

Item C2

Application for a change of use from an area of land used for chalk extraction and agricultural use to a skip storage area at the former quarry site west of Pinden Quarry, Green Street Green Road, Dartford, DA2 8DX – DA/10/394

A report by Head of Planning Applications Group to Planning Applications Committee on 15 June 2010

This application has been submitted by ESG (Agent) on behalf of Pinden Ltd (applicant) to regularise the use of the existing site as a skip storage area. The site is currently being used for skip storage albeit on a limited basis as and when it is required and this situation would not change. The application would essentially give the County Council the opportunity to impose conditions to and provide some degree of control over its use.

Recommendation: Permission be granted subject to conditions

Local Members: Mr Jeremy Kite

Unrestricted

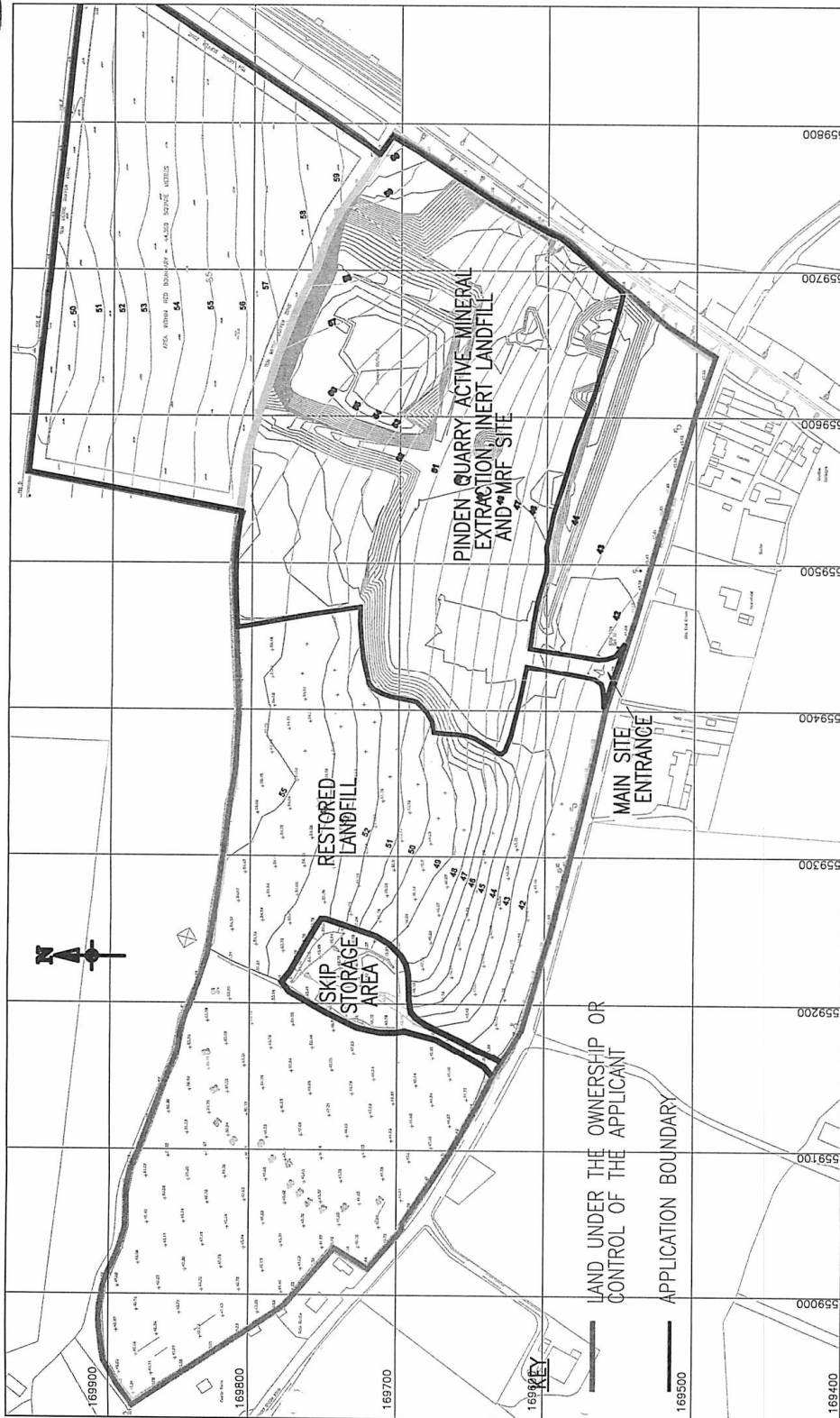
Site description and background

1. The site is located within the Parish of Longfield and New Barn (in the Borough of Dartford) and is surrounded from all sides by agricultural land. The site was previously used as a chalk quarry and since the cessation of chalk extraction the site has been partially backfilled. As a result the site appears as a cavity in the landscape. The site is currently being used as an ancillary skip storage area by Pinden Ltd.
2. The access to the site is via a metal gate, which is set back from the adjoining highway (Green Street Green Road) enabling vehicles the ability to park off road before entering the site. Access to the storage area is via a single track lane, which has a grass bund on either side. The perimeter of the site contains overgrown vegetation including an unmaintained hedgerow.
3. The existing and operational Pinden quarry and landfill site is located approximately 75 metres east of the application site and both sites are located on the northern side of the adjoining highway. Green Street Green Road (B260) is a relatively straight highway which links to Main Road (the main approach road to Longfield village). The speed limit along Green Street Green Road is 40mph and 30mph along Main Road. The nearest residential properties are located approximately 260 metres to the east and 180 metres to the west. The nearest housing settlement (the village of Longfield & New Barn) is located approximately 800 metres east of the site.
4. The site is located within the Metropolitan Green Belt.
5. The existing quarry site has a complex planning history consisting of a number of interlinked planning permissions relating to various areas of land and developments. Planning permission was originally granted for the winning and working of chalk in 1947 (under IDO 4034). The first application for recycling and waste facility was approved in 1991 under application DA/90/456. Due to the complexity of the planning history and the

various interlinked permissions, in 2008 planning application DA/07/1 was submitted and approved consolidating the relevant permissions. The 2008 permission also included a S106 Agreement which provided for the exchange of the proposed northern extension of the existing and permitted mineral extraction site at the westerly extension.

6. Currently, the Pinden quarry site consists of mineral extraction, landfilling operations (including landfilling of bonded and bagged asbestos) and, a Material Recovery Facility (MRF) including wood shredding. These operations are limited by a condition that requires working at the quarry site to cease by 21 February 2042 and for all plant, buildings and structures are to be removed on completion of quarrying and for the site to be restored to agriculture.
7. The application site forms part of the original mineral working operations and restoration by landfilling granted under permission DA/93/451. However, the application was subsequently superseded under permission DA/08/727, which amended the phasing arrangements of the mineral operations, such that the site was not worked.
8. More recently, and relative to this proposal, the applicant, in trying to seek alternative space to locate his skips, applied to Dartford Borough Council to regularise the use of the former quarry site as a skip storage area. Before then the site's skip storage activity has been carried out on an ad-hoc basis over a number of years by the previous landowner and Pinden Ltd. The change of use application was submitted to Dartford BC and registered as DA/09/241/COU. However, following comments received from Kent Highway Services the application was refused due insufficient sight line distances (west) from the access.
9. The applicant subsequently contacted the County Council to explain that additional skips storage space was needed and that alternative means of securing the site as a skip storage area would be pursued if planning permission could not be obtained. This would have involved using the land between the site and quarry as an access route to the site if the sight line issues could not be overcome. At that time, the applicant also advised that he may pursue a Certificate of Lawful Use and Existing Development (CLUED) which, if he was able to demonstrate that the site has been used continuously for a period of 10 years would enable the use of site as a skip storage area without the need for separate permission, nor the opportunity for controls to be applied by the Local Planning Authority.
10. Given the site's relationship with the main quarry site, Dartford Borough Council were encouraged allow a future application to be dealt with by the County Council as the minerals and waste planning authority in order for it to be incorporated as part of the main quarry site, particularly regarding the restoration of the site. Dartford BC agreed to this approach subject to the quarry site being linked to the associated waste operations.
11. The applicant was advised of the highway limitation of the site and these were also discussed in detail with Kent Highway Services. The applicant was advised that if the vehicle movements in and out of the site were restricted to 6 movements per day and restricted to outside peak hours and that all vehicle movements were controlled and directed by a 'banksman', this may then overcome any highway objections.
12. The applicant agreed to these terms, which form part of the current application.

13. Site location plans



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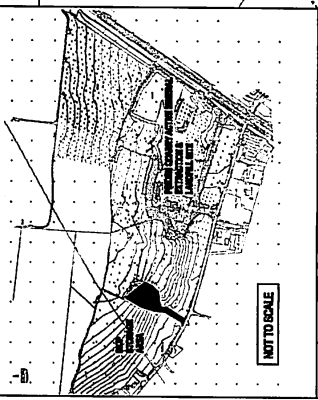
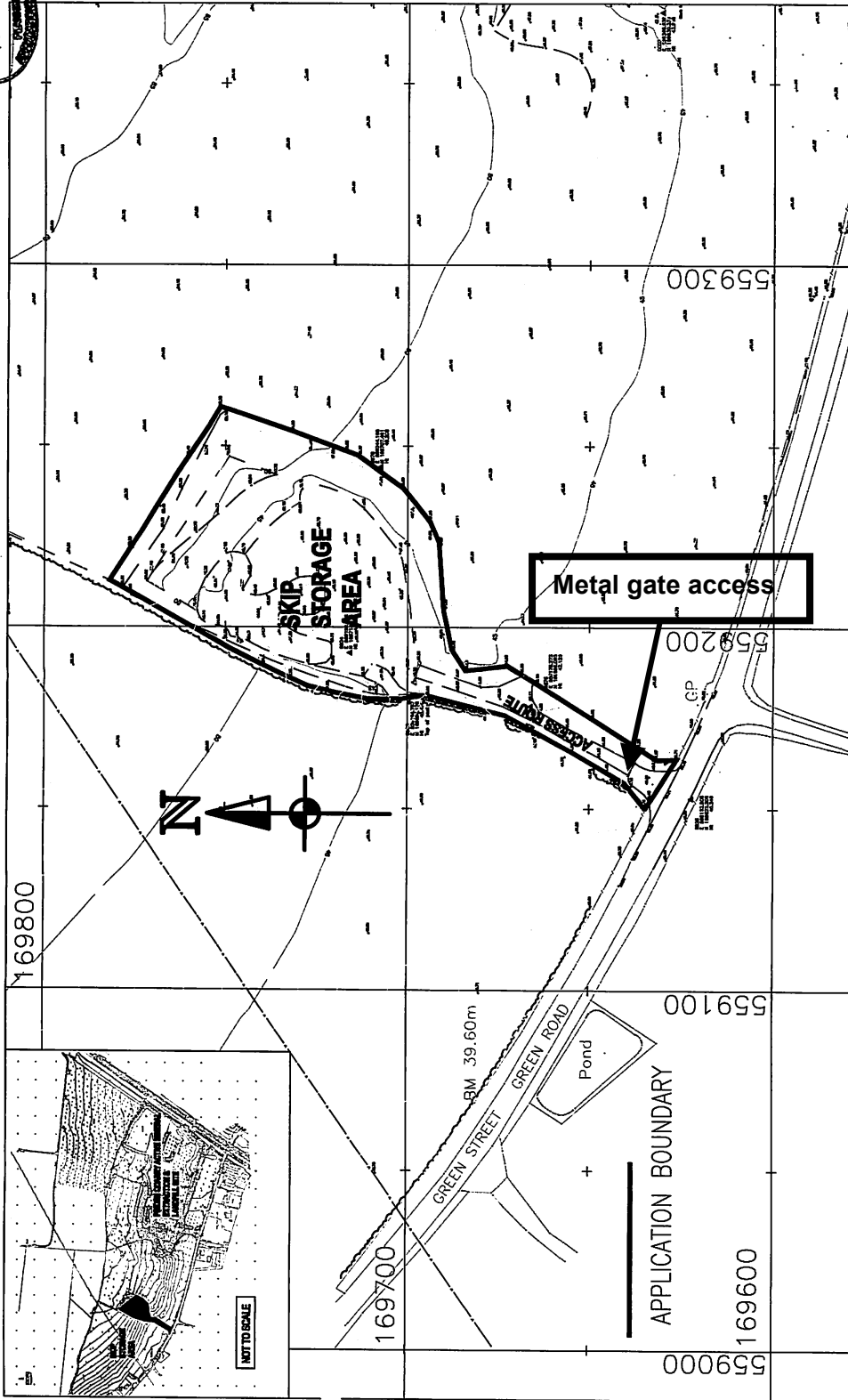


Showing The **APPLICATION BOUNDARY**
SKIP STORAGE AREA

Project **PINDEN QUARRY**

| | | | |
|----|----------------------|----|-------|
| P0 | ESP STORAGE BOUNDARY | 08 | 10270 |
| P2 | SEA MARKED | 87 | 10208 |
| P1 | PRELIMINARY | 10 | 10108 |

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FINAL

Plan No: 111000
 Scale: 1:1000
 Drawing Title: GMAX0005/SKIP02

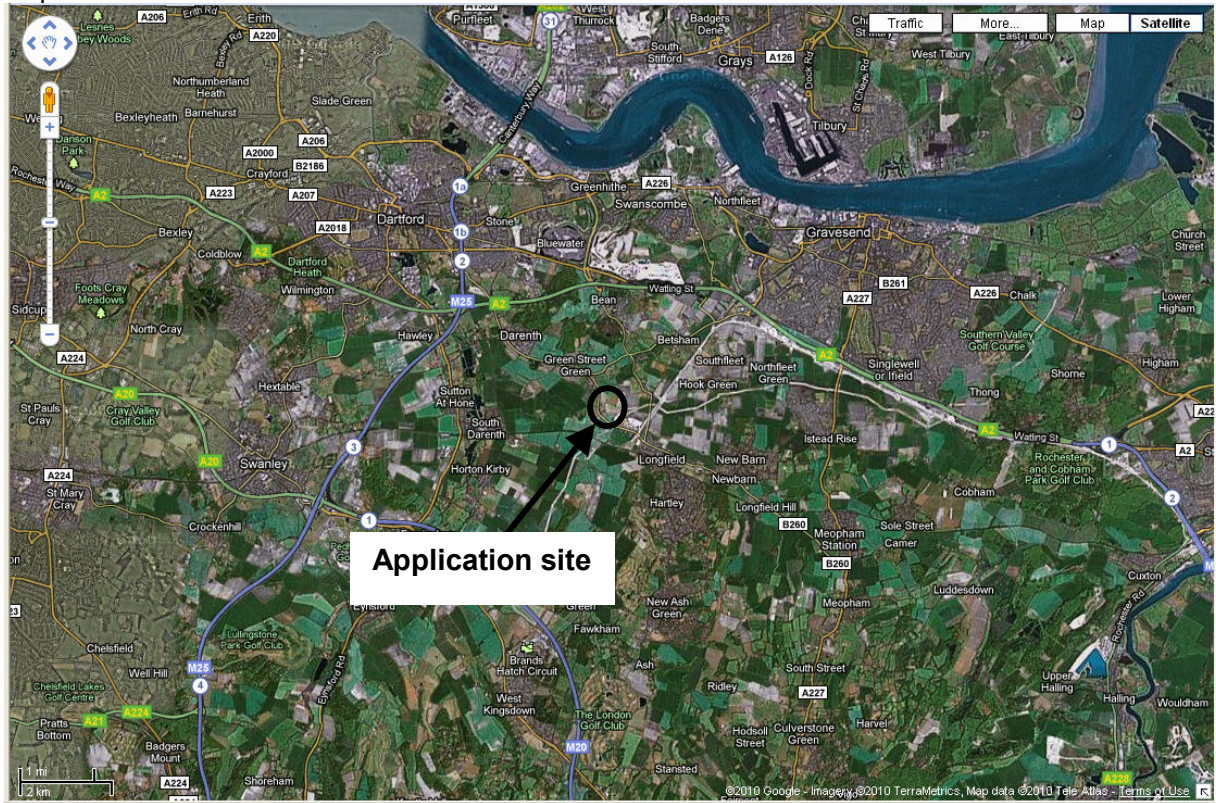
ESG
 Environmental Scientific Group
 The Place, Northwood Road, Northwood, Middlesex, HA8 7NH
 Telephone: 0181 871 5500
 Fax: 0181 871 5501
 Email: info@esg.co.uk

Shows the
**SKIP STORAGE AREA
 IN OLD QUARRY**

Project
**PINDEN LTD
 PINDEN QUARRY**

| Rev. | Description | App. | Chk. | Dis. | Date |
|------|-------------|------|------|------|------|
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Map 1



(Source: Google Maps)

Map 2



(Source: Google Maps)

Proposal

14. The proposal is for retrospective planning permission to continue to use the former quarry site as a skip storage area in conjunction with the existing operational Pinden quarry and landfill site. The application proposes to regularise and continue to use the former quarry site as an overflow skip storage area for skips that are unable to be accommodated within the main quarry site. The majority of Pinden's skips will continue to be stored within the main quarry.
15. As mentioned previously, the applicant has agreed to the following:
- Limit vehicle movements in and out of the application site to 6 per day (3 in and 3 out) and have these controlled and directed by a designated "banksman";
 - To have all vehicle movements associated with the skip storage area to only operate between the hours of 09:30am and 1600 hours Monday to Friday and 9:30am and 13:30 hours Saturdays (with no Sunday or Bank Holiday working);
 - Any vehicles associated with Pinden would also be restricted from using the land between the application site and the existing quarry. This would enable the land to be restored to its original appearance; and
 - To link the use of the site to the expiration of the existing operational quarry site to enable the site to form part of Pinden's restoration plans.
16. In the event that permission is granted, such controls could be secured by condition, which would enable the use of the site to be controlled and restored to the County Planning Authority's satisfaction.

Planning Policy Context

17. The planning policies summarised below are relevant to consideration of the application:

National Guidance – The most relevant to this application is set out PPS10 (Planning for Sustainable Waste Management), PPS23 (Planning and Pollution Control) and PPG24 (Planning and Noise).

Regional Planning Policies – The most relevant Regional Planning Policies are set out in the South East Plan (adopted 2009) such as SP5 (Green Belt), CC1 (Sustainable Development), NRM1 (Sustainable Water Recourses and Groundwater Quality) and W14 (Restoration).

The new coalition government has announced that it intends to abolish the Regional Spatial Strategy (in this case the South East Plan). Until it does so, and there are alternative policy arrangements in place, the South East Plan remains the Development Plan for the purposes of determining planning proposals.

Kent Waste Local Plan (1998) – The most relevant Policies include are W18 (Noise, Dust and Odour), W19, (W22 (Provision for adequate access arrangements including the need for any off-site highway improvements), W25 (Plant and Buildings) W31 (Visual Impact and Landscaping) and W32 (Landscaping and aftercare).

Dartford Borough Council adopted Local Plan (1995) – The most relevant policies are S4 (Green Belt), S5 (Protection and enhancement of natural conservation

resources), GB1 (Extent of Green Belt), GB2 (Presumption against development in Green Belt), C1 (Development in Countryside), C5 (Enhancement of Countryside) and B3 (Landscaping). The **Proposal Maps (1995)** – The application site is located within the Metropolitan Green Belt.

Consultations (final comments)

18. **Dartford Borough Council** – No objections.

19. **Southfleet Parish Council** – No objection provided that:

“The storage area is screened adequately by native species hedging, including evergreen varieties, to be planted at the beginning of the next season: ie October 2010. We think it essential the applicant complies with such a condition to prevent delay in landscaping.

The hours during which skips are brought to and taken from the storage area are strictly limited by condition so far as to avoid noise and artificial light pollution, and to protect the amenities of the surrounding area”.

20. **Longfield and New Barn Parish Council** – Object to this application. It's full comments are set out below:

“Following the parish council meeting held on 27th April this council now wishes to change its opinion from that previously submitted following the 23rd March Council Meeting [no objection]. Having considered additional information from residents in the parish this council feels that there would be a detrimental effect to residents and a continued affect on the roads and footways along this stretch of the Green St Green Road.

The burden imposed by the existing quarry is already considerable to the local residents and businesses and further pressures on this stretch of road is unacceptable. The quarry struggles to maintain a clean road immediately outside of their site entrance and a second entrance would exasperate this problem.

Although currently there are no plans for the introduction of additional lighting, it cannot be ruled out completely in the future and this too is another factor which residents should not have to fear.

Pinden Quarry is a major site in the parish and residents, businesses and the parish council appreciate that the site has to continue its business, but likewise causes considerable inconvenience to all and additional negative effects on those close to the site should not be increased further by the risk of additional problems, in the form of additional large lorry movements, mud and dust on roads and pavements, noise and severe lighting”.

21. **The Divisional Transport Manager** – No objection to the proposal subject to imposing the conditions that were discussed at the pre-application stage relating to restricted traffic movement, all traffic movement to be directed by a 'banksman' and operating hours.

22. **Environment Agency** – No objection.

Representations

23. The application has been publicised by the displaying of a site notice on the entrance gate to the site and newspaper advertisement in the local press. In total, five nearby properties were notified of the proposal. At the time of writing this report, two letters of representation had been received raising issues that the County Council should consider. These are traffic movement, litter, mud on the highway, the impact upon the area between the application site and quarry and lighting within the site.
24. The applicant was advised of the representations received and their response to the issues raised was requested. The applicant's response was received addressing all the points raised by highlighting the proposal to restrict levels of vehicle movements in and out of the site per day, the willingness to enhance the landscape around the perimeter of the site and to reinstate the bell mouth of access to the site. The applicant also confirms that no lighting is proposed at the site.

Local Member

25. The County Council Member Mr Jeremy Kite was consulted and, to date, no comments have been received.

Discussion

26. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In the context of this application, the policies outlined in paragraph (10) above are of greatest relevance.
27. It is important to note that, during the pre-application consultation stage, the applicant did suggest that he would be able to demonstrate an established use of the site through the submission of a Certificate of Lawful Use and Existing Development application. If the applicant was able to demonstrate the use had been active for more than 10 years then the use could continue without the County Council applying any controls and the site would remain in its current state.
28. Conversely, if planning permission were to be granted for skip storage use, it would enable the County Council to impose conditions that would provide some degree of control over its use and restoration.

Main issues:

29. Following consideration of the proposal and consultation responses, the main determining issues, in my view, are:
 - Traffic movement and access considerations
 - Mud and dust
 - Impact on residential amenity
 - Impact upon site restoration and landscape
 - Green Belt

Traffic movement and access considerations

30. The level of traffic movement proposed by the development would be low, 6 vehicles per day. These would be controlled and directed by a 'banksman'. The applicant has also

proposed the restriction of hours of working. The access onto Green Street Green Road already exists and has been in operation for a number of years. This position is acceptable to Kent Highways Services. In these terms, in my opinion, these proposed flows and controls area acceptable and would not materially affect the level of existing traffic along the adjoining highway and nor would it give rise to any increased noise issues than before. This is a view supported by Kent Highway Services who have raised no objection subject to detailed conditions being applied.

Mud and Dust

31. In terms of the potential for mud and dust entering the highway, whilst large numbers of HGV movements can give rise to mud and dust, the operator does employ wheel cleaning facilities on its main site and a road sweeper on the highway either side of the quarry site access. This helps to minimise the likelihood of mud being tracked onto the highway and address any issues when it is necessary.
32. The operator has been reminded generally of his obligations relating to mud, dust and litter, and the issue has also been raised at the Pinden Quarry Liaison Meetings. However, whilst it would be unreasonable to insist that the applicant installs a new wheel cleaning facility at the skip storage area (given the low numbers of vehicles involved). If permission is granted, a condition could be imposed requiring that measures be employed to prevent mud and debris being carried out onto the public highway. This would enable the County Council to exercise some control on the issue and take action under its planning powers if this were deemed appropriate.
33. In addition to the above condition, I also envisage a requirement for any potholes in the bell mouth to the skip storage area being repaired by the operator within a month of any permission being granted and for the access to be suitably maintained for the life of the permission. This would also assist in ensuring that any adverse mud and dust impacts are minimised.

Residential amenity

34. It should be noted that the Pinden Quarry Liaison Committee (PQLC), which is attended by all three surrounding Parish Councils and representatives from Pinden and Kent County Council has been set up as a forum to take account of and, where possible, address any local concerns. The PQLC meet on a quarterly basis (depending on availability) to discuss, amongst other matters, any issues that have arisen since the last meeting. At the last meeting, the Parish Councils were made aware of this change of use application before it was submitted. No concerns or issues were raised.
35. Concerns have been received from two local residents mainly regarding traffic flows and mud and dust on the highway. As discussed above these issues can be addressed by appropriate conditions should Members be minded to grant permission. Other concerns relate to lighting within the site and the visual appearance / condition of the land between the application site and existing quarry.
36. The applicant has not proposed any form of lighting within the site therefore the concerns received regarding this matter cannot be considered as it relates to something that does not form part of the proposal. In addition, given the nature of the proposed use and the expectation that skips would be moved to and from the site during daylight hours, there is no reason why illumination would be required. However, should lighting be required, this would require a separate planning approval. A condition to this effect could be proposed.

37. In respect of visual appearance, the land between the site and main quarry has been trampled by quarry related vehicles, which has adversely affected the appearance of the land. In these terms, if Members were minded to approve this application then it would enable the land to be reinstated in the short term and the application site to be restored back to agricultural use in the long term (i.e. the lifetime of the main quarry site).
38. Having visited the site, in my opinion, the site and proposed use is located a sufficient distance from existing residential properties so as not to cause any unreasonable amenity issues that would otherwise warrant the application to be refused.

Site restoration

39. In terms of the area of land between the site and existing quarry, the applicant has agreed to prevent skip and other vehicles associated with the quarry site from crossing between the sites so that the area of land that has been tracked can be properly reinstated to agricultural use. This would help to improve the visual appearance of land from the adjoining public highway. In addition to this, the applicant has agreed to reinstate and maintain the existing hedgerow along the perimeter of the site. This would assist in softening the appearance of and screen the storage area from views into the site and address the issue raised by Southfleet Parish Council.
40. If planning permission is granted, planning conditions could be imposed limiting the life of the permission to that of the main quarry site (i.e. for a temporary change of use) and require a restoration scheme for its eventual afteruse to be linked with the time limit of the existing quarry. Further conditions could also be imposed to prevent skip and other vehicles associated with quarry site crossing the area of land between the application site and quarry and to provide for this area of land being properly reinstated to agricultural use within a given timescale. The applicant has indicated his acceptance of such controls and expressed a willingness to maintain hedgerow planting around the site to reduce visual impact of the use, which could also be conditioned.

Green Belt and Landscape Arrangements

41. The use of the site as a skip storage facility is in direct connection with activities and operations of the main quarry site. Therefore, in these terms, in my opinion, the proposed use is entirely appropriate and considered to be an acceptable use in this Green Belt location. Furthermore, this application would enable the Council a degree of control over the use of the site and its eventual restoration.

Conclusion

42. Having assessed the proposal in conjunction with the supporting material provided in the application, the advice received from KHS and other consultees and having regard to the relevant national guidance and regional and Development Plan Policies, I consider the use of the site to be acceptable for the specific reasons identified above.
43. In my view, the proposal would have no significant impact on the overall number of lorry movements in the area (which will continue to operate from the main site regardless of the outcome of the current application) and would only give rise to a maximum of 6 movements per day (3 in and 3 out) between the proposed skip storage area and main quarry site. It is also proposed that all such movements into and out of the skip storage area would be controlled / directed by a "banksman" and would take place between 09.30 and 16.00 hours Monday to Friday and 09.30 and 13.00 hours on Saturdays (with no Sunday or Bank Holiday working).

44. In addition, if planning permission is granted, planning conditions could be imposed limiting the life of the permission to that of the main site (i.e. a temporary change of use) and requiring a restoration scheme for its eventual afteruse. However, this would not be possible should the applicant be successful in seeking a Certificate of Lawful Use and Existing Development.
45. Whilst I note concerns have been received from Longfield and New Barn Parish Council and local residents on the condition of the highway, additional traffic movement and visual impact, I am satisfied having regard to comments made by other consultees such as KHS that the proposed facility would not cause any significant adverse impact on the local highway network and with the provision of suitable conditions the visual amenity issue can be satisfactorily addressed.
46. In conclusion, I am satisfied that the proposed use of the site as an ancillary skip storage area would be acceptable and that provided appropriate conditions are imposed to control any potential adverse impacts there are no overriding issues that would reasonably warrant this application be refused. On this basis, I recommend that planning permission be granted subject to conditions.

Recommendation

47. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO conditions including those to cover the following aspects:

- Restrict lorry movement in and out of the site to 6 movements per day and use of 'banksman' at all times
- Restrict operational hours to 09.30 and 16.00 hours Monday to Friday and 09.30 and 13.00 hours on Saturdays (with no Sunday or Bank Holiday working)
- Reinstate pot holes within the bell mouth of the access within 1 month and maintenance thereafter.
- Measures to prevent mud or other materials being tracked onto public highway
- Details of a restoration scheme shall be submitted to and approved in writing by the County Planning Authority. The restoration scheme shall also include details of the reinstatement of the area of land between the skip storage site and quarry site.
- Reinstatement, maintenance and protection of the hedgerow around the perimeter of the site
- No lighting or illumination of the site without the prior approval of the County Planning Authority
- No waste to be taken onto site only empty skips
- No buildings, structures, fixed plant or machinery without prior approval of the County Planning Authority
- The life time of the use hereby approved shall be limited for a temporary period and linked to the life time of the existing operational quarry site (i.e. 21 February 2042).

Case Officer: Sav Patel

Tel. no. 01622 221053

Background Documents: see section heading.