

## PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 11 September 2019.

PRESENT: Mr R A Marsh (Chairman), Mrs R Binks, Mr A Booth, Mr J Burden, Mr I S Chittenden, Mr P C Cooper, Mr P M Harman, Mr M D Payne, Mr H Rayner, Mr C Simkins, Mrs P A V Stockell and Mr J Wright

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

### UNRESTRICTED ITEMS

#### **36. Minutes - 10 July 2019**

*(Item A3)*

RESOLVED that the Minutes of the meeting held on 10 July 2019 are correctly recorded and that they be signed by the Chairman.

#### **37. Site Meetings and Other Meetings**

*(Item A4)*

The Committee agreed to postpone its tour of permitted development sites that had been scheduled for 8 October until the New Year.

**38. Application TM/02/2663/MR97/R (KCC/TM/0017/2019) - Details of Interim Restoration (Conditions 2b and 22), Working, Restoration and Aftercare Scheme for the area marked in yellow on Drawing P1/1782/2 (Condition 8), a Woodland Management Scheme (Condition 24), Aftercare Scheme (Condition 27) and an Archaeological Watching Brief (Condition 30) pursuant to Permission TM/02/2663/MR97 which allows for clay and sand extraction from the quarry at Park Farm Quarry, Platt Industrial Estate, Maidstone Road, Platt; Echoraise Ltd (trading as J Connolly and Sons Ltd)**

*(Item C1)*

(1) Mr H Rayner moved, seconded by Mr A Booth that consideration of this matter be deferred due to inaccuracies in the report and that the opportunity caused by the deferment be taken to hold a site visit in order to inspect the site access arrangements.

*Lost 4 votes to 6 with 1 abstention.*

(2) The Committee agreed to the addition of three Informatives to the recommendations. These were that the applicants should consider the potential for further measures to reduce the noise levels arising from the defined temporary

operations to below 70dB<sub>LAeq</sub>; that they should explore the potential for an alternative access route through Nepicar Farm Quarry; and to encourage them to form a liaison group with the local community.

(3) On being put to the vote, the recommendations of the Head of Planning Applications Group were carried by 6 votes to 3 with 2 abstentions.

(4) RESOLVED that:-

- (i) approval be given to the application pursuant to the requirements of Conditions 2, 8, 22, 24, 27 and 30 of Permission TM/02/2663/MR97 subject to further conditions, including conditions covering daily HGV movements being limited to 58 (29 in / 29 out) on Mondays to Fridays and to 30 movements (15 in / 15 out) on Saturdays; no work, except for archaeological investigations, taking place in phases 2 and 3, nor any disturbance of the route of Restricted Byway MR247B until the diversion of this right of way is legally confirmed and the revised route provided on site; and the submission for approval of drawings reflecting the amended route of right of way MR247B; and
- (b) the applicants be advised by Informative:-
  - (i) that all conditions imposed on Permission TM/02/2663/MR97 remain in force, including on-going controls/ requirements under Conditions 2, 8, 22, 24, 27 and 30 unless they are superseded by the details hereby approved;
  - (ii) that this permission confers no other permission or consent and that any change to the PROW requires the express permission of the Highways Authority, separate from the planning process;
  - (iii) of the Informatives recommended by the County Archaeological Officer relating to delivery of the written specification of work and subsequent reporting, and advice that the applicants should consider implementing sample investigations ahead of the main excavation;
  - (iv) that they should consider the potential for further measures to reduce the noise levels arising from the defined temporary operations to below 70dB<sub>LAeq</sub>;
  - (v) that they should explore the potential to bring forward an alternative access route through Nepicar Farm Quarry; and
  - (vi) that they should explore the potential to form a liaison group with the local community.

**39. Proposal CA/19/1046 (KCC/CA/0108/2019) - Installation of new public canoe/kayak pontoon, six timber changing cubicles, upgrading of existing fishing swims/platforms and upgrading of existing footpath from the car park to the riverbank at Grove Ferry Picnic Site, Grove Ferry Road, Wickhambreux; KCC Country Parks**

*(Item D1)*

(1) Mr H Rayner informed the Committee that he was a member of *British Canoeing*. This did not constitute An Other Significant Interest and he was able to approach the determination of the application with an open mind.

(2) The Head of Planning Applications Group referred to paragraph 11 of the report and asked the Committee to note that application sought to improve 6 rather than 7 existing fishing platforms.

(3) The Head of Planning Applications Group reported correspondence from the Local Member, Mr M J Northey in support of the proposal.

(4) RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the standard three-year time limit; the development being carried out in accordance with the permitted details; and, prior to the commencement of works (including vegetation removal) to install the pontoon, the submission for approval of a method statement detailing the vegetation management measures that will be implemented to avoid and mitigate impacts to water voles and their burrows.

**40. Proposal MA/18/502882 (KCC/MA/0084/2018) - Creation of a 3G artificial turf pitch (ATP) with fencing, floodlighting and associated features at Maidstone Grammar School, Barton Road, Maidstone; Governors of Maidstone Grammar School**

*(Item D2)*

(1) Mrs Sharon Thompson, Head of Planning Applications Group declared that she had a conflict of interest in respect of this item as her daughter had attended Maidstone Grammar School until the end of the Summer Term in 2019. She confirmed that she had played no part in the consideration of this application and had delegated responsibility as Head of Planning Applications Group for this case to Mr Paul Hopkins, Principal Planning Officer, lead for community development. Mrs Thompson then left the meeting for this particular item.

(2) Mr Paul Hopkins, Principal Planning Officer informed the Committee that his children had been pupils at Maidstone Grammar School and that the youngest of them had left at the end of the Summer Term in 2017. One of his nephews had also attended the School until the end of the Summer Term 2019. He confirmed that since his children had left, he had had no direct involvement or personal interest in the School and that there would be no personal benefit to himself or his family if planning permission were granted. Whilst he would not normally be placed in such a position, the Corporate Director and the Monitoring Officer had advised that, in the absence of a suitable alternative officer with the necessary expertise on community development, he would be able to advise the Committee on this occasion.

The Head of Planning Applications Group had therefore delegated her responsibility for the functions relating to town and country planning and development management matters for Maidstone Grammar School to him.

(3) Mr Aftab Khan (Amey: Lighting) and Mrs Jenefer Taylor (Amey: Noise) were present to give detailed advice to the Committee on their responses as the Council's advisors on these matters.

(4) Correspondence from Mr C Brockwell, Mr R Davey, Mr J Doody, Mr P Edwards, Mr D Harwood and Mr A Tilbury in respect of the application had previously been circulated to all Members of the Committee.

(5) The Principal Planning Officer informed the Committee of the content of correspondence from the Local Members, Mr R H Bird and Mr D S Daley in support of the application.

(6) The Principal Planning Officer asked the Committee to agree to Mr Bird's suggestion that the tree-planting Informative should be strengthened so that the applicant was strongly encouraged to plant additional trees as suggested by Amey Landscape. This was agreed.

(7) Mr David Ealham addressed the Committee in opposition to the application. Mr Mark Tomkins (Head Teacher) spoke in reply.

(8) The Committee agreed to the inclusion of an additional Informative advising the Applicants to establish a local liaison group involving local residents.

(9) The Chairman put the recommendations of the Principal Planning Officer, as amended in (6) and (8) above) to the vote.

*Tied 5 votes to 5 with 2 abstentions*

(10) In accordance with Committee Procedure Rule 2.26 (2), the Chairman declared that he was using his casting vote in favour of the recommendations set out in (9) above.

(11) RESOLVED that:-

- (a) permission be granted to the proposal subject to conditions, including conditions covering the standard 3 year time limit; the development being carried out in accordance with the permitted details; no development taking place until the applicant has secured a programme of archaeological field evaluation work in accordance with a written specification and timetable to be approved in writing by the County Planning Authority; no development taking place until a detailed sustainable surface water drainage scheme has been submitted for implementation as approved; the submission for approval of an operation and maintenance manual for the proposed sustainable drainage scheme, and its implementation thereafter; no development taking place until a construction management plan, including lorry routing, access, parking and circulation within the site for contractors and other vehicles related to construction operations has been submitted for approval and implementation thereafter; measures to prevent mud and debris being taken onto the public

highway; measures to protect the existing trees during construction; hours of working during construction being restricted to between the hours of 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays, with no operations being on Sundays and Bank Holidays; hours of use of the Artificial Turf Pitch being limited to those specified in paragraph 29 of the report, including no community use or use of the floodlighting on Sundays, and limiting the amount of Friday evening use between 6.30 pm and 8.00 pm to 23 occasions between 1 September and 31 May; no other external playing field facilities being in community use at the same time as community use of the ATP takes place; a Noise Management Plan being submitted for approval, including measures to deal with excessive noise and anti-social behaviour and being implemented as approved thereafter; details of all fencing, including the acoustic fencing being submitted for approval within 3 months of the date of this permission and being implemented, maintained and retained as approved thereafter; details of the retaining structure to the north side of the pitch being submitted for approval within 3 months of the date of this permission and being implemented as approved thereafter; the mesh fencing including synthetic rubber inserts between the panels and all post fixings; on site car parking being available at all times when the ATP is in use out of school hours; the submission for approval of a community use agreement before use of the ATP commences; lighting levels not exceeding those specified within the application; lighting being installed in accordance with the submitted details and specification unless otherwise approved in writing by the County Planning Authority and checked on site prior to first use, with any necessary adjustments being made; the extinguishment of floodlighting when the pitch is not in use; a hedge and tree planting scheme being implemented as submitted within the first planting season and being maintained for a period of not less than 5 years; a hedgerow management plan being submitted for approval within 3 months of the date of this permission; no tree removal taking place during the bird breeding season; the re-levelling of the north eastern part of the playing field and its reinstatement in accordance with the submitted details; and the construction access road being removed upon completion of the works, reinstated and grass-seeded, with the access and dropped kerb off West Park Road being removed and made good, with the boundary hedge being reinstated; and

- (b) the applicants be advised by Informative that:-
- (i) they should take account of the interests of the Rugby Football Union and the English Cricket Board when preparing the community use agreement;
  - (ii) they are strongly encouraged to plant additional trees as recommended by Amey Landscape; and
  - (iii) they should establish a local liaison group involving local residents.

**41. Matters dealt with under delegated powers**  
(Item E1)

(1) The Head of Planning Applications Group reported an urgent decision taken under Section 1.7 of Appendix 2 Part 3 of the Constitution. This decision had been taken after publication of the papers for the Committee meeting. This was a **Request by Gallagher Aggregates Ltd for out of hours working at Hermitage Quarry, Hermitage Lane, Maidstone to enable the supply of aggregates for the preparation of HGV holding sites on behalf of the Department of Transport for use in the event of a hard Brexit.**

(2) The request sought a 3-hour extension to the operating day to allow Hermitage Quarry to open between 1800 and 2100 hours on Mondays to Fridays and between 1300 and 1600 hours on Saturdays for a 6 week period prior to the end of October 2019 to enable the delivery of aggregates to the HGV holding sites being prepared for the Department for Transport. Gallagher Aggregates Ltd indicated that it hoped to supply the majority of the aggregates during the normal working day but that use of the additional hours might be necessary in order to meet the deadline.

(3) A similar request to supply aggregates for the Manston Lorry Park Project was approved in February 2019 for the period prior to the end of March 2019 and reported to the 6<sup>th</sup> March 2019 Committee.

(4) The views of the Chairman of the Planning Applications Committee and the Local Member, Mr P J Homewood were sought in advance of the decision being made. Neither had an objection to the request.

(5) In agreeing to the request, considerable weight had been given to the exceptional circumstances in this case; the urgent need to make appropriate arrangements for a potential hard Brexit; the views of the consulted Members and the fact that it had not been possible to secure any formal planning permission in time to facilitate the proposed operations.

(6) For the avoidance of doubt, the approval only related to those operations necessary for the delivery of aggregates (including loading HGVs) and the additional hours were not permitted to be used for other operations at the quarry.

(7) In agreeing to the request, Gallagher Aggregates Ltd was also required to advise the County Planning Authority in writing of the start and end of the 6- week period and those days where the extended operating hours were used.

(8) 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 2017;

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

- (e) The Urgent decision taken under Section 1.7 of Appendix 2 Part 3 of the Constitution as set out in (1) to (8) above.

**42. KCC responses to consultations**

*(Item F2)*

RESOLVED to note Kent County Council's response to the following consultations:-

- (a) Application Y19/0257/FH – Outline application with all matters reserved at Otterpool Park Development, Ashford Road, Sellindge;
- (b) Innovation Park Medway, Rochester; and
- (c) Marden Neighbourhood Plan – Regulation 16.