

KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 14 May 2014.

PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr M J Angell, Mr M Baldock, Mr M A C Balfour, Mrs P Brivio, Mr I S Chittenden, Mr A D Crowther (Substitute for Mr L Burgess), Mr T Gates, Mr P M Harman, Mr T A Maddison, Mr S C Manion, Mr R J Parry, Mrs E D Rowbotham, Mr T L Shonk, Mr C Simkins, Mr A Terry and Mr J N Wedgbury

ALSO PRESENT: Mr A H T Bowles, Mr L Burgess and Mr R Truelove

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr M Clifton (Principal Planning Officer - Waste Developments), Mr J Crossley (Principal Planning Officer - County Council Development), Mr J Wooldridge (Principal Planning Officer - Mineral Developments), Mrs R Goudie (Strategic Transport and Development Planner), Mrs V Clothier (Senior Solicitor) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

33. Minutes - 9 April 2014
(Item 4)

RESOLVED that the Minutes of the meeting held on 9 April 2014 are correctly recorded and that they be signed by the Chairman.

34. Site Meetings and Other Meetings
(Item A4)

The Committee confirmed that it would hold a site visit at Glebe Farm, Shadoxhurst following the meeting.

35. General Matters
(Item)

The Head of Planning Applications Group informed the Committee that the Secretary of State for Communities and Local Government had informed the Local Planning Authority that he was considering whether to call in the Dungeness Borrow Pit application (SH/11/381) for his determination.

36. Application CA/13/2055 (KCC/CA/0317/2013) - Variation of conditions 2 (Restoration Period), 10 (Hours of HGV Movements) and 11 (Highway Management Scheme) of planning permission CA/12/606 for the infilling of open lagoons formally used for the disposal of tannery wastes at Oldridge Wood Lagoons, Swanton Lane, Off Canterbury Road, Littlebourne, Canterbury
(Item C1)

(1) In agreeing the recommendations of the Head of Planning Applications Group, the Committee decided that the requirement on the applicants to notify Littlebourne PC prior to each filling period would be a planning condition rather than an Informative.

(2) RESOLVED that:-

(a) permission be granted to the application subject to conditions, including conditions covering the development being completed and the site restored within 3 years of commencement; HGV movements only taking place between 0915 and 1600 hours Mondays to Fridays and 0800 and 1300 hours on Saturdays with no movements on Sundays and Public Holidays; HGV movements being limited to 6 in / 6 out per hour during filling periods; the installation of an automatic traffic counter (ATC) at the site; records of the ATC being made available for inspection at any time by the County Planning Authority; prior notification of the County Council and Littlebourne PC before each filling period is to commence; the signage scheme being implemented prior to filling periods; HGVs being restricted to 10.2m in length, 4 axles and 20 tonnes load capacity; and the re-imposition of all original conditions with the exception of conditions 2, 10 and 11; and

(b) the Informatives appended to Permission CA/12/606 be re-imposed.

**37. Application SW/13/1542 (KCC/SW/0339/2013) - Section 73 application to amend conditions, (1) - site layout, (8) - delivery hours, (17) - vehicle movements and (24) - waste throughput of planning permission SW/12/445 at Countrystyle Recycling Ltd, Ridham Dock Road, Iwade, Sittingbourne, Kent, ME9 8SR
(Item C2)**

(1) The Head of Planning Applications Group informed the Committee that, although Mr Burgess' name did not appear in the report heading or in paragraph 18 of report as the Local Member, he had been consulted in that capacity.

(2) Additional correspondence from Mr James Hunt, Chairman of Iwade PC had been circulated to the Committee before the meeting.

(3) The Committee agreed the recommendations of the Head of Planning Applications Group by 12 votes to 5 with 2 abstentions, subject to the deletion of the word "should" in respect of all the other conditions imposed on Permission SW/12/445 remaining in place.

(4) Mr M Baldock asked, pursuant to Committee Procedure Rule 2.26 (3) that his vote against the decision of the Committee be recorded.

(5) RESOLVED that permission be granted to the variation of Conditions 1, 8, 17 and 24 of Permission SW/12/445 subject to conditions, including conditions covering the development being carried out and completed in all respects strictly in accordance with site layout drawing number 11.09B.01 D; external waste activities at the site only taking place between 0530 and 2000 hours on Mondays to Sundays and Public Holidays (excluding Christmas Day, Boxing Day and New Year's Day); no operations (other than waste deliveries,

transportation of materials off site, processing of compostable materials within the in vessel system and processing of materials within the MRF building) taking place outside the above hours except for essential plant maintenance up to 2300 hours between Mondays and Saturdays only; no more than a combined total of 280 vehicle movements (140 in/140 out) associated with the operations hereby permitted entering or leaving the site on any one day; the maximum throughput of waste processed within the Materials Recycling Facility (MRF) not exceeding 200,000 tonnes per annum; and all other conditions imposed on Permission SW/12/445 remaining in place at the site.

38. Proposal SW/14/153 (KCC/SW/0025/2014) - Proposal for the construction of a two form entry primary school - Land at Tunstall Road, Tunstall, Sittingbourne.
(Item D1)

(1) The Chairman declared that all Members of the Committee had been extensively lobbied, particularly by opponents of the Proposal. It was unnecessary for any individual Member to make a declaration to this effect unless such lobbying had been by a family member or a close personal acquaintance.

(2) Mr M Baldock informed the Committee that he was a member of the Sittingbourne Society who had submitted views on the Proposal. He had not, however, participated in any of the Society's discussions on this matter and was therefore able to approach the determination of the Proposal with a fresh mind.

(3) Mr A H T Bowles, Mr L Burgess and Mr R Truelove were present for this item pursuant to Committee Procedure 2.27 and spoke.

(4) Correspondence from CPRE, the Sittingbourne Society and the Swale Footpaths Group had been circulated to the Committee prior to the meeting, as well as 7 more representations from previous correspondents continuing to object to the proposal. .

(5) The Head of Planning Applications Group reported additional representations from Gordon Henderson, MP, Rodmersham PC, a Planning Barrister from Radcliffes LeBasseur on behalf of "Protect Tunstall", and 5 local residents in opposition to the Proposal.

(6) Mrs S Senior (Protect Tunstall) and Mrs A Spicer (Tunstall PC) addressed the Committee in opposition to the Proposal. Mr S Harwood spoke in favour on behalf of local supporters of the application including "Tunstall Mums". Mr R Stevenson (John Bishop and Associates) spoke in reply on behalf of the applicants.

(7) The Senior Solicitor referred to a letter from Mr Trevor Standen from RadcliffeLeBasseur which stated that it was possible for an earlier malfeasance to taint a subsequent resolution to grant planning permission. She advised the Committee that there had in this case not been any actual fact of malfeasance.

(8) Mr R J Parry moved, seconded by Mr C P Smith that the recommendations of the Head of Planning Applications Group be agreed.

(9) Mr R J Parry and his Secunder accepted the inclusion of an additional condition requiring an archaeological report as part of the motion.

(10) Mr I S Chittenden moved, seconded by Mr M Baldock the following amendment:

“That the decision be deferred to enable further information to be gathered for the Committee’s consideration in relation to parking restrictions on local roads and details of provision at the access road into the school to mitigate traffic delays, and to clarify details of the safe provision of safe walking routes on the approach to the site.”

Lost 5 votes to 12 with 2 abstentions.

(11) On being put to the vote, the motion set out in (8) above as amended in (9) above was carried by 13 votes to 6.

(12) Mr M Baldock asked, pursuant to Committee Procedure Rule 2.26 (3) that his vote against the decision of the Committee be recorded.

(13) RESOLVED that subject to a Memorandum of Undertaking by the applicant to address Swale Borough Council’s concerns regarding parking restrictions on residential roads around the school, should this be deemed necessary:-

- (a) permission be granted to the proposal subject to conditions, including conditions covering the standard 5 year 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 for approval of a scheme of native species landscaping, including hard surfacing, its implementation and maintenance; the submission of a Tree Protection Plan and an Arboricultural Method Statement; the submission of measures to protect those trees that are to be retained; no tree removal taking place during the bird breeding season; the inclusion of ecological enhancement measures and their appropriate management within the landscape strategy; the development according with the recommendations of the ecology survey; hours of working during construction being restricted to between 0800 and 1800 Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays; visibility splays at the pedestrian crossing points measuring 2.0m from the back of the footway; the proposed new footway to the east of the access being widened to 2.0m from the proposed 1.5m footway; the submission of a Construction Management Plan, including access, parking and circulation within the site for contractors and other vehicles related to construction and demolition operations; the submission of measures to prevent mud and debris being taken onto the public highway; the completion and updating of the School Travel Plan once the school has been relocated; any fencing between the informal path (to the east of the site) and proposed school grounds not being solid and being set back, with any planting in the vicinity of the informal path being at least 1m away from the boundary; the submission for approval of a maintenance plan for sustainable drainage features specifically be prepared and submitted for approval; the submission of a remediation strategy to deal with the risks associated with any potential contamination of the site, including any previously unidentified contamination found to be present; the submission of measures to ensure no infiltration of surface water drainage;

the submission of a detailed drainage design for approved prior to the commencement of the development; only lighting approved as part of this application being permitted at the proposed school; no other lighting, including floodlighting of the MUGA's being installed on this site without recourse to a further planning application; the School to be phased in terms of pupil's numbers (one additional form of entry of pupils over a 7 year period) as outlined in the planning application; and the submission of an archaeological report; and

- (b) the applicants be advised by Informative that the revised Travel Plan should be registered with the County Council's new School Travel Plan website ('Jambusters') by accessing the following link www.jambusterstpms.co.uk, to assist with the updating, monitoring and future reviews of the Travel Plan.

39. Proposal TH/14/79 (KCC/TH/0010/2014) - Proposed expansion of Garlinge Primary School, Westfield Road, Margate
(Item D2)

(1) The Head of Planning Applications Group tabled revised recommendations which were agreed as set out below.

(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; the submission of details of all materials to be used externally; a programme of archaeological work; no vegetation clearance taking place during the bird breeding season; hours of working during construction and demolition being restricted to between 0800 and 1800 Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays; details of a construction management plan being agreed prior to commencement of the development; details of construction vehicle loading/unloading and turning facilities being agreed prior to commencement of the development; details of wheel cleaning facilities being approved prior to commencement of the development; and the submission of an updated School Travel Plan within 6 months of the occupation of the new building; and
- (b) the applicant be advised by informative that:-
- (i) an application for a Traffic Regulation Order to implement a a one-way system along Caxton Road must be submitted to Kent County Council Highways for written approval from the Highways Authority;
- (ii) all necessary highways approvals and consents where required musy be obtained before the development is commenced, and that the limits of the highway boundary need to be clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on

the approved plans agree in every respect with those approved under legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site; and

- (iii) the Travel Plan should be registered on-line with Kent County Council's Travel Plan site "Jambusters" by addressing the following link www.jambusters.co.uk to assist with the updating, monitoring and future review of the Travel Plan.

40. Proposal SW/14/0400 (KCC/SW/0092/2014) - Two classroom extension, Lower Halstow Primary School

(Item D3)

(1) On being put to the vote, the recommendations of the Head of Planning Applications Group were agreed by 17 votes to 0 with 2 abstentions.

(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; the submission of details of all construction materials to be used externally; the submission of a Tree Protection Plan and an Arboricultural Method Statement; the submission of measures to protect those trees that are to be retained; hours of working during construction being restricted to between the hours of 0800 and 1800 Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays or Bank Holidays; measures being taken to prevent mud and debris being deposited on the public highway; the submission of a Construction Management Plan, providing details of access, parking and circulation within the site for contractors, site personnel and other operatives, and management of the site access to avoid peak school times; the provision before occupation, and the retention of areas shown for parking and turning on site; the submission of an updated School Travel Plan prior to occupation, its implementation and on-going review; and
- (b) the applicants be advised by Informative that the School Travel Plan should be registered on-line with Kent County Council's School Travel Plan site 'Jambusters' by accessing the following link www.jambusterstpms.co.uk, to assist with the updating, monitoring and future review of the Travel Plan.

41. 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) County Council developments;
- (c) Screening opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011;
- (d) Scoping opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (None).