



DEMOCRATIC SERVICES  
SESSIONS HOUSE  
MAIDSTONE

Tuesday, 26 August 2008

To: All Members of the County Council

Please attend the Annual Meeting of the County Council in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 4 September 2008 at **10.00 am** to deal with the following business. **The meeting is scheduled to end by 4.30 pm.**

1. Declarations of Interest
2. Minutes of the meeting held on 19 June 2008 and if in order, to be approved as a correct record. (Pages 1 - 4)
3. Chairman's Announcements
4. Questions (Pages 5 - 14)
5. Report by Leader of the Council (Oral)
6. Property Enterprise Fund 2 (Pages 15 - 22)
7. Motion for time limited debate  
Mr P Carter will move, Mr N Chard will second:-  
  
That this County Council agrees to lobby Central Government for a response on how Kent is expected to cope with an additional 6,971 homes being built in the County every year until 2026 as proposed in the Government's revised housing figures in the South East Plan, a total of 139,420 or a 21 per cent increase in homes, without diminishing the quality of life for Kent residents.
8. Minutes for Approval - Governance and Audit Committee (Pages 23 - 26)
9. Minutes for Information (Pages 27 - 40)  
Planning Applications Committee – 24 June and 29 July 2008

Peter Sass  
Head of Democratic Services and Local Leadership  
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## KENT COUNTY COUNCIL

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MINUTES of a Meeting of the Kent County Council held at County Hall, Maidstone on Thursday, 19 June 2008.

PRESENT:

Mr P W A Lake (Chairman)  
Mr J A Davies (Vice-Chairman)

Mrs A D Allen, Mrs C Angell, Mr M J Angell, Mr A R Bassam, Mr R H C Bliss, Mr A H T Bowles, Mr D L Brazier, Mr J R Bullock, MBE, Mr R B Burgess, Miss S J Carey, Mr P B Carter, Mr N J D Chard, Mr A Chell, Mr I S Chittenden, Mr L Christie, Mr B R Cope, Mr G Cowan, Ms C J Cribbon, Mr A D Crowther, Mr J Curwood, Mrs V J Dagger, Mr D S Daley, Mr M C Dance, Mrs T Dean, Dr M R Eddy, Mr K A Ferrin, MBE; Mr C G Findlay, Mr M J Fittock, Mr J B O Fullarton, Mr T Gates, Mr G K Gibbens, Mr R W Gough, Mrs E Green, Ms A Harrison, Mr M J Harrison, Mr C Hart, Mr W A Hayton, Mr C Hibberd, Mr P M Hill, OBE; Mr D A Hirst, Mrs S V Hohler, Mr G A Horne, MBE, Mr E E C Hotson, Mr I T N Jones, Mr A J King, MBE; Mr R E King, Mr S J G Koowaree, Mr C J Law, Mr J F London, Mr R L H Long, Mr K G Lynes, Mr T A Maddison, Mr R F Manning, Mr R A Marsh, Mr J I Muckle, Mrs M Newell, Mr W V Newman, DL, Mr M Northey, Mr R J E Parker, Mr R J Parry, Mr R A Pascoe, Mr A R Poole, Mr L B Ridings, Dr T R Robinson, Mr G Rowe, Mr J E Scholes, Mr J D Simmonds, Ms B J Simpson, Mr D Smyth, Mr M V Snelling, Mrs P A Stockell, Mr R Tolputt, Mr R Truelove, Mrs E Tweed, Mr M J Vye, Mr C T Wells, Mr B P Wood and Mr F Wood-Brignall.

IN ATTENDANCE:- The Chief Executive, Mr P Gilroy, OBE and the Director of Law and Governance, Mr G Wild.

### UNRESTRICTED ITEMS

**1. Declarations of Interest**

There were none.

**2. Minutes**

RESOLVED that the Minutes of the meeting held on 15 May 2008 are correctly recorded and that they be signed by the Chairman.

**3. Chairman's Announcements**

Lord Bruce-Lockhart

The Chairman informed the Council that Lord Bruce-Lockhart was made a Freeman of the City of Canterbury on 17 June. Sadly Lord Bruce-Lockhart was unable to attend the ceremony due to his being unwell. The Council noted that the Chairman was writing to Lord Bruce-Lockhart giving the Council's congratulations on this honour and letting him know that the Council was thinking of him.

### Birthday Honours

The Chairman referred to the appointment of MBE to Dr John Williams, Head of Heritage Conservation, Kent County Council for services to Local Government.

RESOLVED that the Council do record its sincere congratulations to Dr Williams on his appointment.

### **4. Questions**

Under Procedure Rule 1.18, 8 questions were asked and replies were given. Question 2 fell as Mr Birkett was unable to attend the meeting. 5 questions remained unanswered at the end of thirty minutes and written answers were given.

### **5. Report by Leader of the Council**

The Leader updated the Council on Partnership Working, CPA Review and Secondary School results.

### **6. KCC Annual Plan 2008-09**

RESOLVED that the Annual Plan 2008-09 be approved.

### **7. Establishment of Joint Working with Canterbury City Council, Dover District Council, Shepway District Council and Thanet District Council**

- (1) Mr P Carter moved Mr A King seconded the recommendations contained in the report.
- (2) The Chairman put to the vote the motion set out in (1) when the voting was as follows:

#### For - 48

Mrs A D Allen, Mr M J Angell, Mr A R Bassam, Mr R Bliss, Mr A H T Bowles, Mr D L Brazier, Mr J R Bullock, Mr R B Burgess, Miss S J Carey, Mr P B Carter, Mr N J D Chard, Mr A R Chell, Mr B R Cope, Mr J Curwood, Mrs V J Dagger, Mr M C Dance, Mr K A Ferrin, Mr C G Findlay, Mr J B O Fullarton, Mr C Hibberd, Mr P Hill, Mr T Gates, Mr G K Gibbens, Mr R W Gough, Mr M J Harrison, Mr W A Hayton, Mr D A Hirst, Mrs S V Hohler, Mr G A Horne, Mr E E C Hotson, Mr A J King, Mr R E King, Mr C J Law, Mr R L H Long, Mr K G Lynes, Mr R F Manning, Mr M Northey, Mr R J Parry, Mr R Pascoe, Mr L B Ridings, Dr T R Robinson, Mr J E Scholes, Mr J D Simmonds, Mr M V Snelling, Mrs P Stockell, Mrs E Tweed, Mr C J Wells, and Mr F Wood-Brignall.

#### Abstain – 6

Mr I Chittenden, Mr D S Daley, Mrs T Dean, Mr S J G Koowaree, Mr R Tolputt and Mr M J Vye.

Against - 19

Mrs C Angell, Ms C J Cribbon, Mr A D Crowther, Dr M Eddy, Mr L Christie, Mr G Cowan, Mr M J Fittock, Ms E Green, Ms A Harrison, Mr C Hart, Mr I T N Jones, Mr T Maddison, Mr J I Muckle, Mrs M Newell, Mr W V Newman, Mr R J E Parker, Mr A R Poole, Mr D Smyth, and Mr R Truelove.

*Carried*

(3) RESOLVED that as ratified by Cabinet at its meeting on 12 May:-

- (i) the establishment of a joint committee comprising Canterbury City Council, Dover District Council, Kent County Council, Shepway District Council and Thanet District Council, to be known as the East Kent (Joint Arrangements) Committee, with effect from 1 June 2008, be approved;
- (ii) the terms of the Operating Arrangements for the East Kent (Joint Arrangements) Committee as set out in Appendix 1 to the report be approved;
- (iii) the delegation of functions to the East Kent (Joint Arrangements) Committee as set out in paragraph 3 of the report and Schedule 1 of the East Kent (Joint Arrangements) Committee Operating Arrangements be approved;
- (iv) the Leader and Deputy Leader be appointed from time to time as the two nominated members of the Council in accordance with the East Kent (Joint Arrangement) Committee Operating Arrangements, with the Chief Executive authorised to effect such substitutions in consultation with the Leader; and
- (v) all other Members of the Cabinet be authorised to act as substitutes for the Leader and the Deputy Leader as mentioned in the East Kent (Joint Arrangements) Committee Operating Arrangements.

The Council also RESOLVED that:

- (a) the establishment of a joint scrutiny committee comprising Canterbury City Council, Dover District Council, Kent County Council, Shepway District Council and Thanet District Council, to be known as the East Kent (Joint Scrutiny) Committee with effect from 1 June 2008, be approved;
- (b) the East Kent (Joint Scrutiny) Committee Operating Arrangements set out in Appendix 2 to the report be approved;
- (c) the terms of reference for the East Kent (Joint Scrutiny) Committee as set out in the East Kent (Joint Scrutiny) Committee Operating Arrangements be approved;
- (d) Mr J Law, Mr T Birkett and Mr M Vye be appointed to serve on the East Kent Joint Scrutiny Committee in accordance with the East Kent (Joint Scrutiny) Committee Operating Arrangements; and

- (e) any consequential changes required to the County Council's Constitution as a result of the recommendations would be published and implemented in accordance with Article 15 (Review and Revision of the Constitution) subparagraph 15.2, be noted.

## **8. Localism – A Strategy for Success**

RESOLVED that:-

- (a) the report be noted;
- (b) each Cabinet Member serving on one of the Local Strategic Partnership Boards to formally liaise and consult with the existing Local Board Chairmen and Members, District/Borough and Town/Parish Council colleagues, supported by the Community Liaison team, to negotiate the preferred way forward for Localism in their areas. This would involve the retention of some form of local board and a neighbourhood forum model, which would hopefully include representation from all tiers. When agreement was reached work would commence on the introduction of the preferred model to that part of the County with appropriate governance arrangements; and
- (c) the Council evaluate all models after a period of one year.

## **9. Standards Committee Annual Report**

RESOLVED that the report be noted.

## **10. Proposed Changes to the Constitution**

- (a) Policy Framework

RESOLVED that the plans listed as the current Policy Framework for inclusion in the Constitution be approved; and

- (b) Gating Orders

RESOLVED that the Constitution be amended to enable the making, variation or revocation of gating orders to be considered by a Regulation Committee Member Panel.

## **11. Minutes for Information**

Pursuant to Procedure Rules 1.10 and 1.19A the Minutes of the Planning Applications Committee and Regulation Committee were noted.

**Question No. 1**

**COUNTY COUNCIL MEETING**

**4 September 2008**

**Question by Mr M J Northey to the  
Cabinet Member for Environment, Highways and Waste**

Would the Cabinet Member for Environment, Highways and Waste please explain what the current progress is on preventing heavy vehicles from using unsuitable narrow roads and lanes in my Division and Kent in general?

**Answer**

The County Council is currently reviewing the existing lorry maps and will be updating and publishing revised maps during 2008. These will be widely distributed by organisations including the Freight Transport Association, Road Haulage Association, ports and Eurotunnel.

It is also collating a comprehensive inventory that will provide accurate data relating to road widths, height restrictions, gradients and traffic orders for Ordnance Survey and the satellite navigation companies to download into their devices. Parish and Town Councils will be approached to share their knowledge of local HGV problem areas. The introduction of multilingual route signing is also being considered at locations which have an historic problem with foreign drivers.

A countywide Freight Strategy is being developed to be published by March 2009 and will include an action plan which, amongst other things, outlines a range of measures to be implemented to ensure that freight vehicles stay on the most appropriate routes.

But can I add that in spite of all our efforts it is very likely that this will prove to be a long, slow, process before we get to the point of resolving the current problem.

**COUNTY COUNCIL MEETING**

**4 September 2008**

**Question by Mr R J Parry to the  
Cabinet Member for Environment, Highways and Waste**

Would the Cabinet Member for Environment, Highways and Waste please explain why this year's grass cutting of verges and other KCC land has been so delayed and of such a dreadful quality?

Additionally, will the Cabinet Member outline the corrective measures he has instituted to recover the situation and for next year to ensure that the number of cuts is adequate, start early enough in the year and are sufficiently frequent and result in high quality work and finish which are acceptable to both the County and its residents?

**Answer**

Grassed areas on an amenity cut regime should have had 5 cuts by now and our monitoring has shown some contractors are currently behind programme and below specification in a limited number of areas.

They have been instructed to remedy these issues and a meeting has been arranged to understand why this has happened and what safeguards they have put in place to prevent further occurrences.

Once this is back on programme and specification it is hoped there will be a less noticeable difference to adjacent authorities although some differences may still exist, particularly if they have funded a higher frequency cutting regime.

We will continue to monitor across Kent, most of which is on programme, and to specification.

Part of the role of the KHS Landscape Manager is to review the whole process across Kent and in particular to develop a consistent specification, frequency and contractor performance. The main priority will be to ensure the safety of users of the highway and to also provide an acceptable visual standard.



**COUNTY COUNCIL MEETING**

**4 September 2008**

**Question by Mr R King to the  
Cabinet Member for Environment, Highways and Waste**

It is now several years since the Highways Agency promised my constituents that the M20 between junctions 8 and 9 would have its noisy concrete surface replaced by a silent tarmac one. It featured as a priority to be addressed within the first five years of a ten year programme which appears, subsequently to have been withdrawn.

Would the Cabinet Member please use his considerable influence to get the Highways Agency to address the problem of road noise on this stretch of the M20 and reinstate the promised resurfacing programme, which I believe was dropped as a result of government funding cuts? The road surface noise from this part of the M20 has increased to an unacceptable level since the road opened 14 years ago. This has become a matter of great concern to all those who live along the line of the motorway, and I would like the Cabinet Member's promise of help to get this problem addressed. Is he also able to give my constituents any indication at all as to when this final concrete section of the M20 in Kent is likely to be resurfaced?

**Answer**

Mr King is correct to say that the Highways Agency had plans in place to treat the concrete section of the M20 between junctions 8 and 9. However, in 2004, Government policy changed to the effect that no road should be maintained ahead of maintenance need. This concrete section is structurally sound and has not experienced the maintenance issues of other similar roads.

Thin surfacing treatments are not in themselves sufficient for this stretch of motorway. Any future scheme will require a new sub-base as well as resurfacing and alterations to the barriers along the central reservation. The scheme for this 22km stretch of motorway will cost £20m+ and will be programmed for 2012 or later.

Nevertheless, I entirely agree with Mr King that this is a very real problem for many residents living alongside the M20 and I will do everything I can to encourage the Highways Agency to apply quiet surfacing to the road as soon as possible.

**COUNTY COUNCIL MEETING**

**4 September 2008**

**Question by Mrs E Tweed to the  
Cabinet Member for Environment, Highways and Waste**

Would the Cabinet Member for Environment, Highways and Waste inform us if there are proposals to install controlled pedestrian crossings and speed limits outside ALL primary and secondary schools on main roads, and if not, why not?

**Answer**

We do not have a policy to install formal crossings (zebra, pelican, puffin or toucan) on main roads outside Kent schools. Many have school crossing patrols which are recognised as the safest method of getting children across the road at these sites. Where traffic levels and the speed of traffic has suggested that formal crossings are required then these have been provided where site conditions allow. Formal crossings are very expensive and are not suitable for all locations.

There is no specific policy for setting speed limits outside schools. We do receive requests for 20mph limits but these are generally inappropriate without traffic calming which is very expensive. We recently plotted crash data in relation to schools and found that there is more danger away from the site than in the immediate vicinity.

**COUNTY COUNCIL MEETING**

**4 September 2008**

**Question by Mr M J Harrison to the  
Cabinet Member for Environment, Highways and Waste**

Two things that I dislike most are (i) duplication and (ii) repetition!

However, this time I have no choice but to repeat and embellish my question of 6 September 2007 with regards to advertising hoardings, both mobile and static, along our highways and fields adjoining them. I received a response to that question but once again I see a proliferation of these dreadful adverts appearing alongside out motorways and highways.

A new type of advert has made an appearance and that is older type vehicles both van and private type cars with adverts printed on them saying they represent a car or van hire company. These are placed at times in lay bys or, even worse, in the most dangerous positions along the public highway.

My question is: what is the legal status of these static adverts and is there anything that we at KCC can do to have them removed?

**Answer**

Hitherto Kent has not suffered from the proliferation of unauthorised roadside advertising as much as other parts of the country, because of the vigilance of the District Planning Authorities, who are responsible for advertisement control in the county. However, there is evidence of growing colonisation particularly from vehicles and trailers parked either in adjacent private fields or on highway verges by roundabouts and junctions. In nearly all cases, these types of advertisements require consent, whether mobile or static, but appear in advance of obtaining any such consent in the knowledge that consent would be unlikely to be forthcoming anyway.

Clearly it is important to nip this trend in the bud before it becomes too widespread to effectively control. Since the County Council as Planning Authority has no remit to directly intervene to secure their removal, we will prevail upon the District Councils through the Kent Planning Officers' Group to be extra vigilant in this regard.

**COUNTY COUNCIL MEETING**

**4 September 2008**

**Question by Mr R J Parker to the  
Leader of the County Council**

Are there any proposals to remove the three elected County Councillors from the Board of Kent TV?

**Answer**

No - there are no proposals.

Any changes to the Membership of Kent TV's Board would be a decision taken by Kent TV's Governors.

**COUNTY COUNCIL MEETING**

**4 September 2008**

**Question by Mr R A Pascoe to the  
Cabinet Member for Adult Social Services**

An elderly lady (who is now 91) is living with one of my residents; she has been looking after her the past two and a half years. That is from January 2006.

Since the elderly lady moved in the resident has been drawing 'Carers Allowance'. That was until 29 March this year. The carer continues to care for this elderly lady – washing her, cooking for her and providing clean clothes as well as taking her to the doctors and doing personal shopping for her on a regular basis.

After 29 March the carers allowance stopped – why? Because the carer celebrated her 60<sup>th</sup> birthday and now draws her old age pension. She still does all the work required to care for this elderly lady but receives no government help for so doing. If she was in social care it would cost much more than the carers allowance.

There are many, many more unpaid carers in this same situation; what are KCC doing to alleviate this problem or to influence Government to change the rules.

**ANSWER**

I welcome the fact that there is greater recognition by KCC and central Government of the valuable contribution carers make. However, as this case demonstrates, there is an outstanding issue regarding entitlement to carer's allowance that disadvantages elderly carers.

KCC is directly able to help with this difficulty by ensuring that trained staff offer benefit advice and where necessary support service users and their carers. We ensure service users and their carers are aware of the rules and claim all the benefits to which they are entitled. In this particular case it may still be worthwhile the carer claiming Carer's Allowance as, for many people, this opens up entitlement to the Carer's Addition with means-tested benefits like Pension Credit. We always take carers into account in assessments and offer all carers a specific carer's assessment of their own needs if they wish.

Indirectly, KCC also helps through its grant allocation to the voluntary sector organisations who assist carers with information, advice and practical assistance.

KCC will continue to use every opportunity to press that this matter is addressed speedily by central Government. KCC lobbied for provision of better benefits for carers through the "Carers in Kent" report submitted to Ivan Lewis, Minister for Care Services. We will continue to lobby central Government as it reviews the structure of benefits available to carers as part of the wider benefit reform and the fundamental review of the care and support system, in the run up to the impending Green Paper on Adult Social Care. I very much welcome the fact that there is support from all parties to work together to influence this review for a positive outcome.

**COUNTY COUNCIL MEETING**

**4 September 2008**

**Question by Mr R Truelove to the  
Chairman of Cabinet Scrutiny Committee**

Would the Chairman of the Cabinet Scrutiny Committee inform the Council what lessons he has learned from the consideration of the Kent Concessionary Travel Scheme for the over 60s at the Cabinet Scrutiny Committee meeting held on 21 May?

**Answer**

There are three main lessons to be drawn from consideration of this particular issue:

- 1) that the present administration, despite all its protestations to the contrary, is able to find whatever money it wishes for political stunts;
- 2) that the present administration takes decisions on the hoof, and
- 3) that the present administration failed in this case (and I suspect fails in other cases) to communicate effectively with Conservative district council colleagues, thus giving the lie to any notion of 'enhanced two-tier working'.

**COUNTY COUNCIL MEETING**

**4 September 2008**

**Question by Mr T Maddison to the  
Cabinet Member for Adult Social Services**

With the imminent closure of the Queen Elizabeth Foundation Centre in Dartford on 17 October, would the Cabinet Member inform the Council of any mechanisms put in place by KCC to ensure that adequate respite care is being provided for the many carers who will be affected by service and venue changes?

**Answer**

Carer issues are a high priority for the department and as such are central to the re-provision plans. Identification of carers' needs formed part of the individual assessment process that took place earlier this year. Consideration of carers' needs, including transport issues, was also included in the individual care planning interviews which took place during August.

The new networking sites will provide care for those attending them when required and care will be available, as now, for external activities such as bingo and ten-pin bowling, and other outings.

A meeting was held with the Carers group which meets at the Queen Elizabeth Foundation Centre on 25 April 2008 and no issues were raised at the time. It has also been agreed that an officer will attend the Carers group meeting later this month to discuss the final arrangements that will be in place after the 17 October closure.

**COUNTY COUNCIL MEETING**

**4 September 2008**

**Question by Mr I Chittenden to the  
Cabinet Member for Environment, Highways and Waste**

Would the Cabinet Member for Environment, Highways and Waste please explain why the first areas to receive the Kent Freedom Pass were areas of low deprivation with the lowest numbers of families in financial need such as Canterbury, Tunbridge Wells and Tonbridge & Malling, whilst the areas such as Thanet, Dartford and Ashford, with the highest levels of deprivation and the highest numbers of families in financial need, have been left until last?

**Answer**

The Kent Freedom scheme is designed to achieve a number of key KCC objectives particularly reducing congestion, affordable school travel and access to out of school facilities for students.

In setting up the pilots, we wanted to be sure that Freedom would work as there are no comparable examples elsewhere in the UK. We therefore chose two of the three most congested towns in the County which also have quite complex home to school transport arrangements.

We considered the deprivation angle but as Freedom will be fully Kentwide by June 2009, we felt it was more important to undertake the most robust testing of the scheme to ensure its practicality.

I am pleased to say that the pilots were very successful with over 5000 students opting for a Freedom pass in the pilot area.



By: Nick Chard, Cabinet Member for Finance  
Lynda McMullan, Director of Finance

To: County Council – 4 September 2008

Subject: Property Enterprise Fund 2

Classification: Unrestricted

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**Summary:**

This report seeks Council approval for the creation of the Property Enterprise Fund 2 with a maximum overdraft limit of £85m, as agreed by Cabinet on 4 August 2008.

FOR DECISION

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**1. Introduction**

- 1.1 The current capital programme between 2008 and 2011 is based on £180m of funding to come from capital receipts. Given the current fall in property and land values which is predicted to continue into next year and potentially for a number of years beyond, achieving the £180m within this time frame is no longer realistic. This means we have to have an intelligent solution to the funding issue over the next three years.
- 1.2 Unless we provide this solution, the capital programme is in real danger of entering into a stop / start pattern, risking service delivery and value for money. Consequently, a funding model is being proposed that will enable service directorates to continue to plan and deliver capital projects with a degree of certainty that in the current climate, does not exist.
- 1.3 Our proposal is to create a second Property Enterprise Fund (PEF2). This would be distinct from the existing Fund (PEF1) in that only earmarked receipts would be accounted for through PEF2. Non-earmarked receipts would continue to go through PEF1. Another distinction is that PEF2 would be for the sole purpose of supporting the capital programme, whereas PEF1 is for the strategic acquisition of land and property to add value to the Council's portfolio, aid the achievement of economic and regeneration objectives and the generation of income.
- 1.4 The financial objective of the PEF2 is to broadly break-even over a rolling five-year cycle. Large profits or losses are not good news in relation to the delivery of the capital programme or our financial standing. Large profits would suggest that we took unnecessary action to remove service improvements from our capital programme. Large losses would mean we have not been sufficiently prudent in our valuation of assets at the date of transfer into PEF2.

## 2. Mechanics of PEF2

2.1 The proposal for how PEF2 would work are as follows:

- i. The Directorate/Portfolio can elect to pass an earmarked property to PEF2 if it requires guaranteed funding for their overall programme;
- ii. The project may have already been included in the medium term plan, but new projects will be considered, initially through the Project Appraisal Group (PAG) process;
- iii. The property will only be accepted by PEF2 if it meets certain criteria (see appendix 1), and the final decision (documented in writing), as to whether a property can be passed to the fund will lie with Property Group;
- iv. A risk factor percentage will be applied by Property Group to reflect the borrowing costs, risk of planning, market conditions, holding costs, plus any individual risks which are linked with the property relating to, for example, title or political issues. It is proposed that the transfer “price” to PEF2 should be within a range of:
  1. a minimum of the current valuation; and
  2. a maximum of 75% (to reflect borrowing costs for 5 years) of the valuation included in the 2008-11 MTP, less projected holding costs. This will be a one off transaction and no further adjustment will be made to the capital sum to be transferred;

The value is to be negotiated between the holding directorate and Property Group, but should normally remain within the maximum and minimum range shown above. **Where agreement cannot be reached, the Director of Finance will arbitrate in consultation with The Leader.**

- v. PEF2 will offer to buy the property from the directorate within the maximum and minimum range set above;
- vi. The directorate determines if the valuation is sufficient to fund their programme. If so, that part of the funding can be deemed to be in place. If not, the programme must be reduced by an equivalent amount;
- vii. The receipt is then held corporately until Property Group in consultation with the Cabinet Member for Finance feel the time is right to realise an appropriate level of receipt;
- viii. Any overall surplus from PEF2 would be recycled into the Council’s priorities in the capital programme.

2.2 It should be noted that as per iii) above, not all sites would be eligible for going into PEF2 and specific requirements are detailed at Appendix 1.

- 2.3 PEF2 is being proposed as providing an option for directorates. Should a directorate not wish to make use of this funding arrangement, they may still seek disposal of a property through Property Group using the existing process. If this route is chosen the Directorate's assumptions around the timing and value of the capital receipt need to be realistic i.e. as advised by Corporate Property Group, and the Property Group, in consultation with the Director of Finance and the Cabinet Member for Finance, may refuse to proceed with the disposal if it does not represent good value for the Council.
- 2.4 The benefits of the PEF2 proposal are as follows:
- i. it brings responsibility and accountability together. In context, that means that those responsible for the valuation then have to deliver;
  - ii. it avoids boom and bust periods of spend;
  - iii. it enables us to take a longer term view on getting best value from our assets, thereby avoiding potential fire sales to enable vital capital projects to go ahead;
  - iv. it puts the disposal decision in the hands of the expert, not the directorates;
  - v. risks are held centrally rather than be dispersed. This makes managing and mitigating those risks much easier;
  - vi. it gives certainty to service directorates.

### **3. Funding of PEF2**

- 3.1 As the proposed mechanism of PEF2 will mean paying money out to directorates in advance of receipts being realised, the funding stream for this will be from prudential borrowing. Therefore it is proposed that the fund have a maximum deficit limit of £85m.
- 3.2 Revenue implications and funding  
If full use is made of the overdraft limit then the revenue costs for a full year's £85m borrowing equates to approximately £4.25m per annum. This is based on interest costs only, as opposed to both interest and minimum revenue provision (MRP), as any borrowing undertaken by PEF2 is expected to be only short term and would effectively be repaid as soon as the capital receipt is realised. A projection of the PEF2 balance will be included in the Medium term Plan each year and that projection will be included in the prudential indicators.
- 3.3 The proposed funding for the revenue costs associated with PEF2, which would include holding costs of vacant properties within the fund and interest costs on the overdraft, is to use the prudential equalisation reserve. This reserve would be re-imbursed as receipts are eventually realised, at 5% per annum of the value of the disposal. The time will be

calculated from the point the asset transferred into PEF2 to the date of disposal.

- 3.4 In the event of there being no further funds available from the prudential equalisation reserve, the costs of the PEF2 borrowing would need to be a first call from the revenue budget. It is the view of the Director of Finance that the risk of this is minimal but will be reviewed every year as part of the budget process in any case. This approach has been discussed with the External Auditor.
- 3.5 PEF2 will also have the ability to temporarily let properties, or agree occupation temporarily by a Directorate/partner/service provider. Any rent received would form a revenue stream of income which could then be used to fund some of the revenue costs.
- 3.6 Fund surpluses/deficits  
Should PEF2 be in overall surplus at the end of the five year period, after repaying borrowing costs and other disposal costs, this balance would be available for investment as Members see fit. This could be used for example, to reduce the level of borrowing the authority undertakes to fund the capital programme, or to fund new schemes to the capital programme.
- 3.7 Surpluses on individual receipts will not automatically be reinvested into the directorate from which they came, and similarly any losses on individual receipts will be contained and managed within PEF2.

#### **4. Governance**

- 4.1 The governance of PEF2 would follow that of PEF1, the only significant difference being the value of the maximum overdraft of the fund.
- 4.2 The fund will be operated within the parameters of the Property Management Protocol (PMP) in compliance with the Council's Constitution and Financial Regulations, and within the Local Government Act 2003.
- 4.3 Properties/sites will only be accepted into PEF2 if they meet the criteria set out in appendix 1, and the final say as to whether a property can be passed into the fund will lie with Property Group.
- 4.4 The project must already be included in the current medium term plan or have already been approved through the Project Appraisal Group (PAG) process.
- 4.5 The decision on timing of sale and terms of sale will lie with Property Group in consultation with the Cabinet Member for Finance once the property has been released to the fund.
- 4.6 All transactions coming within the PEF2 balancing limit of £85m should be authorised jointly by the Director of Property and Director of Finance in consultation with the Cabinet Member for Finance, the Chief Executive and the Leader.

4.7 PEF2 will benefit from any surpluses achieved on the sale of the individual properties, but will also bear the risk of any deficits which will be managed and contained within the fund.

#### 4.8 **Delegation to Officers**

Subject to the authorisations in paragraph 4.6 above, the Director of Property is authorised to:

- Determine and settle the acquisition or disposal of any land or property, or an interest in land or property where the consideration (including any associated works) does not exceed **£1,000,000** in any single transaction.
- Determine and settle the terms of a lease (taken or granted) for any land or property, not exceeding a period of 20 years or where the consideration does not exceed **£100,000** per annum in any single transaction.
- As provided by arrangements made under Appendix 2 Part 4 of the Constitution for the Leader to discharge executive functions, the Chief Executive may exercise any power delegated under this protocol to the Director of Property; and the Director of Property may delegate his/her powers in writing to more junior officers.

#### 4.9 **Financial Regulations**

All of the protocols set out in Financial Regulations and Schemes of Delegation must be adhered to, except where the Property Management Protocol specifically provides for alternative levels of authorisation.

#### 4.10 **Reporting**

Monitoring of the fund will be reported quarterly to Cabinet.

### 5. **Risks**

5.1 The main risk is that the property market does not recover significantly within the next 3-5 years. This could potentially result in:

- The prudential equalisation reserve being insufficient to continue to fund the revenue costs of PEF2.
- The debt charges budget needing to be increased to pay for extended borrowing costs.

5.2 To mitigate these risks, a maximum and minimum range has been set for the value that will be applied to each property going into PEF2. This lower and upper limit is suggested as it offers certainty to Directorates so that capital projects can continue, but is also realistic enough so that when the properties are disposed of in the future, KCC recovers the costs of holding the asset in the short term.

### 6. **Recommendations**

6.1 County Council is asked to approve the establishment of PEF2, with a maximum deficit balance of £85m.

**Criteria for Properties to Qualify to be Passed into PEF2:**

The property will only be accepted by PEF2 if it meets certain criteria and the final say as to whether a property can be passed to the Fund will lie with Property Group.

The criteria for properties to qualify to be passed into the fund are as follows:

1. The property/land must have freehold unencumbered title. A full title report will be required prior to agreement to fund.
2. The boundaries must be agreed with the directorate and marked clearly on site (and on a plan).
3. The risk of a village green application being made is minimised and in the event that this is assessed at a high risk and the risk factor will be adjusted accordingly.
4. There must be an agreed and guaranteed date for vacant possession. This is the latest date on which the directorate and any other KCC partners/service providers will vacate the property. A signed undertaking that vacant possession will be given on this date will be required. Where third parties are occupying the property they must enter into a legal agreement to vacate the property by the agreed date.
5. The vacation date can be no longer than three calendar years after the date the property is passed to the Fund.
6. The property may be occupied (if prior agreement has been reached with Property Group) by a third party, only if the terms of the occupation are scrutinised by Property Group and deemed to pose no threat to the disposal of the property.
7. A surplus declaration must be provided by the Directorate. In the case of properties which are not vacant, this surplus declaration will contain the agreed vacation date by all internal and external parties and will be contractually binding.
8. In the case of properties which are not vacant at the time of hand over to the Fund, the Directorate will agree to pay the running costs of the property up to the date of vacation. For the avoidance of doubt this will include rates, utilities, cleaning costs, security, maintenance and repair of fabric and services.
9. In the case of properties which are not vacant at the time of hand over, the Fund will become the landlord and the Directorate will sign a simple agreement covering the terms of occupation. This will include maintaining the property in a condition no worse than at the point of hand over to the Fund. This is vital to ensure value is not

diminished in the interim period before vacation. If necessary a photographic schedule of condition can be prepared on transfer.

10. The following special criteria apply:

CFE

- i. A section 77 consent must be provided. If this is not possible a higher risk factor will have to be applied to reflect the possibility of consent to dispose not being granted.
- ii. The school must declare the land/buildings surplus prior to handover.
- iii. School closure procedures must have commenced and a time scale agreed for the date of completion of the process.
- iv. Where a school is being amalgamated or a new school built the consultation exercise must already have commenced (statutory consultation and notice served), so there is no deemed risk of the land being taken into the schools ownership.
- v. If the school is still in occupation, they must enter into the agreement as detailed (9) above.
- vi. Agreement in writing must be provided from the school confirming the land can be released and they will not lay claim to ownership of the land.
- vii. If the land is connected to Diocese school then confirmation must be provided that land to be sold is KCC's title.
- viii. If the planning application for the redevelopment of the site will be linked by the District Council to a planning application for a new school, then the Directorate must undertake to submit the planning application by an agreed date. If the Directorate subsequently do submit a planning application or decide not to build a new school, then the funding for the property released will be reclaimed by the Fund, in the event that this renders the land un-developable.

E&R (Highways)

- ix. Stopping up orders for land designated, as Highways must have been obtained.

All Directorates

- x. Service closure or relocation procedures must have been undertaken together with all relevant consultation.
11. Where the property to be released is adjacent to KCC retained land or where land is acquired subsequently adjacent to the property, Property Group must be consulted regarding any use and/or development of the adjacent land and must approve any terms of PFI or other contracts on the land. This is to prevent any reduction in value of the Fund's land.

12. Property Group will undertake any representations to Districts regarding Local Development Frameworks (LDF) in respect of the Fund's property, however Directorates must undertake to safe guard the LDF allocations of property which will be released for disposal over the forthcoming LDF period (10 years).



## KENT COUNTY COUNCIL

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### GOVERNANCE AND AUDIT COMMITTEE

MINUTES of a meeting of the Governance and Audit Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Monday, 30th June, 2008.

PRESENT: Mr C G Findlay (Chairman), Mr R L H Long, TD (Vice-Chairman), Mr D L Brazier, Mr A R Chell, Mrs T Dean, Mr C J Law, Mr J F London, Mrs M Newell, Mr W V Newman, DL, Mr R J Parry, Mr D Smyth, Mr M V Snelling and Mr R Tolputt.

ALSO PRESENT: Mr N J D Chard.

OFFICERS: Ms L McMullan (Director of Finance), Mr G Wild (Director of Law and Governance), Ms J Dawson (Head of Audit and Risk with Mrs J Armstrong and Mr S Rooney), Mr K Harlock (Commercial Services Director), Mrs S Garton (Head of Corporate Performance), Mr N Vickers (Head of Financial Services), Mr A Wood (Head of Financial Management with Mrs C Head), Mrs C Dodge (Corporate Access To Information Coordinator) and Mr A Tait (Democratic Services Officer).

ALSO IN ATTENDANCE: Mr D Wells, Mr G Brown and Mrs S Mead of the Audit Commission.

#### UNRESTRICTED ITEMS

**12. Minutes - 5 March 2008**  
*(Item 3)*

RESOLVED that the Minutes of the meeting held on 5 March 2008 are correctly recorded and that they be signed by the Chairman.

**13. Annual Audit and Inspection Letter**  
*(Item 4 – Report by Director of Business Solutions and Policy)*

RESOLVED that the report be noted.

**14. Draft Head of Audit and Risk Annual Report**  
*(Item 5 – Report by Head of Audit and Risk)*

RESOLVED that approval be given to the draft Head of Audit and Risk Annual Report.

**15. Draft Annual Governance Statement**  
*(Item 6 – Report by Head of Audit and Risk)*

RESOLVED that approval be given to the draft Annual Governance Statement.

**16. Draft Statement of Accounts**  
*(Item 7 – Report by Director of Finance)*

(1) Mr A R Chell made a declaration of Personal Interest as the Governor of a Local Authority School.

(2) The Annual Governance Report had previously been circulated to the Committee as Appendix 2.

(3) RESOLVED that:-

- (a) approval be given to the draft Statement of Accounts for 2007-08 subject to the Chairman, Vice-Chairman, Labour and Liberal Democrat Group Spokesmen being informed of any changes which may be made to the Accounts following completion of the external audit;
- (b) the recommendations made in the Annual Governance Report be noted;
- (c) the proposed changes to the calculations of the Minimum Revenue Provision (MRP) be noted and that this be reviewed in September 2008; and
- (d) the draft Management Representation letter set out in Appendix 1 of the Annual Governance Report be amended by the inclusion of an explanation of the reasons for not amending the accounts in the manner suggested in paragraphs 19 and 20 of the Annual Governance Report.

**17. Strategic Risk Register**

*(Item. 8 – report by Head of Audit and Risk)*

RESOLVED that the revised strategic risk register be noted.

**18. Ombudsman Complaints**

*(Item. 9- Report by Chief Executive)*

(1) The Local Government Ombudsman's Annual Letter had previously been circulated to the Committee.

(2) RESOLVED that the report be noted.

**19. Internal Audit Progress Report**

*(Item. 10 – Report by Head of Audit and Risk)*

RESOLVED that the report be noted.

**20. Internal Audit Reporting - Irregularities**

*(Item 11- Report by Head of Audit and Risk)*

RESOLVED that the report be noted.

**21. Review of Trading Activities within Commercial Services**

*(Item 12 – Report by Budget Informal Member Group)*

*Mr N J D Chard, the Cabinet Portfolio Holder for Finance was present for this item pursuant to Committee Procedure Rule 2.34 and responded to questions from Members of the Committee.*

(1) Mr D Smyth, Chairman of the Budget Informal Member Group moved the recommendations set out in Page 12:1 of the report. These were agreed.

(2) RESOLVED that:-

- (a) the positive direction of travel for Commercial Services be formally welcomed and that the Director of Commercial Services, Mr Kevin Harlock be congratulated for the achievement of his service;
- (b) a Sub-Group of the Committee be set up to oversee the governance of the County Council's trading activities;
- (c) Commercial Services be encouraged to post accounts for medium sized companies as a gesture of greater openness about the County Council's trading activities;
- (d) the County Council's ability to support private companies (for example by offering its own preferential procurement arrangements to suppliers) within Kent be promoted; and
- (e) new business cases be considered by the Sub-Group of the Committee prior to being submitted to the relevant Cabinet Member for approval.

**22. Audit and Inspection Plan**

*(Item 13 – Report by Audit Commission)*

- (1) The report had been previously circulated to the Committee.
- (2) The Chairman declared this item to be urgent as the comments of the Committee would be key to achieving a successful audit programme and because it would be detrimental to the County Council's ability to gain maximum benefit from effective auditing if consideration were to be delayed until September 2008.
- (3) RESOLVED that approval be given to the Audit and Inspection Plan and Fee for 2008/09.

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**KENT COUNTY COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

MINUTES of a meeting of the Planning Applications Committee held at Sessions House, County Hall, Maidstone on Tuesday, 24 June 2008.

PRESENT: Mr R E King (Chairman), Mr A R Bassam (Vice-Chairman), Mr A R Chell (substitute for Mr J A Davies), Mr J Curwood (substitute for Mr F Wood-Brignall), Mr T Gates, Mrs E Green, Mr C Hibberd, Mr D A Hirst (substitute for Mr W A Hayton), Mrs S V Hohler, Mr G A Horne, MBE, Mr S J G Koowaree, Mr J F London, Mr T A Maddison, Mr R A Marsh, Mr W V Newman and Mr A R Poole.

OFFICERS: The Head of Planning Applications Group, Mrs S Thompson (with Mr J Crossley); the Development Planning Manager, Mr A Ash; and the Democratic Services Officer, Mr A Tait

**UNRESTRICTED ITEMS**

**41. Membership**

The Committee noted the appointment of Mr W A Hayton in place of Mr J B O Fullarton.

**42. Minutes**

RESOLVED that the Minutes of the meeting held on 13 May 2008 are correctly recorded and that they be signed by the Chairman.

**43. Update on new Validation requirements for planning applications.**  
*(Item B1 - Report by Head of Planning Applications Group)*

RESOLVED to:-

- (a) note the comments received from respondents to the public consultation, and agree that adjustments be made to the "Validation of Planning Applications" document in the light of the points raised before its publication on the County Council's website; and
- (b) delegate to the Head of Planning Applications Group the authority to validate or invalidate planning applications on the basis of the County Planning Authority's published information requirements.

**44. Planning Applications Group Business Plan**  
*(Item B2 - Report by Head of Planning Applications Group)*

(1) The Committee thanked the staff of the Planning Applications Group for its excellent work in producing well researched, professional reports and recommendations in the year 2007/08.

(2) RESOLVED that the report be endorsed.

**45. Proposal TH/08/522 - Multi play area with floodlights on existing playground area at Newington Community Primary School and Nursery, Princess Margaret Avenue, Ramsgate; Governors of Newington Community Primary School and Nursery and KCC Children, Families, Health and Education.**  
*(Item D1 - Report by Head of Planning Applications Group)*

(1) In agreeing the Head of Planning Applications Group's recommendations, the Committee asked for a report to a future meeting setting out suggested criteria for determining hours of use for community sports facilities in schools.

(2) RESOLVED that permission be granted to the proposal subject to conditions covering the standard time restriction for hours of operation; all spaces within the existing school car park being available during the operation of the Multi Play Area; hours of use of the Multi Play Area being 0800 – 2100 Mondays to Fridays and 1000 – 1700 Saturdays, with no use on Sundays and Bank Holidays; a Community Use Scheme being submitted and approved by the County Planning Authority prior to the commencement of the use of the facility; no trees, shrubs and hedges being removed; and the development being carried out in accordance with the permitted details.

**46. Proposal DA/06/868/R10 - Further details of walls, fencing, gates and other means of enclosure pursuant to Condition 10 of Permission DA/06/868 at Westgate Primary School, Summerhill Road, Dartford; KCC Children, Families, Health and Education.**  
*(Item D2 - Report by Head of Planning Applications Group)*

RESOLVED that the additional details submitted pursuant to Condition 10 of Permission DA/06/868/R10 be approved subject to further conditions, including conditions covering the fencing being installed within 2 months of the date of the decision; the development being carried out in strict accordance with the submitted plans; and controls over the hours of working during construction.

- 47. Proposal CA/08/316 - Partial demolition of existing school buildings with alterations and extensions to form new entrance block, roofing over existing courtyard and new sports hall, together with associated hard and soft landscaping and the provision of temporary mobile accommodation during construction period at Herne Bay High School, Bullockstone Road, Herne Bay; Land Securities and KCC Children, Families, Health and Education.**  
*(Item D3 - Report by Head of Planning Applications Group)*

(1) Mr D A Hirst made a declaration of personal interest as he was representing the views of his constituents. He addressed the Committee in his capacity as local Member but took no part in the decision-making process.

(2) RESOLVED that:-

- (a) permission be granted to the proposal subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; full details of all external materials being submitted to and approved prior to the commencement of operations; site levels and finished floor levels being submitted to and approved prior to any works commencing; details of contractor's compound and associated welfare facilities being submitted to and approved by the County Planning Authority prior to the commencement of any development on site; details of temporary mobile classrooms being submitted to and approved by the County Planning Authority prior to commencement of operations on site; all temporary accommodation (including both teaching and contractor's areas) being removed from the site, and the land being fully reinstated to its former condition within one month of the completion of the construction works; temporary construction access road being removed and land fully restored in accordance with previous contour levels upon completion of construction activities; the School Travel Plan being updated prior to first occupation of the development; parking being made available within the site for the contractor's vehicles associated with construction works; parking being made available out of school hours within the site in connection with community use; adequate measures being taken to ensure that vehicles leaving the site engaged in the construction work do not deposit mud or other debris on the public highway; construction works only taking place between the hours of 0800 to 1800 Mondays to Fridays, 0900 to 1300 Saturdays, and no working on Sundays or Bank Holidays; a landscaping scheme being submitted to and approved prior to the commencement of operations on site (to include a strong regard to soft landscaping measures as opposed to hard landscaping), and thereafter being fully implemented as approved within the first planting season following the completion of works; no development taking place until the applicant has secured the implementation of a programme of archaeological works; no development taking place until the applicant has secured the implementation of a programme of building recording; no development taking place until the applicant has submitted and had approved details of foundation design and below-ground works; a Community Use Scheme and Sports Development Plan being submitted to and approved in writing by the County Planning Authority in conjunction with Sport England within 6 months of the date of first occupation; details of foul and surface water drainage being submitted to and approved prior to any development taking place; no discharge of foul or contaminated drainage from the site into groundwater or

any surface waters; if during development, contamination is found to be present, development ceasing until the applicant has obtained written consent from the County Planning Authority; details of external lighting and CCTV being submitted to and approved prior to installation on site; and the development being carried out in accordance with the precautionary measures and mitigation strategies detailed in the Ecological Scoping Survey; and

- (b) the applicant be advised by Informative that the detailed landscaping should include a strong emphasis on soft landscaping measures to be submitted to and approved by the County Planning Authority prior to the commencement of operations on site.

**48. Proposal SE/08/1067 - Temporary mobile classroom at Amherst School, Witches Lane, Sevenoaks; Governors of Amherst School and KCC Children, Families, Health and Education.**

*(Item D4 - Report by Head of Applications Group)*

- (1) Mr J F London made a declaration of personal interest as his grand-daughter was a pupil at the School.
- (2) The Head of Planning Applications Group reported further correspondence from the Head Teacher in support of the proposal.
- (3) RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the mobile classroom being permitted for a temporary period of 3 years from the date of permission or being removed sooner upon the first occupation of a new classroom extension at the school; the development being carried out in accordance with the permitted details; and the mobile classroom being finished in dark green to match adjacent units.

**49. Proposal SH/08/502 - Additional classroom at Bodsham CE Primary School, School Hill, Bodsham, Ashford; Governors of Bodsham CE Primary School.**

*(Item D5 - Report by Head of Planning Applications Group)*

- (1) Correspondence from the Headteacher of Bodsham CE Primary School was tabled.
- (2) The Head of Planning Applications Group reported the views of the local Member, Miss S J Carey in support of the proposal.
- (3) In agreeing the recommendations of the Head of Planning Applications Group, the Committee asked for a letter to be sent to the school congratulating it on achieving the Platinum Travel Award.
- (4) RESOLVED that:-
- (a) permission be granted to the proposal subject to conditions, including conditions covering the standard time condition for implementation; trees and shrubs along the north and north-east boundary being retained; preparation of an updated School Travel Plan; and the development being carried out in accordance with the permitted details; and



- (b) the Chairman write to the school on behalf of the Committee congratulating it on achieving the Platinum Travel Award.

**50. Proposal DA/08/228 - Extension and refurbishment of existing school buildings, erection of minibus garage and boundary fencing and alterations to existing car park area (for relocation of Rowhill School) at Woodview Campus, Main Road, Longfield; KCC Children, Families, Health and Education.**

*(Item D6 - Report by Head of Planning Applications Group)*

- (1) Mr A R Bassam made a declaration of personal interest as he had already given his views on the proposal. He took no part in the decision-making process.
- (2) RESOLVED that the application be referred to the Secretary of State for Communities and Local Government as a departure from the Development Plan and that subject to her decision, and subject to the undertaking and submission of a written agreement to ensure that the planning permission at Rowhill School, Wilmington, is not implemented permission be granted to the proposal subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; details of external materials being submitted, including those for the garage; details of external lighting; a scheme of landscaping and tree planting, its implementation and maintenance; the protection of all trees being retained; protection of nesting birds; submission of a surface water drainage scheme; submission of a scheme detailing flood damage prevention methods; land contamination; provision and retention of car parking, cycle parking and turning area as indicated; implementation and ongoing review of a Travel Plan; and hours of working during construction.

**51. Proposal CA/08/271 - Partial demolition of existing school buildings, construction of new teaching and ancillary accommodation, car parking and landscaping, and the provision of temporary accommodation at The Community College Whitstable, Bellevue Road, Whitstable; Land Securities Trillium and KCC Children, Families, Health and Education.**

*(Item D7 - Report by the Head of Planning Applications Group)*

RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; the submission of details of all materials to be used externally; a scheme of landscaping, its implementation and maintenance; measures to protect all trees being retained; details of surface water drainage; the development according with the recommendations made in the submitted Ecological Scoping Survey; a programme of archaeological work; revision of the School Travel Plan and subsequent annual review; submission of details of parking, turning and access; submission of a condition survey and subsequent repair of local roads; hours of working during construction; measures to suppress dust; and prevention of the deposition of mud on the local highway network.

- 52. Proposal GR/08/138 - Replacement of existing secondary school on the site with a new two-storey school building, together with revised access arrangements, new car park, hard play areas, landscape works and the demolition of the existing school buildings (with the exception of the sports pavilion) on completion of the development at Northfleet Technology College, Colyer Road, Northfleet; Land Securities Trillium and KCC Children, Families, Health and Education.**  
*(Item D8 - Report by Head of Planning Applications Group)*

- (1) The Chairman declared this item to be urgent as it was necessary for the applicants and the financial sponsors to have the application determined in June so that it could meet the requirements of the PFI Project and minimise the risk to all three applications involved in the PFI Project of which it was a part.
- (2) The Head of Planning Applications Group reported the views of the local Member, Mr R J E Parker in support of the proposal.
- (3) The Head of Planning Applications Group informed the Committee that the last sentence of Paragraph 39 of the report should be amended to read that the proposal would not have an unacceptable impact in terms of the position, scale or massing in relation to the surrounding environment.
- (4) RESOLVED that subject to the further views of Sport England, permission be granted to the proposal subject to conditions including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; the submission of details of all materials to be used externally; the submission of details of all external plant; the submission of a scheme of landscaping, its implementation and maintenance; measures to protect all trees being retained; the submission of details of the fencing arrangements proposed; the submission of details of surface water drainage; the submission of details of a combined Stage 1&2 Safety Audit on the access arrangements proposed; the submission of details of the cycle parking proposed; the submission of details of further site investigation, mitigation measures, and a closure report in line with the Environment Agency's recommendations on ground conditions; the development being carried out in accordance with the precautionary measures and mitigation strategies detailed in the Biodiversity Assessment; a programme of building recording; a programme of archaeological work; the submission of details of all below-ground excavation; the submission of details of all external lighting; the provision of a Community Use Agreement and Sports Development Plan, including details of types of activities, scale and hours of use; the School Travel Plan being updated to reflect the proposed development and the plan subsequently reviewed annually with KHS; hours of working during construction; week day construction traffic movements being restricted to a time period which does not conflict with peak hour school movements; the submission of details of a method statement to control noise and dust generated during construction; the submission of details of the contractor's compound, access, storage areas, vehicle parking and associated facilities; measures to prevent the deposit of mud on the public highway; noise controls on plant and equipment associated with building; and the access onto Colyer Road serving the playing field facilities being restricted to maintenance use only, with details being provided as to how this would be facilitated and policed.

**53. County matters dealt with under delegated powers**  
*(Items E1 – E6 – Reports by Head of Planning Applications Group)*

RESOLVED to note reports on items 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 (None);
- (c) County Council developments;
- (d) detailed submissions under Channel Tunnel Rail Link Act 1996 (None);
- (e) Screening opinions under Environmental Impact Assessment Regulations 1999; and
- (f) Scoping opinions under Environment Impact Assessment Regulations 1999.

## PLANNING APPLICATIONS COMMITTEE

MINUTES of A meeting of the Planning Applications Committee held in the Council Chamber - Sessions House, County Hall, Maidstone on Tuesday, 29 July 2008.

PRESENT: Mr R E King (Chairman), Mr A R Bassam (Vice-Chairman), Mr A R Chell (Substitute for Mrs V J Dagger), Mr J A Davies, Mr T Gates, Mrs E Green, Mr W A Hayton, Mr C Hibberd, Mrs S V Hohler, Mr G A Horne MBE, Mr S J G Koowaree, Mr J F London, Mr T A Maddison, Mr R A Marsh, Mr J I Muckle, Mr W V Newman, DL, Mr A R Poole and Mr F Wood-Brignall.

ALSO PRESENT: Mr A D Crowther, Mr G Rowe and Mr M J Vye.

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr M Clifton (Principal Planning Officer Minerals/Waste) and Mr J Crossley (Principal Planning Officer), Mr R White (Transport and Development Business Manager), Mr R Brinkman (Development Planning Engineer) and Mr A Tait (Democratic Services Officer).

### UNRESTRICTED ITEMS

**54. Minutes - 24 June 2008**  
*(Item A3)*

RESOLVED that the Minutes of the meeting held on 24 June 2008 are correctly recorded and that they be signed by the Chairman.

**55. Dates of Meetings in 2009 (including change of date in January 2009)**  
*(Item A4)*

RESOLVED that subject to confirmation of the meeting on 21 April 2009, the dates set out in the agenda be noted.

**56. Applications TM/97/1064R2, R5, R7, R12 and TM/08/209 - (i) Variation of approved restoration and aftercare scheme together with changes to the waste types in order to accelerate the completion of Cells 1,2 and 3 and their restoration by the end of 2009 and of Cell 1A by the end of 2012; (ii) construction and operation of a new surface water balancing pond and soakway to serve the Margetts Pit landfill surface water drainage system at Margetts Pit Landfill, Margetts Lane, Burham, Rochester; Aylesford Newsprint Ltd.**

*(Item C1 – Report by Head of Planning Applications Group)*

*(Mr G Rowe was present for this item pursuant to Committee Procedure Role 2.24 and spoke).*

(1) Notes of the site visit held on 18 March 2008 had previously been circulated.

(2) The Head of Planning Applications Group reported comments made at Officer level by Tonbridge and Malling Borough Council. She also reported very late correspondence from the Environment Agency in rebuttal of the views expressed to Jonathan Shaw, MP by local residents that it had been responsible for unnecessary delays in securing the

restoration of Cells 1, 2 and 3. She also informed the Committee of the Environment Agency's view that Mr Shaw's request for an extension of time for the restoration beyond July 2009 was unlikely to be approved by DEFRA and would possibly need to be ratified by the European Parliament if it was.

(3) Mr J Walrond, Ms J Critcher, Mr D Davis and Ms C Hurley addressed the Committee in opposition to the application, Mr I Broxup (Aylesford Newsprint and Dr E Slaney(Faber Maunsell) spoke in reply.

(4) Mrs S V Hohler moved, seconded by Mr A R Bassam that the recommendations of the Head of Planning Applications Group be agreed.

Carried 12 votes to 6

(5) RESOLVED that:-

- (a) Permission be granted to Application TM/08/209 for the creation of a replacement Surface Water Balancing Pond subject to the imposition of conditions requiring amongst other matters the submission of details of proposed landscaping and tree planting; a programme of archaeological investigations; and hours of working;
- (b) approval be given to the variation of the Conditions 2, 5, 7 and 12 of Permission TM/97/1064 in respect of the proposed amendments to the approved infilling, restoration and aftercare scheme, together with changes to the source of waste materials in order to accelerate the infilling and restoration of Margetts Pit Landfill; and
- (c) the applicant be reminded by Informative that all other conditions imposed under Permission TM/97/1064 remain in effect.

**57. Application SE/08/621 - Variation of Conditions 14, 15, 20, 26 and 27 of Permission SE/05/2526 (cessation of existing green waste composting facility and transfer station with the development of a new transfer station, modification of the existing household waste recycling centre and improvements to landscaping of the site) at Dunbrik Household Waste Recycling Centre and Green Waste Composting Facility, Main Road, Sundridge, Sevenoaks; Darenth River Ballast Company Ltd.**  
*(Item C2 – Report by Head of Planning Applications Group)*

(1) The Head of Planning Applications Group tabled a revised final page of the report, including revisions to the recommendation.

(2) In agreeing the revised recommendations, the Committee asked for the applicants to be reminded of the need for the misting facility to be properly utilised at all times and of the need to ensure that there was no traffic backlog onto Junction 5 of the A25;

(3) RESOLVED that:-

- (a) subject to the existing Section 106 Agreement being amended by a supplementary Section 106 Agreement to ensure that its obligations are maintained, permission be granted to the variations to Conditions 14, 15, 20,

26 and 27 of Permission SE/05/2526 subject to Conditions 26 and 27 being further amended to only allow repairs and maintenance which can only be carried out when the premises are closed for business to be undertaken between 0700 and 2200 hours and for no audible devices to be employed outside the normal working hours unless specifically required to meet health and safety requirements; and

- (b) the applicants be reminded by Informative of the need for the misting facility to be properly utilised at all times and of the need to ensure that there is no traffic backlog onto the A21 and Junction 5 of the M25.

**58. Applications AS/08/733 and AS/08/821 - Variation of Condition 5 of Permission AS/90/608 and variation of Condition 6 of Permission AS/90/1602 to allow working out of hours on up to 60 occasions for a temporary period until 31 December 2011 at Hothfield Works, Watery Lane, Westwell, Ashford; Tarmac Ltd.**

*(Item C3 – Report by Head of Planning Applications Group)*

RESOLVED that permission be granted to both Applications AS/08/773 and AS/08/821 subject to the imposition of conditions on both decision notices including (amongst other matters) the variation to the Condition being discontinued on or before 31 July 2011 and, upon expiry, the hours of operation reverting to those set out in Permissions AS/97/90 & 310; 60 additional working hour periods per annum not being exceeded at the Hothfield Works site; no more than one asphalt plant and associated shovel operating outside of normal working hours; the frequency of HGV movements leaving the site during the night being restricted to those set out in the application; no more than 40 HGVs in total leaving the site during any 8-hour period of out of hours working; no articulated lorries being used on site between the hours of 1800 and 0600 unless agreed in writing by the County Planning Authority; the additional working hour periods not being used in conjunction with the normal working hours to operate the site continuously for more than 10 consecutive days; the applicants giving prior written notification of their intention to use any additional working hour periods to the County Planning Authority, the Borough Planning Authority and the Parish Council; and the code of practice for HGV drivers included with the application being adhered to and made known to all drivers attending the site.

**59. Proposal CA/08/516 - Beach volleyball facility with floodlighting and an associated storage building, and floodlighting to two adjacent tennis courts at the Victoria Memorial Recreation Ground, Knight Avenue, Canterbury; Governors of Canterbury Campus and KCC Children, Families and Education.**

*(Item D1 – Report by Head of Planning Applications Group)*

*(Mr M J Vye was present for this item pursuant to Committee Procedure Rule 2.24 and spoke)*

(1) Mrs I Linfield, Mr Hammick and Mr J Flanagan addressed the Committee in opposition to the Proposal. Mr T Freeman of Trevor May Contractors Ltd spoke in reply.

(2) The Head of Planning Applications Group agreed to the inclusion of a condition to ensure that noise levels remained within the normally accepted limits deemed by the County Planning Authority.

(3) RESOLVED that :-

permission be granted to the Proposal subject to conditions including conditions covering the standard time limit; submission of a scheme of landscaping and tree planting; tree protection and clearance of the site outside of bird breeding seasons; submission of details relating to the colour finish of the fencing, lighting columns and storage hut; the floodlighting being installed in accordance with the submitted details; light levels not exceeding those stated within the planning application; the use being restricted solely to the uses applied for; hours of use; restriction of number of major events per annum; car parking on campus to be available during hours of use; the applicant consulting and agreeing with Kent Highway Services and the City Council prior to holding any major events in order that access arrangements can be made. Those arrangements to be implemented in accordance with the approved drawings; controls over hours of working during construction; measures to prevent the deposit of mud on the highway; and a standard noise condition.

**60. Proposal GR/08/154 - Demolition of existing school buildings and construction of new two storey school building, the laying out of playing fields, multi-use games area, hard play area and courts, car parking and landscaping at Thamesview School, Thong Lane, Gravesend; Land Securities Trillium and KCC Children, Families and Education.**

*(Item D2 – Report by Head of Planning Applications Group)*

*(Ms C J Cribbon was present for this item pursuant to Committee Procedure Rule 2.24 and spoke).*

(1) Correspondence from Mrs M Newell, the local Member was tabled. Within this correspondence she had declared a Personal Interest as Vice-Chairman of Governors at Thamesview School.

(2) The Head of Planning Applications Group reported that Sport England had withdrawn its objection, subject to the imposition of extra conditions to cover community use of sports facilities. As a result the recommendation was revised to reflect this.

(3) Mr Lee spoke in opposition to the Proposal. Mr D Stewart of Lee Evans Consultants spoke in reply.

(4) In agreeing the Head of Planning Applications Group's recommendations, the Committee asked for the comments of Ms Cribbon to be considered, particularly in respect of her suggestions of double fencing and lower contouring instead of the proposed bunding.

(5) RESOLVED that:-

(a) permission be granted to the proposal subject to conditions including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; the submission of details of all materials being used externally; details of all external lighting; details of CCTV; a scheme of landscaping, its implementation and maintenance; measures to protect trees being retained; details of fencing, gates and

means of enclosure, including colour finishes; details of the land contouring, including site sections; no floodlighting to the MUGA without the submission of a full planning application; noise from plant not exceeding +3dB; specification for an acoustic barrier to the northern boundary, adjacent to the MUGA and service area; further survey work to investigate possible noise implication from the car park, and any required mitigation; contaminated land; details of surface water drainage; the development to accord with the recommendations made in the submitted Ecological Scoping Survey; revision of the School Travel Plan; details of works being carried out in the public highway; details of community use, including hours of use; hours of working during construction; details of how construction vehicle movements would be safely separated from the existing community centre car park movements, and associated pedestrian movements; details of a construction method statement; and prevention of the deposition of mud on the local highway network; and

- (b) the applicants be informed by Informative of Gravesham Borough Council's advice of the need to take care where the outlets of the ventilation ducts are located in respect of all musical rooms or that they should be appropriately baffled.

**61. Proposal SW/07/1271 - Single storey modular building for use as a community children's centre, including new pedestrian and vehicular access to Warden Bay Road, car park, hard surfacing, canopy, external storage units and fencing at Corner of Leysdown Road and Warren Road, Sheerness; KCC Children, Families and Education.**

*(Item D3 – Report by Head of Planning Applications Group)*

- (1) The Head of Planning Applications Group reported that a satisfactory revised parking layout had now been received.
- (2) RESOLVED that permission be granted to the proposal subject to the imposition of conditions including the standard time limit; the development being carried out in accordance with the permitted details; details of cycle parking; details of external lighting; details of the canopy; security fencing being weldmesh with a dark colour finish; car parking being provided prior to commencement of use of the Centre; the overflow parking area proposed being protected by grass protection mesh; hours of use for the Children's Centre being restricted to 0800 to 1800 Monday to Friday; the use of the building being restricted specifically to use as a Children's Centre only; and submission, implementation and ongoing review of a Travel Plan for the Children's Centre.

**62 Deferred Items**

The Committee deferred consideration of Agenda Items D4 and D5 at the request of the applicants concerned.



**63. Proposal TH/08/384 - Single storey modular building on existing school car park and public car park for use as a children's centre, including the installation of canopies, external storage, fencing and external impact absorbent play areas, plus the demolition of a derelict chapel and creation of a new car park at Priory Infants School, Cannon Road, Ramsgate; KCC Children, Families and Education.**

*(Item D6 – Report by Head of Planning Applications Group)*

(1) Mrs E Green and Mr A R Poole made declarations of Personal Interest. Mrs Green addressed the Committee as the local Member but neither of them took part in the decision making.

(2) RESOLVED that permission be granted to the Proposal subject to the imposition of conditions including the standard time limit; the development being carried out in accordance with the permitted details; implementation of a programme of building recording; implementation of an archaeological watching brief; submission of details of a scheme of landscaping; submission of details of cycle parking; details of a gate to secure the proposed school car park; no external lighting being installed on site without prior approval; conditions as recommended by the Environment Agency relating to contamination and mitigation measures; the provision of adequate wheel washing facilities during construction; all construction vehicles and plant being stored on site; hours of use for the Children's Centre being restricted to 0800 to 1800 Monday to Friday; the use of the building being restricted specifically to use as a Children's Centre only; and submission, implementation and ongoing review of a Travel Plan for the Children's Centre.

**64 County Matters dealt with under delegated powers**

*(Items E1-E6 – Reports by Head of Planning Applications Group)*

RESOLVED to note reports on items 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 (None);
- (c) County Council developments;
- (d) detailed submissions under Channel Tunnel Rail Link Act 1996 (None)
- (e) Screening opinions under Environment Impact Assessment Regulations 1999; and
- (f) Scoping opinions under Environment Impact Assessment Regulations 1999 (None).

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