

## KENT COUNTY COUNCIL

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### PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Online on Wednesday, 15 July 2020.

PRESENT: Mr R A Marsh (Chairman), Mr R A Pascoe (Vice-Chairman), Mr M A C Balfour, Mrs R Binks, Mr A Booth, Mr A H T Bowles, Mr J Burden, Mr I S Chittenden, Mr P C Cooper, Mr P M Harman, Mr H Rayner, Mr C Simkins and Mr J Wright

ALSO PRESENT: Mr R H Bird, Mr J Clinch and Mr D S Daley

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 D Joyner (Transport & Development Manager), Mr A Millard (Senior Development Planner), Mr T Harris (Development Planner) and Mr A Tait (Democratic Services Officer)

### UNRESTRICTED ITEMS

#### **29. Minutes - 10 June 2020**

*(Item A3)*

RESOLVED that the Minutes of the meeting held on 10 June 2020 are correctly recorded and that they be signed by the Chairman.

#### **30. Application TM/20/62 (KCC/TM/0284/2019) - Development of a Household Waste Recycling Centre (HWRC), new access to a highway, associated infrastructure and earthworks at Allington Integrated Waste Management Facility, Laverstock Road, Allington, Maidstone; FCC Environment (UK) Ltd**

*(Item C1)*

(1) The Head of Planning Applications Group referred to a petition signed by 174 local residents in opposition to the application. This supplemented the 376 signatories who had signed the online petition referred to in paragraph 69 of the report.

(2) Mr R H Bird was present for this item as the Local Member and spoke. He informed the Committee that his contribution had been jointly agreed with his fellow Ward Member, Mr D S Daley.

(3) The Clerk to the meeting read out representations from Mr Neil Hammond (a local resident) and the response on behalf of the applicants from Mr David Molland (FCC Environment (UK) Ltd).

(4) On being put to the vote, the recommendation of the Head of Planning Applications Group were unanimously agreed.

(5) RESOLVED that:-

- (a) permission be granted to the application subject to conditions, including conditions covering covering the implementation of the permission within 3 years; the submission for approval of a Construction Management Plan covering the routing of construction and delivery vehicles to / from site, parking and turning areas for construction and delivery vehicles and site personnel, timing of deliveries, provision of wheel washing facilities and temporary traffic management / signage); highway condition surveys being undertaken before and after construction. with the repair of any damage caused by vehicles related to the development being funded by the applicants; the provision of construction vehicle loading / unloading and turning facilities, parking facilities for site personnel and visitors and wheel washing facilities prior to commencement of work on site and for the duration of construction; the provision of measures to prevent the discharge of surface water onto the highway; the provision and permanent retention of the vehicle parking spaces and / or garages, the vehicle loading/unloading and turning facilities and the cycle parking facilities shown on the submitted plans prior to the use of the site commencing; use of a bound surface for the first 5 metres of the access from the edge of the highway; completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing; the provision and maintenance of 2.4 metre by 43 metre visibility splays at the access, with no obstructions over 0.6 metres above carriageway level within the splays, prior to use of the site commencing; implementation of the proposed measures to avoid queuing at the Allington IWMF on Laverstoke Road (with provision for annual reviews and amended measures being agreed with KCC as necessary); hours of use (i.e. to allow the HWRC to be open to the public) being between 0700 and 2000 hours on weekdays, weekends and on Bank Holidays (but closed on Christmas Day, Boxing Day and New Year's Day) with site maintenance / cleaning and other operational activities being allowed during the 30 minutes before the site opens and 30 minutes after the site has closed to the public; the submission for approval of a Construction Environmental Management Plan (CEMP); Enabling and Construction works only taking place between 0700 and 1800 on weekdays and Saturdays unless otherwise approved in the CEMP; the submission for approval of an operational Dust Management Plan (DMP); the submission for approval of a site Odour Management Plan (OMP); no occupation of any part of the development taking place until a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by KCC; development works ceasing if contamination not previously identified is found to be present at the site until a further remediation strategy has been submitted to and approved in writing by KCC; no piling or any other foundation designs using penetrative methods taking place unless approved in writing by KCC; the implementation of a detailed planting plan; tree protection measures; the removal of permitted development rights; avoidance of tree removal during the bird nesting season; all planting, seeding or turfing being

carried out in the first available planting and seeding season following the occupation of the site or the completion of the development (whichever is the sooner); an aftercare period of no less than five years; the use of a dark coloured roofing material; a detailed lighting scheme; details of foul and surface water sewerage disposal; the submission for approval of a detailed sustainable surface water drainage scheme and a verification report; the implementation of ecological compensation measures (an Ecological Design Strategy); and post-development management for the ecological features (a Landscape and Ecological Management Plan); and

(b) the applicants be advised by Informative:-

- (i) that they need to ensure that all necessary highway approvals and consents are obtained;
- (ii) that if piling is proposed, a Piling Risk Assessment must be submitted to the Environment Agency in accordance with the Environment Agency guidance document *Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73*;
- (iii) of the need for a Trade Effluent discharge licence and for an application to be made to Southern Water to connect to the public foul and surface water sewer; and
- (iv) of their obligations under the Wildlife and Countryside Act 1981 in respect of nesting birds.

**31. Proposal SW//20/501709 (KCC/SW/0079/2020) - New two-storey teaching block of 8 classrooms with associated facilities, a new nursery block and reception external play space; and ancillary parking at Sunny Bank Primary School, Sunny Bank, Murston, Sittingbourne; KCC Children, Young People and Education**  
(Item D1)

(1) The Head of Planning Applications Group informed the Committee of late representations from a local resident raising questions about the application, including why the car park was to be fenced off, whether the additional spaces could be accommodated, traffic and parking concerns, loss of trees and flooding. The correspondence proposed that an eco-friendly approach should involve the construction of a purpose-built school.

(2) Mr J Clinch was present for this item as the Local Member and spoke.

(3) The Clerk to the meeting read out representations from Mr James Hall (the Local Borough Councillor) and the response on behalf of the applicants from Mr Ben Sherreard (KCC Infrastructure).

(4) In response to the representations made by Mr Clinch and Mr Hall, the Head of Planning Applications Group confirmed that there had been no change to the

original planning application and that the Land Registry title deeds showed that the land in question was held for Education purposes. She confirmed that it was not held by KCC as highway land.

(5) On being put to the vote, the recommendation of the Head of Planning Applications Group were unanimously agreed.

(6) RESOLVED that:-

(a) permission be granted to the proposal subject to conditions, including conditions covering commencement of the development within three years of planning permission being granted; the development being carried out in accordance with the permitted details; no phase of the development beginning until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority; the submission for approval in writing by the County Planning Authority of a Construction Management Plan prior to commencement of the development, and its implementation for the duration of construction; the provision and permanent retention of cycle parking facilities and vehicle parking spaces as shown on the submitted plans, including the Electrical Vehicle (EV) charging points prior to the use of the site commencing; the provision of the access details shown on the submitted plans prior to occupation of the development; gates being hung to open away from the highway; the submission for approval of a School Travel Plan prior to occupation of the development. This Travel Plan remaining in force for the duration of the approved use, with an annual review taking place for a minimum of 5 years; the submission for approval by the County Planning Authority of details of measures showing how the development will enhance biodiversity within 6 months of the development commencing; no development commencing until a remediation strategy to deal with the risks associated with contamination has been submitted to, and approved in writing by, the County Planning Authority; a verification report being submitted for approval in writing by the County Planning Authority, demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation; if, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority; no drainage systems for the infiltration of surface water to the ground being permitted other than with the written consent of the County Planning Authority; no piling using penetrative methods being carried out other than with the written consent of the County Planning Authority; The submission for approval by the County Planning Authority of a detailed planting plan prior to commencement of development. This scheme is to include species to encourage bee pollination, and the provision for trees within areas of hardstanding should include details of appropriate underground infrastructure to ensure that they thrive in the long term; the replacement of any trees lost as a result of the proposals being with those of a similar size and appropriate species. Any trees or plants which die, are removed or become seriously damaged / diseased within a period of five years from the completion of the development are to be replaced in the next planting season with others of similar size and species unless the County

Planning Authority gives written consent to any variation; the submission for approval by the County Planning Authority of a tree constraints plan in accordance with *BS5837 2012: Trees in Relation to Design, Demolition and Construction* before construction work begins on site in order to inform any design work; details of any trenches or services in the fenced-off Root Protection Areas requiring the prior consent of the Planning Authority, with all trenches being dug and backfilled by hand, and any tree roots encountered with a diameter of 25mm or more being left unsevered; any tree / shrub / hedge removals proposed as part of this scheme being carried out outside of the bird nesting season (1st February to 31st August inclusive); and all planting, seeding or turfing comprised in the approved details of landscaping being carried out in the first planting and seeding season following the occupation of the site or the completion of the development, whichever is the sooner; and

- (b) the applicants be advised by Informative that:-
- (i) it is their responsibility to ensure that before the development is commenced, all necessary highway approvals and consents 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; and
  - (ii) it is an offence under section of the Wildlife and Countryside Act 1981 (as amended) to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are present on the application site and are assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

### **32. 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 2017; and
- (d) Scoping Opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (None).

### **33. KCC response to consultations** (Item E4)

There were no items under this heading.

