

PLANNING APPLICATIONS COMMITTEE

MINUTES of A meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 3 November 2009.

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

ALSO PRESENT: Mrs T Dean

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), Mr J Wooldridge (Team Leader - Mineral Developments) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

77. Minutes - 6 October 2009
(Item A3)

RESOLVED that the Minutes of the meeting held on 6 October 2009 are correctly recorded and that they be signed by the Chairman.

78. Site Meetings and Other Meetings
(Item A4)

The Committee noted that the site visit and public meeting in Sellindge concerning the Otterpool Quarry planning application would now be held in January 2010 (date to be finalised). It was confirmed that training would be provided on Tuesday, 8 December 2009 and that the tour of permitted development sites would take place on Wednesday, 16 December 2009.

79. Outcome of Public Inquiry into two appeals by New Earth Solutions Ltd against the refusal by KCC for the removal of or variation to Condition 12 of Permission TM/06/762 (restriction on waste sources) at New Earth Composting Facility, Blaise Farm Quarry, Kings Hill, West Malling
(Item B1)

(1) Mrs T Dean was present for this item pursuant to Committee Procedure Rule 2.24 and spoke.

(2) During discussion of this item, the Committee agreed that the consequences of the Inspector's decision should be brought to the attention of the relevant Cabinet Portfolio Holder and Policy Overview and Scrutiny Committee.

(3) RESOLVED that:-

- (a) the report be noted; and
- (b) the contents of the report be brought to the attention of the Cabinet Member for Environment, Highways and Waste and to the Environment, Highways and Waste Policy Overview and Scrutiny Committee.

80. Application CA/09/607 - Metal and vehicle recycling and transfer centre together with a material recycling centre for dry recyclable waste and electrical goods, the storage of associated waste and waste products and storage of demolition and contracting plant and vehicles at Lakesview Business Park, Hersden, Canterbury; Ling Metals Ltd.

(Item C1)

(1) The Head of Planning Applications Group informed the Committee that because the Noise Assessment had revealed the noise levels from neighbouring operations to be greater than those applied for, it would be unenforceable and unreasonable to attach a Noise condition to any permission. As such, a condition would be contrary to the government advice set out in DOE Circular 11/95. Accordingly, the Committee agreed to its deletion.

(2) RESOLVED that permission be granted to the application subject to conditions covering amongst other matters the annual waste throughput; daily vehicle number restrictions; hours of operation, including no waste deliveries outside of the hours specified in paragraph 6 of the report and that all doors to the Materials Recycling Facility be kept closed at all other times; restrictions on external stockpile heights; lighting details; a landscaping scheme; details of habitat creation; dust control measures; details of signage; and the colour of the buildings.

81. Application TM/09/2028 - Variation of Conditions 18 and 26 of Permission TM/98/1843/MR100 as amended by Permissions TM/05/1173 and TM/07/3100 to further relax the time limit for the submission of restoration and aftercare schemes by no later than 3 June 2010 at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green; Borough Green Sand Pits Ltd

(Item C2)

(1) Correspondence from Land and Mineral Management on behalf of the applicants dated 2 November 2009 was tabled.

(2) Mr H Rayner from Wrotham Parish Council and Mr M Taylor from Borough Green Parish Council addressed the meeting in opposition to the application.

(3) On being put to the vote, the recommendations of the Head of Planning Applications Group were carried by 13 votes to 3.

(4) RESOLVED that permission be granted to the application subject to the detailed restoration and landscape planting scheme and aftercare, maintenance

and management scheme for the application site being submitted by 3 June 2010; and all other conditions imposed on Permission TM/98/1843/MR100, as amended by Permission TM/07/3100, remaining in full force and effect.

82. Proposal DA/09/687 - Outline application for 40 extra care apartments for the elderly at Manorbrooke Residential Home, Bevis Close, Dartford; KCC Kent Adult Social Services
(Item D1)

(1) The Head of Planning Applications Group informed the Committee of correspondence from Stone Parish Council, supporting the proposal and requesting a firm commitment to the application from KCC before any demolition or loss of existing local provision was commenced. The Committee noted that this assurance had been given by the applicants on 15 September 2009.

(2) RESOLVED that:-

(a) permission be granted to the proposal subject to conditions including the standard time conditions for an outline permission; the submission of reserved matters relating to scale, design and landscaping; the development being carried out in accordance with the permitted layout and access arrangements; the height of the building not exceeding that set out in the proposal hereby permitted; details of proposed site levels being submitted for approval; the submission of a site investigation and verification plan into risks associated with contamination of the site; measures to be taken if contamination not previously identified on site is found; tree protection measures; details of all hard landscaping including fencing proposed on site; details of foul and surface water drainage; no surface water drainage being discharged into the ground unless otherwise approved in writing; details of pedestrian access arrangements on site; hours of operation during construction; the submission of a code of practice covering construction, including measures to mitigate for noise and dust generated by the development; measures to ensure no mud is deposited on the public highway; no external lighting being installed without prior approval; the provision of vehicle parking spaces prior to first occupation; the provision of cycle parking; and the use of the building being restricted solely for the use applied for; and

(b) the applicants be advised by Informative that:-

(i) in accordance with the measures set out in the letter of 15 September 2009 from the Managing Director of Kent Adult Social Services to the Head of Planning Applications Group, the applicants are expected to make provision to underwrite the introduction of waiting restrictions in the surrounding area, should on-street parking as a result of the development become a problem within 5 years of final occupation;

(ii) they are encouraged to consider incorporating biodiversity enhancement measures within the detailed design of the site;

- (iii) their attention is drawn to the need for careful consideration of the proposed ground levels for the development in relation to the surrounding private properties; and
- (iv) their attention is drawn to the need to ensure that the detailed design minimises the opportunities for overlooking to occur, and to the need for the landscape scheme to seek to maintain and enhance the existing provisions on site.

83. County matters 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 or Government Departments;
- (c) County Council developments;
- (d) Screening opinions under Environmental Impact Assessment Regulations 1999 (None); and
- (e) Scoping opinions under Environmental Impact Assessment Regulations 1999 (None).