

Change of use of land from an industrial / warehousing use to that of a waste transfer station including removal of Portakabins, Unit 4, Apex Business Park, Queens Farm Road, Shorne, Gravesend, Kent, DA12 3HU. GR/10/412

A report by Head of Planning Applications Unit to Planning Applications Committee on 27 July 2010

Application by RS Skips Ltd for proposed change of use of land to waste transfer station at Unit 4, Apex Business Park, Queens Farm Road, Shorne, Gravesend, kent, DA12 3HU.

Recommendation: Permission be granted Subject to conditions

Local Member: Michael Snelling

Classification: Unrestricted

Site description and background

1. The application site is located on the Apex Business Park which lies to the south of the Hoo Railway Junction. The site is approximately 2.5 km north west of the urban fringe of Gravesend, 2km north of Shorne and 2km north east of Higham. The site is accessed from Queens Farm Road and Green Farm Road which is accessible from the A226 Gravesend Road.
2. The site is located on the existing Apex Business Park which contains a variety of small commercial businesses including skip hire businesses, scaffolding yard and other industrial type uses. The application site consists of 0.44 Ha of concrete hardstanding. The site is bounded with security fencing and currently contains two curved roof buildings and several Portakabins.
3. Immediately to the north of the site is the Hoo Junction Railway siding. The Business Park is surrounded to the south, east and west by open agricultural fields. The nearest residential property to the site is approximately 320 metres to the south, at Queens Farm.
4. The site falls within the Metropolitan Green Belt. The site does not lie within any area specifically designated for nature conservation, however the South Thames Estuary & Marches SSSI and Ramsar site is situated to the north of the Hoo Junction approximately 140 metres from the site.
5. The site currently benefits from planning permission for B2 (industrial) & B8 (storage) uses. The site which is currently vacant was last used as a specialised vehicle dismantling business involving the depollution of scrapped vehicles. Prior to this the site was a plant hire and storage yard. The site also has the benefit of an outline planning permission for the development of 12 industrial units; however this permission has not been implemented.

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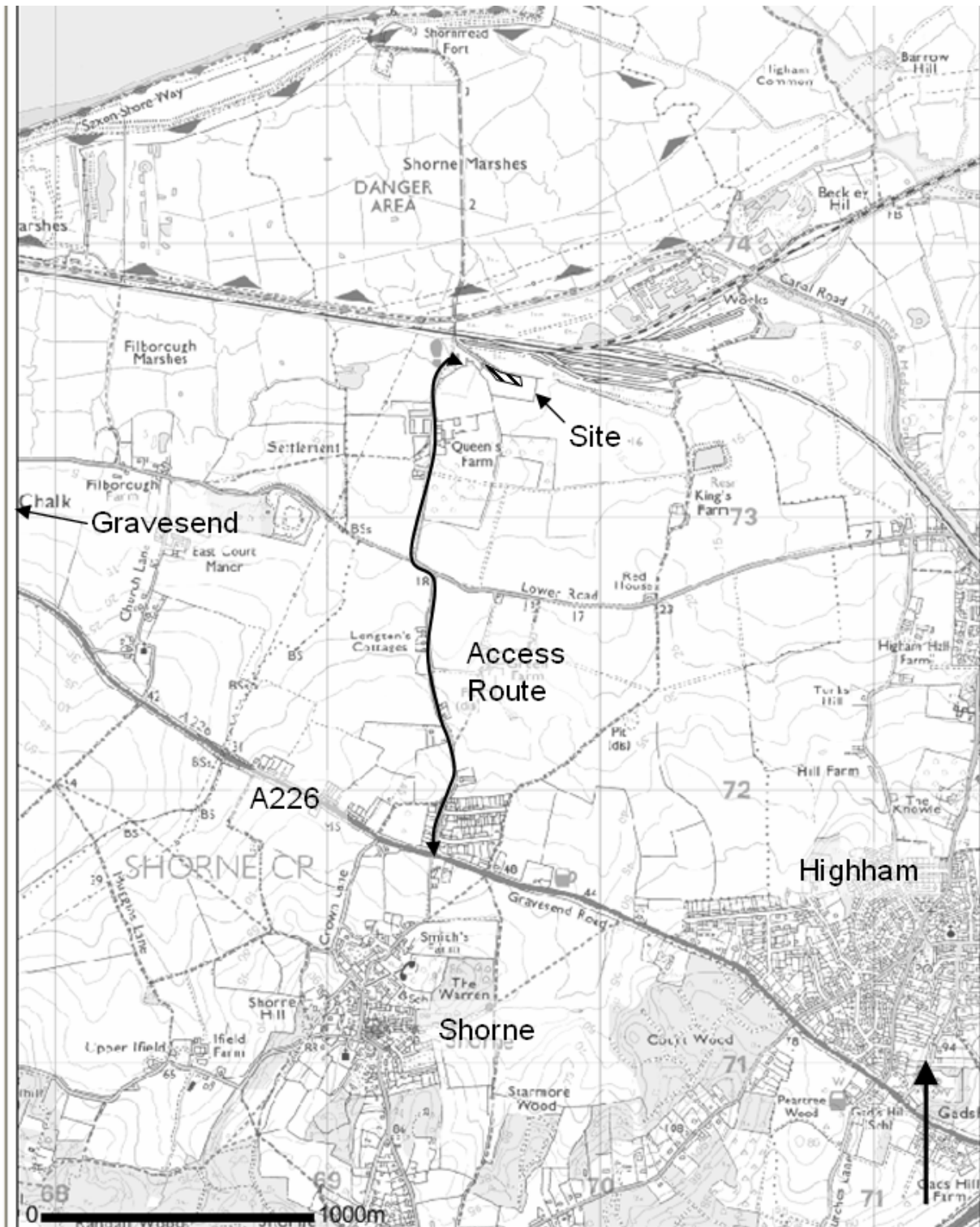


Figure 1: Site Location Plan

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Site Location Plan

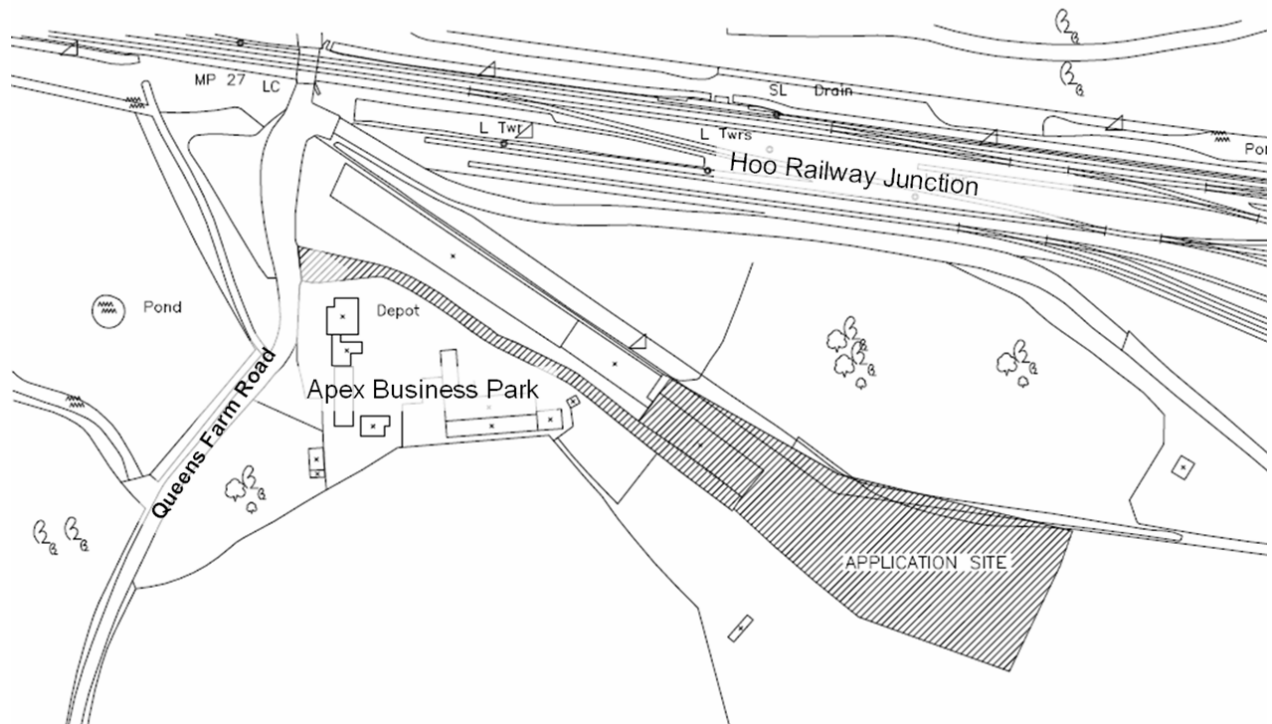


Figure 2. Site location Plan

Proposed Site Layout

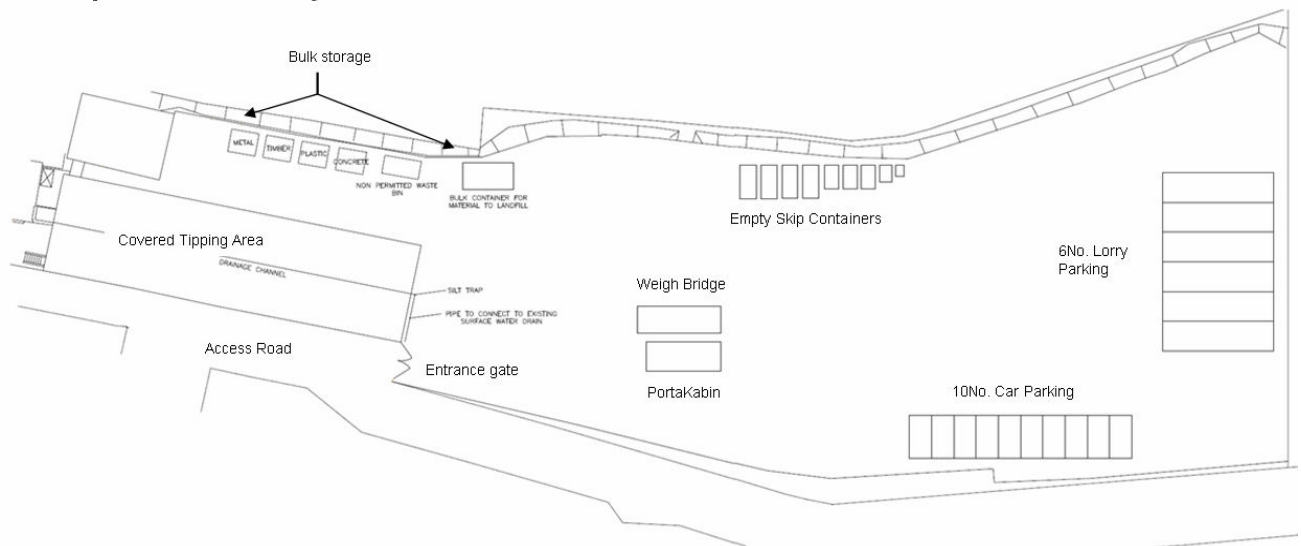


Figure 3. Proposed site layout

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Elevations of existing buildings with new entrance

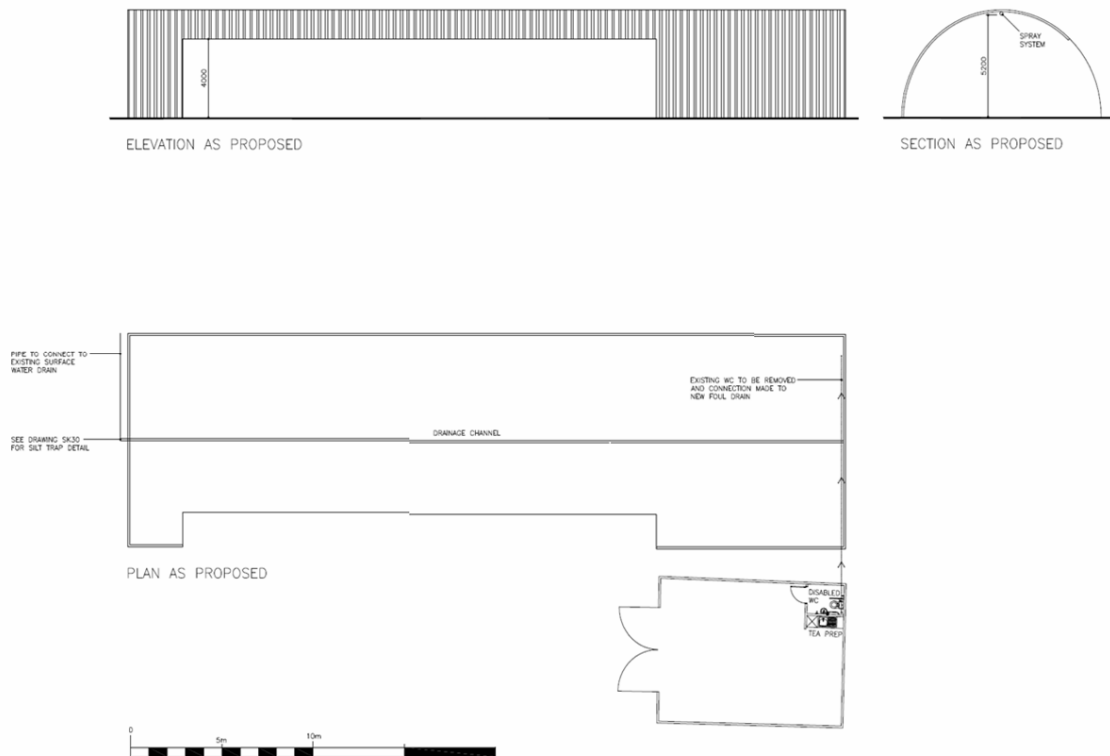


Figure 4. Existing elevations with new entrance

Proposal

6. This application proposes the change of use of a 0.44 Ha unit of land on the Apex Business Park, Shorne to a waste transfer station. The site is currently designated as being suitable for B2 (industrial) and B8 (storage) uses through a permission granted by Gravesham Borough Council. The proposed waste transfer station would be used for the separation of construction and demolition skip waste for onward recycling and for the disposal of non-recyclable materials to landfill.
7. The proposals would retain and reuse two existing permanent buildings (as shown in figure 4) on the site, and retain one existing PortaKabin and remove other PortaKabins currently on site. The larger building is approximately 10.7m (W) x 41m (L) x 5.6m (H) in height. The smaller building is approximately 7.5m (W) by 10m (L) X 5.6 (H). No further development would take place on site. The site would be arranged, as illustrated in figure 3, in a layout suitable for a waste transfer station.
8. The large building to the west of the site labelled covered tipping area in figure 3 would be modified slightly to incorporate an entrance to the north of the building. This would enable skip lorries to deposit their load within the building and would allow waste sorting to be contained entirely within the building. The building would be fitted with fine mist sprinkler system to suppress dust emission within the building.

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9. The existing hardstanding floor would be re-laid to accommodate surface water from the facility which would be channelled via a gully and silt trap into the existing surface water drain. Waste would only be deposited on this hardstanding where it would be sorted using two 360° excavators. The remainder of the site would be used for the storage of empty skips and containers awaiting transportation, lorry and car parking and a small office.
10. Once the waste has been sorted into waste streams it would then be bulked up in containers waiting export for recycling. These containers would be placed to the north of the building in the bulk storage area (see figure 3) whilst awaiting export.
11. The proposed waste transfer station would have a maximum throughput of approximately 55,000 tonnes of waste per annum (TPA). This would be split into 40,000 TPA of construction, demolition and excavation waste and 15,000 TPA of commercial and industrial waste. This waste would be sourced from the applicant's current skip hire business which services the Gravesend and Northfleet area. The proposed activity would require separate licensing from the Environment Agency.
12. The proposals would provide employment for approximately 10 site workers.

Operating Hours

13. The proposed hours of operation are as follows;

Monday to Friday	07:00 to 18.00hours
Saturdays	07:00 to 13:30 hours
Sunday and Bank Holidays	Closed

Vehicle movements and traffic routes

14. The applicant predicts that the site would not generate more than 24 HGV movements per day (12 in / 12 out). Vehicle movements would only occur within the opening hours of the site. The applicant intends to service the site using their existing fleet of 6 skips lorries. In addition to the fleet of skip lorries one additional visit per week (2 movements) to the site would be made by a bulk HGV to collect sorted waste for recycling.
15. Movements to and from the site would be accessing the site from the A226 along Green Farm Road and Queens Farm Lane.
16. The proposed site layout would provide 10 car parking spaces for staff and 6 parking spaces for the companies own skip lorries.

Planning Policy Context

17. **National Planning:** Policies PPS1 (Delivering Sustainable Development), PPG2 (Green Belts), PPS10 (Planning and Waste Management), PPS23 (Planning and

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Pollution Control) and Waste Strategy for England 2007.

18. **Kent Waste Local Plan (March 1998):** W3 (Locational Criteria), W6 (Need), W18 (Noise, Dust and Odour), W19 (Groundwater), W20 (Land Drainage and Flood Control), W22 (Road Traffic and Access).
19. **Gravesham Borough Local Plan 1st review (1994):** GB1 (Definition of Green Belt area), GB2 (Presumption against new development in Green Belt), T0 (General transport policy), T1 (Impact on Highway Network), T2 (Access to primary routes)
20. **Gravesham Borough Council Local Plan 2nd review (deposit draft) (2000):** This document whilst not the adopted plan is a material consideration for planning purposes. The most relevant policies to this case are: T1 (Impact of location of development on highway network), NE16 (Air Quality), NE19 (Noise generation development), RA1 (Green Belt boundary), RA2 (Inappropriate development in Green Belt will not be permitted), RA4 (Re-use of buildings in the Green Belt not inappropriate provided certain conditions see paragraph 46 below.)

Consultations

21. **Gravesham Borough Council:** raise **objection** to the proposals on Green Belt and traffic generation grounds.
22. **Shorne Parish Council:** raise **objection** to the proposals. Shorne Parish Council note that this is a site with an established industrial use, previously the parish has not objected to other proposed uses on this site. The site is accessed via Queens Farm Road which is a narrow country lane. Shorne Parish Council claim that HGV's using this Road have caused damage to the highway verges and properties along the road. The Parish Council raise scepticism over the applicant's claim that the proposals would reduce traffic movements from the site.
23. The Parish Council therefore raise objections to the proposals on the following grounds;
 - a) The proposals are likely to cause an increase in HGV movements. The Parish feel this would exacerbate damage being caused to the local highway and properties of Green Farm Lane and Queens Farm Road. The Parish also highlight that Green Farm Lane has been made the subject of a width restriction order.
 - b) Alternative access routes to the site are unsuitable for HGV traffic.
 - c) This type of development should be located with direct access onto the primary road network.
24. **Environment Agency:** raise **no objection** to the proposals subject to conditions. The EA offers advice to the applicant in regards to development and flood risk, drainage, contaminated land, fuel and chemical storage and waste management.
25. **Natural England:** has **no objection** to the proposed development. Natural England confirms that the application site lies close to habitats which form part of the South Thames Estuary and Marshes Site of Special Scientific Interest (SSSI). This SSSI is part of the Thames Estuary and Marshes Special Protection Area (SPA). It is Natural England's view that, either alone or in combination with other plans or projects, this

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proposal would not be likely to have a significant effect on the above sites and the permission may be granted (subject to other planning considerations) under the terms of the Conservation of Habitats and Species Regulations.

26. **Divisional Transportation Manager:** raise **no objection** to the proposals on highways issues. The DTM states that the Transport Statement submitted by the applicant demonstrates that the proposals would create a similar daily movement of HGVs as the current permitted use of the site and would result in a significant overall reduction in the traffic movements entering and egressing the site.
27. Whilst the DTM notes that the proposals would create an increase in HGV movements during peak hours he recognises that there is currently no restriction on peak hour movements from the site which could therefore generate more movements than those proposed. Furthermore, the DTM states that whilst there has been some discussion regarding potential lorry routing restrictions, the location of the site will always result in the need for lorry movements through adjacent narrow country lanes to get to the classified/trunk road network. This would be regardless of whether restrictions were to be imposed on the local routes. If restrictions were to be imposed the resultant increase in traffic on non restricted routes would be less desirable than the current spreading of vehicle movements across the local network. The DTM is not aware of any current lorry routing restrictions, which again highlights the issue of the proposals having no greater potential impact than the current permitted use of the site.
28. Overall the DTM states that the proposals would not result in any significant increase in vehicle or HGV movements when compared to the current permitted use of the site and there would therefore be no justification in raising a highways objection.
29. **KCC Noise, Dust and Odour Consultant (Jacobs):** raise **no objection** to the proposals. Jacobs state that as the site is located approximately 300 metres from the nearest residential receptor and all waste is to be processed within the existing building dust nor odour should cause detriment to the residential receptors or business park users. Best practice should be followed to ensure that if dust or odour issues were to arise they are dealt with swiftly and efficiently.
30. **Network Rail:** have no comments to make on the application.

Representations

31. The application was advertised in a local newspaper and a site notice was posted. 1 letter of objection has been received to date. The main areas of concern which these raise include;
 1. No drainage on site and surface water runs off to adjacent site
 2. Vehicle movements would increase.
 3. Access issues
 4. Noise, dust and smell would cause nuisance to businesses and estate users.

Local Members

32. The Local County Member for Gravesham Rural Mr Michael Snelling was consulted on

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the application on 4 May 2010. No response has been received to date.

Discussion

Introduction

33. 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 paragraphs (17 – 20) are of greatest relevance.
34. Until the Kent Minerals and Waste Development Framework has been adopted as a replacement for the Kent Waste Local Plan (1998), and any identified sites and locational criteria have been subjected to a Sustainability Appraisal and Strategic Environmental Assessment as part of that process, Planning Policy Statement 10 (PPS10) requires that planning authorities should ensure proposals are consistent with its policies.
35. PPS10 advocates a growth in waste management facilities reflecting the waste hierarchy, which priorities reduction, re-use, recycling and recovery (in that order). The Statement seeks to reduce waste that is directed to landfill and states that a substantial increase in recovery of waste and reduction in waste to landfill is required across the Country. The proposed facility would therefore help contribute towards the Statement's objectives of reducing the amount of waste to landfill and improve waste recovery.
36. Whilst the need for this type of facility is clearly recognised in order to divert waste from going to landfill. This should be balanced against locational criteria and whether the proposed facility would result in harm to local amenity. There is policy protection for amenity in general and from waste operations specifically set out within Planning Policy Statement 10, the Gravesham Borough Local Plan and the Kent Waste Local Plan. It is generally recognised that use classes B2 & B8 industrial type locations such as this are acceptable in principle for this type of waste development. There is an acknowledged need for sites of this type of development, particularly on brownfield industrial sites. Such locations would usually have ready access to the primary route network. In this case the site does not have ready access to the primary routes network and is accessed from the A226 via two minor local unclassified roads Green Farm Lane and Queens Farm Road. Considering this, the acceptability of this development at this location should be considered with regard to the suitability of the site access and impacts on local amenity.
37. The nearest residential receptor to the site lies approximately 300 metres from the site. The site does however have a number of surrounding business uses on the business park itself, and 1 letter of objection has been received from a business located on the business park concerning the potential impacts from the proposals in terms of traffic, access, drainage and pollution impacts.
38. Given the policy background discussed above and taking into account the responses received during the consultation process, the main issues to be balanced against the need for additional recycling facilities relate to traffic and access, green belt issues, noise, dust, odour and air quality, and drainage.

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Traffic and Access

39. In terms of impact on the local highway network the applicant is proposing to run a fleet of 6 skip lorries from the site and would have having one bulk collection of waste per week. This would create on average 24 HGV movements per day (12 in, 12 out), made up of the 6 skips lorries leaving and coming back to the site twice per day. The applicant has produced a transport statement which compares the proposed site use and associated traffic generation with both the previous and potential permitted site uses. The site currently has permission for B2 & B8 industrial type uses with no restrictions on vehicle movements. The previous use of the site was as an end of life vehicle facility. The most recent permission granted in March 2008 by Gravesham Borough Council allows for the development of 12 industrial units on the proposal site. Objections concerning traffic and access impacts from this proposal have been raised by Gravesham Borough Council, Shorne Parish Council and by a business on the industrial estate. These objections relate to the suitability of the site and associated access routes for HGV movements.
40. Transport policies within PPS 10, the Kent Waste Local Plan and the Gravesham Borough Local Plan aim to ensure that new development is appropriately located with ready access onto the primary route network, and does not caused detrimental impacts to highway safety. In this case the site is on an existing industrial estate which is serviced by smaller non-primary routes, namely Green Farm Lane and Queens Farm Road. As the business park is already in existence and is serviced by these smaller roads the principle means of access to the site has become established. In regards to the width restriction mentioned by Shorne Parish Council this type of order would not apply to vehicles which need to access the Apex Business Park.
41. The Divisional Transport Manager (DTM) was consulted on this application with regard the impacts on the local highway network. The DTM's comments have been made in response to the highway objections received and based on the Transport Statement (TS) supplied by the applicant with the application. The TS demonstrates the potential highway impacts of the proposed development in comparison with the potential highway impacts of the existing permitted use. The TS uses traffic data collected in 2007 when the site was last in operation as a baseline to compare the proposals against. The TS shows that over a 12 hour working day 30 vehicle movements were generated per day, of these 30 movements 16 were HGV movements and 14 were from light vans and cars. The TS states that the movements generated by the previous use were relatively minor compared with the potential movements which could be generated by typical B2 or B8 uses. The TS goes on to use TRICS traffic data to analyse the potential movements which could be generated if a typical B2 or B8 use were to take up operations at the site and also if the outline permission for 12 industrial units were to be taken up. The potential vehicle movements which could potentially be generated are displayed below in table 1.

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Table 1. Potential totals of all vehicle traffic per day related to site use (with inclusive HGV movements in brackets)

Use	Arrivals	Departures	Totals
Recorded previous use	14 (7)	16 (9)	30 (16)
Potential B2 / B8 use	74 (10)	77 (11)	151 (21)
Potential permitted outline use	65 (9)	67 (10)	132 (19)
Proposed Waste use	22(12)	22(12)	44 (24)

42. Table 1 shows that whilst the number of overall vehicle movements associated with the proposed waste use would increase when compared to the previous use, potentially the overall vehicle movements would be significantly lower than those which could be generated through a permitted B2 or B8 use of the site. The DTM when commenting on this application states that the potential existing use of the site very much limits what restrictions could be reasonably imposed on this proposal. The DTM states that the applicants TS demonstrates that this proposal would create similar daily movements of traffic to and from site as the currently permitted use with a significant decrease in overall traffic movements. In light of this information the DTM confirms that there can be no justifiable highway objection in terms of traffic generation.
43. The DTM whilst coming to this conclusion has considered fully the potential increase in peak hour HGV movements between the 2007 data and the proposals. The DTM notes that currently there are no restrictions on HGV movements at the site. Therefore the site at present could potentially generate as many or even more HGV movements than is proposed under this application. Furthermore the DTM acknowledges that whilst there have been discussions concerning lorry routing restrictions, the location of the site will always result in the need for lorry movements through adjacent narrow country lanes to access the primary route network. Restrictions on any of these routes would cause an increase in traffic using non-restricted routes which would be less desirable than the current spreading of movements across the network. The DTM states that he is not aware of any current routing restrictions which in his opinion highlight the issue that the current proposals would have no greater potential impact than the current permitted use of the site.
44. The DTM concludes that the proposals, in his opinion, would not result in any significant increase in vehicle or HGV movements when compared to the current permitted use of the site and therefore no objection could be justifiably lodged. On this basis, considering the potential site use could generate over and above the potential vehicle movements proposed, I consider that with appropriate conditions limiting the hours of operation and number of vehicle movements the proposals would offer greater restriction and control which may be beneficial in highways terms. As such, with appropriate conditions I consider the proposed facility to be acceptable in terms of highway and traffic impacts.

Green Belt Issues

45. The site is situated within the Metropolitan Green Belt (MGB) where there is strong policy presumption against inappropriate development. Policy guidance for this area

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is set out within Planning Policy Guidance Note 2 (PPG2) and within the Gravesham Borough Local Plan 1st review policies GB1 and GB2 and Gravesham Borough Local Plan 2nd review policies RA1, RA2 and RA4. Gravesham Borough Council has objected to the application on Green Belt grounds. To test whether these proposals would indeed be contrary to Green Belt policy it is necessary to test the proposals against criteria set out within PPG2 and policy RA4 of the Gravesham Borough Local Plan 2nd review.

46. In this case the proposals relate to the change of use of a parcel of land on an industrial estate. The proposals are not for any additional buildings and would re-use the existing buildings on site, remove currently double stacked Portakabins and retain a single Portakabin for the weighbridge office. There would be some external storage proposed to the north of the main building for sorted materials in containers awaiting export and some storage of empty skips. Both PPG2 and Gravesham Borough Local Plan 2nd review policy RA4 advise that the re-use of buildings within the Green Belt is not inappropriate development providing that:

- (a) it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;
- (b) strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land in it (eg because they involve extensive external storage, or extensive hardstanding, car parking, boundary walling or fencing);
- (c) the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction; and
- (d) the form, bulk and general design of the buildings are in keeping with their surroundings.

47. In this case the existing consent allows for open storage of plant, machinery, equipment, scaffolding and buildings of up to 6 metres in height. In addition under the approved outline consent there is permission for the development of 12 industrial units in 3 blocks. The applicant has stated within the application that they are willing to ensure that any open storage of skips, containers, stock piles, plant or machinery do not exceed 3 metres in height. In my opinion this would ensure that the proposed use has significantly less impact than the current permitted uses and would allow the openness of the Green Belt to be further protected through greater restriction.
48. The applicant is proposing to reuse the existing buildings with minor modifications which would not involve any extensions. The main sorting building would only be modified through the creation of an entrance to the side of the building. The existing buildings are of relatively low scale and generally are in keeping with the other buildings within the industrial estate. Considering this, subject to conditions limiting heights for the stacking of containers and of stockpiles, I am of the opinion that the proposals would not have any detrimental impact on the green belt and as such do not consider there to be overriding grounds for refusal on Green Belt issues.
49. Notwithstanding my assessment that the proposal is not inappropriate development in the Green belt, the applicant has provided information to support very special circumstances required to demonstrate that the application is acceptable in the Green Belt.

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Air Quality, Dust and Odour Impacts

50. Air quality impacts from the development could potentially be caused through the proposed operations at site and via an increase in general traffic using the site. An objection letter has been raised by a local business situated on the Apex Business Park in regards to detrimental air quality impacts from the proposed development. No objections have been raised from any other statutory consultee or KCC's Dust and Air Quality Consultant.
51. The main policy guidance on air quality, dust and odour impacts is set out within PPS10 and Kent Waste Local Plan policy W18. In general, guidance and policies within these documents require the planning authority to be satisfied in regards to the means of controlling dust, odours and other emissions. This should be considered particularly with regard to the effect of potential emissions on nearby sensitive receptors. In this case the nearest residential receptor is approximately 300m from the site. Whilst it is recognised that there are also nearby receptors on the business park itself, the proposals are not envisaged to cause any significant impact on air quality, sufficient to warrant refusal.
52. The applicant has made it clear in the application that all wastes would be sorted entirely within a building. This building would have a dust suppression system installed within it to ensure that all materials are adequately dampened down to ensure that nuisance is appropriately mitigated. Furthermore the proposed site layout is orientated to ensure that the open side of the building would be to the north, away from any other neighbouring uses. The County Council's Dust and Air Quality Advisor is satisfied that with good site management any impacts from dust could be adequately mitigated. In terms of odour the applicant is proposing to only collect construction and demolition wastes in skips which tend not to cause odour issues. With good site management and an appropriate protocol for the swift handling of any odour producing wastes the County Council's air quality advisor is satisfied that the proposals are unlikely to cause detriment to amenity through odour.
53. In the context of the above views and advice I am satisfied, subject to appropriate conditions ensuring that the dust mitigation system is appropriately designed and implemented before the commencement of waste management operations and suitably maintained, and with appropriate restrictions on the types of waste imported to the site, that the proposals would not cause any significant detrimental impact in terms air quality, odour or dust.

Noise

54. In terms of noise impacts, the proposals would cause some noise impacts through general everyday operation of the site. These impacts would be caused by the tipping of materials and moving of skips and machinery. The main policies for noise control are set out within the Kent Waste Local Plan W18 and PPS 10. These policies generally afford protection to nearby sensitive receptors such as residential properties. In this case the site is approximately 300m from the nearest noise sensitive receptor. Considering this and the fact that all sorting operations would take place within the confines of a building, of which the opening is facing northwards away from any

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sensitive receptors, the County Council's noise advisor is satisfied that the proposals are unlikely to cause any detrimental impact to the nearest sensitive receptors in terms of noise.

55. It could be argued that there may also be some additional noise impacts from additional HGV traffic on properties along the access route to the site. However as previously explained HGV movements proposed are similar to those of the previous use and that potentially movements could be far greater under the currently unrestricted permission the noise impacts from traffic. On this basis I consider that these proposals would not be likely to result in any unacceptable impacts from noise.

Drainage

56. In terms of site drainage an adjacent business operator has raised the issue that at present the site suffers from surface water run off into his site. The applicant is proposing to install a drainage system within the site to ensure that any run off is caught and discharged to the appropriate drains. The Environment Agency in their response to consultation, whilst not objecting to the proposals, has set out stringent pre-commencement conditions which would ensure that the drainage scheme on site would not pose a risk to the groundwater environment. Subject to these pre-commencement conditions to ensure that no risk to groundwater is posed I am satisfied that any drainage concerns can be satisfactorily addressed.

Conclusion

57. This is a brownfield site within an established industrial estate within the Green Belt. The re-use of the site provides an opportunity to provide a small scale waste transfer facility enabling the recovery of construction and demolition waste and helps towards meeting diversion targets away from landfill.
58. 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 Development Plan Policies, I consider the use of the site to be acceptable.
59. Whilst I note objections have been raised by Gravesham Borough Council, Shorne Parish Council and a local business on traffic and access, greenbelt, amenity and drainage issues, I am satisfied having regard to comments made by consultees that should permission be granted, provided appropriate conditions are imposed the proposed facility would not cause any significant adverse impact on these issues. Furthermore the proposals offer an opportunity to place further restrictions and controls on the site. These further controls would enable the impact of the site on the local highway network to be limited in terms of vehicle movements, enable the greenbelt to be protected by more restrictive limits on open storage, stockpile and building heights and enable enhancements to site drainage.
60. In conclusion, I am satisfied that the proposed use of the site 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 to be refused. Accordingly I recommend that planning permission be granted subject to conditions.

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Recommendation

61. I RECOMMEND that PERMISSION BE GRANTED for the proposed change of use of land to a waste transfer station at Unit 4, Apex Business Park, Queens Farm Road, Shorne, Gravesend SUBJECT TO conditions including standard time condition, hours of use and operation; limit on vehicle movements; implementation and maintenance of dust suppression system; restrict open storage, stock pile, skip, container and machinery heights; drainage conditions; and other operational conditions.

Case Officer: Shaun Whyman

Tel. No. 01622 221055

Background Documents: see section heading.