

SECTION C
MINERALS AND WASTE DISPOSAL

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

Item C1

Improvement and enhancement of existing waste transfer site by erection of a replacement building to provide covered working area and ancillary site improvements together with retrospective provision for trommel, picking station and wall at Unit 4 Apex Business Park, Queens Farm Road, Shorne, Gravesend, Kent DA12 3HU -20151192 (KCC/GR/0387/2015)

A report by Head of Planning Applications Group to Planning Applications Committee on 14th September 2016.

Application by RS Skips Ltd for improvement and enhancement of existing waste transfer site by erection of a replacement building to provide covered working area and ancillary site improvements together with retrospective provision for trommel, picking station and wall at Unit 4 Apex Business Park, Queens Farm Road, Shorne, Gravesend, Kent DA12 3HU – 20151192 (KCC/GR/0387/2015)

Recommendation: Planning permission be granted subject to conditions.

Local Member: Mr Bryan Sweetland

Classification: Unrestricted

Site and Surroundings

1. Apex Business Park lies to the south of Hoo Railway Junction, approximately 2.5 km north-east of the urban fringe of Gravesend, 2km north of Shorne and 2km north-west of Higham. The site is accessed from Queen's Farm Road and the Lower Higham Road to the west towards the Lion Roundabout in Gravesend, which accesses the A226. Lower Higham is to the east of the junction of Queen's Farm Road with Lower Higham Road. Queen's Farm Road is a cul-de-sac, which terminates at the railway siding. This road also serves a farm and a number of residential properties associated with the farm, but the majority of traffic using the road is associated with the Business Park.
2. The Business Park is located within the generally low-lying area of Shorne Marshes, flat arable farmland which stretches north towards to the River Thames. The North Kent Railway line runs broadly east to west across the landscape. Further to the north is an area of coastal grazing marsh with estuarine mud flats. To the north east of the site is a rail freight sidings and a larger industrial estate consisting of several units. In the distance large industrial structures are viewed to the rear of this flat landscape and include Tilbury Docks, Tilbury Power Station and the new Thames Port Terminal on the Essex side of the River Thames.

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3. The Business Park is visible over long distances from the south however it is not generally visible from the north side of the railway because of changes in level and general vegetation along the boundary of the railway.
4. The nearest residential property to the site is approximately 320 metres to the south, at Queens Farm. The original complex of farm buildings located on the east side of Queens Farm Road has planning permission to be converted to residential use. There are new replacement farm buildings on the west side of Queens Farm Road, which consist of large-scale steel-framed structures, clad externally with Norfolk Boarding. Queens Farm House is not listed, but, together with the farm cottages, barns etc., is at the centre of the Queens Farm Conservation Area which extends northwards (to a boundary with the industrial estate) and eastward beyond the farm complex across the adjacent former orchard land.
5. As set out above Hoo Junction Railway siding lies immediately to the north of the site. This is a substantial freight depot covering some 2.5 ha (some of which is open scrub/ woodland) and is raised slightly above the application site. Crossrail is a cross-London rail connection and in 2018, giving access from Heathrow and Maidenhead in the west to Abbey Wood (which lies on the traditional railway line between Gravesend and London) in the east. There is the possibility of the future extension of Crossrail from Abbey Wood to Gravesend to help address future peak capacity issues. Subsequently an area of land including facilities at Hoo Junction is safeguarded to allow for this. The safeguarding to afford protection to High Speed 1 (HS1 - originally Channel Tunnel Rail Link) also covers the existing rail lines and sidings to the north of the application site.
6. The former British Uralite complex lies to the north of Hoo Junction. This used to manufacture asbestos products, including chimney pots and pipes. It is now known as the Nuralite Industrial Estate, with units varying from 93 sq. m. (1,000 sq. ft.) to over 1858 sq. m (20,000 sq. ft.) in area. And is accessed via Canal Road, Higham.
7. The site lies within the Metropolitan Green Belt, but does not fall within any area specifically designated for nature conservation. However, the South Thames Estuary & Marshes Site of Special Scientific Interest (SSSI) is situated to the north of Hoo Junction, approximately 140 metres from the site. This SSSI forms part of the Thames Estuary & Marshes Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). The Kent Downs Area of Outstanding Natural Beauty (AONB) lies approximately 3km to the south of the site. Natural England characterises the site and surrounding area as National Character Area (NCA) 81: Greater Thames Estuary. The site sits on the south western edge of this NCA. The Landscape Assessment of Kent characterises the area encompassing the site as Hoo Peninsular Landscape Character Area (LCA). The Gravesham Landscape Character Assessment characterises the area as the Higham Arable Farmland LCA. These designations recognise the predominantly flat, low-lying alluvial marsh and arable nature of the landscape; and the intrusive nature of development pressures in and around major settlements with urban, industrial and recreational site often highly visible within the low-lying marshes.

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8. The Application site itself lies adjacent to the northern boundary of the Business Park and is accessed up a slope off the central estate road and consists of 0.44 ha of concrete hard standing with sealed drainage, some fairly recent. It is bounded by security fencing and the other uses on the Business Park lie to the east, south and west. There is an open area immediately in front of the entrance gate and just to the east of it, there is a weighbridge. There are further storage areas at the east end of the site, together with areas devoted to the repair of vehicles and plant. There are a number of storage containers located here. Storage for empty skips was taking place at the western end of the application site, where it is proposed to locate the building being applied for.
9. There are a variety of other uses operating on the estate including scaffolding businesses, portaloo hire company, commercial vehicle depot, another skip hire business (no waste handling), specialist car repairs, a kickboxing gym and industrial generator supply/installation company. All of these uses access the industrial estate along Queens Farm Road.

Background and Recent Site History

10. Prior to considering the merits of this application it is also useful to understand the planning history for this site and to explain the current position on site. I set out below the background to the use of the site and the more recent events that have led to the situation on site at present.
11. RS Skips took over the site following the grant of planning permission to use it as a waste transfer facility in 2010. Prior to that, Unit 4 accommodated a Builders Merchants and Plant Hire Company and housed a variety of single-storey workshops and storage sheds, together with various single-storey and two-storey Portacabins. There were also various storage structures including racks, tanks and containers. Before that, the site previously had a Heavy Goods Vehicle Operating Centre Licence for 7 heavy goods vehicles, and prior to that was used as a specialised vehicle dismantling business involving the depollution of scrapped vehicles. Prior to that, the site was a plant hire and storage yard.
12. There were two existing buildings on site, steel framed prefabricated structures of semi-circular section, and positioned alongside each other. The larger building was approximately 10.7m wide x 41m long x 5.6m high and the smaller building (vehicle maintenance) was approximately 7.5m wide by 10m long x 5.6m high. The larger building was damaged by a machine working on site and both buildings were subsequently demolished in September 2014. The Applicant is now seeking planning permission for a replacement building.
13. The relevant planning history is set out below:

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- 20070873 – Outline Application for the demolition of the existing sheds and Portacabins and the erection of 12 light industrial units in three blocks – Approved 5 March 2008 - not implemented, now lapsed.
 - 20090537 - Outline Application for the demolition of the existing sheds and Portacabins and the erection of 12 light industrial units in three blocks – Approved 25 August 2009.
 - GR/10/412 - Change of use to a waste transfer station, reuse of existing permanent buildings and removal of all except one portacabin - Permitted 8 September 2010.
 - GR/10/412/R3 – Erection of proposed security hut and dog kennel pursuant to condition 3 (restriction of permitted development rights) – Permitted 7 January 2013
 - GR/13/708 – Erection of permanent single-storey office building at the existing waste transfer station to replace portacabin accommodation - Permitted 16 October 2013
 - GR/14/617 – Resubmission of GR/13/708 for the erection of a permanent single-storey office building at the existing waste transfer station to replace portacabin accommodation - Permitted 8 September 2014.
 - KCC/GR/0431/2014 – (Submitted November 2014) Erection of a replacement building to provide covered working area, provision of trommel and picking station at existing waste transfer station. – Withdrawn 25 November 2015
14. Effectively planning permission GR/10/412 sets the parameters within which the current use operates and therefore the conditions attached to it are relevant. As such that application sought permission to change the use of the site to a waste transfer station, to be used for the separation of construction and demolition waste into individual waste streams to be bulked up for onward recycling, and the disposal of non-recyclable materials to landfill. The tipped waste was to be sorted within the larger of the two existing buildings. Fundamentally through the conditions attached to that consent the site is presently restricted to handling no more than 55,000 tonnes per annum of waste, with no more than 24 HGV movements per day, (the applicant explained this would utilise their existing fleet of 6 skip lorries and one additional visit per week by a bulk HGV to collect sorted waste for recycling). In addition no stockpiles, skip stacking, container stacking, portacabin or plant or machinery were to exceed 3m in height.
15. At the same time the buildings were being taken down a 2.7 metre (approx.) high breezeblock wall was constructed on the northern boundary of the site. The Applicant explained this was to retain the bank and soils of the embankment up to the rail sidings land behind, which were falling into the site. The wall was constructed without the benefit of planning permission, and retrospective planning permission is sought as part of this application. At some time, whether when the wall was built or previously, the boundary of the site has been extended northward by a metre or so onto land outside of the industrial estate (and outside of the boundary of planning permission GR/10/412). This was brought to the attention of the Applicant who has now served an additional notice on the owner of that land and retrospective permission is sought for the change of use of the land to part of the waste transfer site.

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16. Since the removal of the two Nissan hut type buildings, the waste sorting activities have been taking place in the open. The site is subject to an Environmental Permit for a waste transfer station which is issued and monitored by the Environment Agency (EA). The report issued following the removal of the buildings sets out the EA position at that time and reads:

Inspection date 15 September 2014:-

(1) "On approach to the site it was observed that the building had been removed and the footings for a new perimeter wall were underway. A large stockpile of soil dug out to accommodate wall footings was present in the middle of the front of the site. The Operator explained that there had been an accident with a 360 and the whole shed had been at risk of collapse so the building had been demolished about 2 weeks ago."

(2) "The building infrastructure has been completely demolished and removed from site due to the accident that deemed the building unsafe. Currently all treatment activities on site are not contained within the infrastructure of a building."

(3) "These serious and considerable permit contraventions cannot continue indefinitely and a solution needs to be found regarding the erection of a new building on site or alternatively the permit needs to be varied to allow these waste activities without a building. Failure to resolve this issue in agreed timescales with the EA will result in the issue of a Notice."

17. Condition 2.3 of the permit (issued by the EA) required the transfer operations to take place within a building. In January 2015 the EA set out an agreed temporary enforcement position with the operator (RS Skips Ltd) which effectively allowed storage of waste outside a building (with some additional conditions) until such times as the relevant planning application is determined.
18. Around June of last year the Applicant chose to erect the trommel and picking station on site in advance of a planning decision on the matter. This is in breach of planning control and they have been advised accordingly. The Applicant sought consent from the Environment Agency to commission the plant and I understand they were given three days to trial the operations after which time they were not to run any waste through the plant. The trommel was operated beyond this deadline. The use of the trommel in this way, without any building to enclose the loading activities, resulted in a significant level of complaint of dust and noise issues arising from the local area. I understand the trommel and picking station do not form part of the current permit for the site and the EA have instructed them not to use it any further.
19. The approved office building (GR/14/617) has now been constructed on site and a condition requires that all remaining portacabin and container structures be removed from site upon first occupation of the new building. However the proposed layout

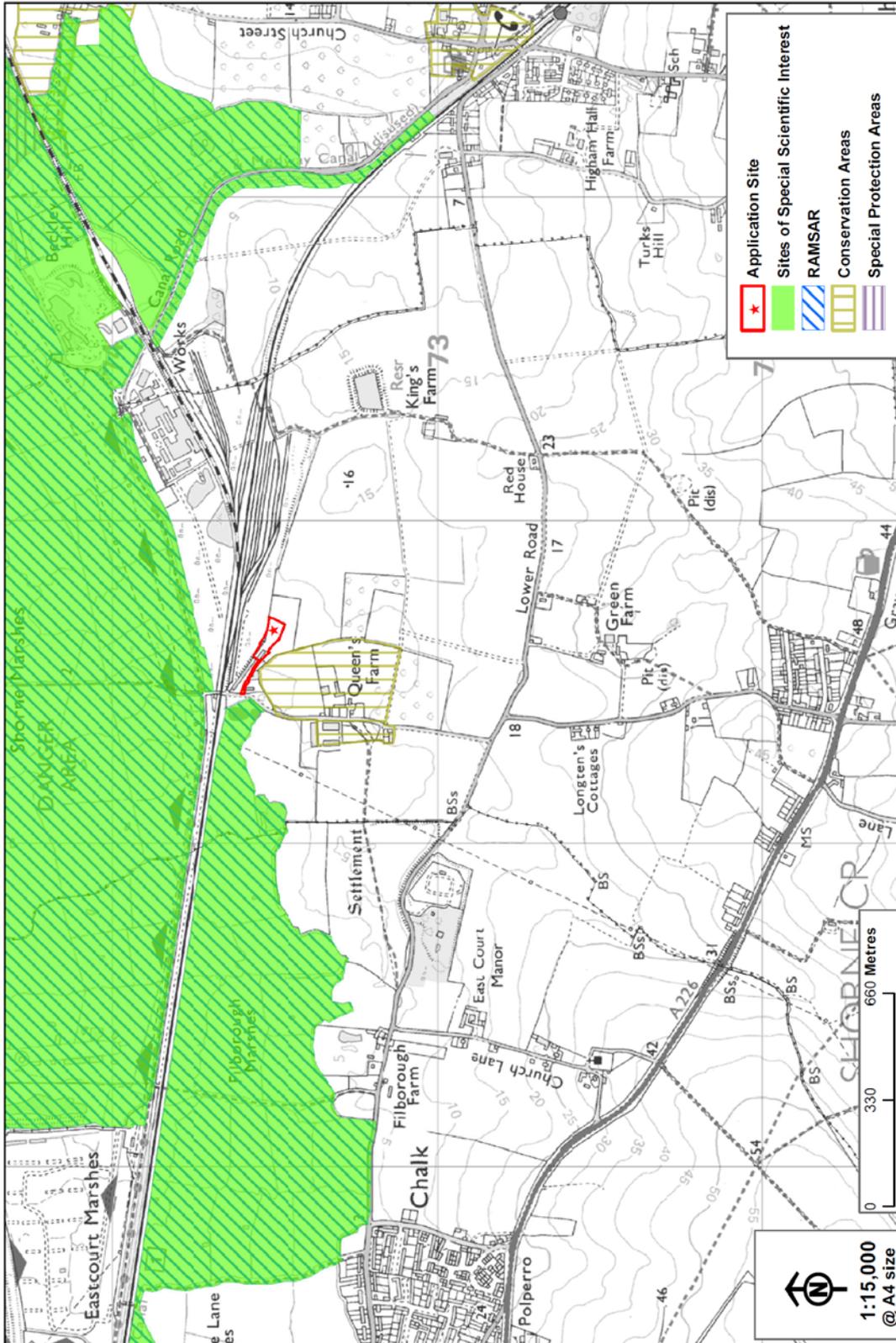
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drawing on this application now seeks to retain the vehicle maintenance building at the eastern end of the site.

20. It should be noted that planning application KCC/GR/0431/2014 was for a similar development as that now proposed but had been changed numerous times which resulted in a poorly drafted and confusing submission. Hence the application was withdrawn following a change of Agent and this proposal before Members now seeks permission for a replacement building, retrospective permission for the trommel and picking station and wall, as well as other ancillary changes to the operations on the site, including the retention of the vehicle maintenance building.

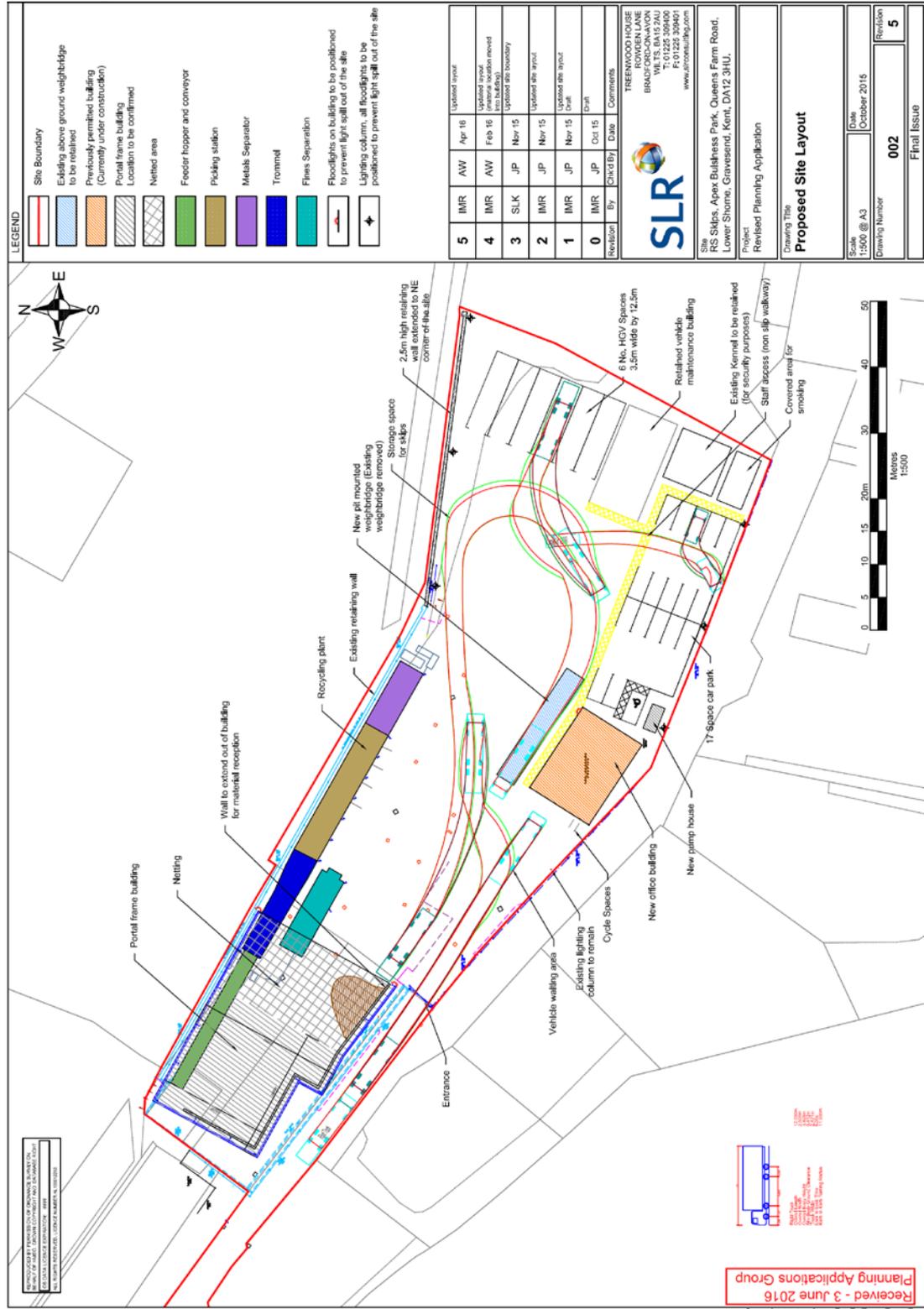
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General Location Plan



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Site Layout Plan



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Proposal

21. As set out previously this application was submitted following the withdrawal of an earlier one which involved similar proposals and had been amended several times over the preceding 12 months. This new application was submitted to unify all of those amendments, it too has been amended to reduce the overall size of the building.
22. This application seeks planning permission for the erection of a replacement building to provide a covered working area and retrospective provision of a trommel and picking station at the existing waste transfer site. In addition retrospective planning permission is sought for the erection of the 2.7m high breezeblock wall along part of the northern boundary of the site, as well as the change of use of a small parcel of land to the north which has been annexed into the site boundary. It is proposed that the retaining wall on the northern boundary is extended all the way up to the NE corner of the site. The existing weighbridge is to be removed and replaced and the layout of the site would be adjusted to accommodate all of these changes along with dedicated parking and turning areas.
23. Initially it was proposed to increase the throughput of waste up to 75,000 tpa, along with a significant increase in vehicle movements, but the application has been amended since submission and it is now proposed to remain operating at the consented levels of 55,000 tpa with a smaller increase (than initially proposed in this application) in the associated number of HGV movements from 24 to 74, over those limited by the current conditions.
24. Initially the proposed building was 39.5m x 20m but has now been reduced in size so that the steel frame building would measure 19.85m x 22m at its widest (it is stepped in towards the back of the site to measure 13m x 18m) and is just over 12 metres at its maximum height. It would be located at the western end of the site and sits 1m inside of the 2.7m high retaining wall on the north eastern boundary. The frame is clad with a 2m high blockwork wall with single skin steel sheet cladding above, although most of the north eastern side (adjacent to the retaining wall) of the building is open. It is proposed to extend the steelwork of the building on the north elevation and with a clad wall on the southern elevation (approx. 13m in length) to support netting over the whole area to assist with preventing wind-blown material beyond the building. An internal wall is proposed from the western end all the way along the south western elevation and along the clad wall which supports the netting.
25. The trommel and picking station (already erected on site) measures approximately 70m in overall length. The feed hopper and the first section of conveyor are within the building, the trommel and fines separator are partially within the netted area but also extend by about 2/3rds of their respective lengths beyond, into the open. The picking station is semi-enclosed by cabins along the conveyor before the line terminates with an open metals separator. The plant is a maximum height of approx. 8m with the picking station being just over 6 m for the majority of its length.

Operations

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26. The Applicant's fleet of skip loader vehicles would typically bring around 50% of the daily waste imports, with the remaining 50% brought in by a mixture of ro-ro and tipper HGVs. Loaded vehicles would arrive at site and be directed to the weighbridge or be held in the waiting area. Once weighed, vehicles would tip their load onto the ground in the material reception area in front of the building. Empty skips would be taken back to the skip storage area if not going out again straight away. Following tipping the material would immediately be swept into the building by a JCB, where very large objects would be separated from the waste stream before the remainder is loaded into the hopper by a 360 excavator, for processing. The material would travel via conveyor to the trommel (drum separator) which would remove the fines from the waste stream into a fines separator before they are deposited into a separate container. The waste material would continue along the conveyor into the semi-enclosed sorting cabin/picking station where the operatives would remove recyclable materials by hand and sort into chutes with containers below for the various waste streams. Finally the waste would pass through a separator to take out any metals and the residue inert waste would drop into a separate bin.
27. The sorted wastes would then be baled and prepared for onward distribution to the various recycling companies, as follows:

Wood, Plasterboard	Countrystyle Group, Ridham
Green Waste	Countrystyle Group, Ridham
Metal	EMR, Strood
Inert Material	Hermitage Quarry, Maidstone
Fines Material (used as cover material)	Pitsea Landfill
Cardboard/Paper	Smurfit Kappa, Snodland
General Residue (RDF Material)	McGrath Brothers Ltd, Essex
Hard/Soft Plastics	Kingsnorth Waste Management, Hoo

28. It is proposed that the permitted level of traffic be increased from 24 to a maximum of 74 HGV movements per day (37 in and 37 out) which the applicant considers is a more realistic level likely to be generated by the permitted throughput (55,000tpa).
29. The site would continue to operate under the existing approved hours of operation which are as follows:-
- Monday – Friday 07:00 to 18:00 hours;
 - Saturdays 07:00 to 13:30 hours; and
 - No working on Sundays and Bank Holidays.

There would continue to be 15 full time staff employed at the site (those presently working in the open yard would be moved into the picking station).

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Planning Policy

30. **National Planning Policy and Guidance** – the most relevant National planning policies and policy guidance are set out within the following documents:

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

The NPPF contains a presumption in favour of sustainable development, which includes economic, social and environmental dimensions that should be sought jointly and simultaneously through the planning system. In terms of delivering sustainable development in relation to this development proposal, Chapters 1 (Building a strong, competitive economy), 4 (Promoting sustainable transport), 9 (Protecting Green Belt land), 10 (Meeting the challenge of climate change, flooding and coastal change), 11 (Conserving and enhancing the natural environment), and accompanying Technical Guidance are of particular relevance.

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

National Planning Policy Guidance (NPPG) (March 2014) supports the NPPF including guidance on planning for air quality, natural environment, noise, transport and waste (amongst other matters).

In the case of waste related development, the NPPG requires that applicants be able to demonstrate that their proposals will not undermine the waste planning strategy through prejudicing movement up the waste hierarchy. It goes on to confirm that if the proposal is consistent with an up to date Local Plan, there is no requirement to demonstrate 'need'.

Particularly relevant to this application, the guidance states that *"the waste planning authority should not assume that because a particular area has hosted, or hosts, waste disposal facilities, that it is appropriate to add to these or extend their life. It is important to consider the cumulative effect of previous waste disposal facilities on a community's wellbeing. Impacts on environmental quality, social cohesion and inclusion and economic potential may all be relevant. Engagement with the local community affected by previous waste disposal decisions will help in these considerations"*.

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Waste Management Plan for England (December 2013) is a high level document (non-site specific) which provides an analysis of the current waste management situation in England, and evaluates how the objectives and provisions of the revised European Waste Framework Directive will be supported and implemented. It sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Positive planning plays a pivotal role in delivering this country's waste ambitions through:

- delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy;
- ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities;
- providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of in line with the proximity principle;
- helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment; and
- ensuring the design and layout of new residential and commercial development and other infrastructure (such as safe and reliable transport links) complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate high quality collections of waste.

National Planning Policy for Waste (NPPW) (October 2014) sets out Government's detailed waste planning policy on waste, and should be read in conjunction with the NPPF and Waste Management Plan for England. Appendix B considers locational criteria in considering suitable sites in the preparation of Local Plans and in determining planning applications.

31. **Development Plan Policies:**

Kent Minerals and Waste Local Plan (MWLP) 2013-30 July 2016 - Policies include: CSW1 (Sustainable Development), CSW2 (Waste Hierarchy), CSW4 (Strategy for Waste Management Capacity), CSW6 (Location of Non-Strategic Waste Sites), CSW7 (Waste Management Facilities for Non-Hazardous Waste), CSW8 (Recovery Facilities for Non-Hazardous Waste), CSW16 (Safeguarding of Existing Waste Facilities), DM1 (Sustainable design), DM2 (Environmental and Landscape Sites of International, National and Local Importance), DM3 (Ecological Impact Assessment), DM4 (Green Belt), DM5 (Heritage Assets), DM6 (Historic Environment Assessment), DM10 (Water Environment), DM11 (Health and Amenity), DM13 (Transportation of Minerals and Waste), DM20 (Ancillary Development) and DM22 (Enforcement).

Gravesham Local Plan Core Strategy September 2014 – the most relevant Policies include: CS01 (Sustainable Development), CS02 (Scale and Distribution of Development and Green Belt), CS07 (Economy, Employment and Skills), CS11

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(Transport), CS19 (Development and Design Principles) and CS20 (Heritage and Historic Environment).

Gravesham Local Plan First Review (1994) Saved Policies: Policies T1 (Impact of Development on the Highway Network), T2 & T3 (Use of Primary Network), T4 (Development outside the built up area), T5 (New Access onto Highway Network) and P3 (Vehicle Parking Standards).

32. **Planning (Listed Buildings and Conservation Area) Act 1990** - Section 72 of the requires planning authorities to pay special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Consultations

(Comments relate to the latest amended proposals)

33. **Gravesham Borough Council:** Object – The Borough Council considers that traffic impacts are the key determining issues and the Borough Council would wish to highlight that strong objections have been raised by Higham Parish Council, Shorne Parish Council, The Dickens' Country Protection Society and numerous local residents. These local stakeholders raise a number of important issues but clearly the most significant concerns relate to the impacts of the proposed increased lorry movements on highway safety, residential amenity and the natural and historic environments. The Borough Council shares these concerns.

If planning permission were to be granted for the proposed development, the Borough Council would wish to see conditions attached which restrict the total throughput of waste to 55,000 tpa, the total number of HGV movements, their timing, routing and road worthiness (e.g. no mud or debris on the public highway) and also to mitigate the environmental impacts of the operation of the WTS. These conditions should include the mitigation of dust, noise, litter, odour, lighting and vibration impacts to the surrounding area. In addition the external facing materials for the building, the colouring of the machinery and the provision of landscaping should be subject to condition. Lastly watching brief soil contamination and archaeology conditions would be requested. A s.106 agreement may provide additional confidence in any routing or tonnage restrictions. KCC may wish to consider whether traffic management, signage, speed and weight restrictions would mitigate the traffic impacts.

Shorne Parish Council: Object – The amended proposals seek to legalise a level of traffic that breaches planning and with three times the number of HGV's and bigger vehicles. The amended building is taller than previously proposed. The estate should look to work together to provide plant screening for the whole site. Views from higher vantage points should be considered as well as the impact on openness, as well as the visual impact of the vehicles visiting the site, particularly light pollution during the hours of darkness. The transport assessment and data is not accurate or honest about the impacts. Other concerns relate to dust control, amenity impacts, heritage

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impacts, future developments and the need to condition operational volumes. In addition it repeats previous concerns relating to intensification of use, unsuitability of location, number of vehicle movements, unsuitability of local roads, road safety concerns, and amenity impacts on local residents, adjoining businesses and the environment.

Higham Parish Council: Object – The proposals to increase the number of HGV movements along with the increase in general traffic will have a negative impact on the residents of Chalk and Higham with significant loss of residential amenity.

Environment Agency: No objection. As set out earlier in this report they have been closely monitoring activities at this site and have agreed a holding enforcement position whilst this application is determined. Should planning permission be granted they would look to amend the environmental permit and assess the existing permit conditions to ensure the treatment of waste activity is contained,. If permission were refused they would need to consider whether the operator could demonstrate that appropriate measures could be put in place to manage dust risks with a variation to the permit to make the operator compliant.

Natural England: No objection in terms of the impact upon statutory nature conservation sites. Also advises that if undertaken in accordance with the details submitted it does not need to be subject to Appropriate Assessment under the Conservation of Habitats and Species Regulations 2010 (The Habitat Regulations). Refers to standing advice on protected species and the need to consider impacts on priority habitats and local sites.

Network Rail: raise no objections to the application but offer advice to the Applicant that both during construction and after completion of works on site the proposal does not encroach onto network rail land, affect the safety, operation or integrity of the company's railway and its infrastructure, undermine its support zone, damage the company's infrastructure, place additional load on cuttings, adversely affect any railway land or structure' over-sail or encroach upon the air-space of any Network Rail land, cause to obstruct or interfere with any works or proposed works or Network Rail. They have also provided a detailed comment on the requirements for the safe operation of the railway and the protection of Network Rail's adjoining land for the Applicant.

HS1 Safeguarding: Has no comment on the application.

Amey (Noise, Dust, Vibration and Odour)

Noise and Vibration - The noise assessment is compliant with the requirements of the National Planning Policy Framework and Planning Practice Guidance and is in accordance with guidance within BS 4142:2014. It is considered that noise levels from the development are acceptable subject to condition to following condition:

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The noise level from the site at Queens Farm House shall not exceed a rating level under BS 4142:2014 of 41dB LAr,1h. The noise levels from the site at any neighbouring commercial or industrial site shall not exceed 60 dB LAeq,1h.

In order to avoid potential vibration issues at the neighbouring properties from the use of high weighted machinery, it is recommended the inclusion of the following planning condition:

Vibration levels generated by the site activities shall not exceed a VDV,16h of 0.8 ms⁻¹.75 when measured inside buildings of neighbouring properties. Groundborne noise generated by activities within the site shall not exceed 45 dB LAmax (re. 2x10⁻⁵ Pa) when measured inside buildings of neighbouring properties. If access to the neighbouring sites is granted, evidence of compliance with the conditions above shall be provided at the request of the County Planning Authority.

Finally, it is recommended that the number of HGV movements be limited to 74 HGV movements per day in line with the traffic flows considered in the transport assessment.

Air Quality – It is recommended that a condition requiring the submission of a dust management plan (DMP) be attached to any permission granted. The DMP should detail how dust will be controlled at each stage of the handling of the waste materials at the site and vehicles leaving the site. The proposed dust suppression system proposed by the Applicant in the letter from the Agent could be one such measure. To ensure the risk of nuisance of odour from the site is minimised it is recommended that conditions relating to:

- The removal of any putrescible waste from the site within 48 hours (as proposed by the Applicant);
- Respond to any complaints within 24 hours, which if justified after investigation, will trigger remedial actions to prevent re-occurrence.

Kent County Council Highways and Transportation: No objection (see comments in full below)

“1. The current application does not increase the throughput of waste materials from 55,000 tonnes / year but it is accepted that the previous Planning Condition restricting HGV movements to 24 per day (12 in, 12 out) is not compatible with the yearly throughput. As a result, the site has been operating with the number of HGV movements (generally skip lorries) exceeding the permitted number for a considerable time.

2. The site access off Queens Farm Road is acceptable having sufficient width and visibility for the type of usage.

3. Queens Farm Road, whilst being narrow in places (up to 5.5m in width) has sufficient passing places and generally adequate forward visibility for the current

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(which includes proposed skip lorry movements) level of usage. Traffic flows are low as it is a no through road and only serves the remainder of the Apex Business Park, a few residential properties and a farm.

4. The junction of Queens Farm Road with Lower Road meets highway standards in respect of layout and visibility.

5. Lower Road is subject to a 50 mph speed limit and is of adequate width for the traffic volume it carries. The traffic flows along this road in both directions towards Higham and towards Chalk are low and well below the road's theoretical capacity. Lower Road becomes Lower Higham Road through the built-up area of Chalk where the carriageway widens to 7.3 m, and has footway and street lighting facilities. Again traffic flows are low compared with the capacity.

6. Both Queens Farm Road and Lower Road currently have low levels of traffic which are confirmed by surveys undertaken in September 2015 (when the proposed level of skip lorry movements was already occurring) For Lower Road, this revealed two-way flows of up to 150 vehicles per hour at peak times (08:00 - 09:00 and 17:00 - 18:00) and up to 110 vehicles per hour at other times. These represent a frequency of 1 vehicle every 24 seconds and 1 vehicle every 33 seconds respectively.

7. Similarly, traffic flows along Queens Farm Road are considered very low with a maximum of 60 vehicles per hour (one per minute) in the am and pm peaks and 50 vehicles per hour at other times.

8. The provision of sustainable means of transport for employees is difficult in such a remote rural location but this application does not propose any increase in existing staffing level. It would be difficult to expect any significant increase in access by employees by sustainable means but car sharing / cycling should be encouraged. It is unlikely to have any impact on traffic movements to and from the site.

9. The 5-year crash record in the vicinity of the site reveals no significant safety problems and no crashes indicate any relationship to road alignment or sub-standard junction. No crashes involved HGVs. Guidance on Transport Assessments recommends that crash records over 5 years old are not relevant and should not be considered.

10. The proposal is likely to result in 74 two-way skip lorry movements per day. This is confirmed by a manual traffic count undertaken at the Queens Farm Road / Lower Road junction in January 2016 when movements in excess of the current permitted level were operating. The survey shows that the peak skip lorry movements did not occur at peak road network times (10:00 - 11:00 and 13:00 - 14:00) therefore the impact on the network is somewhat less than the "worst case". There is no evidence that, even with the current operating level being similar to that applied for, there are any highway safety or congestion issues being experienced on the local road network.

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11. The manual survey revealed that, based on current movements, 60% of skip lorry movements from Queens Farm Road onto Lower Road were to / from the West towards Chalk and 40% were to / from the East towards Higham / Shorne. This contradicts statements in the previous TA which indicated that the vast majority of movements were to the West away from the villages of Higham and Shorne. Whilst this does not raise a highway safety or capacity issue considering the number of vehicle movements involved, it does raise questions regarding the routes skip lorries are using when it is alleged that the majority of customers are to the west in Gravesend / Dartford and the major road network is in that direction. It is considered that a lorry routing agreement with KCC Highways may help mitigate the impact of the development on local communities and this could be required through a Planning Condition.

12. If the baseline traffic flows in Queens Farm Road and Lower Road are assumed to be the total movements observed in the survey less the number of movements currently associated with RS Skips (74) but adding the number of movements currently permitted (24); the impact in percentage terms of the additional two-way movements identified in this application ($74 - 24 = 50$) can be calculated as an increase of traffic movements of 45% along Queens Farm Road and 40% / 19% along Lower Road to the West / East respectively. However, whilst the increase in vehicle movements over the baseline movements appears high in percentage terms it must be remembered that the flows on both roads both in terms of skip lorry movements and background traffic are low in the first place and therefore there appears to be much greater impact than when considered in absolute numbers which are considered to be fairly insignificant relative to the maximum capacity of these roads.

13. In terms of policy, NPPF Paragraph 32 states that development should not be refused on transport grounds unless the cumulative impact is considered to be severe. In this instance, given the low levels of proposed movements (which already exist on the network) and the low background traffic on both Queens Farm Road and Lower Road and the lack of evidence of existing highway problems, the impact cannot be considered to be severe.

14. I am aware of the local concerns about the impact of an increase of skip lorries using the local road network and this is recognised as a valid concern, but rather than the impact on highway safety and congestion, it must be considered that it is the environmental impact of these skip lorries due to noise, smell, vibration, appearance etc. which are not highway impact issues.

15. In conclusion, taking into account my above observations, there is no highway objection to the proposal but, if possible, a condition should be applied to require a lorry routing agreement to be entered into between the operator and KCC Highways to minimise the impact of the use on local communities.”

Kent County Council's Landscape Advice Service: No Objection (see comments in full below):

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“Site Context - The site is located within a small isolated industrial/business area within the Green Belt. Boundary fencing consists of metal panels and the area has an unattractive appearance. To the south of the site, the surrounding landscape is generally undulating farmland with some very large arable fields where hedgerows have been lost. Hedgerows along roadsides are often gappy although there are some hedgerow trees. Orchards were once prominent but are now in decline. Queens Farm to the southwest has a variety of large industrial type barns and silos which intrude into the landscape. Although the area is a Conservation Area on account of its historic farmstead and workers cottages within their historic rural setting, these are now overshadowed by the more recent agricultural development. Just to the north of the site, the landscape is distinctive consisting of flat open expansive estuarine grazing marsh with dykes and channels dividing the fields. Immediately north of the site are a railway line and sidings. Pylons are prominent within both the marshes and in the arable land to the south. There is a belt of trees and scrubby vegetation to the north of the site, which screens and softens the business area. The condition landscape is poor, with a moderate sensitivity to change.

Proposed Development - The main aspect of the development which would be likely to cause adverse landscape and visual impacts, and impacts on the openness of the Green Belt is the replacement building to accommodate the western part of the picking station, which is 12.2m high to the ridgeline.

Submitted Landscape and Visual Impact Assessment (LVIA) - A LVIA has been submitted. It contains much useful information and analysis, although it is not fully compliant with the methodology recommended in the standard guidance. However despite some defects, the report is useful, but overstates some more distant visual impacts.

Visual Impacts - Close hand views have the potential to cause adverse impacts, but longer distance views, beyond 1km are unlikely to be significantly adversely affected. The vegetation to the north of the site and along the railway would also filter and largely screen views from the north.

The Kent Downs Area of Outstanding Natural Beauty (AONB) lies approximately 3km to the south of the site. At this distance the building would have negligible impact being an extremely small component of the view. Roads, villages, pylons and the urban edge of Gravesend would also be elements of the view. In addition much of this area of the AONB is wooded so that panoramic views would be unlikely.

There would be some close views from Queens Farm Road. The proposed building would be partially above the background of vegetation with the existing business development in the foreground. However the belt of existing vegetation would help to soften the impact of some of the proposed building. Additionally there are several pylons prominent as skyline features/detractors in this view. The road is not a highly sensitive receptor so that adverse impacts would not be significant. The views from houses within the Conservation Area are already adversely affected by the adjoining agricultural buildings, and there would be negligible effect from the proposed

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development. Similarly the setting of the buildings is already badly compromised and the proposed development would not cause any further significant adverse effect.

There is a public footpath about 0.6km east of the site running in a north-south direction. Although this is a sensitive receptor, the change in view would be relatively minor so that adverse impacts would not be significant.

Other receptors have been assessed in the submitted LVIA. The churchyard at St Mary's Church in Chalk is located 1.6km from the site is a sensitive receptor but effects at this distance, with intervening screening and the presence of pylons and distant development on the skyline, would be likely to be only very slight adverse to negligible. This would not be a significant consideration. Similarly the Saxon Shore Way, a promoted route, is located about 1.6km distant. Again intervening vegetation and the presence of pylons would mean that any adverse effects on glimpsed/intermittent views from the PROW would not be significant.

Landscape Character Impacts - The development would be a slight intensification of the industrial estate within the existing footprint of the estate, and whilst this would be an adverse effect I do not consider that this would be significant

Openness of the Green Belt - There would be some very slight impact on the openness of the Green Belt because of the height of the building, but again the built extents fall within the footprint of the existing developed area. Overall I would consider this to be very slightly adverse at most.

Mitigation - The applicant states that mitigation with planting is not possible within the site. The exterior treatment and colour of the building would be an important consideration in reducing any adverse impacts, and I would suggest that this aspect could be dealt with a suitable condition should the application be approved."

Kent County Council's Ecological Advice Service: - We are satisfied that the submitted information has adequately considered the impact from dust and we advise that the dust mitigation measures detailed within the original dust assessment produced by RPS is sufficient to minimise impact.

Kent County Council's Conservation Officer: No Objection

The site is in a rural setting adjacent to areas of open farmland (much of which is designated ESA and SSSI) set within an existing small industrial yard. It is bounded by a railway junction to the north, and the Queens Farm Conservation Area abuts to the south.. Green Farm House and Granary are grade II listed buildings set some distance from the site but because of their elevated position, both have views across open farmland onto the proposed building, and thus the proposal will affect their setting. Queens Farm House is not listed but together with the farm cottages, barns etc., is at the centre of the of the Queens Farm Conservation Area and all are considered local heritage assets (as mentioned in para 3.9 of the LVA). Although the height of the proposal continues to mean it will dominate the landscape here, I am pleased to see the overall size of the building has been reduced and it is proposed to

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clad the building to resemble the other agricultural and non-agricultural modern buildings of a similar scale within the Queens Farm complex. The traffic to and from the site passes through the conservation area and has the potential to have a detrimental impact upon it however it is acknowledged that all traffic from the established industrial estate already has to take that route.

Kent County Council's Archaeological Officer: No objection

This industrial unit is on the site of a small outfarm "Princes Farm" or later Old King's Farm. Remains associated with post medieval farming practices may be encountered during any groundworks. As such can I recommend provision is made for an archaeological watching brief during any further groundworks:

Dickens' Country Protection Society – Object

The proposed building is out of scale and would have an inappropriate impact on the openness of the Green Belt. The society is concerned that developments on site are resulting in an increase in traffic on local roads.

Local Member

34. The local County Member for Gravesham Rural, Bryan Sweetland has copied a letter from the Parish Council objecting to the proposals and has commented in support of the objectors. The late Member, Jane Cribbon, one of the Members of the adjacent Gravesham East division wrote in support of the earlier withdrawn application and wished her comments to be taken forward onto this application, as follows:

- This is an established industrial area. Green Belt is a little over elaborate term to use. The essential characteristics of openness and permanence do not apply. Site is used as a waste transfer station therefore the site itself is being improved. (Para. 80 NPPF). Is this not "very special circumstances"?
- Site of a brownfield industrial nature since 1940, therefore would not have " a greater impact on the openness of the Green Belt" than the existing development (NPPF Para. 89).
- KCC gave planning permission for waste transfer station in 2010. It was previously used for vehicle recycling, so an established use
- Borough Council objections in 2010 have now changed to consent, following the Local Plan which has now been agreed (September 2014). Employment issues are a key element. The site has now an established use. GBC wants the site to operate efficiently so raises no objection.
- The building has been sympathetically designed to fit in with local farm buildings and needs to be replaced following an accident which means the a site presently cannot operate effectively.
- The operation of the site has a sustainable function.
- The proposed replacement may be bigger than the original but needs to be sufficiently large in size to operate efficiently. The applicant has reduced the size which it originally proposed. This may well have an effect on the efficiency of the business as large tipping lorries cannot access the building. A new and larger

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building can be justified because it does not really indicate significant scale and massing and can be camouflaged.

- The proposal will improve the working environment, especially for their staff. It should also be noted that the applicant has made clear that there will be no increase in lorry movements. In the near future, Hoo Junction could play a significant role in a possible Crossrail extension into Kent.
- The National Planning Policy Framework has a presumption in favour of sustainable development. This application is certainly sustainable in function and adverse impacts do not outweigh the benefits. In fact it cannot be said that the development would have a harmful effect on the openness of the Green Belt.
- The Environment Agency is the key organisation which will effectively regulate the site.
- GBC has no objection to the development. Any concerns on size and massing may be overcome by effective landscaping and camouflage. Looking towards the site from higher ground the most prominent building in sight is the Tilbury power station.
- The important fact is that this is a business enterprise that provides much needed employment for up to 15 workers from the local area, and also provides a much needed recycling service in the local community. There is no intention to increase lorry movements as a result I raise no objection to the application.

Adam Holloway MP sought action to stop the trommel and picking station being run when first brought to site and has since forwarded letters of objection from some of his local constituents (on the earlier withdrawn application).

Gravesham Borough Councillor Leslie Hills who represents Chalk Ward has written in objecting to the application in support of the local residents of Chalk (which has no Parish Council). He further comments that the proposals would blight the lives of residents in Chalk to an even greater extent than at present.

Publicity

35. The application was publicised by the posting of a site notice, an advertisement in a local newspaper, and the individual notification of 315 nearby properties and neighbouring industrial units. A second round of neighbour notification was also undertaken following receipt of amended plans.

Representations

36. In response to the first round of publicity, 98 letters of objection were received. 40 letters were received in response to the second round of publicity upon the amended plans, the majority of which were repeating previous concerns. A total of 111 responses were objecting to the proposals and 14 were in support of the application and the Applicants business. The **key objections** raised can be summarised as follows (in no particular order):

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- Any increase in HGV traffic is unacceptable and will damage the residential amenity of those living nearby or along the routes to and from the site.
- The site is already noisy and dirty and full of litter.
- The roads between Queens Farm Road and Chalk are very narrow and have numerous blind spots and bends and are unsuitable for bulky traffic, especially where there are parked cars on either side and shops and community facilities used by the vulnerable.
- When the trommel was operated for the limited period it caused vibration issues.
- The sizes of the vehicles visiting the site are getting larger.
- The application site is subject to a covenant that restricts the vehicle movements to a maximum of 80 per day.
- There will be significant damage to health from the fumes associated with the vehicle movements.
- The drivers currently over stack the skips, do not cover them, speed along the lanes and are often on their phones.
- Traffic surveys are not up-to-date and do not represent an accurate picture of present traffic levels.
- The surveys do not take account of new residential development permitted by the Borough Council.
- The applicant does not abide by current conditions so are unlikely to adhere to any new ones.
- The site already operates outside of their restricted hours.
- There are people living on the site.
- The traffic levels proposed represents a 208% increase over their current condition.
- The proposed new building is an unacceptable size and scale and is not enclosed, and the plant is extremely large and detrimental to the landscape.
- Green Farm Lane has weight restrictions on it yet the skip vehicle drivers still use it.
- The lane is too narrow for this type of traffic and vehicles often encroach onto land outside the highway in order to pass, damage has been caused, these are not proper passing places and should not be relied upon.
- The entrance to the farm yard off Queens Farm Road should not be used as a passing place.
- The site is within the Green Belt and is inappropriate for such development.
- The proposed building is significantly larger in scale, height and bulk and along with the trommel will be highly visible in the area and set a precedent for further development.
- Despite what the Transport Assessment says there have been accidents on the affected route.
- The increase in waste would lead to rat infestation to properties and other pests.
- There would be a national security risk to the high pressure gas plant in Lower Higham Road.
- The proposal would destroy the quality of life that could reasonably be expected in this rural/semi-rural setting and in the village.
- The proposal would damage heritage assets in the area.

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- The proposal would have a detrimental impact on house prices.
- The existing lorry traffic is damaging the old brick walls beside Queens Farm.

37. A petition was received in response to the earlier withdrawn application and a request that it be carried over to this application was agreed. The petition states "We the undersigned residents of Chalk wish to express our concern regarding the substantial increase in the amount of RS Skip lorries using Lower Hiham Road en route to their site at Apex Business Park, Queens Farm Lane.", and there are 200 signatories.

Discussion

38. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, the proposals need to be considered in the context of the Development Plan Policies, the National Planning Policy Framework, other Government Policy and any other material planning considerations. In considering this proposal the planning policies outlined in paragraphs (30) to (31) above are particularly relevant.
39. Planning permission was granted for the operation of a waste transfer station at this site in 2010, subject to a number of conditions controlling the activities on site. In principle the waste use was considered acceptable based upon the scale of activities proposed at that time and it being upon an existing industrial estate. Since then an administration building and a dog kennel have been granted permission and built on site. This application seeks retrospective permission for a retaining wall to the rear of the site and for the siting of a processing plant consisting of a trommel and picking station. Planning permission is also sought for a new building to replace the two that were present when permission was first granted for the waste use (and have subsequently been demolished). Consequential amendments to the site layout are also proposed.
40. Although the throughput of waste to be handled at the site is not being increased this proposal sees the introduction of larger scale built development, a processing plant and an increase in the number of HGV movements. It is the introduction of those elements, and the associated increase of activity at the site that should be carefully considered in this Green Belt location. It is necessary to consider the potential impact their introduction would have upon the application site, neighbouring industrial users, the general landscape and residential properties in the vicinity of the site.

Green Belt

41. The whole area surrounding the application site is designated as part of the Metropolitan Green Belt, and therefore this planning application must be considered in the light of this national policy. The Government attaches great importance to Green Belts and this is followed through in Policy DM4 of the Kent Minerals and Waste Local Plan. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping

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land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

42. Once Green Belts have been defined, local planning authorities are advised to plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land. Whilst it is acknowledged that the whole industrial estate lies within the designated area and development has previously been allowed, it is relevant to consider each new planning application and the implications of the proposals in the light of green belt policy afresh.
43. The NPPF advises on the types of development that may be acceptable and at the same time identifies developments that should be considered as inappropriate in the Green Belt. For such developments there is then a further level of consideration in policy terms.
44. Particularly relevant in this proposal is the starting point that the construction of new buildings should be regarded as inappropriate in the Green Belt. National Planning Guidance clearly states that if a replacement building is materially larger than the one it replaces, which this one is, then it should be considered inappropriate development.
45. The proposed development is inappropriate not just because of the replacement building but also because the erection of the trommel and picking station introduces a new feature into the landscape which is also large in scale and in terms of its visual impact. It is therefore relevant to consider any potential harm to the Green Belt. One of the stated aims of Green Belt policy is to protect against urban sprawl by maintaining the permanent openness of the landscape. Clearly this does not mean that no development is allowed but that the impacts of each proposal should be considered in light of the effect it would have on the openness.

Impact on Openness of the Green Belt

46. In considering the impact of the proposed development on the openness of the area it is relevant to consider the effects upon landscape and visual appearance of the vicinity.
47. The development is on the very edge of a SSSI and RAMSAR site, and also on the edge of Countryside Stewardship farms. As set out earlier in my report the site lays within national and local landscape designation areas. These designations recognise

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the predominantly flat, low-lying alluvial marsh and arable nature of the landscape; and the potentially intrusive nature of development pressures in and around major settlements with urban, industrial and recreational sites often highly visible within the low-lying marshes.

48. The applicant argues that Apex Business Park when considered as a whole contains a variety of permanent and temporary structures and in the wider context sits with the adjoining Hoo Railway Junction and the adjoining collection of industrial buildings, which now forms the Canal Road Industrial Estate. It is argued that the site is well screened from the open Green Belt by the railway embankment to the north and the adjoining industrial buildings within the Business Park. The site previously had numerous buildings and portacabins located on it and it is suggested that the proposals would tidy up the site in that respect.
49. It is also acknowledged that historically there has been industrial development at this location and currently a number of different uses occupy the existing buildings on site. It is recognised that the land to the north rises slightly and is covered in trees and as such provides a good level of screening when viewing the site from the north and a green backdrop to the structures when viewed from the south. Longer distance views from the south are over the Thames Estuary towards Tilbury and the port related development near Corringham on the Essex coast. However it is necessary to consider whether the proposed new development is more visible in the landscape and the potential impact upon the openness of the countryside here.
50. The erection of the trommel and picking station on site already introduces a large structure with a maximum height of 8 m with the picking station being 6.6 m for its length. The larger of the two original buildings which was removed from site had a maximum height of 5.6 m and was fairly representative of the relatively low rise nature of the old existing buildings on the industrial estate. At 12.02 m high and 20 m long (plus the clad wall section at 8 m high for 13 m in length) the proposed building would be more visible from the surrounding area.
51. Our Landscape advisor states close hand views have the potential to cause adverse impacts, but longer distance views, beyond 1km, are unlikely to be significantly adversely affected. The vegetation to the north of the site and along the railway would also filter and largely screen views from the north. Consideration has been given to impacts upon the AONB (3km to the south), from the nearby listed buildings, from within the Conservation Area and the public footpath running about 0.6km east of the site, St Mary's Churchyard and the Saxon Shore Way (1.6km to the north). It is generally concluded that with existing vegetation, the presence of pylons and the distant development on the skyline any impact upon landscape views are unlikely to be significant.
52. It is acknowledged that the proposed development would result in an intensification of the industrial estate activities, but this would be within the existing footprint of the estate. Therefore it is not considered that the impact upon the landscape character would be significant. A condition requiring approval of the external cladding of the building is recommended to assist with integrating the structure in to the landscape.

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53. Given the above considerations there would be some slight impact on the openness of the Green Belt because of the height of the building, although it is within the existing developed area. On that basis and on balance it is considered that the impact on openness is very slight adverse at the most.
54. In conclusion the proposal is inappropriate development, and although there is some impact on visual amenity, it is not considered, on balance, to significantly adversely affect the openness of the Green Belt. So whilst in principle inappropriate development is by definition harmful to the Green Belt, it is not considered that this proposal would fundamentally affect the openness given its containment within the existing industrial estate and considered along with the impacts of existing infrastructure. On balance, the proposed development does not compromise the functions and purpose of Green Belt designation.
55. As indicated above the guidance states, “...*inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances*”. It goes on to advise, “*When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*”. The weight given to the harm is significantly reduced by the conclusions above however it is still relevant to consider whether there are very special circumstances sufficient to over-ride Green Belt Policy.

Very Special Circumstances

56. Having considered whether the proposed development causes any other harm it is necessary to consider whether there are very special circumstances sufficient to justify over-riding Green Belt policy.
57. There is no comprehensive list of what are very special circumstances and it can comprise a number of circumstances. The Applicant initially promoted three criteria as being the very special circumstances as follows:
- There is a recognised need in the Minerals and Waste Local Plan for new waste management facilities to be developed in order that Kent can continue to demonstrate that it is maintaining net self-sufficiency in waste management capacity and the Plan recognises the importance of the current stock of permitted waste management facilities in maintaining self-sufficiency. It is considered that the benefits of improving recycling capacity at an existing waste management facility will deliver on both of these points.
 - The application site, as an existing permanent waste management facility, is safeguarded from other development by the Minerals and Waste Local Plan and it is likely the facility will have to close if the proposed improvements cannot be implemented.

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- It has been demonstrated that there are no suitable alternative sites available outside of the Green Belt. SLR (the Agent) has undertaken a site search of industrial land and buildings which are currently on the market within the area that the current waste management facility serves. The results of the search show that the industrial properties that are available are not suitable for the type of waste management development that is proposed and therefore there is a lack of alternative sites available outside of the Green Belt.
58. Essentially the first two points relate to the County Council's waste policy seeking to protect and safeguard existing waste management facilities. It is therefore appropriate to consider those specific policies.

Waste Policies

59. CSW1 states when considering waste development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework, National Planning Policy for Waste and the Waste Management Plan for England. Waste development that accords with the development plan should be approved without delay, unless material considerations indicate otherwise; any unacceptable adverse impacts should significantly and demonstrably outweigh the benefits.
60. CSW 6 states that planning permission will be granted for uses identified as appropriate in the Waste Sites Plan to meet the need identified in Policy CSW 7, however there are a number of criteria/ caveats, one of which categorically states that such proposals should not, "represent inappropriate development in the Green Belt". Policy DM4 seeks that waste proposals within the Green Belt be considered in light of their potential impacts and compliance with national policy and the NPPF.
61. CSW16 recognises that the current stock of waste management facilities are important to maintaining net self-sufficiency and the loss of annual capacity at permitted existing sites could have an adverse effect upon delivering the waste strategy. The policy states that sites that have permanent planning permission for waste management are safeguarded from being developed for non-waste management uses. Policy DM8 also seeks to protect existing waste development from other incompatible development. Policy DM 20 allows for ancillary development provided that there are environmental benefits in providing a close link with the existing site that outweigh the environmental impacts.
62. Certainly waste policy recognises the contribution existing facilities' make to maintaining net self-sufficiency, although none comment specifically on proposals to expand existing waste management within the permitted site boundaries. The quantity of waste to be handled at this site would not increase however the proposal seeks to improve the quality of the various waste streams for onward recycling which is to be supported. Planning permission was granted in 2010 to use the site as a waste transfer station, albeit in the Green Belt, and it is understandable that the Applicant would wish to locate new equipment on their existing site; however the scale of the proposed development and the ability of that site to accommodate the proposed new

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development must be taken into account. The fact that policy seeks to safeguard existing facilities does not mean that all proposals to expand those facilities will always be acceptable. It is wholly appropriate that the merits of the current proposals are considered afresh and potential impacts are considered against all relevant planning policy, not just those limited to protecting existing facilities. On that basis, whether general policy support for safeguarding existing waste management facilities' is sufficient as a very special circumstance on its own is not clear cut.

63. The third point the Applicant made in support of their very special circumstance is that there are no suitable alternative sites that lie outside of the Metropolitan Green Belt. It is acknowledged that the current site is within the Green Belt and therefore serves a market some of which also is within the Green Belt, which I accept. Whilst I do not consider a particularly robust examination of alternative sites has been made, I am mindful of the fact that this proposal is on a site with a permitted waste use and that the through-put is not to be increased. In this case, the applicant is proposing better facilities to increase recycling efficiencies and better working practices. On that basis I have no reason to disagree that a suitable site outside of the Green Belt would be available to the applicant.
64. Since first submission the applicant has also taken the opportunity to submit additional factors that are considered to demonstrate that very special circumstances exist, as follows:
- The site sits within an established industrial use as part of the wider Apex Industrial Estate.
 - The site already has an established waste use.
 - With the exception of the picking station, no new activities are proposed – it is accepted that the waste use would replace the earlier industrial use(s);
 - It is considered that the proposed development is a reuse of brownfield land, rather than a greenfield location, therefore it does not impact on key green belt principles;
 - The proposal is substantively similar to existing permitted waste use, with no material increase in overall floorspace with the exception of the replacement building which extends the height of building.
 - No changes to the throughput of the site are proposed however the development is focused on operational controls, efficient use of the waste resource and to meet the requirements of the extant waste permission(s);
 - A smaller like for like replacement of the building would open the potential for further issues with damage to the structure and limit the operations that could take place undercover;
 - The operational benefits of the new building meet the terms of sustainable development which seek to balance environmental, social and economic considerations;
 - The proposed development will help to drive waste further up the waste hierarchy by providing improved efficiencies and waste separation (greater separation, enabling appropriate recycling and reuse), contributing to the Kent's network of

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waste management facilities helping to manage material closer to its source, reducing miles travelled per tonne of waste by bulking up material;

- Represents a significant investment in improving the site and operations to meet modern standards, including in terms of development control and environmental permitting; and
- There would be a limited impact on the open character of the area due to the increased height of the building (which is supported by the conclusion set out in the submitted LVIA) however any impact would be outweighed by the very special circumstances outlined above.

65. This proposal is considered inappropriate development; however the harm to the Green Belt is limited by the general conclusions regarding the impact upon openness. The very special circumstances quoted by the Applicant and discussed above, individually would not in my opinion be sufficient to overcome significant harm. However it is recognised that this is an existing site which provides a useful waste management facility, of its type, close to the urban area of Gravesend. There is policy support in principle to safeguard existing facilities and the contribution they can make to the treatment of Kent's waste. The proposals seek to provide an improvement in the operation of the facility and the efficiency of sorting the various waste streams, all of which weigh in support of the proposals. On the basis of the above it is considered that collectively the very special circumstances cited by the applicant could be supported. I am satisfied, on balance, that any harm to the openness and function of the Green Belt could be outweighed by the benefits arising from the proposed development and that as such there are very special circumstances to justify an exception to Green Belt policy.
66. However it is also relevant to now consider other impacts from the proposed development to balance against these conclusions.

Highways Issues

67. This proposal seeks to increase the number of HGV movements from 24 (currently restricted by condition) to a maximum of 74 HGV movements per day. The applicant has been operating around this level of vehicle movements in breach of the condition for some time whilst these proposals have been considered. The applicant argues that the 24 HGV movements were never realistic in relation to the throughput of material allowed to be handled at the site. Whilst that may be the case, that is what they applied for at the time and it was on that basis that their application was considered.
68. Having confirmed that they do not propose any change to the 55,000 tpa limit on their current permission they are seeking to increase the HGV movements to a figure that they consider is reasonable in relation to that level of throughput. (It should be noted that their earlier withdrawn application which proposed increasing throughput to 75,000 tpa also proposed a higher increase up to a maximum of 104 HGV movements).
69. Significant local objection is raised to the increase in traffic, with many concerned about the suitability of the local roads to accommodate additional traffic. The Highways Officer has given detailed comment and his comments are reproduced in full

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earlier in my report. He concludes that the access onto Queens Farm Road has sufficient width and visibility for the type of use. The road itself whilst narrow in places has sufficient passing places and adequate visibility for the low level of use. The junction of Queens Farm Road with Lower Road meets highway standards in respect of layout and visibility.

70. He comments that Lower Road is subject to a 50 mph speed limit and is of adequate width for the traffic volume it carries. The traffic flows along this road in both directions towards Higham and towards Chalk are low and well below the road's theoretical capacity. Lower Road becomes Lower Higham Road through the built-up area of Chalk where the carriageway widens to 7.3 m, and has footway and street lighting facilities. Again traffic flows are low compared with the capacity. Both Queens Farm Road and Lower Road are considered to have low levels of traffic, confirmed by the surveys undertaken in September 2015, which essentially includes traffic levels as proposed (as already occurring). There are not considered to be any significant safety problems in terms of crash data.
71. He further comments that the proposal is likely to result in a maximum 74 two-way skip lorry movements per day. This is confirmed by a manual traffic count undertaken at the Queens Farm Road / Lower Road junction in January 2016 when movements in excess of the current permitted level were operating. The survey shows that the peak skip lorry movements did not occur at peak road network times (10:00 - 11:00 and 13:00 - 14:00) therefore the impact on the network is somewhat less than the "worst case". He concludes that there is no evidence that, even with the current operating level being similar to that applied for, there are any highway safety or congestion issues being experienced on the local road network. He suggests the submission of a lorry routing scheme may help mitigate the impact of the development on local communities and to ensure that vehicles do not make unnecessary journeys through the villages but use the major road network wherever possible. The applicant has also confirmed that they have trackers on all of their own vehicles and so are able to review routes taken on a daily basis.
72. It is recognised that it would be difficult to increase access by employees by sustainable means but acknowledges that car sharing and cycling are encouraged, including the provision of cycle spaces on the proposed layout.
73. It is concluded that whilst the increase in vehicle movements over the base traffic levels (including permitted movements) appears high in percentage terms (45% in Queens Farm Road and 40% / 19% in Lower Road to the West / East), the flows on both roads both in terms of skip lorry movements and background traffic are low in the first place. NPPF Paragraph 32 states that development should not be refused on transport grounds unless the cumulative impact is considered to be severe. In this instance, given the low levels of proposed movements (which already exist on the network) and the low background traffic on both Queens Farm Road and Lower Road and the lack of evidence of existing highway problems, it is considered the impact could not be considered to be severe. On this basis subject to condition securing submission of a lorry routing scheme (based upon the information contained in the Transport Assessment), there is no highway objection to the proposals.

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74. It is acknowledged that some of the concern regarding increases in skip lorries using the local highway network relate to the environmental impacts associated with these vehicles. Matters such as noise, smell and appearance are not highway impact issues but are matters which can be controlled by good management and maintenances on the part of the operator for the vehicles under his control. The Applicant has been made aware of these concerns and other matters and has responded promptly to any complaints raised with him.

Landscape and Visual Impact

75. The Landscape Officer's comments are widely discussed in relation to the impacts on the openness of the Green Belt section of my report and it is concluded that although finely balanced, the impacts are not considered sufficiently significant to affect openness. The proposal will result in a development more prominent in the landscape when viewed from close distance. The plant and new building will introduce development of greater height; however this is set against the backdrop of the existing tree screen on the embankment to the north. It is concluded that a condition requiring submission of the colour of the cladding for approval would aid visual integration and thus mitigate this impact to a sufficient extent.

Conservation Issues

76. The application site is located to the north east of the Queens Farm Conservation Area and within an area of Archaeological Potential. At its closest point the site is some 7 metres away from the boundary of the conservation area. However as the proposals are contained within the existing industrial estate and are generally located on the northern side of the estate there is limited direct impact upon the conservation area. The Conservation Officer applauds the reduction in the size of the building (from the initial submission) and the use of appropriate cladding materials recognises that the proposed building reflects the scale of existing buildings within the Queens Farm Complex.
77. The access route of the proposals passes through the historic farmstead which comprises the conservation area and the increased vehicle movements have the potential to have a detrimental impact upon it. It is acknowledged that the character could change from a rural lane to a frequently used industrial access; however it is already in use for a variety of industrial uses located at the Apex Business Park and therefore is unlikely to be significant change as a result of this proposal. The actual increase in overall traffic usage is not significant in highways terms.
78. Overall it is considered that the proposed development has the potential to have detrimental impact upon the character of the conservation area but subject to a condition requiring approval of the colour of the cladding the impact would not be so significant to warrant a refusal.

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79. In terms of archaeological impacts, a condition securing a watching brief for any significant groundworks at the site should safeguard against any detrimental impact to archaeological features.

Environmental Impacts

80. A number of objections have also been received from other uses of the industrial estate and their concerns relate to the operations on site and the environmental impacts upon the area. We have sought specific advice from our environmental consultants in relation to noise, dust and odour issue. The Environment Agency are responsible for the pollution control issues and the issuing of the waste permit for the site. As such they have no specific comment on the planning application as they are satisfied that any potential ground contamination issues have been addressed through the sealed hard surfacing of the site. They have stated they will continue to assess the permit conditions to ensure that the treatment of waste activity is contained appropriately.
81. Noise and Vibration – Collected waste is delivered to the site and tipped onto the floor in the waste reception area which is screened by the 7-8 metre high clad wall, before being pushed into the building. The hopper into which the waste is then tipped before transfer by conveyor to the trommel is contained within the proposed open ended building. As the material passes along the plant the fines are separated out and the remaining material passes through the enclosed picking cabins for further separation, although this largely outside of the building. The application was accompanied by a noise assessment which is considered to be in compliance with the requirements of the National Planning Policy Framework (NPPF), the Planning Practice Guidance to NPPF (PPGN) and BS 4142:2014 and its assumptions are considered sound. Consequently, the noise assessment considers that the noise levels from the development are acceptable and there is no requirement to recommend additional mitigation. Our noise advisors concur with this view and in line with the noise levels predicted in the assessment recommend the inclusion of the following noise condition:
- The noise levels from the site at Queens Farm House shall not exceed a rating level under BS 4142:2014 of 41dB $L_{AR,1hr}$. The noise levels from the site at any neighbouring commercial or industrial site shall not exceed 60 dB $L_{Aeq,1hr}$.
82. Further consideration is given to the potential noise issues associated with the additional HGV movements proposed. Given these movements would occur during the day and that noise levels associated with existing traffic (already at those levels) cause noise levels below the threshold of moderate nuisance this is considered acceptable in terms of noise. A condition restricting the number of HGV movements to 74 would ensure noise levels are controlled.
83. In order to avoid potential vibration issues at the neighbouring properties from the use of high weighted machinery, it is also recommended that a further condition be attached as follows:

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- Vibration levels generated by the site activities shall not exceed a VDV_{16h} of $0.8 \text{ ms}^{-1.75}$ when measured inside buildings of neighbouring properties. Groundborne noise generated by activities within the site shall not exceed 45 dB L_{Amax} (re. 2×10^{-5} Pa) when measured inside buildings of neighbouring properties. If access to the neighbouring sites is granted to investigate noise and/or vibration concerns, evidence of compliance with the conditions above shall be provided at the request of the County Planning Authority.
84. Air Quality – Dust and Odour – Given the sites relatively isolated location and with the absence of any highly sensitive receptors (resident, schools, hospitals etc.), it is considered the sensitivity of the area to dust soiling and human health impacts is low. The dust assessment report considered the risk of dust before mitigation to be medium and that together with the low sensitivity of the area concludes there to be an overall low risk of adverse dust impact. This is considered a reasonable conclusion given the nature of the material and the location of the facility.
85. The assessment goes on to state that mitigation measures are inherent in the design of the semi enclosed nature of the operations, which is not entirely the case. In addition the tipping of the waste in the open and the movement of the material into the building has the potential for dust release. However it is considered the orientation of the site to other receptors is favourable as sections of the plant are to the northern leese of the newly proposed building and screen walling which would offer some protection from the prevailing wind which together with the proposed sprinkler system would adequately control dust. However no specific measures are suggested for the material reception area. On that basis it is suggested that a condition requiring the submission of a Dust Management Plan be attached to any permission granted. This should detail how dust would be controlled at each stage of the handling of the waste materials at the site and for vehicles leaving the site. The proposed dust suppression system could be one such measure.
86. The vast majority of material received at site is construction, demolition or excavation material which typically by its nature would not give rise to odour. However it is acknowledged that a small quantity of green waste may also arrive at site. Some of this could give rise to odour during processing and transfer unless it is appropriately handled. Whilst individual conditions could set specific measures to be taken to address odour it is considered that the submission of an Odour Management Plan assessing risk, proposing mitigation and detailing actions to cover all potential nuisance from odour.
87. Given the distance of the designated nature conservation areas and the conclusions above there is unlikely to be any detrimental impact on these areas. The County Council's Ecologist has no objection to the proposals and is satisfied that the proposals adequately mitigate potential environmental impacts.

Residential Amenity

88. The application site is located on an established industrial estate and has planning permission for the use as a waste transfer station. The closest residential properties

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are some distance away and as such local residents would be most affected by the additional vehicle movements to and from the application site. Indeed the majority of objection to the proposal relates to the noise, vibration, litter, dust and debris impacts associated with the increase in HGV movements. However as set out above, the increase in the level of traffic on the highway network is not considered excessive and conditions controlling numbers of vehicles, hours of operation, routing and managing their impacts upon the highway can be attached to any planning permission granted. Therefore it is considered that there would be no significant adverse impacts upon residential amenity.

89. The application has arisen out of the need to provide a replacement building to enclose waste sorting activities and to provide modern equipment to improve the efficiency of waste sorting. As set out above conditions could be attached to ensure that the waste transfer station operations would mitigate dust, noise, vibration and odour. Additional conditions could ensure appropriate litter control and lighting details for the site. In addition as set out earlier in my report the site would operate under a permit issued by the Environment Agency, which protect the vicinity from adverse pollution impacts.

Other Issues

90. The application site is located within the safeguarding area for High Speed 1 (Channel Tunnel Rail Link). However HS1 Limited has raised no objection to the application.
91. The application site is located within Flood Zones 2 and 3. However the Environment Agency has raised no objection to the proposed development in terms of flood risk.
92. Gravesham Borough Council's Scientific Officer has requested a watching brief soil contamination condition, given the previous industrial nature of the site and the proximity of the historic landfill site at Higham. It is not expected there will be significant groundworks associated with the construction of the proposed building however a condition would highlight any potential contamination impacts.

Conclusions

93. The use of this former industrial site as a waste transfer station was permitted in 2010 with a throughput of 55,000 tpa and a restriction of 24 HGV movements per day. Waste sorting activities took place within 2 low level buildings with a combined floorspace of approximately 514 square metres, using a 360 excavator. These buildings were taken down following damage to one of them and waste sorting has been taking place in the open since. There were a number of ancillary portacabins on the site. The hours of operation at the site are 0700-1800 hrs Monday–Friday, and 0700-13.30 on Saturdays with no working on Sundays or Bank Holidays.
94. A new administration building has been built and was granted permission subject to the removal of the portacabins.

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95. In principle there is continued policy support for waste management facilities to be located within existing industrial estates; the use of this site within the Green Belt for such purposes has already been established. The facility is well located to serve the urban area of Gravesend and beyond. It is now proposed that a new waste handling building and trommel and picking station are developed to improve the efficiency of waste sorting and to provide a better working environment for the operatives. In addition it is proposed to retain the vehicle workshop building at the eastern end of the site. The throughput of material would not change and the hours of operation would remain the same. It is proposed to amend the level of traffic from that originally restricted by condition (24 HGV movements per day) to a maximum of 74 HGV movements per day, a level at which the site has been operating for at least the last 12 months while this application and the previously withdrawn one were being considered (albeit in breach of the condition).
96. It is proposed to continue to operate at 55,000tpa of waste throughput. The issues are therefore mainly around whether the proposed new building and plant affect the openness of the Green Belt and are acceptable in visual impact and amenity terms; and whether the increases of traffic movements is acceptable in this location.
97. It is concluded that the impact upon the Green Belt, whilst finely balanced, does not affect its openness and thus the principle aims of protection; and the increase in visual impact is offset by the existing topography and landscape screening. I am advised that with appropriate worded conditions the amenity impacts of the operations could be successfully mitigated. The increase in traffic whilst high in percentage terms over and above the level currently restricted by condition is not considered high in numbers given the relatively low level of use of the local highway network. There is not considered to be a highway capacity or safety issue. Given that there are no significant impacts from the proposed development and that there are very special circumstances to weigh against any harm caused by the development, I conclude there is sufficient reason to justify an exception to Green Belt policy.
98. In my view this waste related development is sustainable and there are no material planning considerations that indicate that the conclusion should be made otherwise. I therefore recommend that the application be granted subject to conditions and an informative.

Referral

99. The Town and Country Planning (Consultation) (England) Direction 2009 requires certain types of Green Belt development to be referred to the Secretary of State if the Local Authority is minded to grant planning permission. This applies to inappropriate development which consists of or includes –
- (a) the provision of a building where the floorspace to be created by the development is 1,000 square metres or more; or
- (b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

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100. Whilst the proposed building does not exceed the floorspace criteria, the issue of impact on the openness of the Green Belt is finely balanced; however it is concluded that that the proposal would not have a significant impact. On that basis it is not necessary to refer the application to the Secretary of State.

Recommendation

101. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

- In accordance with approved drawings,
- Restriction of HGV movements to daily maximum of 74,
- Hours of operation 0700-1800 Monday – Friday, 0700-1300 Saturdays, no working on Sundays and Bank Holidays.
- Condition restricting noise levels at Queens Farm House and neighbouring industrial properties (as set out in paragraph 78),
- Condition restricting vibration levels at neighbouring industrial properties (as set out in paragraph 80),
- Maintenance of plant and equipment,
- Submission of Dust Management Plan for all stages of waste handling and for vehicles leaving the site, including wheel and chassis cleaning and containment of waste loads,
- Submission of an Odour Management Plan assessing risk, proposing mitigation and detailing actions to address nuisance,
- Scheme detailing proposed materials to be used on the building, including colour of cladding,
- Submission of a lorry routeing scheme (reflecting the information in the TA),
- Archaeological watching brief (if significant groundworks are required for the construction of the building).
- Contaminated Land watching brief (if significant groundworks are required for the construction of the building)

102. I FURTHER RECOMMEND that AN INFORMATIVE be added to encourage the operator to set up a forum for dialogue with the local community.

Case Officer: Andrea Hopkins

Tel. no: 03000 413334

Background Documents: see section heading
