

MC/18/3446

Date Received: 29 November 2018

Location: Manor Farm Quarry Parsonage Lane Strood Rochester

Proposal: Variation of conditions 19 and 20 of planning permission MC/10/2068

Applicant Mr Richard Smith

Ward: Strood Rural Ward

Case Officer: Wendy Simpson

Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 20th March 2019.

Recommendation - Approval with Conditions

- 1 The infill activity hereby permitted shall be discontinued within 6 years from, the date of decision being, 18 February 2015 and all buildings and structures associated with the development shall be removed and the land restored and landscaped in accordance with the details to be approved pursuant to conditions 12 and 14 of this permission.

Reason: To regulate and control the development permitted in the interests of visual amenity in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing numbers: 779/14 revision A, 779/16 revision B, 779/17 revision B and 779/18 received on 7 June 2010; 779/15 revision B, 779/21, 779/22 revision A and 779/23 received on 23 June 2010; Planning Statement and Design and Access Statement received on 7 June 2010 and the Environmental Statement comprising: Non-Technical Summary received on 16 August 2010, Site Description and Development Proposals Section received on 16 June 2010, Ecological Impact Assessment dated May 2010 and received on 7 June 2010, Ground Conditions, Geotechnical and Contamination EIA Chapter received 16 August 2010, Contaminated Land Investigation received 7 June 2010, Noise Impact Assessment received 7 June 2010, Drainage Statement received 7 June 2010, Heritage

Statement received 7 June 2010, Landscaping received 7 June 2010, Landscape and Visual Impact Assessment received 7 June 2010, Transport Assessment and Travel Plan received 7 June 2010, Parking and Servicing received 23 June 2010. Further Information received on 11 October 2010 and Further Information received on 1 June 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Only materials that accord with the SLR report 'Waste Acceptance Criteria and Procedures' dated July 2016, and submitted under conditions application MC/16/4633, will be used for the infilling of the quarry.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23.

- 4 No material other than inert material shall be used to infill the quarry.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 5 All fill material shall only be tipped into the pit and shall not be stock piled anywhere within the site.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of visual amenity and the historic environment in accordance with Policies BNE1, BNE18, BNE25 and BNE34 of the Medway Local Plan 2003.

- 6 No processing of any waste material shall be undertaken within any part of the site.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 7 The planting and bunding to screen the temporary haul road shall be in accordance with drawings submitted under conditions application MC/16/3197: MBF/01, MBF/02, MBF/03, MBF/04, MBF/05, MBF/06, and shall be retained for the duration of the infill activity.

Reason: To protect the appearance and character of the site and locality in accordance with Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 8 Development and infilling activities at the site shall be undertaken in accordance with SLR report 'Construction Environmental Management Plan', dated September 2016, which was submitted under conditions application MC/16/4633.

Reason: To ensure protection of the environment and ecology and to prevent pollution and in the interests of the amenities of the surrounding area and neighbouring occupiers in accordance with Policies BNE2, BNE5, BNE23, BNE37 and BNE39 of the Medway Local Plan 2003.

- 9 Long-term and future ecological monitoring and management shall take place in accordance with EAD Ecology 'Economic Management and Monitoring Plan', dated July 2016 and 'Economic Management and Monitoring Plan', dated September 2016, which were submitted under conditions application MC/16/3197.

Reason: To ensure satisfactory arrangements are made to safeguard the habitats in the interests of ecology in accordance with Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 10 Reviews of the long-term and future ecological management plan approved pursuant to condition 9 shall be submitted to the Local Planning Authority for written approval at a frequency of every two years and to be no later than 2 months preceding the anniversary date of this permission or at such greater frequencies that may be reasonably be agreed in writing with the Local Planning Authority. The ecological management plan shall thereafter be implemented in accordance with the approved revised details.

Reason: To ensure satisfactory arrangements are made to safeguard the habitats in the interests of ecology in accordance with Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 11 The waterbody created following the infill of the quarry shall not be stocked with fish.

Reason: To encourage biodiversity in the interests of ecology in accordance with Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 12 Landscaping of the site shall be implemented in accordance with drawing submitted under conditions application MC/16/3197: MBF01, MBF02, MBF03, MBF04, MBF05, MBF06.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 13 Landscaping of the development hereby approved shall be carried out in accordance with SLR document 'Conditions 13, Landscape Management Plan' (ref: 409.05632.00001, Version No: Draft1), dated November 2015, continuing for a period of 10 years from practical completion of the landscaping approved pursuant to condition 12.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 14 The restoration of the agricultural land on the site, including the timetable for the starting and completion of the restoration, the material to be used as part of the restoration, the contours of the restored land and monitoring proposals to measure the success of the restoration, including measures to be implemented should restoration of any part of the agricultural land fail, shall be in accordance with SLR document 'Conditions 13, Landscape Management Plan' (ref: 409.05632.00001, Version No: Draft1), dated November 2015 and drawings MFB/01, MFB/02, MFB/03, MFB/04, MFB/05.

Reason: To ensure the restored land is suitable for agricultural afteruses in accordance with PPS7.

- 15 No re-spreading of soil making materials, subsoil or topsoil shall take place on the agricultural land until the upper 500mm of the surface has been: prepared so that it does not contain toxic material injurious to plant growth; and ripped at a spacing of 500mm or closer to remove rock, stone, boulder, wire, rope, cable, other foreign objects or compacted layers capable of impeding normal agricultural or land drainage operations including mole ploughing or subsoiling.

Reason: To ensure the restored land is suitable for agricultural afteruses in accordance with Policy BNE36 of the Medway Local Plan.

- 16 Stones, materials and objects that exceed 200mm in any dimension and which occur on the surface of the ripped and loosened ground on the agricultural land shall be removed from the site or buried at a depth of not less than 2 metres below the final pre-settlement contours.

Reason: To ensure the restored land is suitable for agricultural afteruses in accordance with Policy BNE36 of the Medway Local Plan.

- 17 Vehicle circulation, parking and turning areas within the site shall be carried out in accordance with Heritage Team Report 'Vehicle Circulation', dated November 2016, submitted under conditions application MC/16/4633.

Reason: Development without provision of adequate circulation, parking and turning facilities is likely to give rise to hazardous conditions in the public highway and in accordance with Policies T1, T2 and T13 of the Medway Local Plan 2003.

- 18 The disposal of surface water shall operate in accordance with details within the Heritage Team Report 'Condition 17', dated November 2016 and SLR letter, dated 8 November 2016, submitted under conditions application MC/16/4633.

Reason: To prevent the increased risk of flooding by ensuring the provision of satisfactory means of surface water disposal.

- 19 The infill activity shall only operate between the hours 08:00 to 17:30 hours Monday to Friday inclusive; 08:30 to 13:00 hours on Saturdays and no works on Sundays or Bank/Public holidays.

Reason: To regulate and control the permitted development in the interests of amenity, whilst balancing with the commercial factors, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 20 No goods shall be loaded, unloaded, stored or otherwise handled and no goods vehicles shall arrive or depart, within the application site outside the hours of 08:00 to 17:30 hours Monday to Friday; 08:30 to 13:00 hours on Saturdays, or at any time on Sundays or Bank/Public holidays.

Reason: To regulate and control the permitted development in the interests of amenity, whilst balancing with the commercial factors, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 21 Acoustic fencing shall be retained for the duration of operations on the land in accordance with the Heritage Team Report 'Condition 21 - Acoustic Fence Details', dated November 2016, submitted under conditions application MC/16/4633.

Reason: To ensure the development does not prejudice the amenities of neighbouring properties in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 22 The management of dust associated with activities on the site shall take place in accordance with the SLR Report 'Dust Management Plan' (ref. 409.05632.00001) dated September 2015, submitted under conditions application MC/16/3197.

Reason: To ensure the development does not prejudice the amenities of neighbouring properties in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 23 The works shall only be carried out in accordance with the remediation scheme within documents: SLR report 'Groundwater Monitoring report' (ref:

409.05632.00001, dated September 2015); SLR report 'Addendum contaminated Land Investigation' (ref: 409.05632.00001, dated November 2015; 'Appendix a' GEA report 'Contaminated Land Site Investigation', dated May 2008; 'Appendix b' (Laboratory Analysis results); GEA 'Contamination Investigation Report' (dated May 2008). Following completion of the measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety.

- 24 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and submitted to, for approval in writing by, the Local Planning Authority prior to the remediation works being undertaken. Following the completion of the measures identified in the approved remediation scheme a verification report, demonstrating that the remediation works set are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, must be prepared, and submitted in writing to, for approval in writing by, the Local Planning Authority.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety.

- 25 Vehicle routing and access and egress arrangements to the site for vehicles carrying fill materials, or having deposited fill materials, shall be only in accordance with the Heritage Team Report 'Condition 28 - Vehicle Route Plan', dated November 2016.

Reason: To safeguard the residential amenity within the vicinity of the application site in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 26 Should the infilling activity hereby permitted cease for a period of more than 6 months, prior to the expiration of this planning permission, the contingency plan shall be implemented at that time, in accordance with the Heritage Team document 'Contingency Plan document', dated February 2016 and within one month of the implementation having commenced a timetable for the completion of the works within the approved contingency plan, other than ongoing monitoring detailed in that document, shall be submitted to and agreed in writing with the Local Planning Authority. The approved contingency plan works shall be carried out in accordance with the approved timetable and going monitoring in accordance with the details within the approved contingency plan.

Reason: To ensure satisfactory arrangements are made to safeguard the character and appearance of the locality, quality of agricultural land and habitats in the interests of visual amenity and ecology in accordance with PPS7 and Policies BNE1, BNE6, BNE12, BNE14, BNE18, BNE34, BNE37 and BNE39 of the Medway Local Plan 2003.

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This application is for the variation of conditions 19 and 20 of planning permission MC/10/2068. MC/10/2068 granted planning permission for infill of a disused chalk pit and construction of a temporary access road. The permission was subject to conditions.

Condition 19 currently reads:

The infill activity shall only operate between the hours of 08:30 to 16:30 Mondays to Fridays inclusive and no works on Saturdays, Sundays or Bank Holidays.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

Varied to read:

The infill activity shall only operate between the hours 08:00 to 17:30 hours Monday to Friday inclusive; 08:30 to 13:00 hours on Saturdays and no works on Sundays or Bank/Public holidays.

Condition 20 currently reads:

No goods shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site outside the hours 08:00 to 17:00 Monday to Friday, or at any time on Saturday, Sunday or Bank Holidays.

Reason: To ensure the development does not prejudice the amenities of neighbouring properties in accordance with Policy BNE2 of the Medway Local Plan 2003.

Varied to read:

No goods shall be loaded, unloaded, stored or otherwise handled and no goods vehicles shall arrive or depart, within the application site outside the hours of 08:00 to 17:30 hours Monday to Friday; 08:30 to 13:00 hours on Saturdays, or at any time on Sundays or Bank/Public holidays.

Relevant Planning History

- MC/17/0825 Removal of condition 29 (contingency plan for cessation of works) on planning permission MC/10/2068 (Withdrawn.)
- MC/17/0803 Details pursuant to condition 29 on planning permission MC/10/2068 to infill the existing disused chalk pit and construct temporary access road (Undetermined)
- MC/16/4633 Details pursuant to conditions 3, 8, 17, 18, 21 and 28 of planning permission MC/10/2068 Application to infill the existing disused chalk pit and construct temporary access road (All conditions discharged)
- MC/16/3197 Details pursuant to conditions 7, 9, 12, 13, 14, 22, 24 and 25 on planning permission MC/10/2068 for application to infill the existing disused chalk pit and construct temporary access road (Some conditions discharged)
- MC/10/2068 Application to infill the existing disused chalk pit and construct temporary access road (Approved 18/05/2015)

Representations

The application has been advertised on site and in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties.

Six letters have been received from four addresses raising the following objections:

- Noise and disturbance to neighbouring properties from vehicles reversing and plant being operated ('sufficient to wake one from sleep');
- Disturbance is likely to increase as the quarry fills up more as the natural barrier of the pit walls reduces;
- Increase hours of operation will increase noise disturbance;
- The extended hours will result in additional traffic in a heavily trafficked area;
- Additional lorries will increase pollution in stationary traffic.

Frindsbury Extra Parish Council have not commented on the proposal.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2019 and are considered to conform.

Planning Appraisal

Background

In addition to the supporting documentation provided with the application the applicant's agent has explained that the Manor Farm site is currently accepting inert materials from the M20 Junction 3 - 5 Smart Motorway project. This contract constitutes a large volume of high-quality infill material and the applicant has been awarded the contract but has been asked by the client to extend their operational hours to accommodate the requirements of the construction programme.

The consequences of being unable to meet this request is that it is quite possible that the material will be placed at a competitor site outside of Medway. It is the applicant's view that the unintended consequence of losing this contract would be to extend the total amount of time that it will take to complete the quarry infill overall.

Furthermore, the applicants advise that they require access to the site outside of the site's operational hours to maintain equipment. As such, this can be undertaken on some Saturdays when the demand for the infill operation may not be continuous as it is linked to the current workings on the M20 which does not always take place on Saturday.

Assessment

The reason for the limited hours of operation on the conditions (19 and 20) is to protect the amenities of the neighbouring or nearby residents.

The key matter therefore that warranted the imposing of the conditions originally was related to the living conditions of occupiers of the residential properties neighbouring the quarry. It is also relevant to the consideration that the core principles of the NPPF seeks to 'build a strong, responsive and competitive economy' and planning decisions should 'help create conditions in which businesses can invest, expand and adapt' with significant weight placed on 'the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'

Since the granting of planning permission the access road to the site from Anthony's Way has been constructed and condition 28 of the original planning permission (suggested condition 25) controls that commercial vehicles to and from the site only use that access.

The proposed change of operational hours has been considered by the Council's Environmental Protection team has advised that the changes are within the parameters of what would be expected for a construction site and are agreeable for the protection of existing residential amenity. It is also taken into account that the longer daily working hours, and Saturday working, will overall lead to a quicker infilling of the quarry and a shorter overall operational time. This will be to the benefit of neighbours in the longer term.

Local Finance Considerations

Not relevant to this application.

Conclusions and Reasons

The proposal to alter the working and access hours is considered acceptable, and would ensure that the amenities of nearby residents are sufficiently protected whilst supporting the business opportunities arising from the operations of the site. The proposal complies with Policy BNE2 of the Medway Local Plan and paragraphs 8, 80 and 127 of the NPPF 2019.

The application would normally be determined under delegated powers but is being referred to Committee for determination due to the number of representations received expressing views contrary to officer's recommendation.

Update following last meeting on 13 February 2019

This application was deferred for further clarification on matters related to wheel washing operations on the site and the impact of the extended operational hours on the rush hour traffic flow on Anthony's Way and the two roundabouts close to the access/exit road to the site.

In respect to the matter of traffic movements the applicant has now submitted additional information detailing the loads received into the site between 3rd June 2018 to Christmas 2018, and then from 7th January 2019 to 15th February 2019. This data shows that on average 10 lorries a week travel during the afternoon peak period (2 lorries per day).

The Principal Integrated Transport officer advises that the additional information reinforces his initial conclusion that the additional traffic in the afternoon, as a result of the proposal, would not result in a severe or significant impact on the highway network flow or safety and is acceptable against saved policy T1 of the Medway Local Plan 2003 and paragraph 109 of the Nation Planning Policy Framework 2019.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>