

## KENT COUNTY COUNCIL

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### PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 2 September 2021.

PRESENT: Mr R A Marsh (Chairman), Mr A Booth (Vice-Chairman), Mrs R Binks, Mr N J D Chard (Substitute for Mr O Richardson), Mr I S Chittenden, Mr P Cole, Mr G Cooke (Substitute for Mr J Wright), Mr D Crow-Brown, Mr M Dendor, Mr P M Harman, Ms J Meade, Mr H Rayner (Substitute for Mr C Beart) and Mr C Simkins

IN ATTENDANCE: Mr B Watts (General Counsel), Mrs S Thompson (Head of Planning Applications), Mr P Hopkins (Principal Planning Officer), Mrs H Edwards (Senior Planning Officer), Mr C Finch (Senior Projects Officer - CAIP East Kent), Ms N Stevens (Invicta Law) and Mr A Tait (Democratic Services Officer)

#### UNRESTRICTED ITEMS

##### **29. General Matters**

*(Item B1)*

The Committee agreed to visit the sites of the applications at Borden Grammar School, Sittingbourne on 15 September 2021 and Covers Farm, Westerham on 12 October 2021.

##### **30. Application CA/21/01854 (KCC/CA/0136/2021) - Construction of part of a new road (A28 Link Road) including viaduct between A28 Sturry Road and A291 Sturry Hill and associated on-line improvements at A28 Sturry Link Road, Sturry; KCC Major Capital Programme Team**

*(Item D1)*

(1) The Chairman invited the General Counsel to explain to the Committee that all Local Members who were also Members of the Planning Applications Committee needed to decide whether they were in a position to approach the determination of a planning application without being considered to have pre-determined their view on the application. If this was the case, they were still entitled under the Constitution to address the Committee on behalf of their constituents, but should not otherwise participate in the determination of the application.

(2) The Chairman thanked the General Counsel for his explanation and then informed the Committee that he would not participate in the determination of the application but would address the Committee as the Local Member.

(3) Mr A Booth, Vice-Chairman of the Committee thereupon took the Chair for the remainder of the meeting.

(4) Correspondence from the Kent and Medway Economic Partnership had been separately circulated to all Members of the Committee. It had also written to the Head of Planning Applications and these views had been included in the report.

(5) Correspondence from Mrs M Dawkins (Member for Canterbury City South) and Mrs L Harvey-Quirke and Mrs G Glover (Local City Councillors) had previously been circulated to all Members of the Committee.

(6) Mrs Ann Davis (Chair of Sturry PC) and Mr Biff Whipffster (local resident) addressed the Committee in objection to the application, Mr Richard Shelton (KCC Highways) spoke in reply on behalf of the applicants.

(7) Mr R A Marsh addressed the Committee as the Local Member.

(8) The Committee added two Informatives to the recommendations. These were:

(a) The applicant and the Highway Authority are encouraged to continue dialogue with Network Rail, Canterbury City Council and Sturry Parish Council to deliver improvements to the Sturry Railway Station, including the provision of a ticket machine on the southern platform and to explore the potential for the use of more 4 carriage trains in the interim to minimise the time the level crossing at Sturry is closed.

(b) The applicant is encouraged to monitor traffic flows post implementation of improvements to the A28/A291 to consider the effectiveness of the junction improvements.

(9) At the request of the Chairman, the Committee agreed unanimously that, in accordance with paragraph 16.32 of the Constitution, the vote of each Member in favour, against or in abstention on the revised recommendations would be recorded in the Minutes.

(10) On being put to the vote, the recommendations of the Head of Planning Applications Group were agreed (as amended in (8) above) by 10 votes to 1 with 1 abstention.

FOR:

Mrs R Binks, Mr A Booth, Mr N J D Chard, Mr P Chittenden, Mr P Cole, Mr G Cooke, Mr D Crow-Brown, Mr M Dendor, Mr P M Harman, Mr C Simkins (10)

AGAINST:

Mr H Rayner (1)

ABSTAIN:

Ms J Meade (1)

(11) RESOLVED that:-

- (a) the Appropriate Assessment set out at Appendix 2 to the report and made under The Conservation of Habitats and Species Regulations (2017) be adopted;
- (b) permission be granted to the application subject to conditions, including conditions covering the 5 year time period for implementation; the development being carried out without deviation in accordance with the details, plans and specifications submitted; the development being carried out in accordance with the submitted general arrangement drawing (set out in Annex A of the Report to Inform the Habitats Regulations Assessment - *Amey February 2020*) to protect wildlife in the river and foraging in the area. Only bored piling (in accordance with the submitted details) shall be carried out without the written approval of the County Planning Authority to ensure that there are no unnecessary risks to fish in the river; detailed specifications for post-construction restoration being submitted to the County Planning Authority prior to the commencement of the development and being implemented as agreed; no development taking place (including ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP(Biodiversity)) has been submitted to and approved in writing by the County Planning Authority. The CEMP (Biodiversity) will, amongst other measures, ensure the protection of and/or mitigation for the Great Stour, Ashford to Fordwich Local Wildlife Site; Bats; Reptiles; Beavers; and Retained habitats. The CEMP (Biodiversity) will be informed by up-to-date ecological surveys (as appropriate) and will include the following: a Risk Assessment of potentially damaging construction activities; the identification of "biodiversity protection zones", practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction ( this may be provided as a set of method statements), the location and timing of sensitive works to avoid harm to biodiversity features, the times during construction when specialist ecologists need to be present on site to oversee works, Responsible Persons and lines of communication, the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person, and use of protective fences, exclusion barriers and warning signs; the CEMP (Biodiversity) being adhered to and implemented throughout the construction period in accordance with the approved details; no development commencing until an *Ecology and Landscape Management Plan (ELMP)* has been submitted to and approved by the County Planning Authority (in consultation with the relevant consultees), to include amongst other matters: details of the wetland creation and improvement works for the Desmoulin's whorl snail habitat, along with monitoring of the snail population in functionally linked habitats; details of habitat restoration and enhancement within the Great Stour, Ashford to Fordwich Local Wildlife Site; details of the habitat creation, including long term management and monitoring, for the creation of scrapes; the submission of detailed specifications and implementation for ecological enhancement proposals; details of the legal and funding mechanism by which the long-term implementation of the plan would be secured by the developer with the management body(ies) responsible for its delivery; how contingencies and/or remedial action would be identified, agreed and implemented where

results from monitoring show the ecological aims and objectives of the Plan are not being met, so that the development still delivers the biodiversity objectives of the originally approved Plan; the approved CEMP being implemented in accordance with the approved details; the County Planning Authority being provided with a licence, prior to commencement of the development, regarding the impacts of the development on otters. This licence is to be issued by *Natural England* pursuant to Regulation 55 of the *Conservation of Habitats and Species Regulations 2017 (as amended)* to enable the works to proceed lawfully; the road not becoming operational until the viaduct parapets are fitted with solid screens (as depicted on drawing number 4300392/1700/ID/01 Rev P1) to prevent overspill directly into the river from surface water run-off on the road when spreading the winter maintenance grit and salts, along with spray from passing vehicles; the submission for written approval to the County Planning Authority prior to the road becoming operational of a “Salinity Monitoring Plan (SMP)” to ensure that there is no adverse increase in saline discharge as a result of the proposed development. The SMP will monitor the influent and effluent quality close to the pond discharge points and will include details of the monitoring method, locations and frequency; details of the body or organisation responsible for implementation; the submission of an annual monitoring report to the County Planning Authority for 5 years once operational, then every 5 years after that (or until KCCHighways implements a ‘no salt’ winter maintenance programme); the plan will also set out (where the results from monitoring show an adverse increase in saline discharge) how contingencies and/or remedial action will be identified, agreed and implemented so that the development does not lead to increased saline discharge and an adverse impact on Stodmarsh Special Area of Conservation (SAC); the SMP being implemented as approved; in the event that an unprecedented pollution incident occurs as a result of the operation of the development (including saline intrusion), the method of treating the pollution being considered by the County Planning Authority in consultation with Natural England and The Environment Agency, with further mitigation measures being agreed in writing; the submission, prior to first use of the development, for written approval by the County Planning Authority of a “Lighting Design Strategy for Biodiversity” for the site. This Strategy will ensure that there is no street-lighting on the viaduct and will identify those areas/features on site that are particularly sensitive to lighting impacts (including any biodiversity enhancement features), show how and where external lighting will be installed in accordance with *Guidance Note 8 Bats and Artificial Lighting’ (Bat Conservation Trust and Institute of Lighting Professionals)*, that all external lighting shall be installed in accordance with the specifications and locations set out in the Strategy and will be maintained thereafter in accordance with it; the submission for written approval by the County Planning Authority prior to the commencement of development of a Sustainable Surface Water Drainage system to be implemented through a *Surface Water Management Plan* and monitoring of efficacy (to include the mitigation measures detailed in the Flood Risk Assessment, April 2020, and drainage details set out in the Report to inform the *Habitats Regulations Assessment, February 2020*); the link road not becoming operational

until a verification report has been submitted for written approval by the County Planning Authority for the operation of the surface water drainage system; the link road not becoming operational until the Sturry Dyke drainage culverts have been upgraded in accordance with a scheme to be approved in writing by the County Planning Authority; the development being carried out in accordance with the submitted *Flood Risk Assessment* and the mitigation measures it details; the submission of a Construction Management Plan prior to the commencement of the development, to include the routing of construction and delivery vehicles to and from the site; parking and turning areas for construction and delivery vehicles and site personnel; the timing of deliveries; the provision of wheel washing facilities; temporary traffic management /signage; the submission of a *Construction Traffic Travel Plan* and *Construction Logistics Plan*; the implementation of traffic calming features and/or signage for the purposes of encouraging “Local Traffic Only” on the A28 south of the level crossing and along Sweechgate; the viaduct, roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining structures, service routes, surface water outfall, embankments, visibility splays, accesses, carriageway gradients, crossings, cycle paths, bus lanes, bus laybys, bus clearways and street furniture being laid out and constructed in accordance with details to be submitted for written approval by the County Planning Authority prior to the commencement of the development; an additional roadtraffic noise survey being submitted to the County Planning Authority prior to the Sturry Link Road becoming operational in its entirety in order to determine which properties would meet the eligibility criteria for noise insulation; the submission submitted prior to the commencement of development of further details of the connection of footpaths CB64 and CB51 at the Shalloak Road widening section and the footpath running underneath the viaduct, as well as the detailed design of the interface between the northern attenuation pond and the adjacent PROW; the submission for approval by the County Planning Authority (inconsultation with the relevant consultees) of an updated *Construction Environmental Management Plan (CEMP)* prior to the commencement of the development. The CEMP to include (amongst other matters) the routing of construction and delivery vehicles to and from the site; the method of controlling erosion; a dust and air quality management plan, to include monitoring; mitigation for the impact of dust on the surrounding area, including details of water suppression and vehicle movement controls; hours of works being restricted to between 0730 and 1800 on Mondays to Fridays, 0800 and 1300 on Saturdays with no work on Sundays or Bank Holidays; control of noise at source (using silencers for plant and tools etc); control of the spread of noise (using barriers, screens etc); the applicant/developer ensuring, if the development does not commence within 12 months of the approval of the CEMP, that all ecological surveys are updated as necessary (in consultation with the County Planning Authority), in order to ensure that they are current and incorporate the necessary mitigation measures required; the submission of new signage for the Public Rights of Way prior to the opening of the Sturry Link Road in order to maintain public knowledge and therefore use of the public rights of way; no street lights being erected along the length of the

viaduct without the written approval of the County Planning Authority; no development taking place until the applicants have secured the implementation of archaeological field evaluation work and further to this, measures to ensure preservation in situ of any remains and/or recording in accordance with a specification and timetable agreed by the County Planning Authority; the submission for written approval by the County Planning Authority prior to the commencement of development of a remediation strategy to deal with the risks associated with contamination of the site; the link road not becoming operational until a verification report demonstrating completion of the remediation strategy has been submitted to the County Planning Authority; no further development taking place if contamination is found on site that has not been previously identified until a strategy for dealing with this has been submitted to the County Planning Authority for written approval; no piling using penetrative methods being undertaken without the approval of the County Planning Authority following a Piling Risk Assessment; the submission for written approval by the County Planning Authority (in consultation with the Flood and Water Management Team and Natural England) within 6 months of the permission being granted, of a Landscape and Planting Plan as well as a 5 year maintenance programme. The plan must include details of the individual mix, species, sizes and planting densities of all landscaping, include varieties that would encourage bees, and in particular the saline-tolerant planting species for the attenuation ponds; the planting scheme and maintenance programme being carried out in accordance with the approved Plan; the replacement within 12 months in the same places by large nursery stock of the same species of any trees, plants, shrubs and hedges included in the approved scheme of landscaping or of any replacement trees, shrubs or hedges being removed or destroyed, dying or dead within 5 years of planting; and

- (c) the applicants be advised by Informative that :-
- (i) they are reminded of the requirement for an application to temporarily close footpath CB60 where it would cross the link road (to be used as a haul road) in the interest of safety;
  - (ii) their attention is drawn to the fact that no structures may be erected on or across a PROW without the express consent of the Highway Authority (HA), that there should be no disturbance of the surface or obstruction of its use either during or following development without the express consent of the HA, that no hedging or shrubs should be planted within 1m of the edge of the PROW, that planning consent confers no consent or right to close or divert any PROW at any time without the express permission of the HA, and that no Traffic Regulation Orders will be granted by KCC for works that will permanently obstruct the route unless a diversion order has been made and confirmed;
  - (iii) they are reminded that the prior written consent of the River Stour Internal Drainage Board will be required for connections to Sturry Road Dyke;

- (iv) various equipment such as underground cables may be affected by the development, therefore prior to commencement of works accurate records should be obtained by the developer from UK Power Networks;
- (v) once operational, the County Council, as Highways Authority, shall endeavour to implement a reduced winter maintenance programme whenever possible to limit the amount of salt being distributed on the viaduct;
- (vi) they should consider the provision of an additional footway along the eastern side of Sturry Hill south of the proposed roundabout on the A291;
- (vii) the applicant and the Highway Authority are encouraged to continue dialogue with Network Rail, Canterbury City Council and Sturry Parish Council to deliver improvements to the Sturry Railway Station, including the provision of a ticket machine on the southern platform and to explore the potential for the use of more 4 carriage trains in the interim to minimise the time the level crossing at Sturry is closed; and
- (viii) the applicant is encouraged to monitor traffic flows post implementation of improvements to the A28/ A291 to consider the effectiveness of the junction improvements.