

SECTION C
MINERALS AND WASTE MANAGEMENT

Background Documents - the deposited documents; views and representations received as referred to in the reports and included in the development proposals dossier for each case; and other documents as might be additionally indicated.

Item C1

Application by Stema Shipping UK Ltd for the temporary relocation of portable office, portable toilets, portable staff lounge, weighbridge and mixing wall, laying out of 8no. associated parking spaces and relocation of existing stockpile of aggregate ancillary to the full port operational use of Red Lion Wharf, including the unloading and loading, storage, trans-shipment and distribution of aggregates at Red Lion Wharf, Crete Hall Road, Gravesend, Kent – GR/14/972 (KCC/GR/0340/2014)

A report by Head of Planning Applications Group to Planning Applications Committee on 13 May 2015.

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Recommendation: Temporary (5 years) permission be granted subject to conditions.

Local Member: Mr N Thandi and Mrs S Howes

Unrestricted

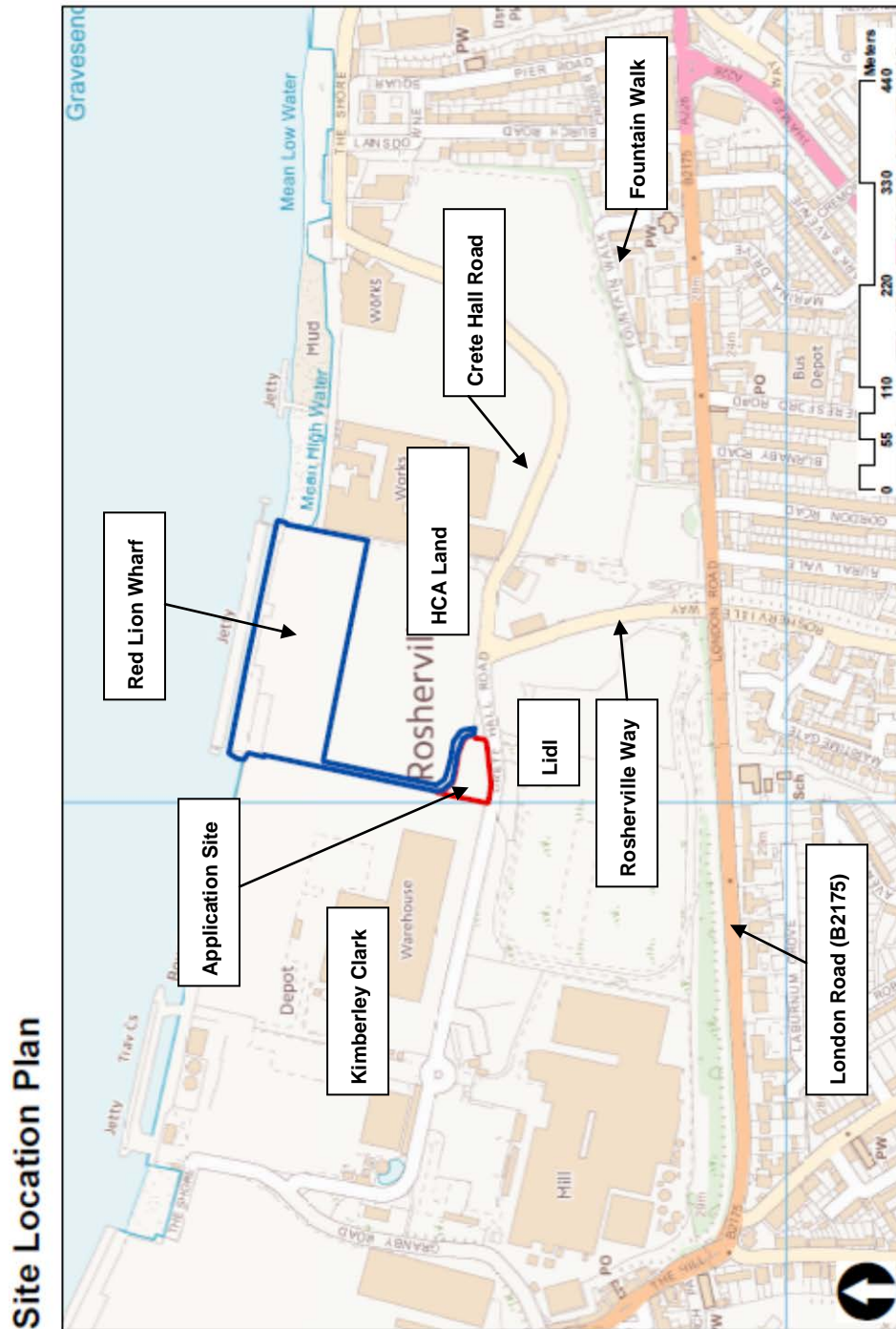
Site description and background

1. The 0.23 hectare (ha) application site lies in Northfleet, to the west of Gravesend. It is located immediately to the north of Crete Hall Road, to the south and west of the unnamed access road to Red Lion Wharf and approximately 140m to the south of the wharf itself. The application site is currently vacant / unused. Land to the south and west is occupied by a Lidl distribution warehouse and Kimberly Clark's manufacturing and distribution buildings. Land to the east is vacant but is in the process of being raised using imported excavated (waste) materials to create a flood resistant platform for future development covering a much larger area between the site and Gravesend owned by the Homes and Communities Agency (HCA) (previously the South East England Development Agency / SEEDA). The entire area lies at a relatively low level between the River Thames (to the north) and a high chalk face (to the south), above which lies the B2175 London Road and Fountain Walk (further east).

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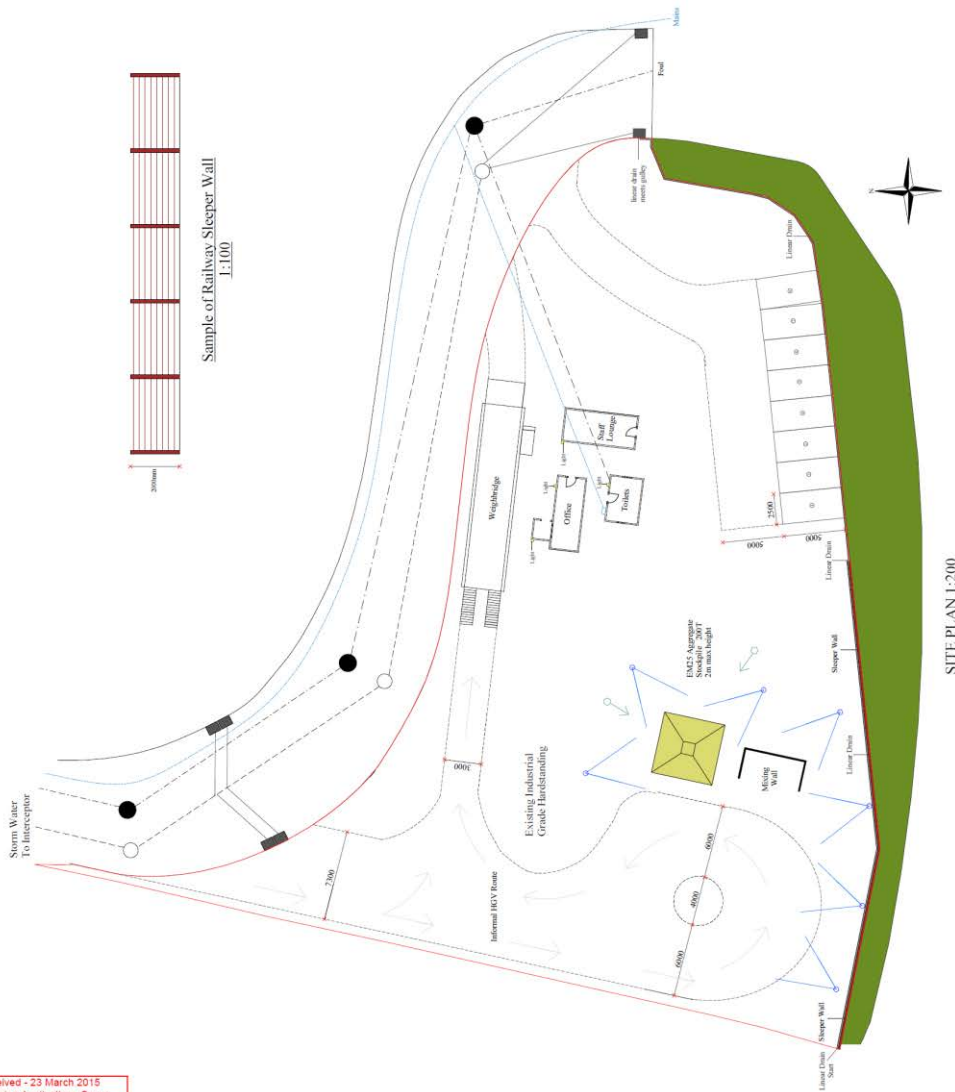
Kent Drawing Services
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Title		Relocation of main facilities	
Address		Red Lion Wharf, Crete Hall Road	
Scale	Size	Date	Drawn by
1:200	A2	11/03/2015	DSH/001
		DLL	
* All measurements to be set out prior to site before building works commence * All drawings are copyright to the technician, no permission to copy or reuse any part of the drawing is now permitted, unless in writing. * Drawings are for indicative or illustration purposes only			

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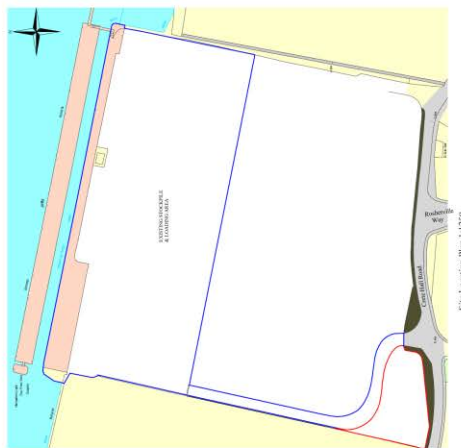
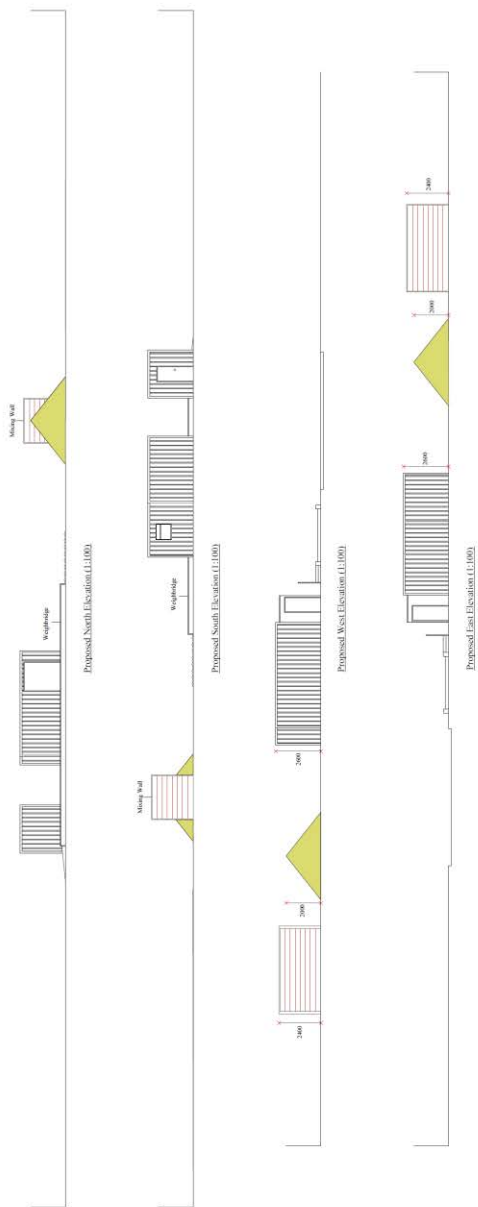
- KEY**
- Foul Water Manhole
 - Storm Water Manhole
 - Road Gully
 - ▽ Mistring Nozzle
 - ↑ Sprinkler
 - Mains Supply
 - Foul Sewer
 - Storm Water Sewer
 - Led Lighting



Received - 23 March 2015
 Planning Applications Group

Application by Stema Shipping UK Ltd for the temporary relocation of portable office, portable toilets, portable staff lounge, weighbridge and mixing wall, laying out of 8no. associated parking spaces and relocation of existing stockpile of aggregate ancillary to the full port operational use of Red Lion Wharf, including the unloading and loading, storage, trans-shipment and distribution of aggregates at Red Lion Wharf, Crete Hall Road, Gravesend, Kent – GR/14/972 (KCC/GR/0340/2014)

Received - 23 March 2015
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<p>KDS Kent Drawing Services</p> <p>3043 Witham Road Gravesend Kent SE13 3YU t: 07792 266413 e: info@kentdrawing-services.co.uk</p>		<p>Proposal Relocation of facilities</p>	<p>Title: Site Plan</p> <p>Address: Red Lion Wharf, Gravesend</p>
<p>Drawn by: D.G.H.</p>	<p>Scale: 1:100 1:250</p>	<p>Date: 13/03/15</p>	<p>Project No: SS001</p>
<p>Rev: 02/002</p>	<p>Do not scale from this drawing All dimensions to be verified on site</p>		

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2. Red Lion Wharf, which is operated by the applicant (Stema Shipping UK Ltd), is primarily accessed via Crete Hall Road, Rosherville Way (under the B2175) and the A226. The nearest residential properties lie at a much higher level on London Road and Fountain Walk over 250m from the application site.
3. Both Red Lion Wharf and the application site lie within the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area identified in the Gravesham Local Plan Core Strategy (September 2014). They also lie within the Northfleet Embankment East Regeneration Area (sub-area 1.8) which the Core Strategy defines as a Key Site. The area is to be included within the Ebbsfleet Garden City Urban Development Corporation boundary. Red Lion Wharf is safeguarded in the Gravesham Local Plan Core Strategy. It is also proposed to be safeguarded (Site K) for the importation of minerals in the Kent Minerals and Waste Local Plan 2013-30 Submission Document (July 2014). However, the application site is outside this area. Neither the application site nor land in the immediate vicinity are subject to any environmental designation.

Planning History

4. Red Lion Wharf and other land in the immediate vicinity, including the application site, used to form part of Northfleet Power Station. The power station closed in 1991. A number of planning permissions were granted but not implemented.
5. Planning permission (GR/01/288) was granted by Gravesham Borough Council for the change of use to full port operational use including the unloading and loading, storage, trans-shipment and distribution of aggregates together with the erection of ancillary offices, associated parking spaces, cargo handling equipment and a boundary wall and construction of access to the property on 30 November 2001. The permission covered the jetty itself, the wharf and land immediately to the south and access to the site from Crete Hall Road. The permission includes 19 conditions which (amongst other things) restrict stockpiles of aggregates or other materials to no more than 10m in height (condition 4), preclude stockpiles being stored within 8m of the flood defence wall (condition 5) and only allow operations between 07:00 and 19:00 hours on weekdays, 08:00 and 14:00 hours on Saturdays with no working on Sundays and Public Holidays (condition 6). The permission also requires dust control measures to be undertaken in accordance with a scheme agreed by the Borough Council (condition 3).
6. Another permission (GR/01/279) was granted by the Borough Council for the erection of a B8 warehouse with 10 dock level loading bays, ancillary offices, 88 lorry and 120 car parking spaces, vehicular access and cycleway on land between the wharf and Crete Hall Road (including the current application site) on 15 March 2002.

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7. Planning permission (GR/07/383) was granted by the Borough Council for the continued use of land for the storage of aggregates on the current application site for a temporary 2-year period on 15 August 2007.
8. Planning permission (GR/10/533) was granted by the County Council for the temporary use of land for wood storage and comminution for recycling and recovery on part of the land covered by GR/01/279 for a 3-year period on 13 December 2010.
9. Planning permission (GR/11/320) was granted by the Borough Council for engineering operations comprising land raising and the creation of a development platform including demolition of 5 additional buildings on a phased basis and revised land raising design on the HCA land on 11 November 2011. The permission does not itself provide for any built development or for any specific after use(s).
10. Applications were submitted to the Borough Council for the variation of condition 4 of planning permission GR/01/288 to increase stockpile heights from 10m to 15m (GR/11/558) and for the storage of aggregates on land immediately to the south of the wharf (GR/11/544) in 2011. The storage of aggregates had taken place on the land subject to application GR/11/544 for some time without the benefit of planning permission. Both applications were subsequently withdrawn.
11. Given the description of the development provided for by GR/01/288 including both district and county matters, resulting in some uncertainty as to which planning authority should determine applications at Red Lion Wharf, discussions took place between officers of the County and Borough Councils in 2011 and again in 2013. It was agreed that applications relating to mineral development should be determined by the County Council as Mineral Planning Authority (MPA) in accordance with Schedule 1, Section 1, Paragraph 1 (1) (e) of the Town and Country Planning Act 1990 (as amended).
12. Notwithstanding the agreement referred to in paragraph 11 above, planning permission (GR/14/423) was granted by the Borough Council for the variation of condition 6 of planning permission GR/01/288 to allow unrestricted operating hours on weekdays until 31 December 2015 on 23 June 2014. The reason given on the decision notice for only allowing an 18-month period was to enable the extended hours to be monitored and in the interests of safeguarding amenity.
13. An application (GR/14/831) was submitted to the Borough Council for the relocation of portable office, portable toilets, portable staff lounge, wheel wash and weighbridge and mixing wall, laying out of 8no. associated parking spaces and relocation of existing stockpile of aggregate on the current application site in August 2014. The Borough Council returned the application to the applicant on 29 September 2014 on the basis that it should be determined by the County Council as a county matter.

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The Proposal

14. The application was submitted to the County Council (as MPA) in October 2014. It initially proposed the relocation of portable office, portable toilets, portable staff lounge, wheel wash and weighbridge and mixing wall, laying out of 8no. associated parking spaces and relocation of existing stockpile of aggregate (i.e. as submitted to the Borough Council). The application was accompanied by a planning statement and drawings showing the proposed development and its relationship with the permitted minerals wharf. A flood risk assessment was submitted in November 2014.
15. The proposed facilities are currently located in the south east corner of the existing minerals wharf where the access road enters the site. The facilities initially proposed to be relocated comprised the following: office (6m x 2.7m x 2.6m high); staff lounge (6m x 2.7m x 2.6m high); toilets (3.8m x 2.8m x 2.6m high); mixing wall (5m x 2m x 2.4m high); aggregate stockpile (2m maximum height); parking spaces (5m x 2.5m each); weighbridge (15m x 3.4m) and wheel wash (7m x 3.2m).
16. Following the receipt of the Borough Council's initial objections to the application in November 2014 (referred to in paragraph 25 below), and discussions with the applicant with the intention of seeking to overcome those and address other issues I had identified, the applicant submitted a revised planning statement and revised drawings in March 2015. As well as clarifying the proposals, the revised details also included a number of amendments to the application. The application will now be determined in its amended form.
17. The application was amended to include a new 30m long and 2m high boundary wall between the proposed mixing wall, aggregate stockpile and collection area and Crete Hall Road consisting of wooden railway sleepers laid horizontally between upright steel girders. The relocation of the wheel wash was also removed from the proposed development on the basis that it would be preferable for it to be retained in its current location. The applicant also stated that it would be prepared to accept a 5-year temporary planning permission. The description of the proposed development was also amended to read "the temporary relocation of portable office, portable toilets, portable staff lounge, weighbridge and mixing wall, laying out of 8no. associated parking spaces and relocation of existing stockpile of aggregate ancillary to the full port operational use of Red Lion Wharf, including the unloading and loading, storage, trans-shipment and distribution of aggregates" in order to more clearly reflect the relationship with the permitted facility and the fact that the wheel wash would no longer be relocated.
18. The revised planning statement and revised drawings included additional information on the nature of the minerals proposed to be stored and mixed and how this would be

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undertaken, dust control measures, lighting and drainage. The planning statement also provided further information on the need for the proposed development.

19. The applicant states that the aggregate stockpile (referred to in the application as containing EM26 aggregate) would contain materials suitable for the production of micro-asphalt (i.e. 0.2mm and 0.2 to 6mm aggregate) and that this would be mixed at the mixing wall using a loading shovel before being collected by lorries. No additives or other processes would be involved. The applicant proposes the installation of a misting system around the aggregate stockpile and mixing wall and a sprinkler system adjacent to the aggregate stockpile. The misting system would comprise portable adjustable towers (1.3m to 2.1m high) capable of being moved and directed as necessary whilst the pulsating sprinklers would be fixed but capable of being used on 14m high stockpiles such that they would be more than able to control any dust associated with the proposed 2m high stockpile. The applicant states that both systems are designed to operate on low water pressure (80 pounds per square inch (psi) and 30 to 45 psi respectively) such that they could use mains water supply. The applicant states that lorries collecting aggregates would be sheeted, that it operates a procedure whereby those which do not are banned and that it would be prepared to accept a condition requiring the sheeting of all lorries taking aggregate from the site. The only external lighting proposed would comprise 4 x 30W LED lights mounted on the proposed buildings at a height of about 2.2m. The revised drawings also illustrate the existing surface water drainage, foul drainage and mains water supply arrangements which would be connected to and used. Given that the site slopes slightly to the south and east, a new linear surface water drain is also proposed along the southern and eastern boundary of the site that would link to an existing road drain. The applicant proposes that the facility would operate on a 24 hour basis Monday to Friday until 31 December 2015 and then revert to 07:00 to 19:00 hours (as with operations at Red Lion Wharf) and from 08:00 until 14:00 hours on Saturdays and be closed on Sundays and Bank Holidays. It has also indicated that the EM26 aggregate for micro asphalt would only be collected between normal working hours.
20. The applicant states that it is necessary to relocate the facilities as there is insufficient space within the permitted site as a result of operations being removed from the unauthorised land referred to in paragraph 10 above. It also states that the land has been requisitioned by the HCA for its own development objectives and is therefore no longer available for mineral uses. The applicant also states that: the volume of aggregate passing through Red Lion Wharf has approximately doubled since planning permission was granted in 2001 due to market demand; more grades of aggregate are handled than initially envisaged (all requiring separate stockpiles); the aggregates required for micro-asphalt (used in highway maintenance in Kent) need to be mixed; the size of vessels transporting aggregates has increased (requiring a larger stockpile footprint when unloading); and improved traffic management has been required to meet legislative changes. It also states that if the proposed relocation is not permitted,

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it would be necessary to reduce the scale of operations at Red Lion Wharf resulting in the need for the aggregate required for micro-asphalt being sourced and imported from elsewhere. The applicant further states that the proposed development would not generate any additional traffic over and above that already permitted (since it only involves the relocation of existing facilities) and that there would be no detrimental impact on the environment or character or appearance of the immediate area as the existing employment activities operate 24 hours a day and 7 days a week

Planning Policy Context

21. **National Planning Policies:** the most relevant National Planning Policies are set out in the National Planning Policy Framework (“NPPF”) (March 2012) and the associated Planning Practice Guidance (“PPG”). These are material planning considerations.
22. **Kent Minerals Local Plan Construction Aggregates (December 1993):** Policies CA1 (Access Considerations), CA2C (Primary Planning Constraints), CA3 (Local Considerations), CA4 (Proposed Locations), CA16 (Traffic Considerations), CA18 (Noise, Vibration and Dust), CA20 (Plant and Buildings) and CA22 (Landscaping).
23. **Gravesham Borough Council Local Plan Core Strategy (September 2014):** Policies CS01 (Sustainable Development), CS02 (Scale and Distribution of Development), CS03 (Northfleet Embankment and Swanscombe Peninsula East Opportunity Area), CS07 (Economy, Employment and Skills), CS11 (Transport), CS18 (Climate Change) and CS19 (Development and Design Principles).
24. **Kent Minerals and Waste Local Plan 2013-30 Submission Document (July 2014):** Draft Policies CSM1 (Sustainable Development), CSM10 (Sustainable Transport of Minerals), CSM11 (Safeguarded Wharves and Rail Depots), DM1 (Sustainable Design), DM9 (Water Environment), DM10 (Health and Amenity), DM11 (Cumulative Impact), DM12 (Transportation of Minerals and Waste), DM15 (Information Required in Support of an Application) and DM21 (Ancillary Development).

Consultations

25. **Gravesham Borough Council:** Objects to the application as clarified and amended for the following reasons:-
 - (a) the application site is not within the proposed safeguarded area for Red Lion Wharf in the draft Kent Minerals and Waste Local Plan;
 - (b) the loss of part of the Stema site (i.e. that part of the HCA land referred to in paragraph 10 above) should not be regarded as a material planning consideration as the use of that land was unauthorised;

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- (c) potential noise, dust, air quality and odour impacts associated with creating a separate compound for the handling of EM26 aggregates close to Crete Hall Road;
- (d) potential impact on the future mixed-use regeneration of the area due to the low grade form of development on the Crete Hall Road frontage;
- (e) insufficient information has been provided in respect of the use of the mixing wall and the nature of EM26 aggregate and potential impacts of the processing / handling of these materials;
- (f) the proposed development would not bring significant benefits through the delivery of new housing and jobs whilst achieving environmental improvement, especially in air quality and a high standard of design as required by Policy CS03 of the Gravesham Local Plan Core Strategy (2014) (which relates to the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area) nor would it achieve the visually attractive high quality design required by Policy CS19;
- (g) the proposed development would adversely affect future uses within the Northfleet Embankment East Regeneration Area (a sub-area of the above Opportunity Area) which is identified as a Key Site for mixed-use regeneration;
- (h) temporary permission GR20070383 (for temporary storage of aggregates on the application site) should not be regarded as having set a precedent;
- (i) the area is now likely to be under the jurisdiction of the Ebbsfleet Garden City Urban Development Corporation;
- (j) the fact that the area is currently industrial in character should not be seen as a justification for the perpetuation of the status quo when an environmental step change is required to provide an appropriate setting for higher quality employment and residential development; and
- (k) the proposed development is an inappropriate low grade use that could potentially compromise the proper master planning of the wider development.

It also states that if the County Council is minded to grant permission, a condition should be imposed requiring all lorries removing material from, or delivering material to, the site to be properly covered to control dust (due to concerns about unsheeted lorries using Rosherville Way).

The Borough Council's initial response included the above concerns / objections as well as a suggestion that the description of development should include reference to it being ancillary to the full port operational use of Red Lion Wharf, including the unloading and loading, storage, trans-shipment and distribution of aggregates.

26. **Homes and Communities Agency (HCA):** No formal / written comments received. However, one of its officers has confirmed verbally that the HCA:

- owns the application site;

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- has agreed a 5-year lease with Stema Shipping UK Ltd ending in November 2019 (and not subject to automatic renewal);
 - required the applicant to leave that part of the land within HCA ownership immediately to the south of Red Lion Wharf to enable the permitted landraising to be completed;
 - received the requisite notification (as landowner) from the applicant that the application had been submitted in October 2014;
 - received the consultation from the County Council inviting comments on the proposed development in March 2015; and
 - does not consider that the proposals sought will impact on the ability for the site to maximise the potential for appropriate uses in the future.
27. **Port of London Authority:** Supports the application. States that: approximately 750,000 tonnes of sand, gravel and aggregates are imported to Red Lion Wharf each year and that about 150,000 tonnes of this is then exported by barge; the operation utilises sustainable transport methods which are in line with the NPPF; and the loss of the HCA land to the applicant is disappointing but hopes that this will not detrimentally impact on the volumes of material handled at the site.
28. **KCC Highways and Transportation:** No objection given that the impact on the public highway remains unchanged by this proposal.
29. **Environment Agency (Kent Area):** Has assessed the application as having a low environmental risk and therefore has no comments to make. Has also confirmed that it is satisfied with the FRA and that the site would use existing foul drainage.

Representations

30. All properties within 250m of the application site were notified. No responses have been received.

Local Member

31. County Council Members Mr N Thandi and Mrs S Howes were initially notified in January 2015. They were notified again in March 2015 following receipt of the amended details.

Discussion

32. 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

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development plan policies outlined in paragraphs 22 and 23 above are of most relevance. Material planning considerations include the NPPF and associated PPG (paragraph 21) and the emerging Kent Minerals and Waste Local Plan (“draft Kent MWLP”) policies referred to in paragraph 24.

33. The main issues to be considered relate to:-

- The principle of the proposed development at this location;
- The need for the development;
- Environmental and amenity impacts (including noise and air quality / dust);
- Highways and transportation;
- Water environment; and
- Could the proposed development compromise the proper master planning of the wider development of Northfleet Embankment and Swanscombe Peninsula East Opportunity Area)?

The principle of the proposed development at this location

34. The application site is not identified or safeguarded in the adopted Kent Minerals Local Plan: Construction Aggregates (“Kent MLPCA”) or in the emerging Kent MWLP, although Red Lion Wharf is safeguarded in the latter. The application site lies within the Northfleet Embankment East Regeneration Area Key Site (sub-area 1.8 of the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area) identified in the Gravesham Local Plan Core Strategy (September 2014) (“Gravesham LPCS”). Although not technically a wharf, the proposed development would be ancillary to activities at Red Lion Wharf and merits consideration against a number of policies in the Kent MLPCA and draft Kent MWLP. These and other policies are addressed as necessary in the relevant sections of this report.
35. Paragraph 143 of the NPPF states that in preparing local plans Mineral Planning Authorities (MPAs) should safeguard existing wharfage and associated storage, handling and processing facilities for the bulk transport by sea or inland waterways of minerals. Paragraph 006 of the Minerals PPG states that planning authorities should safeguard existing, planned and potential storage, handling and transport sites to ensure that sites for these purposes are available should they be needed.
36. Policy CA2C of the Kent MLPCA states that wharves or depots to receive aggregates will (amongst other things) not normally be permitted outside of existing port or industrial areas.
37. Policy CS01 of the Gravesham LPCS supports sustainable development and is worded in a similar way to draft Policy DM1 of the Kent MWLP. Policy CS02 states

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(amongst other things) that the development strategy for the Borough is to retain and improve the existing stock of housing and suitable employment land and make provision for new dwellings and employment floorspace. It also promotes regeneration by prioritising the redevelopment and recycling of underused, derelict and previously developed land in the urban area, principally through redevelopment of former industrial sites in the Opportunity Areas to create new residential neighbourhoods and employment areas. Policy CS03 states that the Northfleet Embankment East Regeneration Area Key Site (sub-area 1.8) will provide an employment led development of around 87,550sqm gross new employment floorspace including a major industrial and warehousing development (use classes B1, B2 and B8) with multimodal access, subject to master planning and overcoming identified constraints. It also states that the Area will provide around 250 dwellings at the eastern end of the site and that a buffer zone comprising open space, landscaping and business development (use class B1) will be required between the residential development and industrial and warehousing development. It further states that proposals for the Key Site will be required to retain Red Lion Wharf for commercial river based use that is appropriate to context, subject to capacity for the transshipment of minerals being maintained through alternative provision off-site. The application site and Red Lion Wharf lie within an area identified for “Multimodal Industrial and Warehousing Development” on Figure 8: Key Site 1.8 Northfleet Embankment East Regeneration Area Schematic Plan that also identifies a possible rail connection through land owned by Kimberly Clark from the existing rail sidings at Wharf 42 (owned by Lafarge Tarmac). Policy CS07 states (amongst other things) that the Borough Council will seek to secure the delivery of new employment floorspace and protect existing commercial wharves.

38. Draft Policy CSM1 of the draft Kent MWLP reinforces the presumption in favour of sustainable development set out in the NPPF and PPG. Draft Policy CSM11 safeguards Red Lion Wharf and sets out criteria against which proposed development will be assessed in that context. Draft Policy DM21 states that ancillary development within or in close proximity to mineral development will be permitted provided it is necessary to enable the main development to proceed, would not cause unacceptable adverse impacts to communities or the environment and it has been demonstrated that there are environmental benefits in providing a close link with the existing site that outweigh the environmental impacts. It further states that where permission is granted, the operation and retention of the associated development will be limited to the life of the linked mineral facility.
39. It should be noted that the Borough Council has objected to the proposed safeguarding of Red Lion Wharf in the emerging Kent MWLP due to potential conflict with its own aspirations for Northfleet Embankment East (as expressed through Policy CS03). The Borough Council also attended the Kent MWLP Examination (which was held between 14 and 23 April 2015 and is scheduled to continue between 26 and 29

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May 2015) in support of its objection. The County Council's strategy for minerals in Kent will increasingly rely on the availability of imported minerals. The continued existence of wharf capacity (such as that at Red Lion Wharf) is vital and the County Council is therefore strongly resisting any attempt to have the proposed safeguarding removed.

40. Regardless of the outcome of the Kent MWLP Examination and the safeguarding of Red Lion Wharf, as the application site is within both an existing and proposed industrial area I consider the proposed development to be acceptable in principle at this location. The application site does not need to be within the proposed safeguarding area for permission to be granted as the Borough Council appears to suggest. As noted above, there is also policy support for ancillary development in close proximity to mineral development (which could include a minerals wharf). Whilst it is questionable as to whether it is actually necessary to enable the main development to proceed (in this case continue) it would certainly be beneficial and would assist in securing continued mineral supplies in the quantities currently dealt with at Red Lion Wharf (including the mineral provided to enable micro asphalt to be produced and used by Kent Highways and others). There is also further policy support for the proposed development provided this is linked to the life of the related mineral facility. The issue of whether the various criteria contained in the above and other policies are met is addressed in the following sections. The question as to whether the proposed development could compromise the master planning of the area is addressed in paragraph 64 below.

The need for the development

41. The applicant states that the proposed development is necessary due to the lack of space within the existing site following the cessation of operations on that part of the HCA land immediately to the south of Red Lion Wharf and more generally as a result of the fact that demand has increased, larger vessels are used with larger loads delivered, more grades / specifications of aggregate are handled (requiring separate stockpiles), some aggregates need to be mixed to supply demand (e.g. for micro asphalt) and improved traffic management has been required to meet legislative changes since permission was initially granted in 2001.
42. Whilst I agree with the Borough Council that the loss of the land that was being used without the benefit of planning permission should not be regarded as a material consideration when determining the current application, I do consider that the problems that withdrawal from that land has created in terms of lack of operational space is of relevance since its use had served to disguise the fact that the permitted area was no longer adequate to meet the requirements of the applicant's recent operations. Maintaining the existing quantity and range of aggregates from Red Lion Wharf by providing additional land for the proposed facilities would be

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consistent with mineral policies provided that this is acceptable in other respects. The proposed 5-year period should provide the applicant with sufficient time to re-evaluate its operational needs at Red Lion Wharf and make suitable plans for how it intends to operate thereafter (either at the site or elsewhere).

Environmental and amenity impacts (including noise and air quality / dust)

43. Paragraph 144 of the NPPF states that local planning authorities should ensure that there are no unacceptable adverse impacts on human health when granting permission for mineral development and that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source. Paragraph 013 of the Minerals PPG states that noise, dust, air quality and lighting are principal issues that Mineral Planning Authorities (MPAs) should address when determining mineral applications.
44. Policy CA3 of the Kent MLPCA states (amongst other things) that when considering proposals for wharves or depots to receive aggregates, the County Council will normally require that the proposal does not adversely affect local features of identified importance or their setting or compromise site specific protection policies or areas of conservation significance and operations can be carried out in accordance with those policies relating to the impact of development / principles of working and reclamation and not be unduly obtrusive in the landscape. Policy CA18 states that the County Council will have to be satisfied that noise, vibration and dust from both the site and haulage vehicles can be satisfactorily controlled before permission is granted for the working or supply of construction aggregates. Policy CA20 seeks to ensure that development involving fixed plant and buildings is acceptable in terms of siting, design and external appearance. Policy CA22 states that before mineral extraction or supply commences, the County Council should be satisfied that an appropriate landscaping scheme is an integral part of the development.
45. Policy CS19 of the Gravesham LPCS states (amongst other things) that new development should conserve and enhance the character of the local built environment and integrate well with the surrounding area as well as avoid adverse environmental impacts from pollution (including noise, air, odour and light pollution).
46. Draft Policy DM1 of the draft Kent MWLP states that proposals for mineral development will be required to demonstrate that they have been designed to avoid causing any unacceptable adverse impact on the environment and communities. Draft Policy DM10 states that minerals development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from (amongst others) noise, dust, vibration, odour, emissions, illumination, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. Draft Policy DM11 states that

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permission will be granted for minerals development where it does not result in an unacceptable adverse, cumulative impact on the amenity of a local community. Draft Policy DM21 states (amongst other things) that proposals for ancillary development will be permitted provided it would not cause unacceptable adverse impacts to communities or the environment. In addition to safeguarding Red Lion Wharf, draft Policy CSM11 also states that planning applications for development adjacent to or opposite it will need to demonstrate that acceptable levels of noise, dust and air emissions derived from the mineral site would be experienced at the proposed development.

47. The Borough Council has objected on the grounds that the proposed development has the potential to create adverse noise, dust, air quality and odour impacts and as it believes the applicant has not provided sufficient information on the use of the mixing wall, the nature of the EM26 aggregate and the potential impacts associated with these operations. I understand from discussions with Borough Council officers that concerns about these issues have been significantly influenced by experiences at Red Lion Wharf itself where stockpile heights are permitted to be 10m high and dust control measures have not always been effective. I also understand that the Borough Council considers the applicant to have a poor compliance record in terms of dust control at Red Lion Wharf. These are primarily matters for the Borough Council to address and enforce as necessary since it granted permission for the development currently in place at Red Lion Wharf.
48. The proposed development involves relocating existing facilities rather than creating entirely new ones and EM26 aggregate is already stockpiled on and a mixing wall used at Red Lion Wharf. The application proposes that the new stockpile of EM26 aggregate be restricted to 2m in height as opposed to being subject to a 10m limit at Red Lion Wharf. The proposed 2m maximum height could be secured by condition if permission is granted. As the proposed stockpile would be significantly lower, any dust impacts would also be more limited and the effectiveness of the proposed dust control measures (sprinklers and misting systems) far better than current arrangements provided sufficient water supplies are provided (see paragraph 62 below). The provision of the 2.4m high mixing wall itself, together with a 2m high sleeper wall along that part of the southern boundary near the EM26 aggregate stockpile, mixing and collection areas, would also serve to further reduce the likelihood of significant dust emissions from the site. The mixing and boundary walls would additionally serve to reduce the noise impact of operations on adjoining employment uses. Residential properties are unlikely to be affected in any way by operations on the site given the distance between the two, the difference in land levels and (in places) intervening buildings (e.g. the Lidl distribution warehouse to the south). Whilst lorries associated with operations at the site may impact on residential properties on Rosherville Way or elsewhere, such impacts would occur regardless of whether permission is granted since materials would continue to be dispatched from Red Lion

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Wharf.

49. As noted in paragraph 12 above, planning permission (GR/14/423) was granted by the Borough Council for the variation of condition 6 of planning permission GR/01/288 to allow unrestricted operating hours at Red Lion Wharf on weekdays until 31 December 2015. Permitted hours would thereafter return to those allowed by GR/01/288 (i.e. 07:00 to 19:00 hours Monday to Friday and 08:00 to 14:00 hours on Saturdays with no operations on Sundays or Public Holidays). Other employment development in the area operates 24 hours a day 7 days a week. If permission is granted, I consider it appropriate to restrict operating hours on the proposed site in the same way as Red Lion Wharf since the two operations are linked and the proposed facilities would continue to be needed to serve wharf and distribution operations. I further consider it appropriate to restrict any permission to the 5-year temporary period sought. This would enable the impact of the development to be monitored, as well as serve to address matters discussed elsewhere in this report.
50. Any visual impacts arising from the proposed development need to be considered in context of existing landraising and other site preparation and industrial development in the area (including that at Red Lion Wharf). Given this and as development would be restricted to 5-years, I see no need to impose additional landscaping requirements in this case. The effective landscaping of the area should more properly be addressed as part of the master planning and regeneration of the area referred to by the Borough Council. However, it would be appropriate to ensure that all plant, equipment, buildings, structures and stockpiles are removed from the site at the end of any temporary period granted or within an appropriate time period if operations cease and are not likely to resume (whichever is the sooner) by imposing a suitable condition(s). I am satisfied that the proposed lighting is acceptable and that it would be possible to control any additional lighting that may subsequently be required by the inclusion a condition(s). Given the size, layout and location of the site and to avoid the possibility of unacceptable development taking place under permitted development rights I consider it appropriate to remove such rights in this case. In this way, development that would otherwise be permitted development would need to be approved by the County Council. Given the nature of the proposed operations and materials I can see no reason for any odour impacts.
51. I am satisfied that the proposed development would not give rise to unacceptable adverse environmental and amenity impacts and is acceptable in planning policy terms subject to the imposition of conditions to secure what is proposed and those matters referred to above.

Highways and transportation

52. Paragraph 32 of the NPPF states that decisions should take account of whether safe

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and suitable access to the site can be achieved. It also states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. Paragraph 143 states that in preparing local plans local planning authorities should set out environmental criteria against which planning applications should be assessed to ensure that permitted operations do not have unacceptable impacts on the natural and historic environment and human health from traffic. Paragraph 144 states that local planning authorities should have regard to such matters when determining planning applications.

53. Policy CA1 of the Kent MLPCA states (amongst other things) that when considering potential locations for wharves to receive aggregates, the County Council will normally require that they have no undue impact on road safety and congestion and avoid residential areas. Policy CA16 states (amongst other things) that permission for the working or supply of construction aggregates will be refused if it is considered that the proposed access, or the effects of vehicles travelling to and from the site would adversely affect in a material way the safety and capacity of the highway network. Policy CA18 states that the County Council should also be satisfied that noise, vibration and dust from haulage vehicles can be satisfactorily controlled.
54. Policy CS11 of the Gravesham LPCS states (amongst other things) that new developments should mitigate their impact on the highways network and provide sufficient parking and that wharves will be safeguarded.
55. Draft Policy CSM10 of the draft Kent MWLP states that planning permission for any new wharf importation operation that includes the transport of minerals by sustainable means (e.g. sea and river) as the dominant mode of transport will be granted where well located in relation to key arterial routes across Kent and operations can be controlled so that there are no unacceptable adverse impacts on the local environment or communities. In addition to safeguarding Red Lion Wharf, draft Policy CSM11 also states that vehicle access to and from the wharf must not be jeopardised. Draft Policy DM12 states that minerals development will be required to minimise road miles except where there is no practicable alternative to road transport that would be environmentally preferable. It also states that where new development would require road transport, the proposed access arrangements must be safe and appropriate and the impact of traffic generated not detrimental to road safety and that the highway network must be able to accommodate the traffic and that its impacts on the environment and community must not be unacceptable.
56. The application proposes to use existing access arrangements and relocate existing facilities rather than provide additional ones. The proposed development would not adversely affect access to Red Lion Wharf and would assist in enabling the continued use of sustainable transport (i.e. sea and river) for the movement of aggregates. No new vehicle movements are proposed, such that there would be no additional impacts

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associated with traffic, and KCC Highways and Transportation has no objections. Given this, as there are no restrictions on lorry movements relating to activities at Red Lion Wharf and as the proposed site would operate ancillary to that permitted, I do not consider that it would be reasonable to impose any restrictions in this case. I am satisfied that retaining the wheel wash (as the amended application proposes) is preferable to its relocation as it would enable lorries to be cleaned before leaving the main site and allow the length of internal access road to further reduce potential impacts on the public highway. I believe that potential adverse impacts associated with lorries transporting aggregates could be further reduced by requiring vehicles to be sheeted as suggested by the Borough Council. I also consider that the proposed car parking arrangements are sufficient to accommodate those that would be working at or visiting the site and that the layout of the proposed site is acceptable.

57. I am satisfied that the proposed development is acceptable in terms of highways and transportation and relevant planning policies subject to the imposition of conditions to require the sheeting of lorries carrying aggregates to and from the site and measures to ensure that both the access road between Red Lion Wharf and the application site and Crete Hall Road more generally are kept clean / clear of unwanted materials or other debris.

Water environment

58. Paragraph 143 of the NPPF states that in preparing local plans local planning authorities should set out environmental criteria against which planning applications should be assessed to ensure that permitted operations do not have unacceptable impacts on the natural and historic environment and human health from flooding, the flow and quantity of surface and groundwater and contamination (including cumulatively). Paragraph 144 states that local planning authorities should have regard to such matters when determining planning applications. Advice on these how these issues should be addressed in preparing and determining planning applications is contained in the PPG relating to water supply, wastewater and water quality.
59. Policy CS18 of the Gravesham LPCS states (amongst other things) that proposals in areas at risk from flooding must be accompanied by a flood risk assessment and that the Council will seek to minimise the impact of drainage and reduce the overall carbon footprint of the Borough.
60. Draft Policy DM1 of the draft Kent MWLP states that minerals and waste proposals should be designed to avoid causing any unacceptable adverse impact on the environment and communities by appropriate measures to utilise sustainable drainage systems wherever practicable. Draft Policy DM9 states that planning permission will not be granted for minerals development where it would adversely affect the water environment or exacerbate flood risk.

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61. The proposed development would be connected to existing foul and surface water drainage and mains water supply within the internal access road serving Red Lion Wharf and includes provision for the control of surface water drainage within the site.
62. The Environment Agency is satisfied that the submitted flood risk assessment has demonstrated that the proposed development is of low risk and that the existing foul drainage system would be used. The provision of mains water supply should ensure that sufficient water is available for dust control and other requirements on site. Connections to the foul and surface water drainage system and to the mains water supply should be undertaken before operations commence on site.
63. I am satisfied that the proposed development is acceptable in terms of the water environment and related policies subject to the imposition of conditions to secure what is proposed and those matters referred to above.

Could the proposed development compromise the proper master planning of the wider development of Northfleet Embankment and Swanscombe Peninsula East Opportunity Area?

64. Given that the application site lies within the Northfleet Embankment East Regeneration Area Key Site (sub-area 1.8 of the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area) identified in the recently adopted Gravesham LPCS and that a master plan is to be prepared for the major re-development of the area, I do not consider that it would be appropriate to grant a permanent permission at this time. However, I do not accept that a 5-year temporary planning permission would compromise the proper master planning of the area. This opinion would appear to be supported by the HCA which, as landowner of the site and much of the surrounding land, has agreed a 5-year lease with the applicant for the application site. Whilst the Gravesham LPCS includes a schematic plan illustrating in very general terms how industrial / warehousing and residential development could be accommodated and separated by open space / employment buffer zones within the Northfleet Embankment East Regeneration Area, there is currently no master plan and no applications (either outline or detailed) have been submitted for the re-development of the area. Planning permission GR/11/320 only provides for land raising, the creation of a development platform and demolition (see paragraph 9 above). In my opinion, the likelihood of the application site actually being required for future development within the next 5 years (or the remaining period of the lease granted to the applicant by the HCA) is remote and should not prevent a temporary planning permission being granted.
65. Whilst the Borough Council is correct to point out that the site and surrounding land is likely to be under the jurisdiction of the Ebbsfleet Garden City Urban Development

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Corporation, I do not consider that this has any direct bearing on the proposed development or for the determination of the application.

Conclusion

66. Having regard to the issues set out above, I consider that the proposed development would not give rise to significant or unacceptable adverse effects and that potential adverse effects (such as dust emissions) could reasonably be addressed by the imposition of conditions to secure the mitigation proposed by the applicant or other matters referred to in this report. I do not consider that the proposed development would compromise the proper master planning of the area as stated by the Borough Council provided any permission is limited to no more than 5 years. Any permission granted should be linked to those relating to the applicant's existing operations at Red Lion Wharf (i.e. permissions GR/01/288 and GR/14/423). In this way, unrestricted operating hours on weekdays (excluding Public Holidays) would only be permitted until 31 December 2015 (as provided for by GR/14/423) after which operating hours on weekdays would return to those provided for by GR/01/288 (i.e. 07:00 to 19:00 hours). I further consider that a 5-year period should provide sufficient time for greater certainty on the regeneration of the area to be established and provide the applicant with sufficient time to fully review its operations and requirements in the context of that development consistent with the objectives of the draft Kent MWLP. I therefore recommend accordingly.

Recommendation

66. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO conditions including those to address the following:-

- 5-year temporary planning permission (from the date of the permission);
- The development being implemented and operations taking place as proposed;
- The stockpile of aggregate being restricted to the area proposed and limited to no more than 2m in height;
- The mixing of aggregates only taking place at the mixing wall;
- Operations taking place at any time weekdays and between 08:00 and 14:00 hours on Saturdays with none on Sundays and Public Holidays until 31 December 2015 and thereafter only taking place between 07:00 and 19:00 hours on weekdays and 08:00 and 14:00 hours on Saturdays with none on Sundays and Public Holidays;
- The proposed dust control measures (sprinkler and misting systems) being installed and available for use before operations commence and thereafter maintained and used as necessary for the life of the development;
- The proposed boundary sleeper wall being fully implemented before operations

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commence;

- The access road between Red Lion Wharf and the application site being kept clean and free of debris or other materials at all times;
- Wheel cleaning facilities being maintained at Red Lion Wharf and employed as necessary, supplemented as necessary by other measures (such as a road sweeper);
- The sheeting of lorries transporting aggregates to or from the site and Red Lion Wharf;
- No additional lighting being installed or used without the prior approval in writing of the County Council;
- No operations taking place until the proposed linear drain has been installed and the site and its facilities have been connected to and are able to use the foul and surface water drainage and mains water supply as proposed;
- The proposed car parking arrangements being implemented and available for use before operations commence;
- Removal of permitted development rights;
- Removal of all plant, equipment, buildings, structures and stockpiles at the end of the 5-year temporary period or within 1 month of the cessation of operations at the site (whichever is the earlier).

Case Officer: Jim Wooldridge	Tel. no. 03000 413484
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