

Tonbridge and Malling Borough Council

LOCAL DEVELOPMENT FRAMEWORK

CORE STRATEGY

POSITION STATEMENT No CS04

Isles Quarry West, Borough Green

Highways Agency (69.10/11)

Croudace Homes (72.07)

Hallam Land Management (79.13/14/15/26/27/28)

Ydon Homes (134.05)

CPRE (173.07)

GLN (Wrotham) Ltd (181.01/02/03/04/05/06/07/08/09/10/11/12/13/14/15/18)

Mrs Patricia Cooper (186.01/02/03/04/05)

Cemex (190.04)

Mr & Mrs David Cox (242.01)

Mr R Fuller (247.01/03)

Mr K Hayward (296.01)

Mrs Tessa Baker (300.01/02)

Mr Peter Townsend (304.01)

Supporters

Borough Green Parish Council (32.01)

Hansons (106.01/02/03/04/05/06)

Hornet Engineering (110.01)

Tonbridge and Malling Local Development Framework

Position Statement No CS04

Isles Quarry West, Borough Green

1 Introduction

- 1.1 This Position Statements deals with the identification of Isles Quarry West to the south of Borough Green as a strategic housing location under Core Policy CP19 and its consequential removal from the Green belt under Policy Core Policy CP3.2. The Site is also allocated for housing under Policy H2 in the Development Land Allocations DPD. Since the majority of representations relate to the principle of identifying the site for development this Position Statement relates to both the Core Strategy and the Development Land Allocations DPD.

2 The Borough Council's Position

- 2.1 The Borough Council believes that, in terms of PPG2, there is an exceptional justification to support the release of some of the derelict and despoiled land to the south of Borough Green from the Green Belt to enable its identification as a strategic housing location and its subsequent allocation for housing in the Development Land Allocations DPD. This will have the benefit of helping to meet affordable housing needs in the part of the Borough more remote from the main urban areas as well as securing the otherwise unachievable full restoration of a former quarry and extinguishing some of the industrial use rights which could otherwise generate heavy goods traffic through residential areas.
- 2.2 The reasons for the identification of the site for housing are set out in paras 6.3.31 to 6.3.34 of the Core Strategy. The benefits to be achieved as a result of restoring the Quarry are summarised under para 6.2.6 of the Core Strategy. In terms of affordable housing, the Housing and Market Needs Study found that about a quarter of affordable housing need came from the Malling Rural sub-area¹. This is confirmed by the fact that some 27% of waiting list registrations come from this broad area². On this basis, of the annual Borough-wide affordable housing need of 554 units, some 132 arises in the Malling Rural area.
- 2.3 A proportion of this identified need can be met in the main urban areas and at the strategic locations identified under Policy CP16.2. There will be some limited provision in the rural areas through the operation of the Exception Site Policy (CP20) and some very restricted opportunities through the redevelopment of sites within the rural settlements identified under Policy CP14 or at the rural service centres identified under Policy CP13, but in terms of allocated sites there are none within the rural settlements. There may be some opportunities on windfall sites but these cannot be relied upon. If there is to be any confidence about delivery in the rural area the Council needs to specifically identify a site or sites for development.
- 2.4 In terms of general location, a site at Borough Green is considered to be preferable to other locations within the rural area for the reasons explained in para 6.3.35 of the Core Strategy. Concentration on one location is considered to be better than dispersal unless there are particular local needs that could only be identified through a Parish-based Study and addressed through the Exception Site Policy. Borough Green is considered to be the most appropriate location because it is an important local service centre with a good range of shops, services and community facilities including both a primary and a secondary school, the latter being unique in the rural part of the Borough. It also has a station with frequent trains to London and to West Malling/Kings Hill and Maidstone as well as a reasonable bus service. This approach is in line with paras 3 and 8 of PPS7³ which confirms that in locating new housing and other development in rural areas priority

¹ See Appendix 1 to RD 7.9 Housing and Market Needs Assessment Survey - 2005

² See Table 10 of RD 7.10 Balancing Housing Markets Final Report

should be afforded to local service centres like Borough Green where employment, housing, services and other facilities can be provided close together.

- 2.5 Sequentially, in line with PPS3⁴ and PPS7, identifying damaged land for development is considered to be preferable to a greenfield site. There are a number of former quarries around the periphery of Borough Green but what distinguishes Isles Quarry West from the others is that, because of its age, there are no enforceable restoration conditions that can require its full restoration. This is because, there is in existence a Lawful Use Certificate (see **Annex A**) which establishes the continued use of parts of the site for employment purposes without any planning control over the nature of such uses in terms of hours of operation, noise or other emissions. The Borough and local Parish Council see considerable environmental benefits in extinguishing these uses and securing the full restoration of the quarry in association with new development which itself can bring other benefits to the community.
- 2.6 Policy H2 in the Development Land Allocations DPD takes forward the identification of the general location under Core Policy CP19 and allocates part of the site for housing with the remainder being shown for public open space including the enhancement of the adjacent area of nature conservation interest. The policy proposes that a master plan be prepared to support any application for development addressing the way in which the site is to be developed and accessed. It also deals with the relationship with the remaining employment uses on the higher level ground, the site of which could be integrated with the residential development on the rest of the site provided ground levels are lowered.

3 Response to Representations

- 3.1 Essentially, the representations received fall into two main categories: those, mainly local residents, who are opposed to the whole principle of development at Borough Green in general and Isles Quarry in particular, and developers/ landowners mainly with interests in the Borough Green vicinity which generally accept that Borough Green is the right place for development but argue that their site is better than Isles Quarry. There is no strategic objection from GOSE or the County Council and SEERA has confirmed both the Core Strategy and the Development Land Allocations DPD as being in general conformity with RPG9 and the draft South East Plan.
- 3.2 The proposal is strongly supported by the Borough Green Parish Council [32.01] which has identified the need for affordable housing in the area and the potential of Isles Quarry to meet this need through its own Village Plan⁵. The two landowners, Hansons [106] and Hornet Engineering [110], have both indicated their full support for the proposals. Hansons have confirmed that they consider the proposals to be both viable⁶. They accept that, particularly on the basis of the special reason for the release of the site, it will be necessary to provide 40% affordable housing as well as the other benefits identified in Policy H2.

(1) Local residents (Mr Cox [242], Mr Fuller [247], Mr Townsend [304], Mrs Baker [300] and Mrs Cooper [186]) object to the proposal on the following grounds:

- The Green Belt should permanent. There are no exceptional circumstances to justify a change;
- The fact that the land is derelict is not a reason for removing the site from the Green Belt. The site was only granted permission on the grounds that it would be restored to its natural state and this requirement should be adhered to;
- It would be a huge development out of proportion to the village of Borough Green. There have been too many houses built in Borough Green in recent years;

³ RD 1.16 - PPS7: Sustainable Development in Rural Areas

⁴ RD 1.14 - PPS3: Housing

⁵ RD 7.16 - Borough Green Parish Village Plan

⁶ RD 7.23 - Planning Overview Statement submitted by Hansons to support the development of Isles Quarry

- Questioning the need for affordable housing and why Borough Green should be selected. If anything is needed it is higher cost housing;
- Inadequate road infrastructure due to the extra traffic that could be generated by 200 houses. There is a particularly dangerous junction between the A25 and Quarry Hill Road;
- The capacity of the school, water supply, doctors, dentists and train services is inadequate.
- There is a risk of contamination and land instability building on filled land;
- General concerns about the perceived lack of local consultation;

In addition the CPRE [173], whilst **not** objecting in principle to the proposal, which the Borough Council considers in itself to be significant, does believe that its development should be deferred until the long term because of potential landfill gas issues.

The Highways Agency [69.10/11] is concerned about the potential impact of the development on the trunk road network. They would not wish to see the site developed unless it is supported by a strong package of sustainable transport measures.

Response: *It is fully accepted that the state of the land is not in itself a reason for removing land from the Green Belt. The exceptional justification that the Council relies on is the need for affordable housing which is demonstrated by the Housing and Market Needs Assessment. It is purely a supporting benefit that the redevelopment of the site will also secure the restoration of the quarry, but it does tip the balance in favour of this site over other sites that have been suggested.*

*The site was quarried before modern planning restrictions came into force. Such conditions as there were requiring the restoration of the site have their origins in an Interim Development Order of 1947 (Ref TP2052). These were subsequently brought forward by virtue of a planning application Ref TM94/155 which updated the conditions in the IDO permission under the terms of the Planning and Compensation Act 1991. This permission required the restoration of much of the former quarry to agriculture and forestry use (see **Annex B**). Whilst the earth moving has been completed the aftercare scheme has not been finally agreed by the County Council which is the planning authority for this minerals application.*

*At about the same time the Certificate of Lawful Development was granted (**Annex A**) which allows certain buildings to remain and certain uses to continue without restriction. This constrains the amount of further practical restoration that can be achieved. What this means is that effectively, the quarry will remain much as it is but with perhaps a much more intensive use of the use rights unless a proactive stance is taken towards redevelopment.*

In terms of the relative scale of development, the balance of development and the amount of new housing development that has taken place over recent years the facts are as follows:

- *The net number of new dwellings completed in Borough Green in last 10 years has been about 70 units;*
- *of which only 8 units were affordable housing;*
- *The percentage change in number of dwellings in Borough Green when Isles Quarry West is implemented would be 13%;*
- *According to the 2001 census 13% of housing in Borough Green was social rented accommodation.*
- *The proportion of social rented accommodation in Borough Green assuming Isles Quarry to be implemented with 40% affordable housing, 70% of which is socially rented would be 13.8%.*

What this means is that the proportional impact on the social balance of the town of the development of Isles Quarry would not be significant.

Concerns about road traffic are noted. Policy H2 in the Development Land Allocations DPD requires the preparation of a full Traffic Impact Assessment and the provision of any necessary mitigation measures including:

- the upgrading of the private haul road to adoptable standards [there is now no enforceable requirement or incentive for the landowner to do this without any new development on Isles Quarry West. On the contrary the owner could chose to close the road to the considerable disadvantage to residents living to south of Borough Green];
- contributions towards enhancing public transport;
- provision of footpaths and cycleways to link with the existing public rights of way network and the centre of the village.

The Council would expect to see a full package of sustainable transport initiatives. It is likely that the development would be accompanied by improvements to the existing network that would benefit existing as well as residents of the new development.

In this respect it must be recognised that the current level of activity on the site is not the same as it could be if all of the use rights were to be implemented. The level of potential traffic generation from the new houses should therefore not be compared with a zero baseline or even the existing level of traffic. Furthermore, the actual character of traffic would be significantly different from a residential development and the use of parts of the site for B2 Industrial and a Transport/Haulage Depot.

In terms of concerns about the capacity of local services and facilities. No objections have been received from service providers whose services would normally be expected to expand in response to demand. Policy H2 requires the provision of any necessary contributions towards the provision of community facilities. The County Education Department has already confirmed that projected school roles are such that there will be spare capacity in both the primary and secondary schools. Southern Water has expressed concern that the nearest local sewer to the site has insufficient capacity. Policy CP26 of the Core Strategy would require the sewer to be upgraded as an integral part of the development.

In terms of concerns about landfill gas and other site condition problems, Policy H2(g) requires the investigation and remediation of any land contamination which would include landfill gas. The Council has no evidence that there is any landfill gas problem on the site that would prevent its development. In terms of land stability the site has been backfilled with inert haddock. There is not likely to be any significant land stability, compaction or subsidence problems with such a fill material, but this will principally be a matter for the Building Regulations. However, in view of the advice in PPG14 ⁷ the Inspector may consider it helpful to add the words “**or land stability issues**” at the end of subsection (g) of Policy H2.

Comments about the alleged lack of consultation are noted but not accepted. Every household in the Borough received a free copy of the Council newspaper “Here and Now” in September 2005 which included a centre spread about the Preferred Options which specifically identified the proposals for Isles Quarry West ⁸. There was manned exhibition for 2 days, including a Saturday, in the village hall and documents were available in the Library for 8 weeks and on the Council’s Website. At the Preferred Options stage some 28 people from Borough Green commented on the proposal. They were all notified at the time of submission

- (2) Most of the landowner/ developers with land interests in the area believe that it is correct to identify land on the periphery of Borough Green to meet housing needs of the wider area but make the following points:

⁷ RD1.7 Development on Unstable Land - 1990

⁸ RD7.22 “Here and Now” Supplement – Oct/Nov 2005

- Croudace [72], which own (or have an option) on a greenfield site in Crouch Lane, believe the complexity of developing Isles Quarry West is such that it will inhibit the delivery of affordable housing. They also consider the site to be poorly related to the built-up area and that alternative peripheral sites should be considered.
- Hallam Land Management [79], who have an interest in the Safeguarded Land at Lower Haysden Lane, Tonbridge object to this site as they do most other sites identified in the LDF. They too believe that it will be difficult to bring forward, and point out the constraints of the Green Belt, AONB, Green Wedge and SNCI. They likewise consider it to be a remote and unsustainable location. They suggest it would be a short-term solution with long term negative effects including loss of employment and community facilities and an increase in town centre parking and congestion. They suggest a better solution is to release the Safeguarded Land at Lower Haysden Lane, Tonbridge.
- Rydon Homes [134] have made representations that land north of the A25 at Platt should be considered as an alternative to Isles Quarry West. They argue that there are no exceptional circumstances to release Isles Quarry West from the Green Belt since there is no change in circumstances since the Local Plan was adopted. They also argue that there has been insufficient consideration of alternatives. They suggest that the use of Isles Quarry is a disproportionate use of a greenfield site.
- Cemex [190] welcome the identification of Borough Green as a rural service centre but believe that their site to the north of Borough Green is sequentially a more sustainable locations for residential development and should therefore be released from the Green Belt.
- GLN (Wrotham) Ltd [181] who, it is believed, have an interest in land in the centre of Wrotham, argue that the visual benefit of removing industry from the site is not an argument in favour of housing development because the latter would be no more conspicuous in the wider landscape. They suggest the development of Isles Quarry would be incompatible with the Special Landscape Area, the Green Wedge, the AONB and Area of Local Landscape Importance shown in the Local Plan. There is no need for the development to support local services. It is suggested that it has not been demonstrated that this is the most sustainable solution for meeting affordable housing needs.
- Mr Haward [296] who owns land at Gracelands Park north of Ightham, suggests that housing development on all or part of his land in exchange for what he claims is an extant permission for a golf driving range on the site would be more desirable site for housing than Isles Quarry West (the Borough Council's position with regard to the Golf Driving range is that it is no longer implementable). He acknowledges that the site is subject to many of the same policy constraints as Isles Quarry West but argues that it is a more desirable site which is only a little further from the centre of Borough Green and the station than Isles Quarry West.

Response *The inherent merits or otherwise of the alternative sites put forward are dealt with in their own right in Position Statement No. CS03 dealing with Settlement Strategy and the confines of rural settlements. Suffice it to say that the arguments about the policy constraints, particularly Green Belt, apply to virtually all of the other sites suggested. It is suggested that proper comparative analysis of the constraints and sustainability credentials of Isles Quarry West versus the alternatives has not been undertaken. This exercise was undertaken as part of the Preferred Options exercise and the Sustainability Appraisal.*

The Table attached at Annex C compares the relative accessibility of these sites. With the exception of the secondary school all services and facilities are within easy walking distance of the

centre of Isles Quarry West. Overall, Borough Green Sandpit is somewhat closer to more facilities, but this is marginal. The main consideration is that, unlike Isles Quarry, Borough Green Sandpit is technically a greenfield site in that it is subject to enforceable restoration conditions. All of the other sites are significantly further from most facilities, even allowing for access to local primary schools. The distances are such that they are getting beyond a reasonable walking distance which will encourage car use. Furthermore, walking access from all of these sites would be along the busy A25 which is not a pleasant or safe experience.

It is suggested that Isles Quarry West is in an unsustainable and remote location poorly related to the existing built-up area. It is accepted that the site is physically separated from the main built up area by the road and roundabout, but this does not mean that it is remote from the village or its services. As Annex C demonstrates It is immediately opposite the Doctors' Surgery and from the centre of the site only about 5 or 6 minutes walk (750 metres) from the village centre.

In terms of concerns about landscape impact on the AONB and SLA and the ALLI. It is a fact that the site is so hidden from view from the surrounding area that housing development at the lower level will not visually intrude into the wider landscape. If the upper platform is incorporated into the housing at the lower floor level, as proposed in Policy H2, then this will have further benefits for the AONB. Landscaping of the proposed amenity area will also enhance the landscape setting of the site. There will also be tree planting within the residential area where there are no trees at present. It has not been suggested that removal of the employment uses (other than on the higher platform) will be of visual benefit to the AONB, it is the wider benefits of removing potential noise and traffic generation that is being referred to.

The deliverability of the site is questioned due to its alleged complexity. The owners, who have undertaken quite a lot of preliminary investigation into the feasibility of developing the site in accordance with the draft LDF Policies have indicated that do not regard the site as being a particularly complicated site to develop. They are confident that it is a viable proposition, even with a 40% affordable housing requirement.

It is difficult to demonstrate that it is not needed to support local services, but there is no doubt that the local shops, etc will benefit from increased trade. Other services will be expected to respond if there is an increase in demand.

It is suggested that there is no material change in circumstances since the Local Plan was adopted in 1998. It is suggested that there are a number of material changes in national policy context, most notably PPG3 (now PPS3), the Parish Council's Village Plan ⁹ and the two affordable housing needs studies that have been carried out since that date that significantly alter the context for considering the future of this site.

The case against Hallam Land Management's arguments are set out in Position Statement No CS02 dealing with Safeguarded Land, and their case against Isles Quarry West has no bearing on those arguments. Even if 200 houses were not to be provided at Isles Quarry West it does not so alter the housing land supply picture as to justify the premature release of Safeguarded Land at Tonbridge. Certainly, the release of land south of Tonbridge is not going to be of any help in meeting the affordable housing needs of the more remote parts of the Malling Rural Area.

4 Conclusions

- 4.1 The Council is satisfied that there are exceptional circumstances, in terms of the affordable housing needs of the more remote rural parts of the Borough, to support the release of land from the Green Belt south of Borough Green and the identification of land at Isles Quarry West for

⁹ RD 7.16 Borough Green Parish Plan

development. This is considered to be a more sustainable option than dispersal amongst the villages, and as damaged land which will not otherwise be fully restored, this is considered to be the best option on the periphery of Borough Green. Its development can be accommodated without adverse impact on the landscape and will bring community benefits in terms of improved public access and biodiversity management as well as assuring the retention of the access road. It will need to be accompanied by a package of sustainable transport initiatives to minimise any traffic impacts and contributions will be required to ensure no adverse impact on community services.

- 4.2 The proposals in the Core Strategy (Policies CP3.2 and CP19) and the Development Land Allocations DPD (Policy H2) are considered to be sound and should be confirmed without alteration, apart from the addition of the words “**or land stability issues**” at the end of sub-section (g) of Policy H2 if the Inspector considers this to be helpful.

BRG 01/03/2007 13:00

Certificate of Existing Lawful Development

TONBRIDGE & MALLING
BOROUGH COUNCIL

Borough Planning Officer
Keith Nicholson BA MRTPI

Park Building
Gibson Drive
Kings Hill
West Malling
Kent ME19 4LZ

West Malling (01732) 844522
Fax: 01732 876317
DX : 92854 West Malling

Paul Dickinson & Associates
St Ann's House St Ann's Road
Chertsey
Surrey
KT16 9EH

My ref : TM/94/1054LDCE
Contact : John Collins
Direct Line: (01732) 876253
Date : 3rd April 1996

APPLICATION: TM/94/1054LDCE

Dated: 10th August 1994 Deposited: 15th August 1994

APPLICANT: ARC Properties Ltd c/o Paul Dickinson & Associates St Ann's House St Ann's Road Chertsey Surrey KT16 9EH

PROPOSAL : Certificate of Existing Lawful Development: General industrial use (class B2), repair and maintenance of HGVs, plant and equipment, parking and storage and other purposes ancillary to general industrial use. Separate storage use (class B8)

LOCATION : Isles Quarry Quarry Hill Road Borough Green SEVENOAKS Kent

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1988:
ARTICLE 26A

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

The Tonbridge and Malling Borough Council hereby certify that on 15th August 1994 the uses/operations/matters described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and identified and annotated on the plan attached to this certificate, were lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the reasons as detailed in the First Schedule.

Signed Keith Nicholson (Council's authorised officer).
Borough Planning Officer

On behalf of Tonbridge and Malling Borough Council

Date 3rd April 1996

Et seq

TM/94/1054LDCE

First Schedule

01

Building No. 1(a) (as identified and annotated on attached plan)
Use for General Industrial purposes including repair and servicing of vehicles,
plant and machinery.

Reason: The Local Planning Authority is satisfied on the evidence placed before it that the use of the building in breach of condition attached to planning permission MK/4/61/254 had taken place for in excess of 10 years at the date of application and that it does not constitute a contravention of any enforcement notice or breach of condition notice currently in force.

02

Building No. 1(b) (as identified and annotated on attached plan)
Use for General Industrial purposes including repair and servicing of vehicles,
plant and machinery.

Reason: The Local Planning Authority is satisfied on the evidence placed before it that the use of the building commenced prior to 15.08.84 and that it has continued since that date and that it does not constitute a contravention of any enforcement notice or breach of condition notice currently in force.

03

Building No. 2 (as identified and annotated on attached plan)
Amenity and mess room block ancillary to Building No. 1.

Reason: The Local Planning Authority is satisfied on the evidence placed before it that the building has remained in place and in use since 30.04.87 and that as such in accordance with Section 4(2) of the Planning and Compensation Act 1991, has become lawful in the absence of a contravention of any enforcement notice or breach of condition notice currently in force in that the condition was breached for a period in excess of 4 years prior to 27.07.92.

Signed Keith Nicholson (Council's authorised officer).
Borough Planning Officer

On behalf of Tonbridge and Malling Borough Council

Date 3rd April 1996

Et seq

TM/94/1054LDCE

04

Building No. 3 (as identified and annotated on attached plan)
Erection of building and use for industrial purposes/workshops with ancillary storage including for storage, repair and maintenance of tarmac laying equipment, paint spraying of vehicles and plant.

Reason: The Local Planning Authority is satisfied on the evidence placed before it that the use of the building commenced prior to 15.08.84 and that the building was erected prior to 15.08.90, and that it does not constitute a contravention of any enforcement notice or breach of condition notice currently in force.

05

Building No. 4: (as identified and annotated on attached plan)
Erection of building and use for industrial purposes as specified for building No. 3 above.

Reason: The Local Planning Authority is satisfied on the evidence placed before it that the use of the building commenced prior to 15.08.84 and that the building was erected prior to 15.08.90 and that these uses do not constitute a contravention of any enforcement notice or breach of condition notice currently in force.

06

Building No. 5 (as identified and annotated on the attached plan)
Use for storage of plant and vehicle spares and administrative records.

Reason: The Local Planning Authority is satisfied on the evidence placed before it that the use of the building commenced prior to 15.08.84 and that it has continued since that date and that it does not constitute a contravention of any enforcement notice or breach of condition notice currently in force.

07

Building No. 6 (as identified and annotated on the attached plan)
Use for storage purposes ancillary to use of buildings 3 and 4 above.

Reason: The Local Planning Authority is satisfied on the evidence placed before it that the use of the building commenced prior to 15.08.84 and that it has continued since that date and that it does not constitute a contravention of any enforcement notice or breach of condition notice currently in force.

Signed Keith Nicholson (Council's authorised officer).
Borough Planning Officer

On behalf of Tonbridge and Malling Borough Council

Date 3rd April 1996

Et seq

TM/94/1054LDCE

08

Building No. 7 (as identified and annotated on the attached plan)
Erection of toilet block and use ancillary to buildings 4, 5 and 6 above.

Reason: The Local Planning Authority is satisfied on the evidence placed before it that the building was erected prior to 15.08.90 and the use of the building commenced prior to 15.08.84 and that it has continued since that date and that it does not constitute a contravention of any enforcement notice or breach of condition notice currently in force.

Et seq

09

Building No. 8 (as identified and annotated on the attached plan)
Use as plant equipment store and electricity supply/meter building.

Reason: The Local Planning Authority is satisfied on the evidence placed before it that the use of the building commenced prior to 15.08.84 and that it has continued since that date and that it does not constitute a contravention of any enforcement notice or breach of condition notice currently in force.

10

Area A2 (as hatched and annotated on the attached plan)
Use for the open storage of plant and equipment (not stacked ie only one item high to a height not exceeding 3m). *- Not annotated. plant/equipment function, equipment etc.*

Reason: The Local Planning Authority is satisfied on the evidence placed before it that the use of the land commenced prior to 15.08.84 and that it has continued since that date and that it does not constitute a contravention of any enforcement notice or breach of condition notice currently in force.

11

Area A3 (as hatched and annotated on the attached plan)
Use as compound ancillary to buildings 3-7 (as identified above) for access, parking, manoeuvring and ancillary open storage of plant and equipment.

Reason: The Local Planning Authority is satisfied on the evidence placed before it that the use of the land commenced prior to 15.08.84 and that it has continued since that date and that it does not constitute a contravention of any enforcement notice or breach of condition notice currently in force.

Signed Keith Nicholson (Council's authorised officer).
Borough Planning Officer

On behalf of Tonbridge and Malling Borough Council

Date 3rd April 1996

Et seq

TM/94/1054LDCE

12

Area A4 (as hatched and annotated on the attached plan)

Use as compound area ancillary to Building No. 1 for access and manoeuvring space, staff parking, parking of HGVs (awaiting repair and maintenance and collection) and for general storage purposes.

NB The areas of storage are limited by virtue of an existing one way access system of approximately 3m width which passes all of the way around the building.

Reason: The Local Planning Authority is satisfied on the evidence placed before it that the use of the land commenced prior to 15.08.84 and that it has continued since that date and that it does not constitute a contravention of any enforcement notice or breach of condition notice currently in force.

Second Schedule

Isles Quarry Quarry Hill Road Borough Green SEVENOAKS Kent

Signed Keith Nicholls (Council's authorised officer).
Borough Planning Officer

On behalf of Tonbridge and Malling Borough Council

Date 3rd April 1996

NOTES:

1. This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the uses/operations/matters specified in the First Schedule taking place on the land described in the Second Schedule were lawful, on the specified date and, thus, was not liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the uses/operations/matters described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any uses/operations/matters which are materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. You are advised that where the Certificate differs from the schedule of uses applied for, the Local Planning Authority is implicitly refusing a Certificate for the schedule as submitted. In accordance with Article 24(10) of the Town & Country (General Development Procedures) Order 1995 you are advised that the reasons for this refusal are a lack of detail and/or of sufficient and convincing evidence of the uses claimed in the submissions.
5. If you are aggrieved by the above decision in whole or in part, you may appeal under the provisions of Section 195 and 196 of the Act to the Secretary of State for the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ within six months of the receipt of this notice, or such longer period as the Secretary of State may at any time allow.

A larger scale version of this map is available in the Examination Library

92006/06

Site Plan - Industrial Buildings and Uses

scale	1:1250	drawn	
date	July 1994	checked	
project	Isles Quarry, Borough Green, Kent		

Isles Quarry,
Borough Green, Kent

client

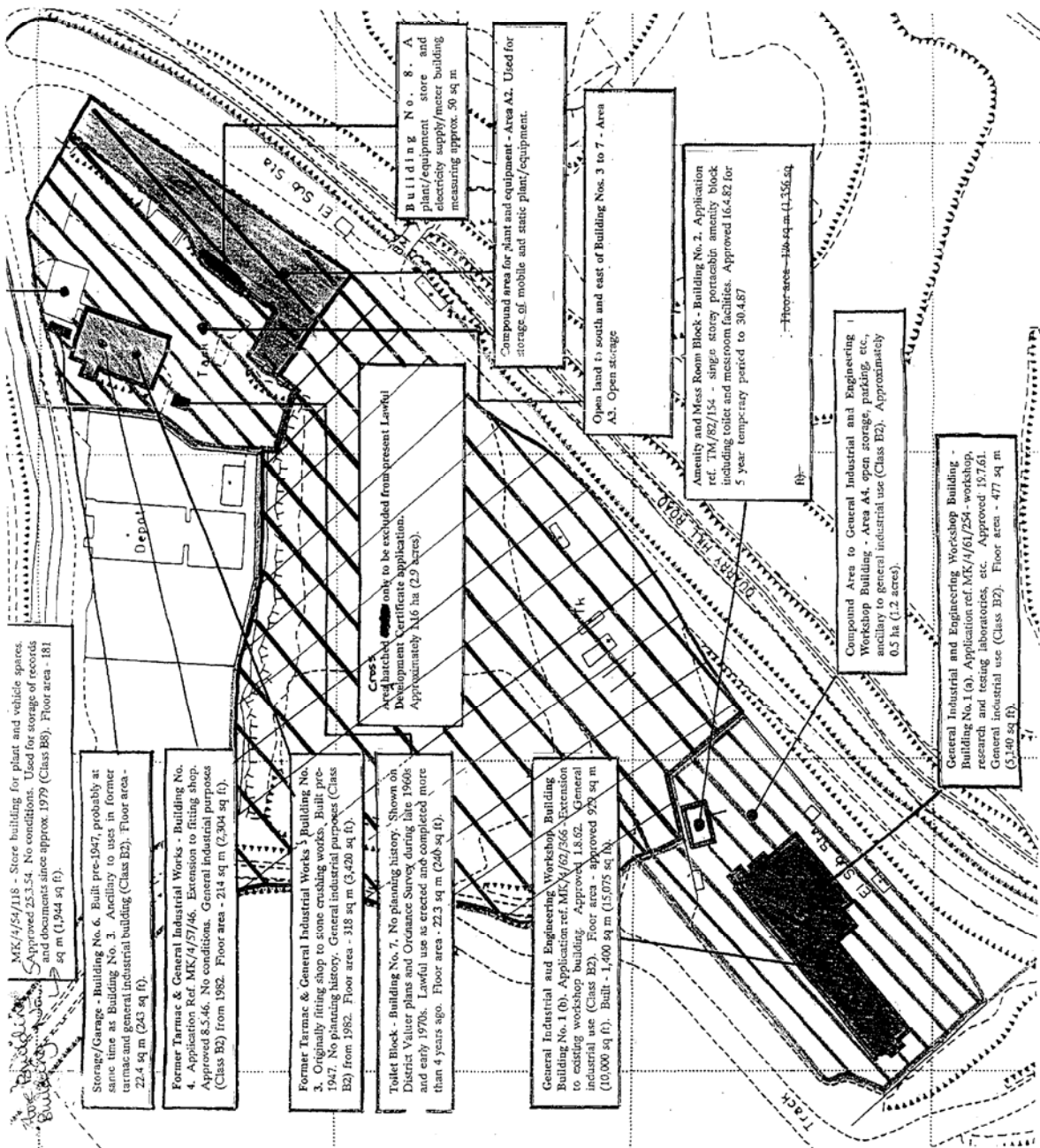
ARC Properties Ltd
TONBRIDGE AND MALLING
BOROUGH COUNCIL
THIS IS THE PLAN REFERRED
TO IN THE DECISION NOTICE
DATED 17th July 1994

RE: APPLICATION NO. 94/0001/0001

PDA
Paul Dickinson
and Associates

TOWN PLANNING & DEVELOPMENT CONSULTANTS
HOMWOOD HOUSE, GUILDFORD ROAD
CHERTSEY, SURREY KT15 0QA
TEL 0932 810381 FAX 0932 810385
ALSO AT CHELSEA, HARROGATE, LONGFORDS, & FULFORD (HANTS)

PLAN A.



MK/4/64/118 - Store building for plant and vehicle spaces. Approved 25.3.54. No conditions. Used for storage of records and documents since approx. 1979 (Class B8). Floor area - 181 sq m (1,944 sq ft).

Storage/Garage - Building No. 6. Built pre-1947, probably at same time as Building No. 3. Ancillary to uses in former tarmac and general industrial building (Class B2). Floor area - 22.4 sq m (243 sq ft).

Former Tarmac & General Industrial Works - Building No. 4. Application Ref. MK/4/57/46. Extension to fitting shop. Approved 8.5.46. No conditions. General industrial purposes (Class B2) from 1982. Floor area - 214 sq m (2,304 sq ft).

Former Tarmac & General Industrial Works - Building No. 3. Originally fitting shop to some crushing works. Built pre-1947. No planning history. General industrial purposes (Class B2) from 1982. Floor area - 318 sq m (3,420 sq ft).

Toilet Block - Building No. 7. No planning history. Shown on District Valuer plans and Ordnance Survey during late 1960s and early 1970s. Lawful use as erected and completed more than 4 years ago. Floor area - 22.3 sq m (240 sq ft).

General Industrial and Engineering Workshop Building - Building No. 1 (b). Application ref. MK/4/62/366. Extension to existing workshop building. Approved 1.8.82. General industrial use (Class B2). Floor area - approved 228 sq m (10,000 sq ft). Built - 1,400 sq m (15,075 sq ft).

Compound area for plant and equipment - Area A2. Used for storage of mobile and static plant/equipment.

Open land to south and east of Building Nos. 3 to 7 - Area A3. Open storage.

Amenity and Mess Room Block - Building No. 2. Application ref. MK/82/154 - single storey portacabin amenity block including toilet and messroom facilities. Approved 16.4.82 for 5 year temporary period to 30.4.87. Floor area - 146 sq m (1,556 sq ft).

Compound Area to General Industrial and Engineering Workshop Building - Area A4. open storage, parking, etc. ancillary to general industrial use (Class B2). Approximately 0.5 ha (1.2 acres).

General Industrial and Engineering Workshop Building - Building No. 1 (a). Application ref. MK/4/61/254 - workshop, research and testing laboratories, etc. Approved 13.7.61. General industrial use (Class B2). Floor area - 477 sq m (5,140 sq ft).

Creek - excluded from present Lawful Development Certificate application. Approximately 1.6 ha (2.9 acres).

Building No. 8. A plant/equipment store and electricity supply/meter building measuring approx. 50 sq m.

CC1 (Detailed)

Reference Code
of Application: TM/94/155

KENT COUNTY COUNCIL

PLANNING AND COMPENSATION ACT 1991
(Section 22 and 2, 4 and 10 of Schedule 2)

**Notification of Determination of Application for Determination of Conditions on
Interim Development Order Permission**

To: ARC Limited
c/o Greenways Waste Management
The Ridge
Chipping Sodbury
Bristol
BS17 6AY

TAKE NOTICE that the KENT COUNTY COUNCIL, the Mineral Planning Authority under the Town and Country Planning Acts HEREBY DETERMINES that Interim Development Order Permission TP 2052 relating to land at Borough Green Quarries, Quarry Hill Road, Borough Green, referred to in your application for determination of conditions dated 29 September 1993 with accompanying statement and drawing numbers B24 and B10.L/4B and letter dated 19 January 1994 with accompanying notice and certificate and letters dated 2 August 1995 and 11 December 1996, as revised by letter dated 2 May 1997 from M J Carter Associates with accompanying supplementary statement (report reference AR/ST/NS/859/01) and Drawing References AR/ST/1-97/6645, AR/ST/3-97/6842, AR/ST/3-97/6836 and AR/ST/3-97/6837, and amplified and amended by M J Carter Associates letter dated 30 June 1997, is to be SUBJECT TO THE CONDITIONS AND INFORMATIVE SPECIFIED hereunder:

- (1) No further mineral extraction or processing shall take place at the site after the date of this approval and all plant, machinery, and equipment connected with mineral extraction or processing shall be removed from the site within a period of two months from the date of this approval.
- (2) Reclamation, restoration and landscaping of the site shall be carried out strictly in accordance with the submitted details hereby approved and shown on Drawing reference AR/ST/3-97/6837 and in accordance with the details to be approved under Condition 4 below, unless the prior approval of the County Planning Authority has been obtained in writing to depart from the details.
- (3) No topsoil, subsoil or imported materials shall be removed from the site without the prior approval in writing of the County Planning Authority.

- (4) During the period April to August 1997 a woodland survey over the area of the site within the Bourne Valley Woods SSSI shall be carried out in accordance with details which have been previously agreed in writing with the County Planning Authority, and by 31 December 1997 or such longer period as may be agreed in writing by the County Planning Authority a scheme for the restoration of the haddock recovery area north of Mill Lane based on the results of the woodland survey, shall be submitted to the County Planning Authority for approval.
- (5) Not later than six months from the date of this approval or such longer period as may be agreed in writing by the County Planning Authority, an aftercare scheme requiring that such steps as may be necessary to bring each phase of the land restored under Conditions 2 and 4 above to the required standard for use for agriculture, forestry, amenity or nature conservation as specified on Drawing reference AR/ST/3-97/6837 shall be submitted to the County Planning Authority for approval and upon approval shall be implemented as approved on completion of restoration of each phase.
- (6) Unless otherwise approved in writing by the County Planning Authority, the areas of the site restored to amenity or nature conservation after use as shown on approved Drawing reference AR/ST/3-97/6837, shall be maintained for a further period of five years or such other period as may be agreed with the County Planning Authority, starting at the end of the aftercare period required under Condition 5 above, and as specified in a programme of measures which shall be submitted to the County Planning Authority for approval no later than 12 months prior to the end of the aftercare period.
- (7) Unless otherwise approved in writing by the County Planning Authority no operations authorised or required under this permission shall be carried out on the site except between the following times:

0700 to 1800 hours Mondays to Fridays; and
0700 and 1300 hours Saturdays;

and within these times no operations or activities other than the delivery and unloading of imported materials shall take place between 0700 and 0800 hours, there shall be no working on Sundays, Bank Holidays or other National Holidays.
- (8) Access to the site for vehicles connected with the development hereby approved shall be via the access road across Dark Hill Farm constructed under permission reference TM/82/1138 only.
- (9) Measures shall be taken to ensure that vehicles leaving the site do not deposit mud or other materials on the public highway and such measures shall include the provision, prior to the commencement of reclamation, of a wheel cleaning facility in a location to be agreed by the County Planning Authority and thereafter such facility shall be maintained and employed until completion of restoration.
- (10) The private haul road across Dark Hill Farm, the internal haul roads within Isles Quarry West and the single track haul road constructed under permission ref TM/82/1138 Annex A, shall be maintained in a good state of repair and free of mud and other debris at all times until completion of restoration.

- (11) Measures shall be taken to ensure that operations on site do not cause a noise nuisance to nearby residential properties and the measures shall include maintenance of noise suppressors on all plant and machinery operating within the site to the designer's standard specification; the erection of noise attenuation bunds around the screening and stockpiling areas shown on Drawing reference AR/ST/3-97/6837 prior to commencement of any screening operations and the retention and maintenance of the bunds until completion of screening operations.
- (12) Measures, including the damping down of unsurfaced and surfaced haul roads using mobile water bowsers to prevent the build up of particulate matter and for the suppression of dust caused by the screening, moving, placement, and storage of soils, overburden and other materials within the site, shall be taken to ensure that operations on site do not cause a dust nuisance.
- (13) Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 or any Order amending, replacing or re-enacting that Order no fixed buildings, plant or machinery shall be erected on the site without the prior approval in writing of the County Planning Authority.
- (14) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges, and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
- (15) At such time as they are no longer needed in connection with the recovery of hassock and the reclamation, restoration and landscaping works hereby approved all plant, machinery, equipment, hardstandings, structures, buildings and associated foundations placed or constructed on the site shall be removed from the site and the site restored in accordance with the details shown on Drawing reference AR/ST/3-97/6837.

and that the ground of the imposition of the above conditions is in pursuance of Section 22 of the Planning and Compensation Act 1991.

Informative

1. The applicant's attention is drawn to the comments of the Environment Agency as detailed in their letter dated 27 June 1997 and attached to this document.

Dated this sixteenth day of July 1997

(Signed) 
County Planning Officer *SW*

Note

The following Drawings submitted with the application dated 29 September 1993 are superseded:

B24
B10.L/4B

SPRINGFIELD
MAIDSTONE
KENT
ME14 2LX

PCA155 (pc)

Comparative Assessment of potential development sites in the Borough Green vicinity

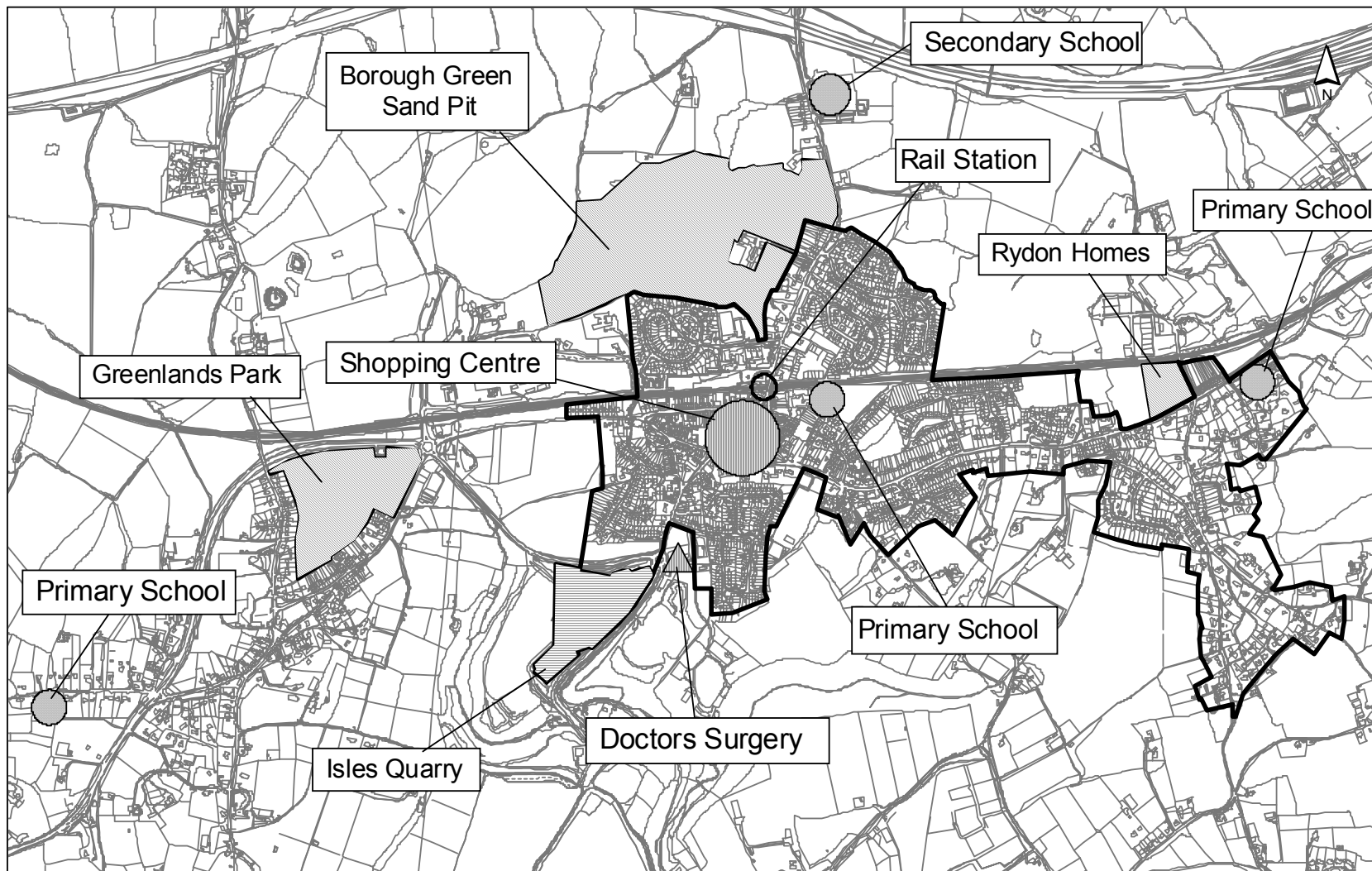
	Distances (metres) from centre of sites						Policy Constraints	Planning Status
	To High Street shops	To Station	To Primary School #	To Secondary School	To surgery	Total Distances		
Isles Quarry West	750	1000	900	2000	250	4900	Green Belt AONB, ALLI*	Partly restored, partly brownfield land with use rights.
Borough Green Sand Pit	700	500	700	800	1000	3700	Green Belt ALLI*	Active quarry with enforceable restoration conditions
Gracelands Park, Ightham	1300	1300	1400	2300	1100	7400	Green Belt AONB, ALLI*	Greenfield site with contested planning permission for golf centre
Rydon Homes' Site, Platt	1500	1400	250	2300	1750	7200	Green Belt ALLI*	Greenfield site with permission for new school on part of site

* The ALLIs are shown on the Local Plan. Para 6.2.15 in the Core Strategy makes it clear that ALLIs will no longer be shown on the Proposals Map but the same policy considerations will still apply in respect of Core Policy CP6

** The Core Strategy Key Diagram makes it clear that the SLA as shown on the Local Plan will no longer apply in this area.

Distances to existing local Primary Schools

Borough Green



Scale 1: 15000