

## KENT COUNTY COUNCIL

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### PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 10 May 2011.

PRESENT: Mr R E King (Chairman), Mr J F London (Vice-Chairman), Mr R Brookbank, Mr A R Chell, Mrs V J Dagger, Mr J A Davies, Mr T Gates, Mr W A Hayton, Mr C Hibberd, Mr P J Homewood, Mr J D Kirby, Mr R J Lees, Mr R F Manning, Mr R J Parry, Mr R A Pascoe, Mr M B Robertson, Mr C P Smith  
Mr A T Willicombe

ALSO PRESENT: Mr K H Pugh Mrs P A V Stockell

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr M Clifton (Team Leader - Waste Developments), Mr J Crossley (Team Leader - County Council Development), Ms A H Hopkins (Principal Planning Officer - Enterprise and Environment), Mr N Sarrafan (County Transport & Development Manager) Mr A Tait (Democratic Services Officer)

### UNRESTRICTED ITEMS

#### **35. Minutes - 12 April 2011**

*(Item A3)*

RESOLVED that, subject to an amendment of Minute 25 to read that Mr W A Hayton had replaced Mr K Smith on the Committee, the Minutes of the meeting held on 12 April 2011 are correctly recorded and that they be signed by the Chairman.

#### **36. Site Meetings and Other Meetings**

*(Item 5)*

(1) The Committee was informed that Mr C Hibberd had arranged a site tour of the East Kent Access works on 8 June 2011.

(2) The Committee agreed to hold a tour of permitted development sites on Tuesday, 28 June 2011 and that its next training session would take place on Tuesday, 26 July 2011 on Highways considerations.

#### **37. Application TM/10/2029 - Westerly extension to Hermitage Quarry, Hermitage Lane, Aylesford; Gallagher Aggregates Ltd**

*(Item C1)*

(1) Mr P J Homewood made a declaration of prejudicial interest in that he had a close personal association with the applicant. He left the Chamber and took no part in the discussion of this item.

(2) Mrs V J Dagger and Mr J D Kirby informed the Committee that they were members of the Kent Wildlife Trust. They had, however, had no previous involvement with the application and were both able to approach it with a fresh mind.

- (3) Mr R E King and Mr M B Robertson both informed the Committee that their wives were members of the Kent Wildlife Trust. Neither of them had had any previous involvement with the application and they were both able to approach it with a fresh mind.
- (4) Each Member of the Committee had received hundreds of e-mails and several letters from objectors to the application as well as a letter from the applicants since publication of the Committee report.
- (5) Correspondence from Mrs T Dean objecting to the application was tabled. In addition, the Head of Planning Applications Group informed the Committee of 19 letters of representation received by Officers since publication of the report. She also reported the formal views of Kent Highways Services raising no objection to the application.
- (6) The Head of Planning Applications Group tabled an amended paragraph 139 to the report which now read that the proposal met the requirements of "MPS2" rather than "Policy ENV21 of the Kent Structure Plan." She also asked the Committee to note that reference to Policy ENV21 of the Kent Structure Plan should be deleted from paragraph 128 of the report.
- (7) Mrs P A V Stockell was present for this item pursuant to Committee Procedure Rule 2.24 and spoke.
- (8) Mrs Sarah Cooper (Save Oaken Wood Action Group), Mr Chris Hall (Barming Parish Council), Mrs Fay Gooch (local Borough Councillor), Ms Christina Byrne (Kent Woodland Trust) and Mr Peter Budgen (local resident) addressed the Committee in opposition to the application. Mr Harry Rayner (Tonbridge and Malling CPRE) spoke in support. Nick Yandle (Chief Executive - Gallaghers) spoke in reply.
- (9) On being out to the vote, the recommendations of the Head of Planning Applications Group were agreed by 10 votes to 6 with 1 Abstention.
- (10) RESOLVED that the application be referred to the Secretary of State for Local Government and Communities and that, subject to him giving no direction to the contrary, permission be granted to the application subject to the prior satisfactory completion of a legal agreement to secure the Draft Heads of Terms set out in Appendix 4 to the report and to conditions, including conditions covering amongst other matters the standard time condition; noise and dust controls; hours of working; a scheme of working and restoration; the blasting regime; lorry sheeting; the imposition of a maximum number of HGV movements during any one calendar month to 30 during peak hours; a restriction on the highest monthly average of vehicle movements to 300 with no single day exceeding 600 movements (300 in/300 out); depth of working and ground water monitoring; and archaeological evaluation.

**38. Application DO/10/954 - Waste management proposals including Materials Recycling Facility, Inert Materials Processing Facility, Soil Washing Plant and Anaerobic Digestion Plant at Sites A and B, Ramsgate Road, Richborough, Sandwich; Thanet Waste Services**

*(Item C2)*

(1) The Head of Planning Applications Group reported that the Local Member, Mr L B Ridings had indicated that he fully supported the application. She also reported correspondence from Mr K Smith (in his capacity as a Member of the Internal Drainage Board) raising concerns about the effect on the flood plain.

(2) RESOLVED that permission be granted to the application subject to conditions including conditions covering the standard notification of commencement time condition; waste throughputs; waste handling; hours of operation (construction and operational); the development taking place in accordance with the layout plans contained within the planning application; daily vehicle movements; code of construction practice, noise restrictions and monitoring; a dust and odour management plan; a detailed drainage plan; a conservation management plan; a detailed contaminated land assessment; a programme of archaeological works; and avoidance of mud on roads.

**39. Proposal TM/11/192 - Fencing with vehicular and pedestrian gates at The Malling School, Beech Road, East Malling; Governors of The Malling School**

*(Item D1)*

(1) Correspondence from the Local Member, Mrs T Dean was tabled, requesting deferment pending a Members' site visit and objecting to the proposal in the event that no such visit took place. Correspondence from the Principal of The Malling School was also tabled.

(2) RESOLVED that:-

(a) permission be granted to the proposal as now amended subject to conditions, including conditions covering the standard time condition for implementation; the development being completed in accordance with the approved plans; a scheme of landscape planting being adopted, to include planting on the margins of the lake; and the fencing being painted dark green; and

(b) the applicants be advised by Informative to enter into dialogue with local representatives regarding the use and access to the land to be unfenced on the western end of the school land; and be reminded of the need to observe any existing covenants and/or access rights relating to School owned land, and of the need to ensure that maintenance agreements are abided by.

**40. Proposal SW/10/1334 - Refurbishment of existing school buildings at Danley Middle School as part of the proposed Halfway House Primary School relocation at Halfway Road, Minster on Sea, Sheerness; KCC Education, Learning and Skills**

*(Item D2)*

(1) Mr A T Willicombe informed the Committee that he was acquainted with Mr P Hayes, one of the objectors to the proposal. As this was not a close personal association, he was able to approach the proposal with an open mind.

(2) Mr K H Pugh was present for this item pursuant to Committee Procedure 2.24 and spoke.

(3) Correspondence from Minster-on-Sea Parish Council was tabled asking why correspondence between the Parish Council and the Cabinet Portfolio Holder for Education, Learning and Skills and with the Secretary of State for Education had not been included in the Committee report. The Head of Planning Applications Group explained that this was because she had not been made aware of it.

(4) In agreeing the recommendations of the Head of Planning Applications Group, the Committee asked for the inclusion of an Informative asking the School to consider positioning the fence in a way that did not jeopardise use on either side of it for sports purposes.

(5) RESOLVED that:-

- (a) the application be referred to the Secretary of State for Communities and Local Government and that, subject to him giving no direction to the contrary, permission be granted to the proposal subject to conditions, including conditions covering the standard time condition; the development being carried out in accordance with the submitted details and plans; the submission of material samples; the provision and maintenance of a drop off area and vehicle and cycle parking arrangements at the site prior to occupation of the building; provision on site of facilities to accommodate operatives and construction vehicles loading, off loading or turning; details of parking on site for construction site personnel, operatives and visitors; precautions on site to guard against transfer of mud and similar substances onto the public highway; provision of an adequate surface and drained vehicle parking space and of a vehicle loading/off loading and turning space area before the use commences; provision of cycle parking space before the building is occupied; completion of the access details shown to the satisfaction of the Local Planning Authority prior to the occupation of the site; revision of the school travel plan; submission of a full lighting scheme for the site and for lighting to be sited and angled to fall wholly within the school site; submission of boundary treatment proposals; and implementation of the mitigation measures detailed in the application in relation to reptiles, nesting birds, great crested newts, bats (including further bat survey work), toads and hedgehogs, plus the enhancement of the site for biodiversity; and
- (b) the applicants be informed by Informative of the Committee's view that the School should consider positioning the fence in a way that does not jeopardise use on either side of it for sports purposes.

#### **41. County matter applications dealt with under delegated powers**

*(Item E1)*

RESOLVED to note matters dealt with under delegated powers since the last meeting relating to:-

- (a) County matter applications;
- (b) consultations on applications submitted by District Councils and Government Departments;
- (c) County Council developments;
- (d) Screening opinions under Environmental Impact Assessment Regulations 1999; and
- (e) Scoping opinions under Environmental Impact Regulations 1999 (None).