

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, 22 October 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 L Burgess, Mr I S Chittenden, Mr T Gates, Mrs S V Hohler (Substitute for Mr J N Wedgbury), Mr T A Maddison, Mr S C Manion, Mr R J Parry, Mrs E D Rowbotham, Mr T L Shonk, Mr C Simkins, Mrs P A V Stockell and Mr A Terry

ALSO PRESENT: Mr C W Caller, Ms C J Cribbon and Mrs S Howes

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr J Crossley (Principal Planning Officer - County Council Development), Mr J Wooldridge (Principal Planning Officer - Mineral Developments), Mr A Pigott (Strategic Transport and Development Planner), Mr P Rosevear (Senior Transportation Engineer), Mrs V Clothier (Senior Solicitor) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

73. Minutes - 2 October 2014
(Item A3)

RESOLVED that the Minutes of the meeting held on 2 October 2014 are correctly recorded and that they be signed by the Chairman.

74. Site Meetings and Other Meetings
(Item A4)

(1) The Committee was reminded of the visit to the site of the brickearth excavation application at Paradise Farm, Hartlip on Wednesday, 19 November 2014.

75. General Matters
(Item)

(1) The Head of Planning Applications Group informed the Committee that the new National Planning Policy for Waste (PPS10) had been published on 16 October 2014. Copies would be sent to all Members of the Committee.

(2) The Head of Planning Applications Group informed the Committee that the Secretary of State's decision on whether to call in the Teal Energy application for his determination (Minute 14/62) was expected imminently.

76. Applications MA/14/688 and MA/14/689 (KCC/MA/0103/2014 and KCC/MA/0099/2014) - Variation of conditions of Permission MA/08/45 (revised proposals for slope remediation) and variation of Condition 2 (working and restoration scheme), temporary relaxation of Condition 5 (extent of area out of agricultural use at any one time) and approval of schemes required by Conditions 14 (diversion of watercourse), 23 (archaeological work), 25 (compensatory habitat), and 29 (restoration and aftercare) of Permission MA/09/1013/MR108 at Lenham Quarry, Forstal Road, Lenham; Brett Aggregates Ltd.
(Item C1)

(1) The Head of Planning Applications Group informed the Committee that the new National Planning Policy for Waste contained no significant changes in so far as they related to this application. She was satisfied that it had no additional bearing on her report.

(2) The Head of Planning Applications Group referred to paragraphs 4 and 21 (iii) of the report and informed the Committee that the applicants had asked for Site 75 at Boltens Field, Lenham Heath to be withdrawn as a Preferred Option for potential future sand extraction in the Mineral Sites Plan.

(3) RESOLVED that:-

- (a) permission be granted to Application MA/14/688 (revised proposals for Phase 1 slope remediation) subject to the re-imposition of the conditions previously imposed on Permission MA/08/45 (updated and amended as necessary); a variation of Condition 2 requiring the importation and deposit of inert waste to cease on or before 3 years from the date of this Permission; and variations to Conditions 3, 6 and 11 to permit the revised approach to the slope construction and design;
- (b) permission be granted to Application MA/14/689 subject to the re-imposition of the conditions previously imposed on permission MA/09/1013/MR108 (updated and amended as necessary); a variation to Condition 2 permitting the revised working and restoration schemes, and a condition ensuring that the soil bunds proposed within the Revised Scheme of Working are maintained on site during excavation of sand from Phases 2 and 3 (as recommended by the County Council's Noise and Air Quality Consultants as part of the noise and dust attenuation);
- (c) approval be given for a temporary relaxation of Condition 5 of Permission MA/09/1013/MR108 (to allow more than 4ha of the site to be outside agricultural use at one time) for a temporary period of 3 years from the date of this Permission, subject to operations being limited to the extraction of material from Phase 2 only, with any work in Phase 3 being restricted to preparatory works, works relating to the compensatory habitat and the diversion of watercourse;
- (d) approval be given to the schemes submitted pursuant to Conditions 14, 23, 25 and 29 of Permission MA/09/1013/MR108; and

- (e) the Applicant be advised by Informative to contact the Lead Flood Authority to discuss and obtain the consent required under the Land Drainage Act 1991, as amended by regulations of the Flood and Water Management Act 2010, to divert the identified watercourse.

77. Proposal GR/12/0441 (KCC/GR/0148/2012) - Realignment and widening of Rathmore Road, Gravesend
(Item D1)

- (1) Mr Daniel Clare from RSK (Noise and Air Quality Advisers) was present for this item and available to answer Members' questions.
- (2) Mr T L Shonk informed the Committee that he had signed a petition against the scheme. He did not take part in the discussion or the voting on this proposal.
- (3) Mr S C Manion and Mr R J Parry left the meeting for much of this item and therefore did not cast a vote in its determination.
- (4) The Head of Planning Applications reported receipt of a further 292 signatures to the petition in appendix 7 of the report.
- (5) The Head of Planning Applications Group informed the Committee that requests had been made by objectors to the proposal to provide the Committee with a number of documents which were not relevant to the determination of the proposal. These included the safety audit and DfT documents on the funding of Major Transport Schemes. Following consultation with the Chairman, it had been decided that these documents should not be circulated as it was essential for the Committee Members to focus exclusively on the land use planning aspects of the proposal.
- (6) Mr C W Caller and Mrs S Howes were present for this item pursuant to Committee Procedure Rule 2.27 and spoke in support of the proposal.
- (7) Mr Roger Steer and Mr Geoff Foxwell addressed the Committee in opposition to the proposal. Mr John Farmer (Kent Highways Transportation and Waste) spoke in reply on behalf of the applicants.
- (8) On being put to the vote, the recommendations of the Head of Planning Applications Group were carried by 11 votes to 3 with 1 abstention.
- (9) Mr M Baldock, Mr L Burgess and Mr A Terry requested pursuant to Committee Procedure Rule 2.26 (3) that their votes against the proposal be recorded.
- (10) Mr T A Maddison requested pursuant to Committee Procedure Rule 2.26 (3) that his vote in favour of the proposal be recorded.
- (11) RESOLVED that:-
 - (a) permission be granted to the proposal subject to conditions, including conditions covering implementation of the permission within 5 years; the development being carried out in accordance with the permitted details and as otherwise approved pursuant to the permission; the submission for approval of details of horizontal and vertical alignment;

the submission for approval of details of the highway design and construction, including all paved surfaces; the submission for approval of details for the enhancement of the retained section of the existing road; the submission for approval of details of all structures, including the acoustic fence, retaining walls, and street furniture; the submission for approval of details of highway lighting; the submission for approval of details, implementation and subsequent maintenance, of landscaping proposals, including planting proposals for the slope on the south side of the new road; the submission for approval of details of street lighting; implementation of the recommendations for biodiversity mitigation and enhancement; building recording prior to demolition of 13 Darnley Road; details of architectural items to be salvaged from 13 Darnley Road being agreed in consultation with the Borough Council; demolition of 13 Darnley Road not commencing until such time as a contract is let for road construction; the submission for approval of details for the construction of the gable wall to 15 Darnley Road; archaeological requirements; control of potential land contamination; control of infiltration of surface water drainage into the ground; the submission for approval of details of a Construction Environmental Management Plan/Code of Construction Practice; details of further air quality monitoring being submitted together with appropriate mitigation proposals and a timescale for their implementation; details of post construction noise monitoring being submitted together with mitigation proposals and a timescale for their implementation; and provision of the 11 disabled parking spaces shown on the submitted drawings; and

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

- (i) Gravesham BC recommends that the contractor should enter into an agreement under section 61 of the Control of Pollution Act 1974 to deal with construction noise;
- (ii) the Archaeological Officer requests that consideration be given to including heritage themes in the detailed design where relevant;
- (iii) consideration should be given to the possibility of incorporating items of salvage from 13 Darnley Road into adjacent buildings in the terrace as requested by English Heritage; and
- (iv) consideration should be given to the possibility of recycling the ragstone from the existing wall along Rathmore Road and, depending on the quantity and quality available, reusing it in the new retaining wall.

78. Proposal TM/14/2109 (KCC/TM/0173/2014) - Erection of new school together with new car parking and associated playing field and landscaping at Leybourne Chase, London Road, Ryarsh; KCC Property and Infrastructure Services
(Item D2)

(1) Mrs S V Hohler informed the Committee that she had already given her views on the proposal. She therefore addressed the Committee as the Local Member and took no further part in the decision making process for this application.

(2) Mr M A C Balfour informed the Committee that he was a Member of Tonbridge and Malling BC's Planning Committee which had commented on the

proposal. He had, however, not given an opinion during that Committee's discussions of the proposal and was therefore able to approach its determination with a fresh mind.

(3) A letter from Mr and Mrs Branston (local residents) in opposition to the proposal was tabled.

(4) Members of the Committee expressed differing views on whether there should be a deadline beyond which letters of support or objection should not be considered. The Committee therefore agreed that this question should be considered by the Chairman, Vice-Chairman, representatives of the political groups and officers prior to making a recommendation to the Committee on whether deadlines should be introduced as in some other Local Authorities.

(5) RESOLVED that:-

- (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 and approval of details of all materials to be used externally; the development not being occupied by more than 100 pupils before a scheme of road widening improvements to the access road to the north of the school has been submitted, including details covering the revised site access design, extent and position of school clearway markings and school signs, details, appearance and materials of any proposed pedestrian crossing zone, revised car parking layout and revised location of cycle stands; the submission and approval of a Traffic Management Plan for the operation of the school, including its impact on the Leybourne Chase area; the submission and approval of details of the design and provision of a suitable pedestrian access link to the north of the site prior to occupation; the submission and approval of an appropriate surface, laid to provide service access to the school prior to occupation; the submission and approval of a School Travel Plan prior to occupation, its implementation and on-going review; the submission and approval of the specifications of the fencing and gates proposed to be erected; the submission and approval of details of all external lighting; no floodlighting to the sports pitch being installed without prior approval; a programme of archaeological work being submitted and approved; the development being undertaken in accordance with the recommendations of the Ecological Survey and the supplementary Ecological Statement, including a biodiversity enhancement scheme; the development being undertaken in accordance with the recommendations in the bat survey and the reptile survey; a precautionary method statement of work being undertaken as recommended for the protection of dormice; the submission and approval of an updated landscape plan, indicating the arbour type structure to enable the movement of dormice; no vegetation clearance taking place during the bird breeding season; implementation of the landscaping scheme; tree protection measures; replacement tree planting in the event that trees die within 5 years of planting; the development being carried out in accordance with the submitted Flood Risk Assessment; the submission and approval of a remediation strategy to deal with any potential contamination on site and the submission of a verification report; no infiltration of surface water drainage into the ground; hours of working during construction and

demolition being restricted to between 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays; the submission and approval of a Construction Management Strategy including the location of site compounds and operative/visitor parking, provision to accommodate operatives' and construction vehicles loading/ off loading and turning on site, details of site security and safety measures, lorry routing, waiting and wheel washing facilities, and details of any construction accesses and management of the site access to avoid conflict with construction vehicles for the residential development; and measures to prevent mud and debris being deposited onto the public highway; and

- (b) the applicant be advised by informative:-
 - (i) of the letter from the Environment Agency which contains general Informatives covering drainage, contaminated land, and fuel, oil and chemical storage;
 - (ii) that 'the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highways Authority;
 - (iii) that the Bat Conservation Trust's "*Bats and Lighting in the UK*" guidance should be adhered to in the lighting design; and
 - (iv) 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.

79. 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; and
- (d) Scoping Opinions under the Town and Country Planning (Environmental Impact Assessment Regulations) 2011 (None).