

MC/24/1466

Date Received: 12 July 2024
Location: Manor Farm Quarry, Parsonage Lane, Frindsbury, Rochester
Proposal: Variation of condition 1 (Time Limit) on planning permission MC/20/2806 to amend the requirement for the discontinuation of the in-filling operation until 31st December 2027.
Applicant: The Heritage Design and Development Team Ltd
Mr Richard Smith
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Ward: Strood Rural
Case Officer: Hannah Gunner
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Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 25th September 2024.

Recommendation - Approval with Conditions

- 1 The infill activity hereby permitted shall be discontinued by 31 December 2027 and all the buildings and structures 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, shall 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 stockpiled 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 and 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 drawings submitted under conditions application MC/16/3197: MBF01, MBF02, MBF03, MBF04, MBF05 and 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 and MFB/05.

Reason: To ensure the restored land is suitable for agricultural after uses in accordance with paragraph 170(a) of the National Planning Policy Framework 2019.

- 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 after uses in accordance with paragraph 170(a) of the National Planning Policy Framework 2019.

- 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 after uses in accordance with paragraph 170(a) of the National Planning Policy Framework 2019.

- 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 will 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 Mondays to Friday; 08:30 to 13:00 hours on Saturdays or at any time on Sundays or Public/Bank 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 that demonstrates the effectiveness of the remediation carried out must be produced and submitted to and approved 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 in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 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 in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 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 Policies BNE1, BNE6, BNE12, BNE14, BNE18, BNE34, BNE37 and BNE39 of the Medway Local Plan 2003 and paragraph 170 of the National Planning Policy Framework 2019.

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 condition 1 (Time Limit) on planning permission MC/20/2806 to amend the requirement for the discontinuation of the in-filling operation until 31st December 2027.

Condition 1 currently reads:

The infill activity hereby permitted shall be discontinued by 31 December 2024 and all the buildings and structures 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.

The proposed variation would alter the condition to read:

The infill activity hereby permitted shall be discontinued by 31 December 2027 and all the buildings and structures 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.

Relevant Planning History

MC/20/2086 Variation of condition 1 of planning permission MC/20/0482 (original permission MC/10/2068) to amend the requirement for the discontinuation of the infilling operation to be extended until 31 December 2024.

Decision – Approved with conditions.

Date – 7 April 2021

MC/20/0482 Variation of conditions 19 (hours infilling) and 20 (loading/handling etc) of planning permission MC/10/2068 - Condition 19 To amend the infill activity hours and shall only operate between the hours of 08:00 to 17:30 Monday to Friday inclusive , 08:30 to 13:00 hours on Saturdays and no works on Sundays or Bank/Public holidays and condition 20 no goods will 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 Mondays to Friday; 08:30 to 13:00 hours on Saturdays or at any time on Sundays or Public/Bank holidays.

	Decision – Approved with conditions. Date – 17 July 2020
MC/18/3446	Variation of conditions 19 and 20 of planning permission MC/10/2068. Decision – Approved with conditions. Date – 26 March 2019
MC/17/0825	Removal of condition 29 (contingency plan for cessation of works) on planning permission MC/10/2068. Decision - 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. Decision - 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. Decision - All conditions discharged. Date – 21 March 2017
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. Decision - Some conditions discharged. Date – 24 January 2019
MC/10/2068	Application to infill the existing disused chalk pit and construct temporary access road. Decision – Approved with conditions. Date – 18 May 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. Southern Water, the Environment Agency, Historic England, the RSPB, Natural England, and Kent Wildlife Trust were also consulted.

One letter has been received raising the following objections and concerns:

- Cannot enjoy gardens in Parsonage Lane due to constant ‘bleeping’ of bulldozers moving soil and crashing of lorry tailgates whilst unloading
- In dry weather properties are covered in a fine film of dust
- Sick and tired of noise and dust
- Becoming detrimental to my mental health
- The Grade I Listed Barn is now not a priority as no improvements have been done for many years

- No extension should be granted until the barn starts to come forward

Frindsbury Extra Parish Council have commented the below:

- Concerned that the barn is falling further into disrepair the longer it is being left
- The delays in the infill delay the barn and this could be 10 years down the line
- The Parish Council want to see the barn restoration as a matter of urgency
- Should not extend time due to the negative effect on neighbours

The Environment Agency have written advising they have no comments to make.

Southern Water have written advising they have no comments to make.

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 2023 (NPPF) and are considered to conform.

Planning Appraisal

Background

Unforeseen forces outside of the applicant's control has influenced and adversely affected how this infill has come forward, especially taking into account market conditions. In respect of this site, these include(d):

- Despite the planning consent being granted in 2015, the Environmental Permit was not issued by the Environment Agency until March 2018, which halved the time available under the original consent to only 3 years.
- In 2017 following consent for this site, The Council consented another quarry application in July 2017 (ref: MC/16/4268) just to the north of the site (Commissioners Road, Strood). This development also required the importation of a substantial volume of waste soils. As the annual quantity of waste soil arising in the locality is finite, this consequently slowed down the infilling operation of this site. This operation only concluded in 2023.
- Covid 19 – this caused a significant downturn in construction activity and in turn the supply of inert soils created and needed to infill the quarry. This significantly disrupted the quarry over a two-year period.

Despite the difficulties encountered as described above, significant progress has been made since the 2021 consent, with some 268,753m³ (33.2%) of void having been filled. Following a volumetric survey in December 2023, it is estimated that by the end of May 2024, a grand total of 425,311m³ (55.11%) of the void has been consumed.

Principle

The reason for the limited timescales for infill activity was to regulate and control the development permitted in the interests of visual amenity.

The key matter therefore that warranted the imposition of the conditions originally was related to visual amenity. 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, considering both local business needs and wider opportunities for development.'

Since the granting of the original planning permission the access road to the site from Anthony's Way has been constructed and condition 28 of the original planning permission (now condition 25 of MC/20/0482) controls that commercial vehicles to and from the site only use that access. The alteration to the operational hours was also approved under planning reference MC/20/0482.

The Local Planning Authority (LPA) have been in constant contact with the applicants throughout the infill to date and are aware of the difficulties that were faced in relation to obtaining permits. The LPA is also aware of the competitive pricing at other quarry infill sites locally.

During the previous temporary permission there have been no complaints received by the Local Authority. It is considered that this extension to the timescales for the infill will take the pressure off the applicants and ensure that the job can be completed. This will be to the benefit of neighbours in the longer term as an incomplete fill will not enhance the area.

Details of the remaining fill

As of the end of May 2024, it has been calculated that the remaining void to infill is 346,370m³.

In order to establish the anticipated time to completion, the inputs for the past 3 years have been analysed. The data indicates that the average number of loads received per month over the preceding three-year period is 712 (8,544 per annum/33 per day). The data also shows the average inputs for the past 12 months in solution is 1,093 (13,116 per annum/50 per day).

Further work has been carried out making average calculations using a statistical tool taking the following into account:

- Closure of the Commissioners Road infill site
- Lesser weight on aftermath of the Covid pandemic
- Peaks and troughs of the market

The resultant weighted average for the preceding three-year period is 822 loads per month (9,864 per annum/38 per day).

Given the void remaining as of the end of May 2024 (346,370m³) it has therefore been calculated that the void would be fully infilled by the end of December 2027.

Wider Manor Farm development

The infill of this quarry plays an important part of the wider Manor Farm development and understanding the importance of the part that this application plays in the wider scheme is necessary.

The hybrid application that was originally approved in 2021 (MC/21/0302)

Hybrid application seeking:

- *Full planning permission for the construction of a new three-storey secondary school with sixth form and sports block with vehicular and pedestrian access from Frindsbury Hill, together with associated car parking and drop off area, multi-use games area, sports pitches, landscaping and other associated works.*
- *Full planning permission for the part conversion and extension of Grade I Listed Manor Farm Barn and change of use to a wedding venue and conference facility, including conversion and extension of former cattle byres to provide overnight accommodation, construction of single storey detached building for management facilities and construction of a new building to provide additional tourist accommodation with vehicular and pedestrian access from Berwick Way, car parking, landscaping and other associated works.*
- *Outline permission (with Frindsbury Hill access-detailed as part of the full planning permission for the school element) to be considered in detail and all other matters reserved for future consideration for the construction of up to 181 residential dwellings, together with Parsonage Lane access, parking, landscaping and associated works.*

The school aspect of this proposal is now complete and has opened this term for its first intake of students.

The infill of the quarry is well underway and needs to complete so that the residential development can occur. As was originally set out in the above application, the residential aspect of the scheme is considered acceptable as an enabling development to secure the future of the of the barn. Whilst works to date, including the school have ensured the barn restoration, the housing development is required to ensure the conversion works can take place to bring the barn forward as a venue and destination for visitors which will help to secure the future of the building.

It must therefore be recognised that there is a fundamental benefit to completing the quarry infill so that the wider development can be completed.

Highways

In respect to the matter of traffic movements, the applicant has stated that the infilling operation requires a finite amount of imported material – which in turn is a finite amount of vehicle movements. The number of vehicle movements originally approved is not

altering, but the frequency of the movements is just not as intense as originally considered.

The applicant's information that has been supplied with this application demonstrates that the approval of this application would not cause any harmful impact on the highway both in terms of network flow and safety.

It is therefore considered the proposal conforms with Policy T1 of the Local Plan and Paragraph 115 of the NPPF.

Other Matters

It should be noted that there are no environmental concerns in relation to the variation of this condition. No comments have been received from Natural England in relation to this proposal.

Conclusions and Reasons

The proposal to extend the time restriction on the filling operation is considered to be 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 Policies BNE1 and T1 of the Medway Local Plan 2003 and paragraphs 115 and 135 of the NPPF.

This application would normally be determined under delegated powers but is being referred to committee due to the fact that the previous applications have gone to committee.

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 on Medway Council's Website <https://publicaccess1.medway.gov.uk/online-applications/>