to the demolition of 13 Darnley Road which is one of a terrace of four it will be noted that a number of objections have been received including an owner occupier of one of the other three. I would acknowledge that the consequence of its demolition would be some diminution of the integrity of the terrace and contribution to the character and appearance of the Conservation Area. Nevertheless, I do not consider its loss per se or the effects arising from it would be overriding reasons in themselves for not granting planning permission.”

Appendix 4 *continued*

Moreover I consider that the remaining three properties as a terrace would continue to have an acceptable appearance in terms of their proportions and balance together as a whole."

It is immediately apparent that the author has given no indication that he is aware of, or has assessed the impact of the development on the basis of the "special weight" or the "special regard" referred to by the Judge in *E Northants* to be paid to the desirability of preserving or enhancing the historic character and appearance of the CA.

It should be recalled that this is a remarkably original and unaltered terraced house dating from the 1830s and part of an attractive terrace of late Georgian houses, characteristic of the early C19th development of Gravesend and remarkable for its unaltered condition. I believe that it is locally listed.

Paragraph 128 of the NPPF requires planning authorities in determining applications to describe "*the significance of any heritage asset affected*". I can find no such assessment of the significance of 13 Darnley Road in the Report. It should clearly have formed part of the assessment of Heritage Assets described in paragraph 65 of the Report or to have been assessed in the Report itself. Paragraph 140 of NPPF requires the *significance* of the asset to be identified and assessed and taken into account when considering the impact of any proposal on an asset. As the significance of the asset has not been assessed (or if it has, not reported in the Report), its significance has not *been assessed* as per the Framework. Moreover, the assessment that is set out in paragraph 68 provides nothing to indicate that the author of the Report gave the required "*special weight*" or "*special regard*" to be paid the preservation and enhancement of the CA. As the *East Northants* case makes clear, the duty under the Act means it this is not simply a question of weighing harm against the public benefits.

I would suggest that this lacuna in the Report is not a gap that can be plugged by some hasty supplementary report at this stage, but in order to carry out the exercise and assessment that the statutory duty requires, the Heritage Assessment should be carried out again as a comprehensive exercise taking into account the special regard required by section 72 and applying it to all the relevant buildings, including No13 Darnley Road.

Prematurity and the Gravesham Core Strategy

Secondly, consideration of this application is premature as (i) the outline permission for the overall scheme for the Transport Quarter has expired; and (ii) the Gravesham Core strategy has recently been the subject of the Examination in Public and as a preliminary finding by the inspector declared unsound. The full report of the inspector is awaited. I was unable to find any recognition of this fact in the report which appears to rely on a draft Core Strategy as a material consideration, despite Gravesham Council having accepted the Inspector's finding that it is unsound and the need to revise it, submit the plan for public consultation and re-open the EIP which will take at least a year. The Report shows no indication that this highly important change of circumstances has taken place since the previous Masterplan outline was approved.

Moreover there can be no assumption that the old masterplan will be approved. It is not clear why the old outline permission has been resubmitted given the change in both Phases 2 and 3. A major feature of that masterplan now looks very unlikely to be delivered – the Phase 2 multi storey bus interchange and car park. As to Phase 3, I note that much of the ancillary development proposed for the Rathmore Road area (including new housing and retail/ B1 development) appears to have been dropped and there are significant changes to the alignments of carriageways from those in the expired outline permission.

The Transport Quarter is a very substantial project and has never been the subject of serious dialogue with the local community. I would urge the committee to defer the decision and to review the entire project which seems to me to be one which would cause material damage to the townscape and achieve very little benefit for a great deal of expenditure. The Rathmore

Appendix 4 *continued*

Road proposals on their own are massively expensive, unwanted by the local community and part of a scheme which needs to be comprehensively reviewed for its overall costs and benefits. It is unclear why a project of this nature has never been discussed at the Neighbourhood Forums organised by the County Council.

If the County is keen to spend money on regenerating Gravesend Town centre, it may be helpful to remind Members that this is a town of 90,000 people with no museum, art gallery, cinema, etc. Investment in culture, not its destruction for road projects of this kind is what is needed.

EIA

Thirdly, whilst the Masterplan was the subject of a screening opinion for EIA, that permission has expired and the new application must be screened afresh for EIA. There can be no doubt that the application for Rathmore Road is part of a larger scheme and that entire scheme should be considered and screened for EIA, not piecemeal but as a comprehensive development project: see *R. Swale B.C. ex p RSPB* [1991] JPL and *BAA v. Secretary of State* [2003] JPL 610. There is no extant planning permission for the Transport Quarter as a whole and no currently extant permission for a larger scheme which includes this project has been assessed for EIA. The duty to consider whether the development is EIA development is one that applies to the decision maker and they should carry out a proper screening of the overall "project". This cannot be delegated to Gravesham. It is inconceivable that a project of this scale and nature, affecting the setting of listed buildings, which are of national importance by definition, and conservation areas designated under statute by Gravesham, can avoid EIA by the kind of lip-service decision that simply states that the development is only of "local importance". There is certainly no power to delegate such a decision to another authority.

In summary of this point, this application is for a component of a much larger scheme which has (i) no permission; and (ii) the current application has not been screened for EIA. The duty is therefore on Kent to screen the overall project as per the BAA decision.

In any case, the resubmitted application for the masterplan will presumably need to be amended to reflect the changes to Phase 3 -Rathmore Road and the likely non delivery of the multi storey component in phase 2. Any revised masterplan has, similarly, of course, not been screened for EIA. The scheme is pre-emptive of that process too.

I note from the Report the conclusion that the scheme conflicts with both the development plan and the NPPF and its lukewarm "on balance" conclusion at paragraph 92 mean that the whole Report should be reconsidered on a proper basis.

From the above you will, I hope, recognise that any decision based on the Report is certainly premature and, in any case, likely to be unlawful.

Moreover, there is plainly no great urgency for this scheme. Perhaps Members could be kindly invited to visit the site in the spirit of "Localism" and to discuss the scheme with local people and their civic organisations in Gravesend, where they can see what a damaging proposal it is. I suspect there would be many suggestions as to how the money could be better spent; in fact, better not spent at all than spent on this.

I would be most grateful if you would consider these comments and ensure this letter is placed before the Committee on Wednesday, as I am unable to attend.

Yours sincerely



Appendix 4 *continued***Item D1 Planning Applications Committee 6 November 2013**

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

Appraisal of points raised by Mr [REDACTED] of Urban Gravesham in correspondence received on 4 November 2013 (“4 November letter”). The letter raises questions about Heritage Assets, Prematurity and the Gravesham Core Strategy, Environmental Impact Assessment and also Local Engagement. These matters are dealt with in the Committee Report but I would draw particular attention to the following points:

Heritage Assets and the Section 72 statutory duty

The significance of heritage interests is thoroughly assessed in the Committee Report – see paragraphs 63 – 74 pages D1.43 to D1.46. It is important to read these as a whole. Selective quotation from paragraphs will of course give a partial view of what is being said. In respect of 13 Darnley Road, Paragraphs 68, 69 and 74 of the Committee Report show that proper consideration has been given in appraising the significance of that property, contrary to what is said in the 4 November letter.

The case cited affirms the state of the law in this area rather than changing it, as is implied. It emphasises what the statute already says, which is that “special attention” (not “special regard” as Mr [REDACTED] believes) should be paid to the desirability of preserving or enhancing the character or appearance of the area in the exercise of planning functions. The case referred to concerns wind turbines and their impact on the settings of a group of Grade 1 Listed Buildings. The Rathmore Road proposal relates to the alteration and realignment of an existing street, in the vicinity of a Grade 2 Listed Building, and involving the demolition of two unlisted buildings in the Conservation Area (and already the subject of a Conservation Area Consent for demolition). The main relevance of this judgement seems to be the extent to which the decision maker was able to demonstrate that in balancing the determining issues, the issue of protecting the settings of the Listed Buildings carried more significant weight compared to other issues, such as the need for the development. Members will note that the assessment of the impacts on heritage assets is a thread running through a key section of the Committee Report. This is not an issue to which ‘lip-service’ has been paid.

Lastly, in addition to the position on heritage it is perhaps worth noting that English Heritage make no objection to the proposed development. That is not of itself the last word on the matter but it clearly accords with our own assessment of the proposal in heritage terms.

Prematurity and the Gravesham Core Strategy

The initial findings of unsoundness in the Core Strategy relate to future housing land provisions. Until the Core Strategy achieves approved status, the draft policies and provisions relating to transport remain a material planning consideration, albeit with lesser weight than if already adopted.

In the circumstances, there is no reason to defer consideration of the planning application on the basis of prematurity.

Appendix 4 *continued*

Environmental Impact Assessment

The application is for a standalone development project promoted by Kent County Council as highway authority and not dependent upon any third party development. As referred to in paragraphs 17 and 89 of the Committee Report we adopted a Screening Opinion in respect of the proposed development which concluded that Environmental Impact Assessment is not required. A copy of this has previously been provided to Mr [REDACTED]

Local Engagement

It is incorrect to assert that there has been scant local engagement with the local community, as the 4 November letter suggests. Apart from extensive publicity and notification of local residents in May 2012 and August/September 2013, the applicant held an exhibition in May 2012 and there were earlier consultations regarding the wider Transport Quarter Master Plan proposals. The earlier versions of the Master Plan were well publicised in local media, and on posters within and around the Transport Quarter and Public exhibitions were held. Nor is it correct to infer as the 4 November letter does that the local community do not want the Rathmore Road proposals. The fact is that very few members of the local community lodged any objection to the planning application; it is not reasonable to interpret that silence as opposition.

Having considered the matters raised I remain of the view that there is no reason to defer consideration or delay determination of the application.

Sharon Thompson
Head of Planning Applications
5 November 2013

Appendix 5

Letter addressed to the Chairman of the Planning Applications Committee from two of the Gravesend residents who attended the Members' Site Visit setting out their conclusions and recommendations on the issues that emerged



Dear Chairman of Planning Committee,

RE Rathmore Rd Development, Gravesend

Thank you for agreeing to the site visit and for organising the event for councillors, officers and local stakeholders.

[Redacted] and I have been discussing the issues that emerged and we wish to share with you our conclusions and recommendations.

1. It is clear that the multi-phased transport quarter development of which the Rathmore road scheme was phase three is now defunct.
2. Officers now confirm the scheme has to be judged as a stand-alone scheme, whose primary objective is to provide a better gateway for the town from the station/transport hub.
3. In our view the case for this is very weak for the following reasons:
 - Car parking close to the station will be lost and will call for parkers to be diverted to Parrock Street car park, away from the High street. Car Park users are opposed to this and have written to Kent CC accordingly.
 - It is not yet confirmed that bus operators will agree to move bus stops from outside the shopping centre to Barrack Row to enable two-way traffic down Clive Road. Local Shops are not in favour of this.
 - Pedestrians will still have to use the existing crossings to access the shops in the town centre under this scheme but instead of negotiating one-way traffic they will now face two-way traffic as they emerge from the station. This is not an improvement. Any loss in volume will only encourage greater speed and thus danger to pedestrians.
 - The gateway into the towns shopping area via railway place will be restricted and made more hazardous by trying to fit heavy goods vehicles and from opening up a rat run south through the community square via Stone street. Local shopkeepers are vehemently opposed as it will affect footfall and their businesses which rely on local shoppers having space to pick up goods & the parking and disability bays that will be removed.
 - Mr Crossley admitted the scheme has no traffic benefits. We would estimate that it will cause bottlenecks at peak periods at the Junction with Darnley Rd and will cause further rat runs down Darnley Street and congestion onto Darnley Rd and Pelham Street. Thus the scheme will deter users of the town centre at a time when Mary Portas has emphasised the importance of ready access to cheap car parking as an important factor in attracting city centre shoppers.
 - Stone street will be used for vehicles leaving the retail park (Asda Lidl B&Q Halfords Carpetright etc) to short cut the one-way system leading to further traffic through Railway Place.
 - Other cheaper and simpler options are available to improve access for pedestrians and for attracting shoppers into the town.

Appendix 5 continued

4. An alternative worth investigating further would be to develop the area designated for the Multi storey car park as a more modest bus station with investment in improved crossways for pedestrians toward the High Street. We understand a worked up example would be much cheaper and provide more benefits than the Rathmore rd scheme.

5. If commuters coming into Gravesend for the high speed link cannot park by the station they will consider going straight to Ebbsfleet where they can park all day for £5 and have a choice of more frequent trains. This would result in a loss of trade in the small shops in and around the station.

6. Our recommendations are therefore:

- To refuse planning permission. The scheme as proposed is superfluous and over engineered to improve the gateway to the town. Cheaper alternatives are available and better ways of spending the money allocated exist.
- To investigate further improving the bus station and access to pedestrians to the town without the option of losing car parking spaces.

Appendix 6

Further letter from one of the Gravesend residents who attended the Members' Site Visit addressed to the Chairman of the Planning Applications Committee which was circulated to Members of the Committee by the Committee Clerk on the 16 May 2014.

Letter to the Chairman of the Planning Committee, KCC

Re: KCC/GR/0148/2012 Rathmore RD Gravesend

Dear Chairman

I wrote to you on 27th January to thank you for listening to representations about this scheme and for organising a site visit.

Attached is a letter of objection to the revised scheme. But what I would like to highlight is the decision making process and to further prevail upon you to consider asking the proponents of the remaining aspects of the Gravesend Transport Quarter Scheme to put it forward for approval as one scheme.

Approval for the Transport quarter and the demolition of 13 Darnley Rd has lapsed. It makes no sense for this scheme to come forward in a piece meal manner. It was always an integrated proposal and has complicated and muddled accountability by breaking it down into multiple phases and with uncertain backing from stakeholders.

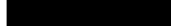
The benefit of seeing it as one scheme is that it enables councillors to assess the overall costs and benefits. I believe if this were done it would be clear that the costs outweigh the putative benefits. The supposed need for a decision has been undermined by events and if the Swanscombe development takes off then transportation links would have to be further reappraised anyway.

My recommendation is that KCC remit the transportation hub requirements of Gravesend as part of the Swanscombe development as a National Infrastructure project to the relevant national planning authority.

Yours Sincerely,

A large black rectangular redaction box covering the signature of the sender.

16.5.2014

A black rectangular redaction box covering the name of the sender.

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

Appendix 6 *continued*

Objections to the revised Transport Quarter Interchange In Gravesend including the Rathmore Road proposals before Kent CC Planning Committee.

1. Introduction

The latest changes to the scheme are addressed in a report from Amey. However this is inadequate in terms of the requirement to review the costs and benefits of the proposals. This may be deemed unnecessary as the decision to proceed with the scheme subject to planning approval has already been made. But this is not true and should not be true. Outline planning for the Transport Quarter and the demolition of 13 Darnley Rd have lapsed and the scheme as a whole should be re-presented. The arguments and questions are laid out below and my conclusion is that the scheme should continue to be appraised and re-thought. There is no pressing need for a decision; there is great strategic uncertainty; and serious questions about the detailed safety, traffic impact, commercial impact and overall need for the project.

2. What development of Rathmore Road is supposed to achieve

The stated aims of the scheme were to:

- Facilitate the creation of a bus and rail interchange and bring the transport modes together to make the interchange between the various transport modes a lot easier
- Improve access for pedestrians and cyclists
- Develop a distinctive town quarter that complements the historic qualities of Gravesend by rerouting traffic south of the station and railway line

When first proposed it was based on projections from Network Rail (Southeastern) that they were expecting footfall at Gravesend station to increase by nearly 770,000 between 2006/07 and 2010/11 principally as a result of the introduction of high speed services. Southeastern has then predicted that footfall to 2013/14 would increase by a further 300,000. These figures provided further justification for the delivery of the new public transport interchange to improve connections to the railway station by more sustainable modes.

Use of the station is falling

In fact usage of the station has been:

Annual rail passenger usage*	
2004/05	2.247 million
2005/06	▲2.358 million
2006/07	▲2.482 million
2007/08	▲2.786 million
2008/09	▼2.717 million
2009/10	▼2.502 million

Appendix 6 *continued*

2010/11	▲2.647 million
- Interchange	▲43,815
2011/12	▲2.706 million
- Interchange	▲63,462
2012/13	▼2.646 million
- Interchange	▲65,872

My conclusion is that the supposed increases in capacity required to accommodate increased numbers of passengers is a myth. In fact numbers have fallen; part of the explanation for this will be the rise in usage of Ebbsfleet as a station for commuters into London.

Annual rail passenger usage*	
2009/10	0.284 million
- Interchange	25,036
2010/11	▲0.717 million
- Interchange	▲32,864
2011/12	▲0.912 million
- Interchange	▲47,238
2012/13	▲1.175 million
- Interchange	▲49,124

An explanation why this may be happening is that Ebbsfleet benefits from a more regular commuter service than Gravesend and Car Parking is no more expensive.

Appendix 6 *continued***Impact on Bus Passengers will be worse**

We also note that facilities for Bus Passengers will worsen under this scheme. Foot passengers will be deposited further from the station and shops, with bus stops moved from Clive rd. It was not the intention to provide worse facilities and access for bus passengers but the Council should be looking at the reality not the propaganda. For people deposited south of the station access to the town will be much affected by having to negotiate crossing Railway place and Stone St, made much busier and with lesser pavement area and with very large lorries posing a danger. Alternatively they are being asked to negotiate the very narrow Darnley Rd bridge made much busier with many more HGV's.

Impact for foot passengers and cyclists

The impact for foot passengers will be worse as the gateway to the town from the south will be made more hazardous either via Darnley Rd, Railway place or Stone Street.

From the North, rail and bus passengers will be funnelled to the High St via the current bus station. This will make for increased congestion and not be as useful for people wishing to access the Town from Railway place, Stone Street or the Thamesgate centre.

Facilities for cyclists are not improved under this scheme which I would argue makes it more hazardous for cyclists looking to access the centre as they will have to negotiate busy two-way traffic lanes if accessing from the west and south.

Conclusion

Tested against the schemes own objectives and desire to meet the needs of increased numbers of passengers the proposals do not work. The need is not demonstrated nor are the "improvements" evident. My assessment is that the access and impact on the gateway to the town would be made worse.

3. No Need to Invest £9m and make a quick decision.

As the passenger numbers show there is no pressing need to do anything. The projected increase in passengers has failed to materialise. It may be argued that the impact of Ebbsfleet and increased population in Gravesham will have an impact in time; and there is still the potential for impact from the Swanscombe development, London Airport and Thames crossing to consider. All these factors say to me that there should be further consideration as to whether this scheme is the right one at this time. There seems no great advantage in proceeding quickly. For example the Planning Inspector still has not approved Gravesham's Strategic Plan and without a Strategic Plan this scheme would be a risk.

4. Revised Details of the Scheme are still not better than current arrangements

Loss of car parking spaces close to the station: The whole point of a transport hub was to facilitate use of that hub. This was why the original proposals contained a 496 space multi storey car park. This was never an economic proposition and has been scrapped. It makes no sense at all to reduce the existing well used car parks. Reinstating 65 places is merely partial admission of the mistake. 180 places would still be lost, including valuable close access for disabled drivers.

Worse access for Disabled Drivers :

Moving disabled parking from close proximity to the Windmill entrance to the town to the remaining Rathmore rd proposed car parking at the bottom of the hill leading from the station to Railway place is a worsened access and reduced amenity. Similarly identifying places in Parrock Street is still not satisfactory for the disabled.

The one way system will not flow as well and will result in congestion and diversion of people away from Gravesend Town Centre

The modelling contained in Figure 3 is simply not credible. It seems to be based on the assumption that there will be a 20% fall in the number of people using the centre (see the unexplained drop in numbers expected from feeder roads in the morning rush hour); no account seems to have been

Appendix 6 *continued*

taken of the extra time it will take traffic to negotiate the likely bottleneck at the junction of Rathmore rd. and Darnley rd and the impact this may have on Darnley st as cars seek to avoid the bottleneck. There is no modelling evidence presented that the traffic flows will be better and at the site visit the official admitted that there would be no improvements to traffic flows. I go further as a local resident- they will be worse. It is not good enough to say the situation would be closely monitored. It will be too late then. I would prefer the scheme to be tightly planned. It is not.

After some pressing drawings plotting the path of HGV's round this junction were produced and placed on the website. My interpretation is that these traffic movements would be dangerous, risky and with potentially major impact on the Railway bridge and the railway lines below. There seems little margin for errors over a narrow bridge bringing very many rail passengers and pedestrians into the town. It is a serious accident waiting to happen and a full report evaluating all the risks associated with the scheme should be presented.

This scheme was supposed to enhance the transport hub and improve access for pedestrians. If it poses a barrier of slow moving and polluting HGV's then it will deter pedestrians and car commuters alike.

This is serious as one of the attractions hitherto of Gravesend is ready access to close and cheap car parking. If this becomes more remote and expensive then people will stop coming to Gravesend. The antithesis of the objectives of the scheme.

The creation of two way traffic on Rathmore Rd and Clive Rd will be dangerous and be contrary to a one way system supposedly in use

The busy two way traffic down Rathmore rd and Darnley Street will be more dangerous for pedestrians accessing the town from the south and the two way traffic down Clive Street will also be more difficult for pedestrians to cross. There is no improved pedestrian environment as claimed with less easy access to the Thamesgate centre, narrower pavements (to accommodate two way traffic) and two traffic to be alert to. The arrangement also contravenes the logic of a one way system and will likely lead to confusion not clarity.

The North entrance to the station will become congested with cars and traffic in the morning and afternoon as cars will drop off and pick up passengers and double back.

This will be more dangerous than the existing arrangement which does not allow for cars turning.

Reference is made to a future interchange on Barrack Rd but there is no confidence it will be delivered.

There are references in the report to potential future interchanges as though this were realistic. We know that nothing is in Network Rail plans to 2028 and the bus operators would not need to run a bus station, and do not even seem to have been consulted(p7). In fact bus passengers are being shunted further way from the station ; it is not clear whether the new stops can accommodate the buses (this was an issue previously mentioned but not cleared up) and for people wanting to use the Thamesgate Centre the access is much worse.

Vague improvements are promised

The reality is that there will be loss of architecturally important buildings, loss of splendid mature trees and green space, car parking and easier and safer access for pedestrians and bus passengers.

Much simpler and cheaper ways could be found to improve paving and the environment.

Arrangements for cyclists remain far from ideal.

Despite warnings of the hazard Rathmore rd is still designated as a shared cycleway/pathway. The opportunity has not been taken to identify investments to achieve better and safer access for cyclists.

Businesses on Railway Place and Windmill hill will be badly affected.

Each of the businesses on Railway Place and at the bottom of the community square end of windmill hill face serious loss of trade from customers used to picking up from outside the shops. Although the pull space is seemingly retained it will be hazardous to use it if in the way of HGV's, who cannot squeeze into the area without impinging onto the pull in area. The narrower pavements and busier traffic will act as a barrier for pedestrians accessing the town from this direction; particularly in the

Appendix 6 *continued*

evening when traffic, including heavy lorries will be three times that of now. The proximity of heavy traffic will make it even more unlikely a tenant will be found for the Railway Tavern.

The presentation of the traffic flows on page 10 is disingenuous as the traffic through Railway Place and Community Square will increase by up to 300%, and claims that Traffic along Clive Rd will be less dominated by traffic is belied by the fact that in future traffic would be two way, on wider roads and be more hazardous for pedestrians.

Impact on Heritage

The overall costs and benefits of the revised transport quarter development needs to be reappraised in the light of all the changes. In my view all the losses of amenity, including loss of 13 Darnley Rd and trees are no longer worth the notional advantages of the scheme as currently proposed. The ambience of the area would best be preserved by keeping the existing arrangements.

The impact on Townscape and Visual Impact

No attempt has been made to render an artists impression. It is likely to represent an ugly and out of place gash in the urban landscape. At present there is a magnificent stand of mature trees softening and complementing the townscape and station.

Noise

Again the report is disingenuous as for some people the noise will be worse: Cobham street and Darnley Rd and Darnley St, Stone St Windmill Hill and Railway Place. It would be more honest to be explicit about this.

Air Quality.

If traffic flows are badly affected as I predict the air quality suffers as it is linked with the speed of vehicles passing through. More Traffic through railway place and Windmill hill will affect the environment within the community square badly and impact on the letting ability of the Windmill Tavern.

5. Process of Decision making

It is presumed that the incremental changes to the scheme will be presented and the scheme voted on as amended.

This is wholly unsatisfactory.

The initial Planning permission for both the transport quarter and the demolition of 13 Darnley rd have lapsed. Many of the major aspects of the Transport Quarter plans have been dropped or substantially amended.

In my view the scheme should be presented as a complete proposal encompassing all the elements of the Transport Quarter development so that decision makers can be aware of the total costs and benefits of the total scheme rather than it be dealt with in a piecemeal way.


To continue to proceed as now runs the risk of a scheme being built of no value and running the risk of being damaging in both the short term (because of the loss of amenity and disruption caused) and in the longer term (because it will damage Gravesend as a transport hub and divert traffic away from the centre).

6. Conclusions and Recommendations:

- A. The original Objectives for the Transport Quarter have been overtaken by events. There is no pressing need for a decision and further clarification of transport needs should be made before decisions made.
- B. The Most Important Objective should be to preserve the heritage and history of the town so as to attract users and shoppers. This scheme risks damaging it for no overriding purpose.

Appendix 6 continued

- C. The revised details still envisage loss of car parking, demolition of historic buildings and trees, risks to pedestrians and loss of businesses around Railway Place. Plus it is not credible that traffic flows into the centre will reduce as modelled or that traffic will flow any better. Much more reassurance on traffic flows and modelling needs to be provided.
- D. This scheme should no longer be seen incrementally but represented as an integrated Transport scheme so that its costs and benefits can be reappraised. Until this happens Planning permission should be refused as it still not clear what is in or out or whether the costs exceed the putative benefits. It is hinted that other elements could be added later but that is not good enough as the basis for a decision.
Core elements of the revised scheme should be a summary of the costs and benefits and a health and safety audit.


16.5.2014

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

Appendix 7

A petition with 86 signatures collected by a café owner on Railway Street received in response to the further publicity and notification relating to the amendments received in April 2014

KCC/GR/0148/2012 Revised alignment of Rathmore Road and Railway Place

We object to the heavy traffic and HGV's being diverted through Railway Place and the eastern side of the Community Square. We also object to the loss of unloading bays and disabled parking at Railway Place. We believe that the proposals are inconvenient, and will damage businesses.

Name	Address	
		KCC/GR/0148/2012 28 MAY 2014 KCC/GR/0148/2012

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New school at Leybourne Chase, West Malling – TM/14/2109 (KCC/TM/0173/2014)

A report by Head of Planning Applications Group to Planning Applications Committee on 22 October 2014.

Application by Kent County Council, Property & Infrastructure Support for erection of new school together with new car parking and associated playing field and landscaping at Land at Leybourne Chase, London Road, Ryarsh, West Malling – TM/14/2109 (KCC/TM/0173/2014).

Recommendation: permission be granted subject to conditions.

Local Member: Sarah Hohler

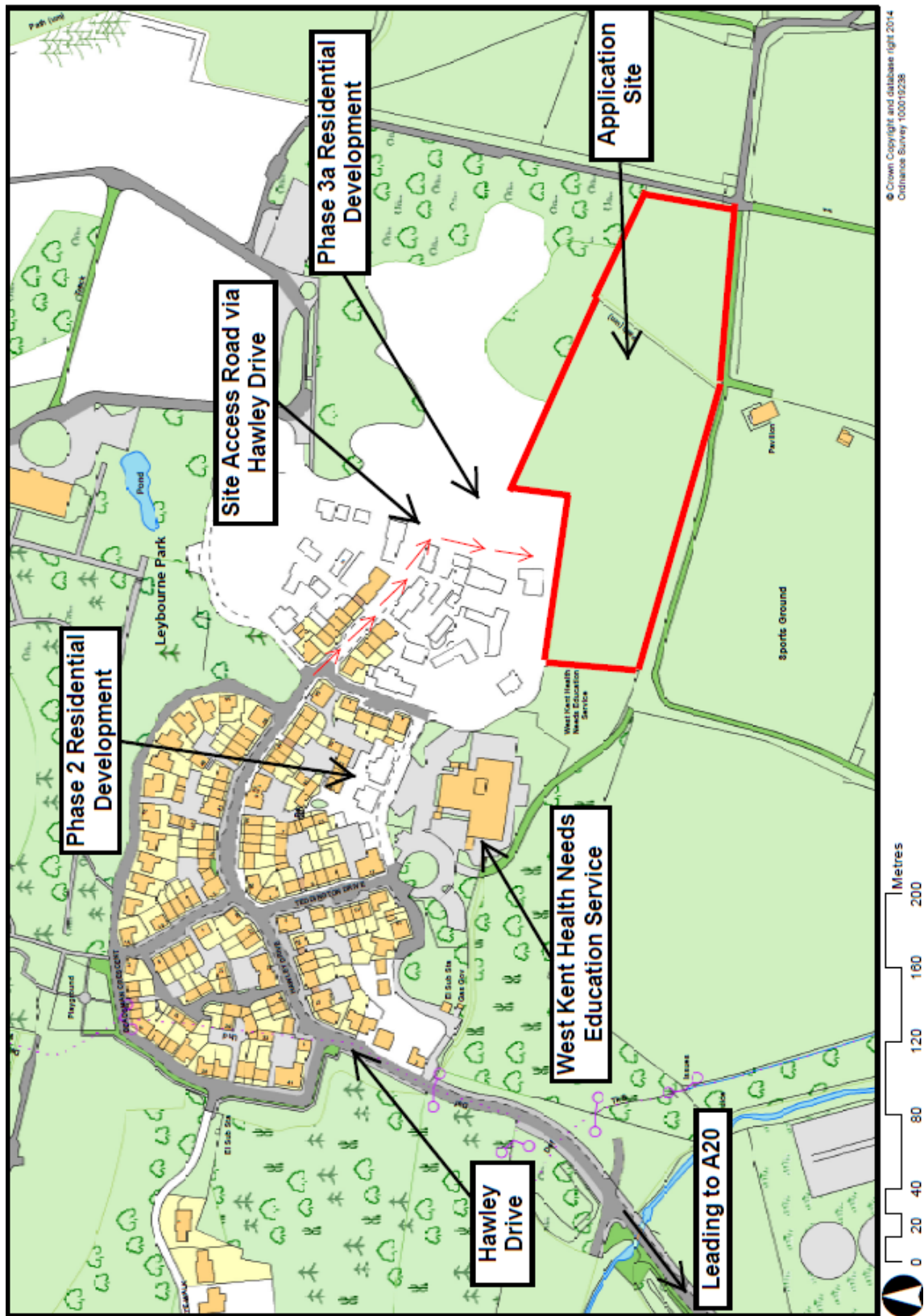
Classification: Unrestricted

Site Description

1. The proposed application site is located to the south east of the new housing development of Leybourne Chase, which was formerly known as Leybourne Grange. The Leybourne Chase development, as a whole was previously granted outline planning permission for up to 702 dwellings together with access roads, community hall, shop, primary school and lay-by (planning reference TM/94/01253/OA). Phases 1, 2 and 3b of the residential development have been completed. Currently none of the roads serving the development at Leybourne Grange, including the A20 link road, have been adopted by the Highways Authority. The development is sited approximately 1.2km (0.8 miles) to the north of West Malling and 1.4km (0.9 miles) to the north west of Leybourne. The M20 motorway runs approximately 0.6km (0.4 miles) to the north of the site.
2. The application site is bounded by the Leybourne Chase residential development to the north and by the West Kent Health Needs Education Service main site and administration centre to the west of the proposed development. Open land borders the east of the site and football pitches are located to the south, separated by a footpath used as a Public Right of Way. The proposed development site itself is currently an open grass paddock and is not used for general recreation. There is a mature belt of trees which are located to the site's southern boundary and a hedgerow which runs along a north-south axis within the proposed development site.
3. The proposed school site falls within the Metropolitan Green Belt, more general policies are set out in paragraph (22).

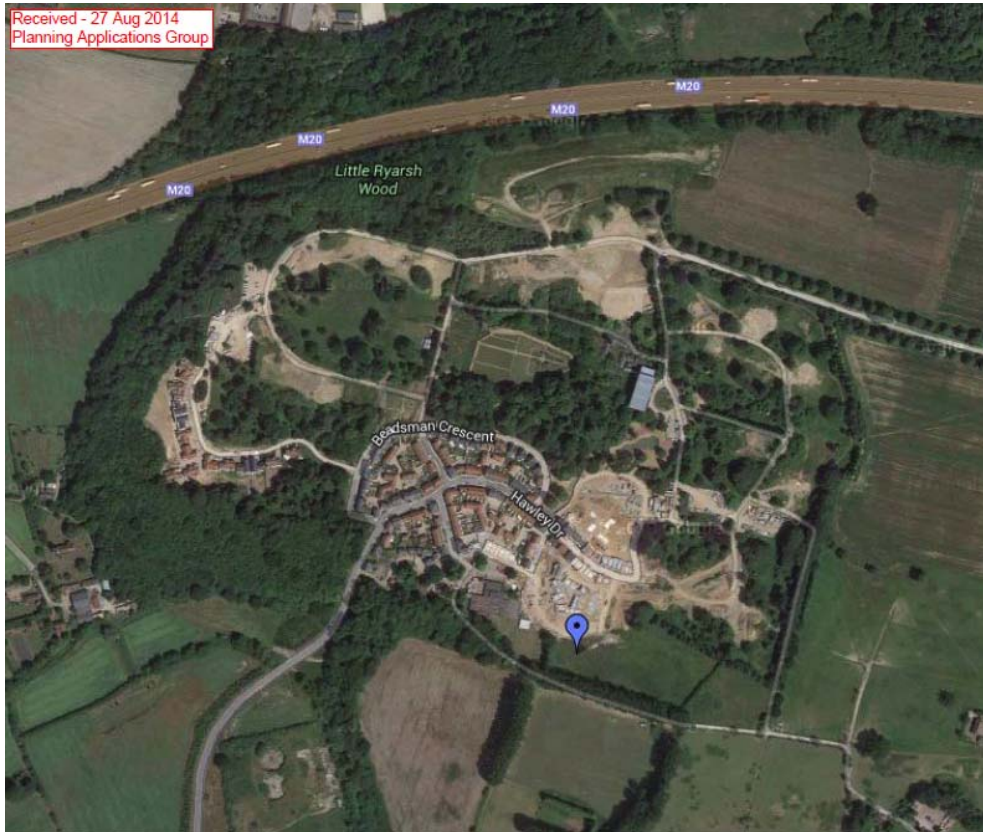
New school at Leybourne Chase, London Road, Ryarsh, West Malling
- TM/14/2109 (KCC/TM/0173/2014)

Site Location Plan

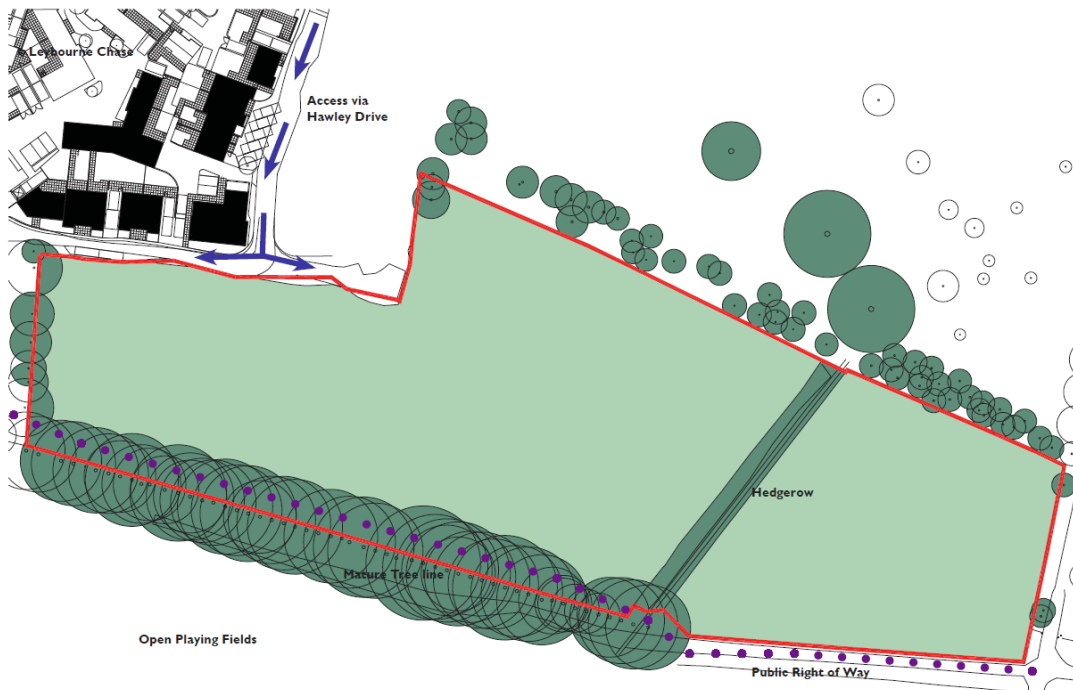


New school at Leybourne Chase, London Road, Ryarsh, West Malling
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Wider Aerial View of Site and Surrounding Leybourne Chase Development

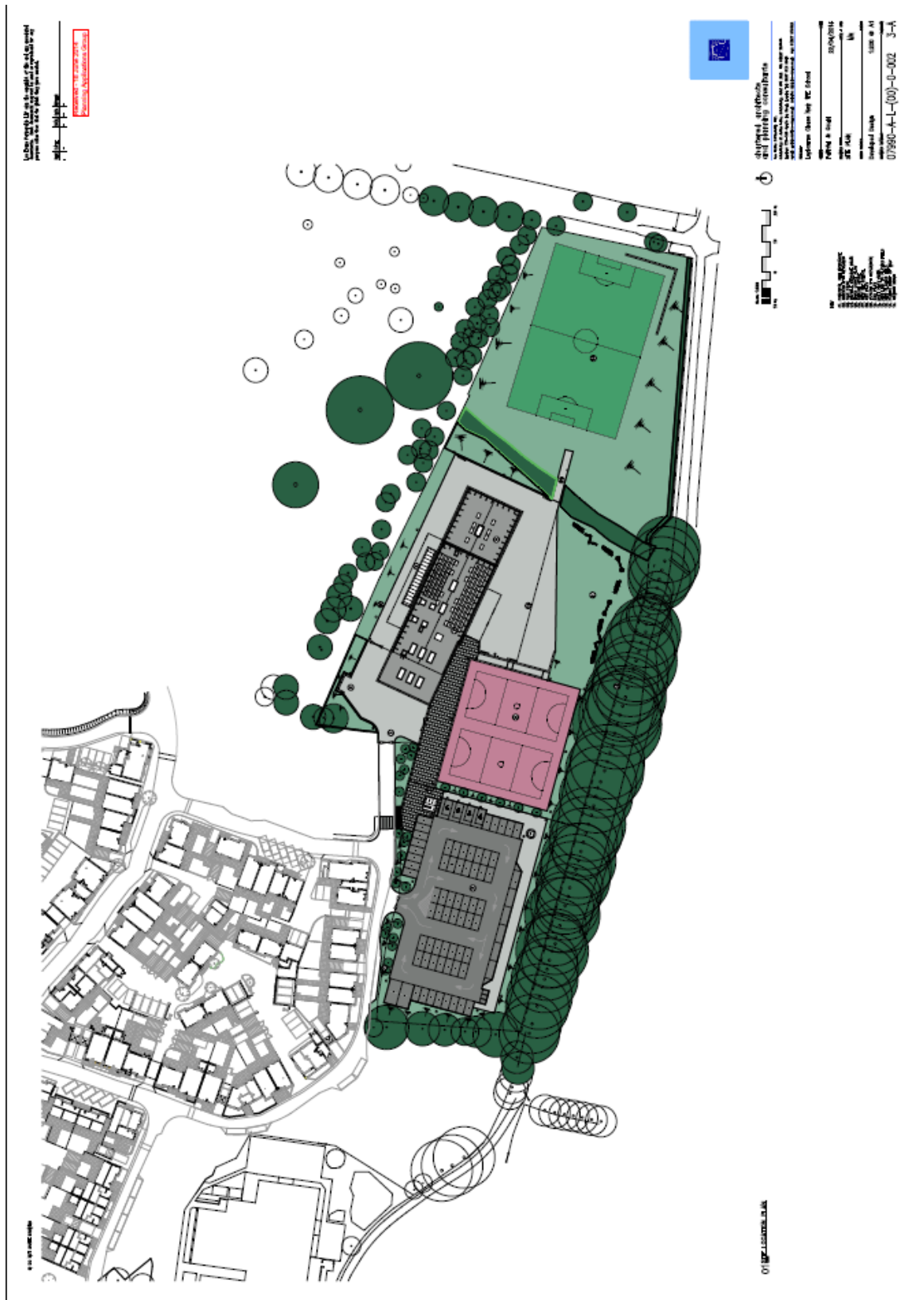


Existing Site Plan



New school at Leybourne Chase, London Road, Ryarsh, West Malling
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Proposed Site Plan



New school at Leybourne Chase, London Road, Ryarsh, West Malling
 – TM/14/2109 (KCC/TM/0173/2014)

Relevant Planning History

4. The proposed school site is located within the Leybourne Chase Taylor Wimpey housing development. The development comprises of a range of 2 to 3 storey apartments and 2, 3, 4 and 5 bedroom homes and is currently ongoing with Phases 1, 2 and 3b completed. The Masterplan indicates a total of 702 new build units and 25 converted apartments with various different phases.
5. The wider Leybourne Chase residential development site was formerly home to Leybourne Grange Hospital and following the hospital's closure in 1996, the estate was sold for the Leybourne Chase housing scheme, with the Manor House, clock tower and some of the outbuildings being retained. Planning permission was granted by the Secretary of State following an appeal for an outline application for the demolition of the existing hospital and residential development of up to 702 dwellings, together with access roads, community hall, shop, primary school site and layby (TM/94/01253/OA). This was subsequently revised by planning reference TM/08/00757/FL in which a number of planning conditions were varied. Planning permission for the conversion of Leybourne Grange and stable block to 20 residential dwellings, erection of garages and stores, provision of visitor parking spaces and re-use of gardener's cottage as a single dwelling was granted in 2004. (TM/03/02112/FL). This permission was subsequently renewed under planning reference TM/12/00494/FL with permission being given for a further 6 dwellings at Leybourne Grange and stable block. The construction of a temporary community building and associated parking was given permission under reference TM/08/00964/FL. Tonbridge and Malling Borough Council is currently considering applications for details submitted as part of a planning condition regarding phasing of the residential development (TM/08/00979/RD) and an extension of time in which to implement the residential development (TM/12/03238/FLEA). Currently, part of the residential development has been implemented including phases 1, 2 and 3b.

Background and Proposal

6. This application has been submitted by Kent County Council Property and Infrastructure Support and is part of the countywide Basic Needs Programme for educational purposes. The applicant has detailed an educational need for a 1 form entry primary school within the Leybourne Chase development. The Leybourne Chase housing development will create 702 homes upon completion and generate an additional demand for primary school places which cannot be met locally.
7. The Commissioning Plan for Education Provision in Kent 2013-2018 provides forecasts that indicate that without the provision of the new school, the provision for Reception year places will not be met in sufficient numbers for children to be educated locally, resulting in children having to travel further for their education. The school will be an academy admitting 30 Reception aged pupils each year with a gradual pupil intake over a 7 year period with a capacity of 210 places. The proposal has been submitted with a view for an expansion in pupil numbers to a 2FE school at a future date. This 2FE expansion would accommodate a total of 420 pupils.
8. The applicant proposes to erect a new primary school that would accommodate two form entry (2FE), with a view to expanding pupil numbers to a two form entry (2FE) school in the future. The applicant is therefore applying for planning permission for the full 2FE school accommodation although pupil intake will be staggered and remain at 1FE until the Local Education Authority considers an increase to 2FE pupil numbers.

New school at Leybourne Chase, London Road, Ryarsh, West Malling
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9. The proposed school building would contain a range of infant and junior classrooms, a Special Needs suite of spaces, a studio hall and ancillary rooms including WC's, storage space and offices. The applicant intends that the school would act as a civic centre to the Leybourne Chase community. The use of the school as a community hub has influenced the layout of the building, orienting the hall towards the site entrance. The site would also accommodate a car park/drop-off area to the west of the site, hard standing play courts, located to the east of the car park, formal and informal hard and soft spaces, habitat areas, and a sports pitch (to be upgraded to all-weather if the school is expanded to 2FE), located to the east of the site.
10. The layout of the school building, which is located to the north of the site, would be part single and part two storey with a flat roof. Ventilation plant equipment would be located on the roof. The hall parapet level would be 8.9m (29.2ft) above the finished ground level, while the teaching accommodation parapet would finish at 7.5m (24.6ft) above the finished ground level. The extended parapet also acts as a screen to the ventilation plant.
12. The school has been designed to host a specialist resourced provision (SRP) for pupils who have greater difficulty learning as a result of behavioural, emotional and/or social difficulties. Inclusive provision for up to 8 pupils (usually 1 per year group) would be accommodated.
13. The School would employ 25 full time equivalent (FTE) staff positions who would be at the school site on a daily basis and 4 part time members of staff. A 2 FE expansion in pupil numbers, at a later date, would employ 50 members of FTE staff.
14. Subject to the grant of planning permission, the school is planned to open in September 2015. Consequently, the use of offsite construction and standardised prefabricated components has been used as much as possible to reduce material waste and increase the speed of construction. The building shall be constructed using a steel frame, with a suspended beam and block ground floor with precast concrete floor planks to the first and roof levels and single membrane flat roof and roof lights. The external envelope shall be constructed from an SFS (Metsec) infill system, finished with cement board insulation. A combination of flat and profile cladding panels have been proposed for the school building to help to reduce the overall mass of the building. The ground floor external walls are clad using grey flat fibre cement panels, while the upper floor is clad with black profile fibre cement panels with grey detailing to the hall section. This is in response to the design of the adjacent housing. The external façade is punctuated by a series of powder coated fixed windows, louvres and doors. The vertically arranged yellow coloured louvre panels and the coloured window reveals are intended to help break down the linear form of the building by adding rhythm to the elevations. A polycarbonate canopy would be located to the northern elevation of the building.
15. The application documents state that the development would be designed to BREEAM 'Very Good' standard. The scheme also incorporates sustainable construction through the use of renewable technologies and the consideration of lifecycle costing. As a result of rooflights to the flat roof, the use of PV panels is not possible in this instance.
16. A bin store has been located at the front of the site, which would accommodate all of the school's refuse (domestic and recycling). A refuse vehicle would need to enter the site, turn through the service yard and exit in forward gear.

New school at Leybourne Chase, London Road, Ryarsh, West Malling
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17. Vehicular access to the site would be achieved via Hawley Drive to the west of the school building, providing an access into the proposed car parking area located directly to the south of the access road. Access to the school site would be off a new access road through the development. An application is expected to be determined shortly by Tonbridge and Malling Borough Council for Phase 3 of the housing development. This proposes to widen the access road to the north of the proposed new school development allowing for two-way traffic flows to and from the spine road, leading to the A20. This aspect of the proposals is discussed in further detail in paragraph 51.
18. Pedestrian access to the school would be provided via a gated entrance to the south of the main route into the school, segregated from the vehicle access and the service access to ensure pedestrian safety. This would be linked to a section of footway provided to the south of the access road. In the event that the school is implemented in advance of Phase 3 of the residential development, a temporary footway to the school site could be provided to allow safe pedestrian access. This would also be provided to the east of the access road and could be secured by condition of any forthcoming planning permission for the school.
19. The definitive route of the Public Right of Way lies within the southern part of the site, linking between Church Road in the west and Birling Road to the east. In order for the development to take place, the definitive route of the Public Right of Way would need to be formally re-aligned to run along the south of the school site. This is the footpath that is currently used by members of the public as a 'Trim Trail'. An application has been made by the applicant to Kent County Council's Countryside Access Service to formally divert the Right of Way to the south of the proposed school boundary.
20. The application proposes the creation of a car park with a total of 75 car parking spaces. 36 spaces would be for dedicated staff use, 27 spaces for 'park and stride' use by parents walking their children to the school entrance, 6 spaces for quick drop-off and collection of older pupils, 4 disabled parking bays and 2 spaces for minibus use. Provision for 10 cycle spaces is also included within the proposals along with 3 motorcycle spaces.
21. The proposal includes the felling of eight Poplar trees which are considered to be in poor condition. These trees are located within the mature tree belt running along the southern boundary of the site. The hedgerow which runs north to south across the site would be retained with an access cut through to the playing field. A comprehensive soft landscaping scheme which includes the planting of a variety of trees, shrubs, hedges and plants species is proposed by the applicant. The landscaping scheme also features a habitat trail located to the south of the hard games court.

New school at Leybourne Chase, London Road, Ryarsh, West Malling
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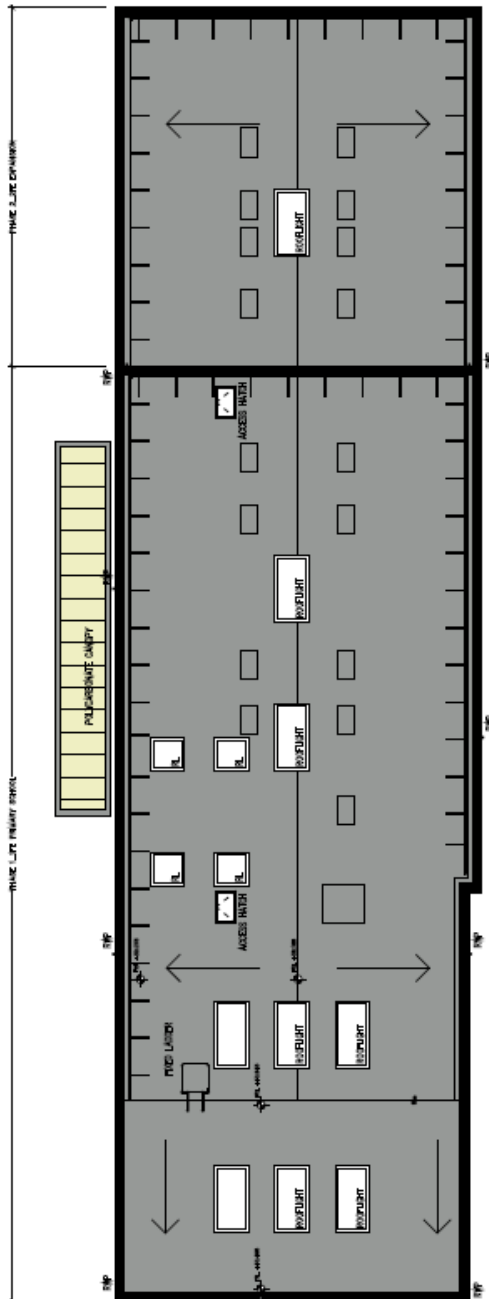
Proposed Landscape Masterplan



New school at Leybourne Chase, London Road, Ryarsh, West Malling
 – TM/14/2109 (KCC/TM/0173/2014)

Proposed Roof Plan of New Building

Approved as shown
 and planning conditions
 apply. The applicant is advised that the
 proposed works are subject to the
 following conditions:
 1. The works shall be completed
 within the time period specified
 in the planning permission.
 2. The works shall be completed
 in accordance with the approved
 plans.
 3. The works shall be completed
 in accordance with the approved
 specifications.
 4. The works shall be completed
 in accordance with the approved
 methods of construction.
 5. The works shall be completed
 in accordance with the approved
 materials.
 6. The works shall be completed
 in accordance with the approved
 standards.
 7. The works shall be completed
 in accordance with the approved
 regulations.
 8. The works shall be completed
 in accordance with the approved
 codes of practice.
 9. The works shall be completed
 in accordance with the approved
 standards of workmanship.
 10. The works shall be completed
 in accordance with the approved
 standards of safety.

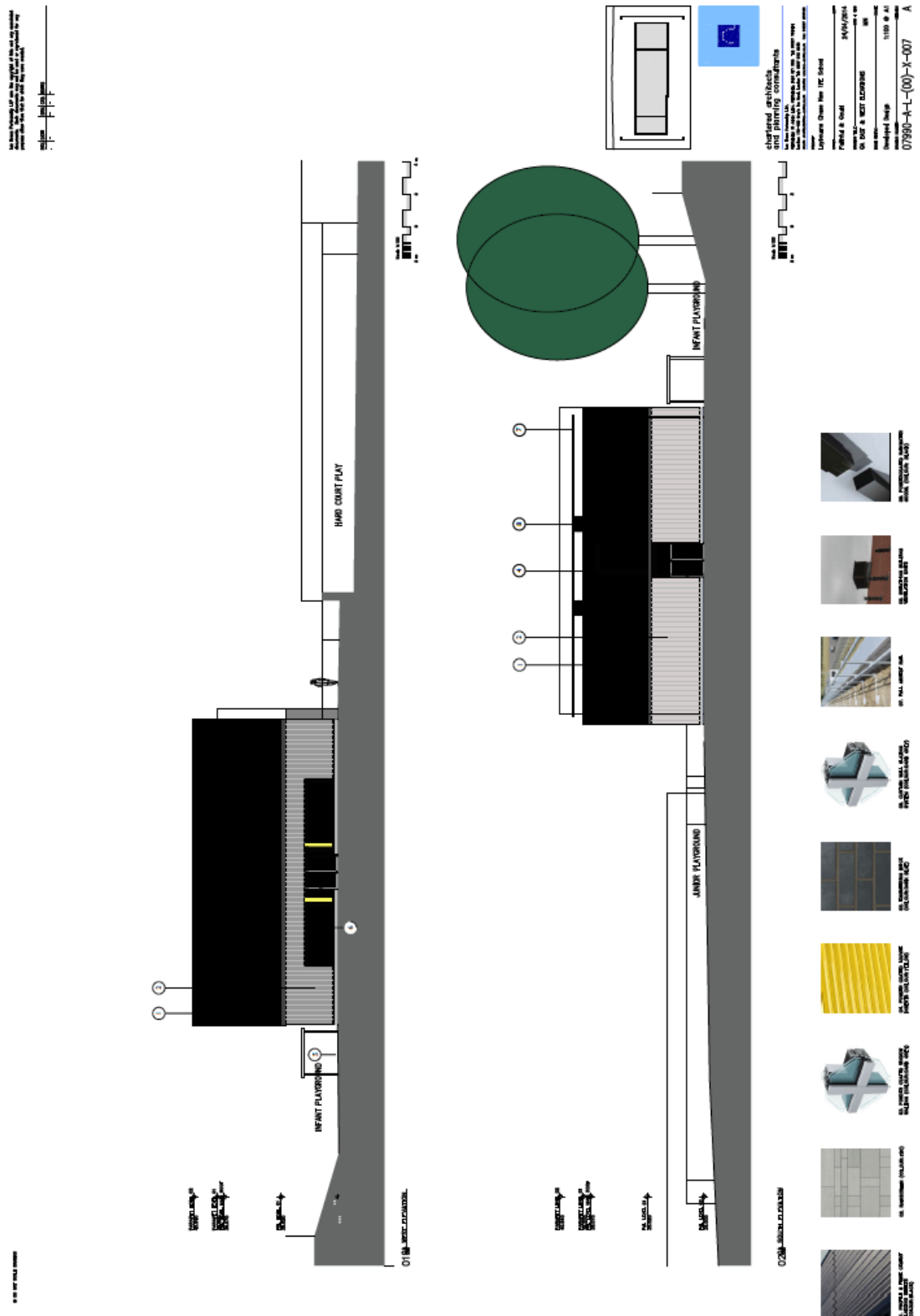


Approved as shown
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 10. The works shall be completed
 in accordance with the approved
 standards of safety.



New school at Leybourne Chase, London Road, Ryarsh, West Malling
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Proposed East and West Elevation Plan of New Building



New school at Leybourne Chase, London Road, Ryarsh, West Malling
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Proposed Views of New Building – Western & Southern Elevation



Proposed Views of New Building – Southern Elevation



Planning Policy Context

22. The following Guidance/Statements and Development Plan Policies summarised below are relevant to the consideration of the application:

- (i) **National Planning Policy Framework (NPPF)** March 2012 and the **National Planning Policy Guidance (March 2014)** sets out the Government's planning policy guidance for England at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning application but does not change the statutory status of the development plan which remains the starting point for decision making. However the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

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

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

- 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; and that
- Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education; and
- achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- consideration of whether the opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;
- the great importance the Government attaches to Green Belts, with the fundamental aim of Green Belt Policy being to prevent urban sprawl by keeping land permanently open;
- minimising impacts on biodiversity, and protecting and enhancing valued landscapes, contributing to the Government's commitment to halt the overall decline in biodiversity;

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

(iii) **Tonbridge and Malling Borough Core Strategy September 2007:**

Policy CP1 Sustainable Development: 1) All proposals for new development must result in a high quality sustainable environment; 2) provision should be made for housing, employment and other development to meet the needs of existing and future residents of the Borough; 3) the need for development will be balanced against the need to protect and enhance the natural and built environment; 4) locations for development should seek to minimise waste generation, water and energy consumption, reduce the need to travel and where possible avoid areas liable to flooding; 5) new housing development should include a mix of house types and tenure and mixed use developments promoted where appropriate; 6) development to be concentrated at the highest density compatible with the local environment, and be well served by public modes of transport; 7) that development should minimise the risk of crime and make appropriate provision for infrastructure to serve the new development including social leisure, cultural and community facilities and adequate open space accessible to all.

Policy CP2 Sustainable Transport: New development that is likely to generate a significant number of trips should (a) be well located relative to public transport, cycle and pedestrian routes and with good access to local service centres; (b) minimise the need to travel through the implementation of Travel Plans and the provision or retention of local services and facilities; (c) either provide or make use of, and if necessary enhance, a choice of transport modes, including public transport, cycling and walking; (d) be compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated; (e) provide for any necessary enhancements to the safety of the highway network and capacity of transport infrastructure whilst avoiding road improvements that significantly harm the natural or historic environment or the character of the area; and (f) ensure accessibility for all, including elderly people, people with disabilities and others with restricted mobility.

Policy CP3 Metropolitan Green Belt: National Green Belt policy will be applied generally to the west of the A228 and the settlements of Snodland, Leybourne, West Malling and Kings Hill, and to the south of Kings Hill and east of Watringbury.

Policy CP11 Urban Areas: Seeks to concentrate development in the urban areas where there is the greatest potential for re-use of previously developed land and other land damaged by former uses.

Policy CP24 Achieving a High Quality Environment: 1) All development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance, be designed to respect the site and its surroundings; 2) All development should accord with the advice contained in Kent Design, By Design and Secured by Design, and other supplementary Planning Documents and, wherever possible,

New school at Leybourne Chase, London Road, Ryarsh, West Malling
– TM/14/2109 (KCC/TM/0173/2014)

should make a positive contribution towards the enhancement of the appearance and the safety of the area; 3) Development which by virtue of its design would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside will not be permitted; 4) The Council will seek to protect and enhance existing open spaces; 5) The environment within river corridors will be conserved and enhanced.

Policy CP25 Mitigation of Development Impacts: Development will not be permitted unless the service, transport and community infrastructure necessary to serve it is either available, or will be made available by the time it is needed. Development proposals must therefore either incorporate the infrastructure required as a result of the scheme, or make provision for financial contributions and/or land to secure such infrastructure or service provision at the time it is needed, by means of conditions or a planning obligation.

Policy CP26 Community Services and Transport Infrastructure: The safeguarding of land required for the provision of services to meet existing and future community needs, as identified by service providers.

(iv) **Tonbridge and Malling Managing Development and the Environment Development Plan Document April 2010:**

Policy CC1 Sustainable Design: Requires all proposals for new development, building conversions, refurbishments and extensions to incorporate passive design measures to reduce energy demand.

Policy CC3 Sustainable Drainage: Requires the provision of sustainable drainage systems (SUDS) appropriate to the local ground water and soil conditions and drainage regimes. Where SUDS are not practical the proposal should incorporate alternative means of surface water drainage to ground watercourses or surface water sewers.

Policy NE2 Biodiversity: The biodiversity of the Borough, and in particular priority habitats, species and features, will be protected, conserved and enhanced.

Policy NE3 Impact of Development on Biodiversity: 1) Development that would adversely affect biodiversity or the value of wildlife habitats will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in overall enhancement; 2) Proposals for development must make provision for the retention of habitat and protection of its wildlife links; 3) Where development is permitted the Council will impose conditions, where necessary and appropriate, to minimise disturbance, protect and enhance ecological conservation, contribute towards the objectives of Kent Biodiversity Action Plan, ensure appropriate management and monitoring, and the creation of new or replacement habitats.

Policy NE4 Trees, Hedgerows and Woodland: The extent of tree cover and the hedgerow network should be maintained and enhanced.

Policy SQ1 Landscape and Townscape Protection and Enhancement: Proposals for development are required to reflect the local distinctiveness, condition and sensitivity to change of the local character areas as defined in the Character Area Appraisals SPD. All new development should protect, conserve and where possible enhance (a) the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity; (b) the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views; and (c) the biodiversity value of the area, including patterns of vegetation, property boundaries and water bodies.

Policy SQ5 Drainage: 1) All development will be expected to ensure that adequate water and sewerage infrastructure is present or can be provided in order to meet future needs without compromising the quality and supply of services for existing users; 2) Planning permission will only be granted for developments which increase the demand for off-site water and sewerage where (a) sufficient capacity already exists, or (b) extra capacity can be provided in time to service the development; 3) When there is a water or sewerage capacity problem and there are no programmed off-site infrastructure improvements, planning permission will only be granted if the developer funds appropriate infrastructure improvements which should be completed prior to occupation.

Policy SQ6 Noise: Proposals for noise sensitive development (including schools) will be required to demonstrate that noise levels are appropriate for the proposed use. Proposals for built development should incorporate design measures such that internal noise levels are demonstrated to meet criteria levels in relevant guidance, including BS 8233:1999 and Building Bulletin 93.

Policy SQ8 Road Safety: 1) Before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure is in place or is certain to be provided; 2) Development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network; 3) Development proposals should comply with parking standards; 4) appropriate mitigation measures shall be provided where required before a development is occupied.

Consultations

23. **Tonbridge and Malling Borough Council (TMBC)** – Raises no objection overall to the application. The Borough Council has requested a Traffic Management Plan for the wider area, consideration be given to the provision of a segregated footway access to the entrance from any potential walking routes; widening of highways pinch points to better allow 2 way traffic flows all the way to the adopted highway; investigation into moving the main vehicular access more to the east, to minimise as far as practicable, school related traffic in front of Phase 2 houses; review of the level of proposed cycle/scooter racks based on evidence of likely use from similar schools in the Borough; develop construction access and routeing arrangements as early as possible and engage local residents; consideration of the definitive line of the Public Right of

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Way; note that the Root Protection Zones of nearby TPO trees fall into the northern part of the site; consideration to the control of external lighting operation hours to minimise impact on the Green Belt; review of the proposed colour and cladding of the school building. The applicant's response to these issues of concern is detailed in the Discussion section below. TMBC's Environmental Health Officer has also provided comments on noise, air quality and contaminated land, requesting additional information regarding the noise impact of plant and equipment upon residences in the locality, implementation of a School Travel Plan and recommendations to reduce air pollution through the use of anti-idling initiatives and inclusion of trees with a High Urban Tree Air Quality Score in the landscaping scheme.

Leybourne Parish Council – Raises concern that there is no separate access road being provided for the proposed new school and that this would cause unacceptable traffic problems for local residents at Leybourne Chase.

Kent County Council Highways and Transportation – *Originally* commented that the swept path vehicular analyses provided in the Transport Statement required revision and further clarification was required regarding the layout of the application site and Phase 3 of the residential development. Following the submission of a statement by the applicant's transport consultant addressing a number of highways and access issues, KCC Highways and Transportation are now satisfied with the use of Grampian conditions (ie. conditions coming into effect once other specified circumstances arise), the widening of the access road and pedestrian access which would be completed as part of the Phase 3 residential development. In the event of the school development coming forward in advance of Phase 3 of the residential development, KCC Highways and Transportation considers that the occupation of the school by up to 100 pupils before undertaking refinements to the access road and pedestrian routes would be acceptable.

Further conditions requiring details of the modifications to the access road including revised site access design, extent and position of school clearway markings and school signs, details, appearance and materials of any proposed pedestrian crossing zone, revised car parking layout and revised location of cycle stands, a traffic management plan, and enhancements to pedestrian accessibility should also be submitted for approval, subject to consent for the development being given. KCC Highways and Transportation recommend that the applicant takes into consideration the provision of a bound temporary material to the proposed temporary construction of the service road, should pedestrians be required to cross this at any interim period, for the purposes of pedestrian safety.

Subject to implementation of the aforementioned conditions and the registration of a School Travel Plan, the Highway Authority raises no objection to the proposals.

The County Council's School Travel Plan Advisor – Provides advice on how the school can produce a School Travel Plan using a new dedicated online system.

Environment Agency – Raises no objection to the proposal subject to the imposition of a number of conditions including that the development be carried out in accordance with the submitted Flood, Risk Assessment, the submission of a remediation strategy to assess and deal with any potential contamination on site and verification report, no infiltration of surface water drainage into the ground. Additionally, the Environment Agency has advised a number of informatives to be taken into consideration by the applicant covering drainage, contaminated land, and fuel, oil and chemical storage.

County Archaeologist – Raises no objection, subject to the imposition of a condition requiring the applicant to submit details of a programme of archaeological work prior to commencement of the development. This is due to the application site being located in an area of potential archaeological interest. Therefore it is possible that proposed development works may disturb archaeological remains.

Public Rights of Way Officer – Comments that Public Right of Way diversion MR130 footpath runs along the southern boundary of the site, that the definitive alignment is impacted by the proposed development, and that the definitive route differs from that followed on the ground and currently used by members of the public. Subsequently a diversion of the footpath is necessary for the development to take place and an application should be made to the County Council's Countryside Access Service. KCC's PROW Officer also notes that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority. The applicant should also apply for permission for any temporary closure of the Right of Way, should this be required.

Campaign to Protect Rural England – No comments received.

The County Council's Landscape Officer – Comments that the application site is within the Green Belt and lies within the setting of the Kent Downs AONB and considers that a Landscape Appraisal would have been appropriate at this site. All of Kent is divided into Landscape Character Areas, and this site lies within the Wrotham Heath to Ryarsh Landscape Character Area. The Landscape Officer considers that the retention of the internal hedgerow and the majority of the belt of trees to the site's southern boundary goes some way to respecting the existing character of the site. Recommendations have been made by the Landscape Officer to support landscape character within the application site including the use of native species planting, retention of the Public Right of Way in its current position, as used by members of the public, to consider landscape character enhancements through the scheme, support the use of permeable surfaces to the car park and paths around the site and consider joint development of SuDs and landscaping to achieve natural drainage of the site, retention of the line of Poplar trees along the southern edge of the site and the use of minimal lighting which is energy efficient and sensitive to the semi-rural locality. These have been incorporated into the proposed scheme. Following the submission of a Tree Survey Assessment which indicated that eight Poplar trees located to the southern boundary of the site would have to be removed due to their poor condition, the Landscape Officer supports the recommendations in the Tree Survey including the removal of these trees.

Biodiversity Officer – *Originally* commented that insufficient ecological information had been provided and requested that the applicant update the Ecological Scoping Survey to cover the proposed sports pitch to the east of the site. The Biodiversity Officer considered that additional information regarding the submission of bat emergence surveys considering that trees would be removed as part of the proposed development would be required prior to determination as well as a reptile survey and Great Crested Newt (GCN) survey due to the application site being able to provide suitable habitats for these species. Further information was also requested on dormice and breeding birds, assessing the potential impact the proposed development may possibly have on these species. Following the submission of further ecological information by the applicant including an updated Ecological Appraisal, GCN and

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Dormouse Assessment and Reptile and Bat Survey, KCC's Biodiversity Officer considers the information provided to be satisfactory and raises no objections to the proposal. That is subject to the precautionary approach method of working recommendations for bats, reptiles and dormice being implemented. Further recommendations have been made by KCC's Biodiversity Officer that any lighting for the proposed development should be designed sensitively so as to have minimal impact on bats. Ecological enhancement measures recommended by the applicant's Ecologist have also been requested as part of a condition, subject to planning permission being gained for the proposed development.

Sport England – Requested further information regarding a detailed specification for the proposed sports facilities. Following the submission of further details by the applicant covering the proposed dimensions and surface type of the artificial grass pitch and hard games court, Sport England recommended that the applicant consider upgrading the facilities to meet Sport England guidelines although noted that the facilities would suffice as a training facility.

Local Member

24. The County Council Local Member Mrs Sarah Hohler was notified of the application on the 10 June 2014 and has commented that she supports the proposals and would like the opportunity to address the Committee.

Publicity

25. The application was publicised by the posting of 3 site notices, on Hawley Drive, the main access road to the site, to the northern boundary of the site, off Hawley Drive and along the Public Right of Way as used by members of the public as a 'Trim Trail' along the site's southern boundary. An additional site notice was also placed in the Taylor Wimpey sales office on site. The application was also advertised in a local newspaper. The individual notification of 153 neighbouring properties within the wider Leybourne Chase area was also carried out as part of the consultation process.

Representations

26. I have received 6 letters/emails of objection to the proposal to date, one of which is from the Leybourne Chase Residents Association. The main points of objection are summarised as follows:-

Access, Parking and Highway Safety

- Concerns regarding the additional levels of traffic and the cumulative effect from the residential area which is still expanding.
- Suggest that a separate access road to the school is constructed, avoiding the residential area. Suggest that a new access road could lead from the current access road just south of the show home around the bottom of Leybourne Chase. If a separate access road is not constructed this would have a detrimental impact on safety, congestion, pollution and quality of life.
- Consider that the Transport Statement, submitted as part of the application documents, creates an unrealistic and misleading representation on the current and future travel situation at Leybourne Chase.
- On-street parking is commonplace within the surrounding local roads and creates

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pinch points reducing free-flow of traffic, particularly along Hawley Drive and sufficient consideration is not given to this issue in the Transport Statement

- Consider that the junction between the A20 and the development access road could not cope with the additional traffic that a new school would create.
- Current levels of traffic along surrounding roads and the safety implications that this currently creates and the belief that the school expansion would exacerbate the problem.
- Concern that lack of traffic calming measures on local roads, particularly along the access road, would lead to dangerous and inconsiderate driving.
- Consider that the lack of separate access provision for construction vehicles would be detrimental to road safety and cause further congestion.
- Consider that traffic will be exacerbated particularly in combination with the existing Special Educational Needs school at Leybourne Chase.
- Consider that an informal one way system monitored by the School would do little to assist in limiting the congestion on the local roads.
- Consider that Hawley Drive is unsuitable as an access road as it currently has the following serious issues:- no traffic island or lighting at the junction with the A20, no speed restrictions, traffic calming or road markings, no lighting for the 800 yards from the main A20 and into the development. (Note that currently, none of the roads on the Leybourne Chase development have been formally adopted by the Highways Authority).

Need for the development and impact on the school

- Sympathetic with the need to build a new school within this area.

Following the submission of the additional highways and access statement, local residents who made representations on the proposals were re-consulted and one further letter of representation was received maintaining an objection to the revised proposals:

- Appreciate the 'hard infrastructure' changes to the access road that have been outlined in the statement but consider that these should be carried out before the school is built.
- Consider that widening the access road to the new school will not assist traffic flow in Hawley Drive.
- Maintain that the only possible solution in which access to the new school could be adequately facilitated is via a dedicated access road to the south of the development, bypassing the residential roads.

Discussion

Introduction

27. The application seeks planning permission for a new two form entry (2FE) primary school which would be a part single, part two storey build. The proposal also include a car park/drop-off area, hard standing play courts, formal and informal hard and soft spaces, habitat areas, and a sports pitch. The application is being reported to the Planning Applications Committee as a result of the objections received from Leybourne Parish Council and local residents regarding the proposal.
28. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph 22 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the

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Development Plan unless material considerations indicate otherwise. Therefore, the proposal needs to be considered in the context of Development Plan Policies, Government Guidance and other material planning considerations including those arising from consultation and publicity.

29. The main aspects to consider are the issues to do with the design, layout and scale of the development, implications of the proposal on the local road network and access considerations, residential amenity concerns including noise disturbance and impact upon the Green Belt. The strong policy support for the development of schools should also be considered 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.

Green Belt

30. Policy CP3 of the Tonbridge and Malling Core Strategy seeks to resist inappropriate development within the Green Belt, unless justified by exceptional circumstances. This is particularly relevant to this development site which is identified within the Tonbridge and Malling Borough Council Local Plan as being within the Metropolitan Green Belt. The NPPF makes reference to development within the Green Belt and states that "as with previous Green Belt Policy, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances". The NPPF does not explain in any detail what 'very special circumstances' means, but does go on to state "very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and other harm, is clearly outweighed by other considerations". Any built development within the Metropolitan Green Belt could affect the openness of it and would be contrary to planning policies. On this basis the development proposed must be considered as a departure from the Development Plan, and has been advertised as such. The need, or otherwise, to refer the application to the Secretary of State for determination will be considered and assessed in the following section of this report.
31. The applicant has provided justification in the application documents for a case of 'very special circumstances' to outweigh an objection on Green Belt grounds in support of the proposal. The following are the applicant's main points which they consider justify the proposed development and are sufficient to outweigh any Green Belt policy objection:
- the acceptance of the need for a new school in this location previously;
 - the need for the new development to address the additional demand arising from the Leybourne Chase housing provision and also to seek to meet the need of the wider area;
 - the significant policy and Central Government support for the delivery of state funded primary schools; and

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- the benefits of the new primary school to the wider community.
32. With reference to the acceptance of the need for a new school in this location previously, a new school within this site was outlined in the Masterplan for the wider Leybourne Chase development. Most of the land within the locality falls within this Green Belt designation and this was taken into consideration when outline consent was given by the Secretary of State for the wider Leybourne Chase development. Given that the former Leybourne Grange Hospital occupied a site within the Green Belt, and its redevelopment for a new community development has been identified and accepted in the Local Plan since 1998, the inclusion of a primary school also in this Green Belt location has arguably been long regarded as an acceptable exception to Green Belt policy here.
 33. As a separate matter, the educational need for the development of new school places has been previously discussed in paragraph 7, and indicates that the provision for reception year places will otherwise not be met in sufficient numbers for children to be educated locally, resulting in children having to travel further for their education without the development.
 34. With regard to policy support for school development, at a national level the NPPF places significant importance on the provision of state funded schools, as further supported by the Policy Statement – Planning for Schools Development. There is a strong policy presumption in favour of supporting the development of state funded schools, which includes a presumption in favour of development ‘necessary to the operational needs of the school’.
 35. The proposed development aims to include the wider community by making a range of extended school facilities available for community use including sports pitch, main hall/kitchen, classrooms, seminar rooms and ICT facilities. These sports and learning facilities would only be provided as a result of the new school development which itself must be by its nature located within the Green Belt.
 36. In general, I accept the applicant’s assessment of Green Belt Policy as discussed in the submitted application documentation, taking into consideration the context of Policy CP3 of the Tonbridge and Malling Borough Council Core Strategy and reference made to the Green Belt in the NPPF. The development is inappropriate development for the purposes of Green Belt consideration and is, therefore, by definition potentially harmful to the Green Belt. However, in my opinion, the considerations provided by the applicant, in support of the development, are sufficient to justify ‘very special circumstances’ capable of outweighing harm, in this particular case. Additionally, in my view, the siting and design of the proposals have been well thought out to help mitigate and minimise the impact on the functioning and openness of the Green Belt. The proposed layout of the new school building to the north of the site, adjacent to the residential development and use of two storey elements to minimise the footprint of the building, as well as siting the external play areas to the south of the application site would assist in maintaining the openness of the Green Belt. The fact that the wider Leybourne Chase development also falls within the Green Belt and that there are no other suitable locations must also be taken into consideration. Subsequently, I do not consider that an objection on Green Belt grounds would be justified in this particular case.

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Design, Layout and Scale of Development Issues

37. The Tonbridge and Malling Borough Council Core Strategy (2007) promotes high quality design and sustainable development. The proposed layout, scale and design of the development should be considered to establish whether the development, as proposed, is acceptable and is sensitively designed within its residential and Green Belt setting. The layout of the proposed development aims to provide the most feasible option for the new school development. The application documents show other location options for the proposed school building which were investigated by the applicant's architect. It is considered that the final layout option chosen for the position of the proposed building helps to define a clear boundary between external public and private spaces, sets up a clear linear circulation route which connects the car park pedestrian site access and the main entrance and maximises the south facing external spaces for use as playgrounds. In my view the proposed layout of the development is acceptable and the most coherent option considered by the applicant's architect.
38. The proposed school building would be a part single, and part two storey brick built building with a flat roof with roof lights. The scale and proportions of the proposed building have been influenced by the adjacent Leybourne Chase development which features a combination of 2 and 3 storey terraces and semi-detached residential buildings with pitched roofs, some of which rise to a height of 12 metres (39.4ft). In comparison, the height of the hall parapet rises to 8.9 metres (29.2ft), with the flat roof reducing the overall height of the building. I do not consider that the scale of the development would have a detrimental impact on visual amenity.
39. The proposed development has been designed to reflect the character of the surrounding residential development which is reflected in the choice of external materials and colour scheme chosen for the proposed development. The residential development features a variety of different housing types and forms. These buildings feature a variety of external materials referencing the local character including red brickwork, black and light grey fibre cement boarding, white render, black windows and doors and red and black roof tiles. In reference to the new housing development, the new school building would be clad in black profile panel cement cladding to the upper levels with grey flat panel cement cladding to the lower level. The hall section would also feature grey vertical detailing to break up the expanse of black cladding on the western and south western elevation which does not feature any windows, with rooflights providing adequate lighting. A vertical arrangement of powder coated fixed windows and yellow coloured louvre panels and coloured window reveals would incorporate further colour and detailing to the building. Tonbridge and Malling Borough Council did initially raise some concerns regarding the proposed cladding to the new building and consequently the cladding proposals have been amended during the application process to incorporate profile and flat cladding materials and vertical 'fin' detailing to the hall exterior. The Borough Council are satisfied with the amendments made to the cladding of the new building. Subject to permission being granted, a planning condition requiring the submission of details of external materials prior to the construction of the development could be stipulated.
40. The applicant has taken into consideration the location, layout and design of the proposed building in relation to the proposed development's Green Belt location. In my opinion, the scale, massing and design of the proposed development is acceptable and in keeping with the residential development already constructed. Consequently, I consider the design of the building to be acceptable and in accordance with Development Plan policies.

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Access, Parking, Traffic and Highway Safety

41. Local residents have raised concerns that the local highway network would be unable to cope with the additional levels of traffic that the proposed school development would have. The applicant's transport consultant has demonstrated that the local road network would be able to support school related traffic for 1FE and the future 2FE expansion in pupil numbers. The Transport Statement has assessed the level of staff car parking to be provided as a result of the school expansion and taken into consideration Kent Vehicle Parking Standards Supplementary Planning Guidance. With regard to staff parking, standards would permit a maximum of 28 spaces for a 1FE school and a maximum of 55 spaces for a 2FE. The proposals provide a total of 36 spaces allocated to staff which would comply with the standards for a 2FE. In total the car parking proposals would provide 75 parking spaces. This overprovision of parking would, in the short term, when the school is at 1FE, aid parking pressures on local roads.
42. The Transport Statement submitted as part of the application concludes that the proposed new school with 210 pupils (1FE) and 25 staff could potentially generate a total of 139 vehicle trips in the morning and afternoon peak periods. A future possible expansion in pupil numbers to 420 (2FE) with 50 staff could potentially generate 278 vehicle trips in the morning and afternoon peak periods. The applicant's transport consultant notes that in reality not all these vehicle trips would be made during peak periods and may be staggered and it is considered that with the introduction of the School Travel Plan and with the further 2FE expansion in pupil numbers, in time, there would be a mode shift for pupils travelling by car to travelling on foot, particularly given that more of the residential development would have been constructed.
43. Consequently, the Transport Statement concludes that the parking provision for staff and pupils would be adequate for the proposed new primary school and considers that the proposals would not have a significant detrimental impact to residential parking amenity. Additionally, the provision of parking for parents would be made available with 33 parking spaces for parents and visitors, reducing the impact that parent parking has on the local road network. I consider that the submission of a Traffic Management Plan covering the wider Leybourne Chase development, should permission be granted would be appropriate. Kent County Council Highways and Transportation conclude that the vehicle trips generated by the new school would not have a significantly negative impact on the surrounding highway network and I would agree with this view.
44. Both Leybourne Parish Council and local residents consider that a dedicated separate access road to the proposed school should be constructed which by-passes the residential development. It is suggested that this access road should be routed to the south of the residential development, accessing the school from the west, however this potential route would impact upon Public Rights of Way, mature trees and potentially farmland. It should be noted that the construction of a separate access road would also be contrary to the overall Masterplan layout for the Leybourne Chase development. Moreover, there would be the added complications of further loss of farmland and Green Belt over and above what is strictly necessary to serve the development as a whole, plus the intention is to provide a school to serve the new residential development itself, and providing an easier direct access to the A20 would undermine the notion of a local school principally serving that new neighbourhood.
45. As with other school sites, it should be recognised that increased traffic levels around the surrounding local road network are limited to school peak times, generally limited to

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a 15-20 minute period, at the start and end of the school day. Although traffic generated by schools can cause inconvenience and delays to through traffic, this is considered to be a short term impact on local amenity rather than amounting to a wider highway safety concern. Additional traffic on the local road network created by the development of the new school could effectively be managed by the car parking proposals which have provided sufficient parking provision.

46. During the application process, Tonbridge and Malling Borough Council and KCC Highways and Transportation have raised a number of points concerning highways and access issues. Following discussions between the applicant, Taylor Wimpey, KCC Highways & Transportation and Tonbridge and Malling Borough Council an additional Highways and Access Statement was submitted detailing how the school proposals and the residential development of Phase 3 at Leybourne Chase could be 'dovetailed' and secured through the planning process. These points of concern are detailed below with the applicants proposed method of overcoming these concerns.
47. Tonbridge and Malling Borough Council have requested that a Traffic Management Plan which covers a wider area to the extent of the adopted highway should be submitted. This should factor in the existence of a bus gate while this is a planning requirement for the Leybourne Chase development.
48. The applicant considers that the majority of future trips to the school are likely to originate from within the overall development at Leybourne Chase. Many of the remaining off-site trips would travel from the west and it is considered that on-site interaction at the bus gateway would be minimal. It is also understood that the requirement for Taylor Wimpey to use the bus gate is under review. It is proposed that the infrastructure for the bus gate would be implemented but through ongoing monitoring, it is anticipated that the gate itself will not be provided as part of the Phase 3 development (if it can be demonstrated to the Highways Agency that there are no material impacts on J4 of the M20 then the bus gate would not be required). Therefore it is considered unlikely that the bus gate would cause an issue for parents driving towards the school from the east as it may not be installed. In the event that the bus gate is implemented, Taylor Wimpey have confirmed that the relevant infrastructure would be in place to allow parents to park and walk to the school in the west. The applicant suggests that the School Travel Plan could be used to monitor and manage any parking at the bus gate to ensure it works effectively. I consider it appropriate for a Traffic Management Plan for the wider area to be submitted should permission be granted for the proposals.
49. Tonbridge and Malling Borough Council have requested that consideration should be given to the provision of a segregated footway access all the way to the entrance from any potential walking route, including any potential drop off from the northern part of the site if the bus gate were to be installed as currently required. The main walking route towards the school would be via the access road directly to the north of the site (Hawley Drive) which links to the main spine road and the associated footways. As part of Phase 3 of the housing development, a footway would be provided on the eastern side of the access road, providing a continuous link from the centre of the site to the school frontage.
50. The applicant proposes that should the school be implemented in advance of Phase 3, then a temporary footway could be provided to allow safe pedestrian access. This would also be provided to the east of the access road and could be secured by condition of any forthcoming planning permission for the school. Taylor Wimpey agree

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with this approach. Furthermore it is noted that very few pedestrians are likely to use the route to the school via the shared surface area to the west thus causing minimal concern over the conflict between those on foot and those in cars within this area. The applicant has suggested that, should permission be granted, details of the design and provision of a suitable pedestrian access link to the north of the site could be submitted to the County Planning Authority prior to occupation of the proposed school building. I consider that this is an appropriate method of addressing the pedestrian access and Tonbridge and Malling Borough Council and KCC Highways & Transportation are in agreement with this approach.

51. Tonbridge and Malling Borough Council have requested that consideration should be given to the widening of highways pinch points to better allow 2 way traffic flows all the way to the adopted highway. The applicant originally proposed to use an informal one-way system to address this concern however, Taylor Wimpey have agreed that the existing access road to the north of the primary school could be revised and widened to improve the traffic flow. A preliminary plan indicating the widened layout of the access road and layout of the rest of Phase 3 has been drawn up by Taylor Wimpey's architects and informally agreed with Tonbridge and Malling Borough Council. This work would be completed as part of the Phase 3 residential development, and would therefore be best secured as part of those development proposals. It was noted that the road could be increased by 2m (providing a total width of 6m) and a standard road construction (i.e. not shared surface) could be provided continuously to the school site frontage, allowing for improved two-way traffic flows to and from the spine road. Shared surface at level areas could then be provided to the east and the west of the access road to provide links to the Phase 2 housing and the service access at the school. This would have the advantage of not requiring a one-way system via the road to the west, which TMBC were concerned, could cause a loss of amenity to residents / safety concerns for pedestrians.
52. As with the pedestrian footway access mentioned above, there is the possibility that the school could come forward in advance of Phase 3 of the residential development (which as yet does not have a detailed planning permission). If this is the case it is anticipated that only the first year or two of pupils will occupy the school before the further Phase 3 housing development (and therefore road widening) would be completed. This would represent some 100 pupils or around 40 vehicle trips in the peak periods which, as TMBC and KCC Highways and Transportation concur, could be accommodated within the existing infrastructure at Leybourne Chase without any significant impact. Consequently, the applicant proposes that should planning permission for the proposed development be granted for the school, a Grampian style planning condition could be used. This would allow the school to receive planning approval in advance of Phase 3 but state that the widening works must be carried out before the school reaches a set occupancy level of 100 pupils.
53. Tonbridge and Malling Borough Council have requested that there should be investigation as to moving the main vehicle access more to the east, so as to minimise as far as practicable, school related traffic in front of Phase 2 houses. Following the agreement by Taylor Wimpey to widen the access road it was considered that relocation of the school access towards the east should be reviewed. Although prior to this revision, the access location had little bearing on the flow of traffic (due to the existing pinch points and proposed one-way system), the applicant considers that potential to use the access road as a standard two way approach means the relocation of the entrance provides a preferable solution.

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54. Once the access road is widened (as part of Phase 3 of the housing development), this would create the need for minor revisions to the car park and site access design. Should permission for this application be granted, this could be addressed via planning condition.
55. It should be noted that the service access road to the site lies outside the red line site boundary and would be the responsibility of Taylor Wimpey to implement as part of Phase 3. A temporary Type 1 surface would need to be provided within this location to allow access to the school in the interim period. The applicant states that in the long term this area would provide a link between the footway to the east of the access road and the pedestrian access via a marked out crossing with a change in surface finish. An advantage of having a temporary surface in this location would be that services can be laid as part of Phase 3 without the need to disrupt any block paving provided as part of the earlier school construction. Should planning permission for the proposed development be granted, a planning condition requiring an appropriate surface to be laid out to provide service access to the school, prior to occupation would be required. KCC Highways & Transportation advisor considers that a bound temporary material should be used for this surface in any event that pedestrians may need to cross the access.
56. Tonbridge and Malling Borough Council have requested that the number of proposed cycle/scooter racks be reviewed based on evidence of likely use from similar schools in the Borough. The applicant considers that the cycle provision for a 1FE pupil numbers is appropriate and the use of cycle parking would be monitored through the School Travel Plan and further provision added if required. KCC Highways & Transportation have requested that the location of the proposed cycle stands be revised when the revised access and car parking layout is considered. I consider it appropriate to include this revision to the cycle stand location in the revised application for the site access design and car parking layout should permission be granted.
57. Kent County Council's Highways and Transportation have requested that the applicant considers the need, extent and position and any school clearway markings and school signs. The applicant proposes to include this information within the revised details for the site access design and car parking layout. Further clarification of the appearance / materials of the crossing zone are also requested. The applicant proposes that a crossing could be provided through a simple change in surface treatment and the details of this would be included within the revised site access design and parking layout information.
58. Following a further consultation concerning the issues covered in the Highways and Access Statement submitted by the applicants transport consultant, both Tonbridge and Malling Borough Council and KCC Highways and Transportation consider the proposed method of addressing these issues via the above-mentioned planning conditions to be appropriate.
59. Leybourne Parish Council and local residents who made representations on the application were also consulted on the revised proposals. To date, I have received a further letter of representation from two local residents maintaining their objection to the revised highways and access arrangements and re-iterating their previous views that a dedicated access road, which by-passes the residential development should be provided. No further comments have been received from Leybourne Parish Council to date.

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60. Recognition needs to be made when considering this proposal that all schools generate traffic and often some parking on the public highway, but unless that constitutes a severe risk to road safety then that is not a reason to withhold planning consent. In this particular case, the roads have been designed to accommodate both residential and school traffic, and there is arguably no need or logic to creating separate access roads to serve the housing and to serve the school. Moreover, I consider that the proposed car parking provision is sufficient to accommodate the increase in vehicles associated with the proposed new school. Additionally, the proposed drop off and park and stride parking spaces for parents would discourage parking on local roads. The creation and annual review of the School Travel Plan should also recognise measures to reduce school related traffic and a mode shift towards more sustainable methods of transport. During the school's staggered expansion, I would expect the School Travel Plan to be regularly updated to encourage sustainable methods of travel. I consider that the road widening improvements to the access road, proposed as part of the Phase 3 housing development would act as a suitable measure to accommodate the increase in pupils, albeit staggered over the years, which would result from the proposed primary school. Kent County Council Highways and Transportation are satisfied that this proposal would not have a detrimental impact on the local highway network, and consider the car parking provision sufficient for the new primary school.
61. Taking the professional advice received from KCC Highways and Transportation into account, I would consider the proposal acceptable in highway terms subject to the imposition of conditions covering submission of Traffic Management Plan, submission of details of the design and provision of a suitable pedestrian access link to the north of the site prior to occupation, the development will not be occupied by more than 100 pupils before a scheme of road widening improvements to the access road to the north of the school has been submitted and these improvements shall also include details to cover the revised site access design, extent and position of school clearway markings and school signs, details, appearance and materials of any proposed pedestrian crossing zone, revised car parking layout and revised location of cycle stands; an appropriate surface will be laid to provide service access to the school prior to occupation, the submission of a School Travel Plan prior to occupation, its implementation and on-going review and measures to prevent mud and debris being deposited onto the public highway.

Construction

62. Various options were considered for construction access due to Taylor Wimpey wanting to carry out works to the access road into the Leybourne Chase development from the A20, leading to Hawley Drive. These options included access from the north east and south east of the application site from Birling Road, however these proposed routes would unreasonably affect TPO trees and Rights of Way and a local riding stable. These proposed access arrangements were therefore dismissed and the construction access as used by Taylor Wimpey for the residential development would be used with Taylor Wimpey agreeing to delay its works to the road. Given that there are neighbouring residential properties mainly located to the north of the site, if planning permission is granted it is considered 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.

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63. In addition, I consider it appropriate that details of a Construction Management Strategy be submitted for approval prior to the commencement of development should permission be granted. The strategy should include details of the methods and hours of working, location of site compounds and operative/visitors' parking, details of site security and safety measures, lorry routing, waiting and wheel washing facilities, details of how the site access would be managed to avoid conflict with construction vehicles for the residential development and details of any construction accesses. I consider that the submission of details relating to the management of construction on site would ensure that residential amenity is protected as well as the safe management of construction on site.
64. In addition to the above, should permission be granted, a further condition to ensure that dust and mud are not deposited on the highway would also be considered appropriate, to minimise disruption to local residents.

Noise

65. The application is accompanied by a Preliminary Acoustic Assessment which has assessed the potential noise impact the proposed development would have. The report concludes that noise levels would not warrant specific acoustic measures to the building to be implemented and consequently recommend a natural ventilation strategy with opening windows would be acceptable for all areas within the school. Further assessment of the impact of noise generated by the school's plant and equipment upon residences in the locality has been carried out by the applicant's acoustic consultant, following comments from Tonbridge and Malling Borough Council's Environmental Health Officer concerning this issue. Following the submission of a more detailed acoustic report, TMBC's EHO considers that the applicant should demonstrate that the appropriate level of plant noise attenuation can be achieved in accordance with the acoustic specification so as not to adversely affect residential amenity. Given that the likelihood of noise from fixed plant is unlikely to be audible at the nearest neighbouring properties, subject to planning permission being granted, I consider it appropriate to suggest that prior to commencement of works, a supplementary acoustic report is submitted by the applicant to address these issues.

Biodiversity

66. An updated Ecological Assessment was submitted by the applicant further to additional information being requested by KCC's Biodiversity officer. Bat emergence surveys and surveys on reptiles and Great Crested Newt (GNC) were conducted due to the assessment that the application site could possibly provide a suitable habitat for these species. Further information was also submitted on dormice and breeding birds, assessing the potential impact the proposed development could have on these species. The bat survey recommends the use of a precautionary mitigation strategy when the trees are felled. The reptile survey recommends precautionary mitigation to be carried out to remove the suitable reptile habitat. Additional information submitted by the applicant's ecologist regarding dormice provides a precautionary method statement of work and the installation of an arbour type structure above the hedge gap to ensure connectivity for dormice is retained. Additionally, recommendations have been made by KCC's Biodiversity officer that lighting for the proposed new building should be sensitively designed so as to have minimum impact on bats. The NPPF encourages opportunities to incorporate biodiversity in and around developments, subsequently management recommendations to enhance the application site for biodiversity should be investigated. Subject to planning permission being granted, I would consider it

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appropriate to impose planning conditions requiring recommendations within the revised Ecological Assessment to be implemented, the updating of the landscape plan to indicate the arbour type structure to enable the movement of dormice, vegetation clearance outside of bird breeding season, and the ecological enhancement recommendations detailed by the applicants ecologist to be implemented.

Landscaping

67. The application is accompanied by a Tree Survey, Landscape Statement and Soft and Hard Landscaping Specification. The mature belt of trees to the south of the site is mainly proposed to be retained, with the removal of eight trees which are in poor condition. The existing hedgerow which runs north to south across the site would also be retained. The application proposes a habitat trail located to the south of the hard games courts, acting as a learning resource for pupils whilst also promoting biodiversity within the site. Sport and recreation facilities are proposed as part of the development including a hard games court, hard and soft play areas and a sports pitch. KCC's Landscape Officer supports the specification of planting proposed which includes a number of native species. Overall, I consider that the scheme of soft and hard landscaping proposed enhances the landscape character of the site and the loss of the Poplar trees within the southern tree belt could be sufficiently mitigated by the scheme of landscaping proposed. I would consider it appropriate to impose conditions covering implementation of the scheme of landscaping and tree protection measures.

Drainage and land contamination

68. The Environment Agency raises no objection to the proposal, however requests a condition be attached to any consent requiring that there is no infiltration of surface water drainage into the ground at the site without the express written consent of the County Planning Authority. A further condition regarding land contamination is required. Therefore, should permission be granted, conditions would be imposed covering the matters raised above. That would ensure that the development would not result in an unacceptable level of pollution, in accordance with the principles of Development Plan Policy.

Sports Provision

69. Sport England requested further information regarding the dimension and surface type of the proposed artificial grass pitch and hard games court. Based on the further details provided by the applicant, Sport England considers that the sports pitch would be suitable for a training facility for football or hockey, although would not be suitable for community league match play. Sport England has queried the feasibility of upgrading these facilities. It must be noted that Sport England is a non-statutory consultee for these proposals as the site does not form part of, or constitute a playing field. However, recent guidance indicates that Sport England would like the opportunity to comment on such proposals for new sporting provision to assess whether they are fit for purpose. The proposals are adequate for a 2FE school and any future upgrade for sports facilities would be the subject of a further planning application. At this stage floodlighting is not proposed to the sports pitch and I consider a condition stating that no floodlighting should be installed to the sports pitch is appropriate to protect residential amenity.

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Archaeology

70. The County Archaeologist has indicated that the site lies to the south of an area of archaeological potential associated with prehistoric activity. Evidence of Bronze Age and Iron Age settlements have been identified within the area to the north during formal archaeological works for the main Leybourne Chase development scheme and it is possible that proposed development works may disturb archaeological remains. Consequently, a condition requesting a programme of archaeological work should be imposed on any planning permission. In my view, this approach is appropriate and proportionate to the development being proposed.

Conclusion

71. Concerns have been raised regarding the impact of the proposed development on various aspects including residential amenity, design aspects and traffic and highway safety issues. Having assessed each of these areas of concern, in my view, the development would not give rise to any significant material harm sufficient to warrant withholding planning consent. Furthermore, I am satisfied that the applicant has adequately addressed the impact of the development in the Green Belt and provided 'very special circumstances' to justify development within the Green Belt. The proposed development is in accordance with the general aims and objectives of the relevant Development Plan Policies. Notwithstanding the local concerns over traffic congestion, I consider that the development is sustainable and in accordance with the principles of the National Planning Policy Framework and the Policy Statement on Planning for School Development. Additionally, the principle of a school in this location has been accepted as part of the outline planning permission for the Leybourne Grange development. I consider that, subject to the imposition of appropriate planning conditions to address detailed aspects, this proposal would not have a significantly detrimental impact on residential amenity, design and layout aspects and traffic/parking issues.

Recommendation

72. I RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT to conditions, including conditions covering:

- the standard 5 year time limit;
- the
- development to be carried out in accordance with the permitted details;
- the submission and approval of details of all materials to be used externally;
- the development not to be occupied by more than 100 pupils before a scheme of road widening improvements to the access road to the north of the school has been submitted and these improvements shall also include details to cover the revised site access design, extent and position of school clearway markings and school signs, details, appearance and materials of any proposed pedestrian crossing zone, revised car parking layout and revised location of cycle stands;
- the submission and approval of a Traffic Management Plan for the operation of the school including its impact on the Leybourne Chase area;
- the submission and approval of details of the design and provision of a suitable pedestrian access link to the north of the site prior to occupation;
- the submission and approval of an appropriate surface to be laid to provide service access to the school prior to occupation;

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- the submission and approval of a School Travel Plan prior to occupation, its implementation and on-going review;
- the submission and approval of the specifications of the fencing and gates proposed to be erected;
- the submission and approval of details of all external lighting;
- no floodlighting to the sports pitch to be installed without prior approval;
- a programme of archaeological work to be submitted and approved;
- the development to be undertaken in accordance with the recommendations of the Ecological Survey and supplementary Ecological Statement and including biodiversity enhancement scheme;
- the development to be undertaken in accordance with the recommendations in the bat survey and the reptile survey;
- precautionary method statement of work to be undertaken as recommended for the protection of dormice;
- the submission and approval of an updated landscape plan to indicate the arbour type structure to enable the movement of dormice,
- no vegetation clearance to take place during the bird breeding season;
- implementation of the landscaping scheme;
- tree protection measures;
- replacement tree planting in the event that trees die within 5 years of planting;
- the development to be carried out in accordance with the submitted Flood Risk Assessment;
- the submission and approval of a remediation strategy to deal with any potential contamination on site and the submission of a verification report;
- no infiltration of surface water drainage into the ground;
- hours of working during construction and demolition to be restricted to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;
- the submission and approval of a Construction Management Strategy, including the location of site compounds and operative/visitors parking, provision to accommodate operatives' and construction vehicles loading/ off loading and turning on site, details of site security and safety measures, lorry routing, waiting and wheel washing facilities, and details of any construction accesses & management of the site access to avoid conflict with construction vehicles for the residential development;
- measures to prevent mud and debris being deposited onto the public highway.

I FURTHER RECOMMEND that the applicant be advised by informative of:

- The applicant's attention is drawn to the letter from the Environment Agency which contains general informatives covering drainage, contaminated land, and fuel, oil and chemical storage.
- The applicant to be advised that 'the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highways Authority;
- The applicant be advised that the Bat Conservation Trust's 'Bats and Lighting in the UK' guidance is adhered to in the lighting design; and

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- The applicant be advised that the School Travel Plan should be registered on-line with Kent County Council's School Travel Plan site 'Jambusters' by accessing the following link www.jambusterstpms.co.uk, to assist with the updating, monitoring and future review of the Travel Plan.

Case officer – Hardeep Hunjan

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Background documents - See section heading
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E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS - MEMBERS' INFORMATION

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

Background Documents - The deposited documents.

DA/13/140/R11A	Revised details of an ecological mitigation strategy pursuant to condition (11) of planning permission DA/13/140 Stone Pit 1, Cotton Lane, Stone, Dartford
DA/13/1491/RVAR	Details pursuant to conditions 1 (Date of Commencement), 7 (Drainage Details) and 11 (Surfacing Details) of planning permission DA/13/1491. Eastern Quarry, Off Watling Street, Swanscombe
DO/08/510/R25A	Details of final monitoring and maintenance relating to the Ecological Management Plan and Aftercare pursuant to condition 25 of planning permission DO/08/510 (Reprofiling and capping of Landfill). Back Sand Point Landfill Site, Pfizer Ltd, Ramsgate Road, Sandwich
SW/14/501576	Application under section 73 of the Town and Country Planning Act 1990 (as amended) for non compliance with planning conditions 4 and 11 of planning permission SW/05/744 to allow import and disposal of Incinerator Bottom Ash (IBA) from Allington Energy from Waste (EFW) Facility and erection of temporary IBA reception bay at Norwood Quarry and Landfill site. Norwood Quarry and Landfill Site, Lower Road, Brambledown, Minster on Sea, Sheerness
SW/14/502215	Retrospective planning permission for WEEE recycling storage buildings in connection with waste electrical and electronic equipment recycling activities granted under SW/11/1227. SWEEEP Kuusakoski Ltd, Gas Road, Sittingbourne
TM/14/2728	Application to relocate and raise the ground level for the recycling operations and for the permanent presence of recycling plant in the recycling area for the duration of landfilling. Borough Green Landfill Site, Wrotham Road, Borough Green
TW/14/501345	Installation of an agricultural anaerobic digestion plant including digester, storage and hydrolysis tanks, clamps, CHP unit, substation, transformer, portacabin and associated infrastructure. Conghurst Farm, Conghurst Lane, Hawkhurst, Cranbrook

**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/13/1452/R5 Details of all external lighting, including the car parking areas and hours of lighting operation pursuant to condition (5) of planning permission AS/13/1452.
Land at Little Hill, Wayside, St Michaels, Tenterden
- AS/13/1452/RVAR Details of all materials to be used externally, cycle storage and refuse storage facilities pursuant to conditions (4), (13) and (14) of planning permission AS/13/1452.
Land at Little Hill, Wayside, St Michaels, Tenterden
- AS/13/1453/R21 Details of photo voltaic panels pursuant to condition (21) of planning application AS/13/1453 for the development of 11 flats and staff facilities to provide move on accommodation for individuals.
The former Ashford Day Opportunities Centre, St Stephens Walk, Ashford
- DO/14/551 Application to provide a 60 month extension to the existing planning permission for the single mobile classroom unit (DO/09/1003) at Dover Grammar School for Boys.
Dover Grammar School for Boys, Astor Avenue, Dover
- DO/14/701 Extension to Smile Centre classroom and entrance lobby.
Whitfield School, Mayfield Road, Whitfield, Dover
- GR/14/411/R3&R6 Details pursuant to conditions 3 (Drainage) and 6 (Construction) of planning permission GR/14/411.
Shears Green Junior School, White Avenue, Northfleet, Gravesend
- SE/12/1163/R19 Details of a verification report demonstrating completion of the works set out in the approved remediation strategy and a community use agreement pursuant to conditions (19) of planning permission SE/12/1163.
Knole Academy, Bradbourne Vale Road, Sevenoaks
- SW/14/501481 The application is for the construction of a new extension comprising a Care Suite facility with showering and WC facilities with cloak space together with internal alterations to the existing toilet accommodation. The works also include access improvements to the school grounds and buildings with the construction of new steps and vertical platform lift, new ramps and steps to the school and alteration to fencing.
Bredgar C of E Primary School, Bexon Lane, Bredgar, Sittingbourne

TH/14/509	Erection of 2 metre high Jackson Barbican security fencing, 1.8 metre high close boarded fence and re-erection of existing Jacksons security fence on a new alignment on Poorhole Lane. Poorhole Lane, Westwood, Broadstairs
TH/14/797	Provision of a Modular Classroom Building at Minster CEP School, Minster-In-Thamet to replace the existing dilapidated Timber Framed Classroom Unit. Minster Primary School, Molineux Road, Minster, Ramsgate
TM/14/1558/R4	Details of hedge to be planted pursuant to condition (4) of planning permission TM/14/1558. Slade Primary School, The Slade, Tonbridge
TM/14/2020	Creation of a one form entry (1FE) primary school, including erection of a two storey school building, provision of hard and soft playing pitches, vehicular access way and on site drop off area, provision of car parking and cycle parking spaces, together with hard and soft landscaping. Land at Holborough Lakes, Polyfield Close, Snodland

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/AS/0287/2014 - Proposed extensions and internal alterations to Challock Primary School, including an enlarged school hall, new classroom and toilets, new reception area and extended kitchen, with associated car parking and landscaping and removal of existing temporary classroom at Challock Primary School, Church Lane, Challock, Ashford, Kent, TN25 4BU
- KCC/MA/0319/2014 - Refurbishment of existing school and proposed new two storey extension to existing school with associated car parking and landscaping.
Five Acre Wood School, Boughton Lane, Maidstone
- KCC/TW/0297/2014 - New Dance Studio, changing room and extension to 3 no. existing classrooms including new external ramp and steps.
Broomhill Bank School, Broomhill Road, Tunbridge Wells

- (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

- (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