

KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber - Sessions House on Wednesday, 10 October 2018.

PRESENT: Mr R A Marsh (Chairman), Mr R A Pascoe (Vice-Chairman), Mr M A C Balfour (Substitute for Mr A Booth), Mrs R Binks, Mr D L Brazier (Substitute for Mr P C Cooper), Mr I S Chittenden, Mr P M Harman, Mr B H Lewis, Mr M D Payne, Mr H Rayner, Mr C Simkins, Mrs P A V Stockell and Mr J Wright

ALSO PRESENT: Ms S Hamilton

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr J Wooldridge (Principal Planning Officer - Mineral Developments), Mrs A Hopkins (Principal Planning Officer), Mr P Hopkins (Principal Planning Officer), Mrs S Bengel (Transport and Development Manager) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

35. Minutes - 11 July 2018

(Item A3)

(1) The Head of Planning Applications Group informed the Committee that none of the three applications referred to the Secretary of State at the July meeting of the Committee (Seal CEP School, Wilmington Academy and Wilmington Grammar School for Girls) had been called in. Permission had therefore been granted on the terms agreed by the Committee.

(2) RESOLVED that the Minutes of the meeting held on 11 July 2018 are correctly recorded and that they be signed by the Chairman.

36. Application SW/18/503317 (KCC/SW/0103/2018) - Section 73 application to vary the wording of Condition 3 of Permission SW/17/502996 to increase the permitted number of HGV movements per day from 258 to 348 in order to allow waste to be transported directly from local collection points to the Sustainable Energy Plant at Land North East of Kemsley Paper Mill, Ridham Avenue, Sittingbourne; Wheelabrator Technologies

(Item C1)

(1) During discussion of this item, Members of the Committee expressed concern that Air Quality considerations appeared to be based upon modelling data rather than measured data.

(2) RESOLVED that:-

(a) permission be granted to the application for the rewording of Condition 3 of Permission SW/17/502996 to read:-

The maximum number of Heavy Goods Vehicle Movements to and

from the Application Site shall not exceed a combined total of 348 movements per day save for movements in accordance with condition 5 subject to any prior written variation as approved by the Waste Planning Authority.

Reason: In the interests of highway safety; and

- (b) all other conditions included in Permission SW/17/502996 be re-imposed.

37. Application TM/87/346/R21 (KCC/TM/0414/2018) - Request for prior approval to import silica (industrial) sand pursuant to Condition 21 of Permission TM/87/346 at Ightham Works and Quarry, Sevenoaks Road, Ightham; H +H UK Ltd
(Item C2)

(1) Mr H Rayner informed the Committee that he was the Local Member for the application. He would be participating in its determination as a Member of the Committee.

(2) Mr Mike Taylor (Chairman of Borough Green PC) addressed the Committee. He supported the application and requested the inclusion of some additional conditions.

(3) Mr H Rayner moved, seconded by Mr J Wright that permission be granted subject to a number of conditions.

(3) The Head of Planning Applications Group advised the Committee that it could not impose conditions on the application but that it could inform the applicant by Informative of the Committee's concerns.

(4) On receipt of this advice, Mr Rayner agreed, with the agreement of his seconder, to amend his motion to advise the applicants via an Informative to take effective measures to mitigate dust emissions from the site, including their best endeavours to cover the external stockpiles of silica sand. This was unanimously agreed.

(5) RESOLVED that:-

- (a) prior approval be granted to the application; and
- (b) the applicants be advised by Informative of effective measures to be taken to mitigate dust emissions from the site, including the operator's best endeavours to cover the external stockpiles of silica sand.

38. Application TM/00/1599/R3 (KCC/TM/0418/2018) - Details of a revised scheme of working for phases 1,2,4 and 5 pursuant to Condition 3 of Permission TM/00/1599 at Stonecastle Farm Quarry, Whetsted Road, Five Oak Green, Tonbridge; Tarmac Trading Ltd
(Item C3)

(1) Mr M A C Balfour informed the Committee that he was one of the Local Members for this application. He would be participating in the decision-making as a Member of the Committee. He would, however, be constrained from discussing the merits of the Kent Minerals and Waste Local Plan if this were to form part of the Committee's deliberations.

(2) Correspondence from Mr Alan Chilvers from the Golden Green Residents Association had previously been circulated to all Members of the Committee.

(3) Ms S Hamilton was present for this item pursuant to Committee Procedure Rule 2.27 and spoke.

(4) The Head of Planning Applications Group informed the Committee that:

(a) the Environment Agency had confirmed its verbal comments set out in paragraph 34 of the report and was satisfied with the proposals in respect of ensuring no silting of surface waters as also referred to in paragraph 21 of the report;

(b) East Peckham PC has emailed KCC and stated that it had no objection but wanted KCC to ensure the future green credentials of the site (e.g. nature reserves, forest walks and PROWs); and

(c) although Mr Balfour was referred to as the Local Member for Malling Rural East in the report, he should also have been identified as a Local Member on the front page and that his electoral division covered the extraction area and much of the site (excluding the plant site and access which were in Ms Hamilton's Tunbridge Wells Rural division).

(5) The Head of Planning Applications Group informed the Committee that Permission TM/00/1599 had been granted after the completion of a Section 106 Agreement which included obligations in respect of nature conservation and site management ("*The Management Scheme*") as well as groundwater monitoring. The Management Scheme required annual meetings, monitoring, viewing points / information boards, pedestrian access by agreement and the management of the site for 50 years after completion of aftercare and the Scheme (which was approved by KCC on 15 September 2005) provided for attendees from the operator, KCC, Kent Wildlife Trust and the Local Liaison Committee to meet annually to discuss quarry operations, restoration and management. Water monitoring was also meant to be undertaken in accordance with an agreed scheme, with the results being made available to KCC, the Environment Agency and South East Water.

(6) The Head of Planning Applications Group asked the Committee to agree to a revision to Informative (c) of the recommendation in paragraph 73 of the report. This was agreed and appears in (10) (c) below.

(7) Mr Peter Miller, Mr Alan Chilvers, Mr Stewart Gledhill (local residents) and Cllr Carol Mackonochie (Tunbridge Wells BC) addressed the Committee in opposition to the application. Mr Brendan Kelly (Tarmac) spoke in reply.

(8) Mr M A C Balfour moved, seconded by Mr B H Lewis that consideration of this item be deferred pending a Members' site visit. He withdrew this motion with the permission of his seconder following detailed advice from the Head of Planning Applications Group on the limited nature of the application and consequent lack of assistance that a site visit could provide in its determination.

(9) Mr R A Pascoe moved, seconded by Mr C Simkins that the recommendations of the Head of Planning Applications Group be agreed as amended in (6) above subject to additional Informatives in respect of the need to ensure that all traffic enters the site from the left until the crash remedial work at the Junction with the A228 is complete; that there should be no working on Saturdays and that turning alarms should be replaced by a white noise solution.

Carried 11 votes to 2

(10) RESOLVED that subject to no extraction or hauling of material to the plant being undertaken on Saturdays and to no tonal reversing alarms being used in the extraction area or on the haul road, permission be granted to the proposed amendments to the working scheme pursuant to condition 3 of Permission TM/001599 and that the applicants be advised by Informative that:-

- (a) they need to continue to comply with the conditions imposed on Permission TM/00/1599 and the details previously approved pursuant thereto unless amended by the details hereby approved;
- (b) they should undertake discussions with KCC Public Rights of Way over the possibility of a new footpath link from east to west in order to link footpaths MT158 and WT171;
- (c) they are encouraged to engage with the local community about its aspirations for the future working and restoration at Stonecastle Farm Quarry, hold regular liaison meetings and invite a representative from the local Liaison Committee to attend the annual meetings to discuss quarry operations, restoration and management in accordance with the requirements of the Management Scheme approved pursuant to the Section 106 Agreement relating to Permission TM/00/1599; and
- (d) until such time as crash remedial works being considered by KCC Highways and Transportation are implemented, all HGVs leaving the site shall turn left onto the A228 Whetsted Road.

39. Proposal SH/18/39 (KCC/SH/0344/2017) - Two storey extension to be constructed in two phases, internal alterations and the provision of a new parking/drop-off area accessed from Jubilee Close at Palmmarsh Primary School, St George's Place, Hythe; Gen 2 Property

(Item D1)

(1) The Transport and Development Manager informed the Committee that, further to the comments in the report, funding had been provided for a potential pedestrian crossing on the A259 between St George's Place and Jubilee Close. Its provision would be subject to the outcome of the consultation process and the views of the local Joint Transportation Board.

(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 development being carried out using the external materials and colour finishes as specified within the planning application documents unless otherwise agreed; landscaping being provided on site in accordance with the application details in the first available planting season following completion of phase 1 the development; the submission of a Biodiversity Method Statement regarding bats and reptiles; the submission of details of ecological enhancements on the school site; no tree removal during the bird breeding season; the submission of an updated Travel Plan prior to occupation, and its ongoing monitoring and review thereafter; the provision (prior to occupation) and retention of car parking, cycle parking, drop off area and circulatory routes; the applicants undertaking their best endeavours to implement the parking restrictions detailed in the accompanying Transport Statement via the statutory Traffic Regulation Order process; the development being undertaken in accordance with the content of the Flood Risk Assessment, including adherence to the mitigation measures listed within it; the submission of a detailed Sustainable Surface Water Drainage Scheme; and the submission of details regarding the maintenance and management of the Sustainable Surface Water Drainage Scheme; the submission of a verification report regarding the Sustainable Surface Water Drainage Scheme; seagull deterrent being installed on the roof within 1 month of the completion of phase 1 of the building works; hours of working during construction 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; and the submission for approval of a construction management strategy, including access, lorry routing, parking and circulation within the site for the contractor's and other vehicles related to construction activities, details of how the site access is to be managed to avoid peak school times, and measures to prevent mud and debris being taken onto the public highway; and
- (b) the applicants be advised by Informative that:-
- (i) they are advised to register with Kent County Council's Travel Plan Management system 'Jambusters' in respect of the requirement to prepare and submit a (revised/amended) School Travel Plan;
 - (ii) their attention is drawn to the letter from Public Rights of Way which contains general Informatives on works adjacent to and/or on a Public Right of Way. The gate which is to be installed in the fence line adjoining PROW HB84 must swing inwards into the school site and not outwards onto the PROW; and
 - (iii) Kent County Council Highway and Transportation state that it is

the responsibility of the applicant to ensure that before the development is commenced, all necessary highway approvals and consents where required are obtained, and that the limits of the highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by KCC and some is owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. The applicant must ensure that the details shown on the approved plans agree in every aspect with those approved under such 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.

40. Proposal DA/18/965 (KCC/DA/0104/2018) - Installation of a modular building to accommodate further teaching and learning space at Maypole Primary School, Franklin Road, Dartford; Governors of Maypole Primary School

(Item D2)

(1) The Head of Planning Applications Group advised the Committee that the word "County" in paragraph 12 of the report should read "Council."

(2) The Head of Planning Applications Group advised the Committee of correspondence from the Local Member, Mrs A D Allen in support of the proposal and a request for the School to address the concerns raised in the report.

(3) RESOLVED that:-

- (a) permission be granted to the proposal subject to conditions, including conditions covering the development being carried out in accordance with the permitted details, and that the building be removed from the site on the expiration of 5 years from the date of the decision, with the land being reinstated; and
- (b) the applicants be advised by Informative that they must not use the building for any use other than for intervention sessions as set out in the application details. Should future school expansion be required, this must not go ahead without the determination of a full planning application by Kent County Council.

41. 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 Assessment) Regulations 2017; and
- (d) Scoping Opinions under the Town and Country Planning (Environmental Impact Assessment Regulations 2017 (None).