

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 Tuesday, 7 December 2010.

PRESENT: Mr R E King (Chairman), Mr J F London (Vice-Chairman), Mr R Brookbank, Mr A R Chell, Mrs P T Cole (Substitute for Mr P J Homewood), Mr J A Davies, Mr T Gates, Mr J D Kirby, Mr R J Parry, Mr R A Pascoe, Mr M B Robertson, Mr C P Smith, Mr K Smith, Mrs P A V Stockell (Substitute for Mr P J Homewood) and Mr A T Willicombe

ALSO PRESENT: Mr I S Chittenden

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr M Clifton (Team Leader - Waste Developments), Mr J Crossley (Team Leader - County Council Development), Mr J Wooldridge (Team Leader - Mineral Developments), Mr R White (Transport and Development Business Manager), Mrs L McCutcheon (Senior Solicitor) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

58. Mr Godfrey Horne (Item)

The Committee observed a moment of silence in respect of the memory of Mr Godfrey Horne.

59. Membership (Item A1)

The Committee noted the appointment of Mr P M Homewood to the Committee.

60. Minutes - 2 November 2010 (Item A4)

(1) The Head of Planning Applications Group informed the Committee that the reason that the applications determined at its previous meeting were being reconsidered was because of a successful legal challenge to the Secretary of State's advice that the South East Plan had been abolished.

(2) As a consequence, the South East Plan had been re-established as a material planning consideration. This had become clear before the decision notices had been issued. Therefore, each of the applications would need to be reconsidered in the light of the policies contained within the South East Plan, together with all other material planning considerations. In each case, the Committee would need to have regard to both the main report contained within the papers and the previous month's report (which had been appended).

- (3) RESOLVED that the Minutes of the meeting held on 2 November 2010 are correctly recorded and that they be signed by the Chairman.

61. Application MA/10/167 - Materials Recycling Facility and transfer station for waste recovery at SBS Recycling, Straw Mill Hill, Tovil; Pinden Ltd
(Item C1)

(1) Mr M B Robertson declared that he had previously been lobbied by objectors to the application. As a Member of Maidstone BC, he knew those of its Members who were opposed to the application. He was also acquainted with one of the Objectors, Mr A Smith and was a distant relative of another objector, Mr D Finnegan (who he had not seen for many years). He had not taken any part in the preparation and signature gathering organised by the Liberal Democrat Group on Maidstone BC. He had not in any way been involved in consideration of the application by the Borough Council itself, nor had he expressed any opinion on it apart from at the previous meeting. He was, therefore in a position to reconsider the application with a fresh mind.

(2) Mr A R Chell had made a declaration during the previous meeting that he had been lobbied by objectors to the application. He had not expressed any opinion on it prior to that meeting and was therefore in a position to approach it with a fresh mind.

(3) Mr R A Pascoe was not present for the whole item and therefore did not vote in its determination.

(4) The following items of correspondence were tabled:-

- (a) a letter from Mr P Aelen of dha Planning;
- (b) a document to accompany the oral representations from Mrs S Bister of the Tovil Action Group;
- (c) a submission from the Valley Conservation Society to accompany the oral submission from Mr G Stead;
- (d) a further submission from Mr P Aelen with an accompanying letter from the Maidstone BC Head of Development Management;
- (e) correspondence from Helen Grant, MP; and
- (f) correspondence from Mr R Sanders, a local resident.

(5) Mr I S Chittenden was present for this item subject to Committee Procedure Rule 2.24 and spoke.

(6) Mr C English from Tovil PC, Mr G Stead, Mr P Aelen and Mrs S Bister spoke in opposition to the application. Mrs V Sampson from Environmental Scientifics Group spoke in reply on behalf of the applicants.

(7) Mr M B Robertson moved, seconded by Mr A R Chell that the application be refused.

Carried 7 votes to 5

(8) RESOLVED that:-

- (a) the application be refused on the grounds that it is contrary to the principles of sustainable development in respect of the adverse impact on the character of the local area and lack of need; and
- (b) approval be given to the Head of Planning Applications Group to provide the precise wording of the grounds for refusal in consultation with the Chairman, Vice-Chairman and the Lead Member of the Liberal Democrat Group on the Committee.

62. Application GR/09/286 - Bulk aggregates Import Terminal handling up to 3 million tpa and associated infrastructure, including reinstated rail access at Northfleet Works, The Shore, Northfleet; Lafarge Cement UK

(Item C2)

(1) The Head of Planning Applications Group informed the Committee that Footnote 8 on Page 107 of the agenda papers should read: “a possible definition would be for deliveries in the area to the east of the BAIT on land north of London Road (B2175) and Overcliffe (A226) and west of Bath Street (A226).”

(2) RESOLVED that permission be granted to the application subject to the prior satisfactory conclusion of a legal agreement to secure the Heads of Terms given in Appendix 3 of the 2 November 2010 Committee report and to conditions, including covering a 5 years time limit to implement the permission; maximum of 3 million tonnes per annum of imports; the prior approval of various details (including conveyors, gatehouse / security lodge, weighbridge, parking arrangements, external construction materials and fencing); the prior approval of a Code of Construction Practice (relating to air quality, noise, vibration, geotechnics and soil contamination and waste); crushed rock only being stored outside the enclosed aggregate storage building exceptionally in the event of plant / equipment failure or unless otherwise agreed; protection of Port of London Authority radar equipment; the prior approval of a Tunnels Report (dealing with current condition, repairs / remedial measures, monitoring, maintenance and management of road and rail access tunnels and cliffs above their portals); hours of use (ship, barge and rail arrival, departure, loading and unloading and HGV movements being permitted 24 hours a day 7 days a week with all other activities restricted to between 0700 and 1800 hours Monday to Friday, 0700 and 1300 hours on Saturdays with no working on Saturday afternoons, Sundays, Bank and Public Holidays unless the prior written approval of the County Council has been obtained to depart from these hours); no more than 1.2 million tonnes of materials being exported by road each year; the implementation of a travel plan; measures to prevent mud and debris on the highway (e.g. sheeting of loaded HGVs); safeguarding of Fastrack route; HGVs entering and leaving via Thames Way (A226) and only using The Shore, Granby Road and Crete Hall Road unless delivering locally, in emergencies or otherwise agreed beforehand); no more than 200 HGV movements between 0700 and 1000 hours and 1600 and 1900 hours in any one day; no more than 13,500 HGV movements in any one calendar month; rights of way being kept free of obstruction and available for use unless formal replacements are provided; the rating noise level not exceeding the background noise level by more than 3dB; measures being employed to minimise noise impacts of vehicles, railway locomotives and wagons, ships and barges, plant, machinery and other equipment; reversing vehicles and plant not emitting warning noise

that is audible at noise sensitive properties; no commercial operations taking place until a dust management plan has been submitted and approved; the implementation of flood risk and water protection measures; the submission and approval of a foul and surface water management scheme; the submission, approval and implementation of a contaminated land assessment scheme; archaeology; ecological mitigation, compensation and enhancement; a landscaping scheme; and no external lighting until an appropriate scheme has been submitted and approved.

63. Application AS/10/1010 - Extension of the timescale for the implementation of Permission AS/06/4 (Waste transfer Station) until 8 May 2014 at Waterbrook Park; Waterbrook Avenue, Ashford; Robert Brett and Sons Ltd
(Item C3)

RESOLVED that permission be granted for the extension the timescale for the implementation of Permission AS/06/4 until 8 May 2014 subject to conditions, including conditions covering hours of working, including peak hour restrictions, the number of vehicle movements; landscaping and floodlighting, noise, dust and odour controls; archaeological investigations; drainage; footpath diversions; ecological mitigation; details of the low energy internal lighting to be employed in the waste transfer building; and details of the design of any heating to be employed within the waste transfer building prior to its installation which shall have regard to the BREEAM energy standards.

64. Proposal AS/10/1211 - Proven 15kw wind turbine on a 15m mast in the school playing field at Aldington Primary School, Roman Road, Aldington; Governors of Aldington Primary School
(Item D1)

RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the standard time condition for implementation; the development being completed in accordance with the approved plans; the noise condition recommended in paragraph (4) of the report; a consultant being employed to measure the impacts in the event of complaints relating to noise arising; and ecology advice being sought in the event of dead bats being found on site.

65. Proposal SW/10/545 - Floodlit synthetic turf pitch at The Abbey School, London Road, Faversham; Governors of The Abbey School
(Item D2)

(1) Mr T Gates informed the Committee that he had taken no part in discussion of this item at Faversham TC and that he had also attended a meeting between the School and local residents which had discussed the proposal. He had not given a view during this meeting and was therefore in a position to approach the proposal with a fresh mind.

(2) The Head of Planning Applications Group advised the Committee that, although Swale BC was not due to discuss the application until after the Committee meeting, the Borough Council's Planning Officers were recommending that there

should be no objection. The Head of Planning Applications Group also reported the receipt of late letters of objection from 5 neighbouring residents.

(3) Mrs M McCreedy and Mr S Curling addressed the Committee in opposition to the proposal. Mrs C Woodend (Head Teacher) and Mr S Finlan (Director of Sports) of Abbey School spoke in reply.

(4) In agreeing the Head of Planning Applications Group's recommendations, the Committee asked for an Informative to advise the School of the need for careful irrigation measures for the proposed bund.

(5) RESOLVED that:-

- (a) subject to the views of Swale Borough Council, permission be granted to the proposal subject to conditions, including conditions covering a 3 year time limit for implementation; the development being carried out in accordance with the permitted details; colour and specification of fencing and surfacing; precise details of the bunding, including its landscaped appearance; a detailed scheme of landscaping, including a maintenance programme; protection of the trees which are to be retained; further details of the exact positioning of the acoustic barrier; an acoustic barrier to be constructed in accordance with the specification provided and installed on site prior to first use of the floodlit pitch; hours of use to be restricted to between 0700 and 2130 Monday to Friday, between 0900 and 1800 on Saturdays, and between 1000 to 1800 on Sundays and Bank Holidays; all lighting on site (except security lighting) being extinguished by 2130, or 15 minutes after last use of the facility if earlier; extinguishing of lighting when the pitch is not in use; the level of use of the facilities according with the submitted details; lighting being installed in accordance with approved details, and checked on site; lighting levels not exceeding those specified within the application; no further lighting being installed without planning permission; land contamination and drainage; car parking being completed and operational prior to first use of the floodlit pitch; submission of a revised School Travel Plan; parking being available out of school hours for community use; hours of working during construction being restricted to between 0800 and 1800 Monday to Friday and 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays; measures to prevent mud and debris on the highway; and a construction code of practice; and
- (b) the applicants be informed by Informative of the Committee's view of the need for careful irrigation measures for the permitted bund.

66. Proposal SE/10/2312 - Single storey extension to the existing sports hall for storage and spectators at The Valence School, Westerham Road, Westerham; Governors of The Valence School
(Item D3)

- (1) Mr R E Brookbank informed the Committee that he had taken no part in the discussion of the proposal by Sevenoaks DC. He was therefore in a position to approach the proposal with a fresh mind.
- (2) RESOLVED that permission be granted to the proposal subject to the standard time condition for implementation and the development being carried out in accordance with the approved plans.

67. 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) consultations on applications submitted by District Councils and Government Departments;
- (c) County Council developments;
- (d) Screening opinions under Environmental Impact Assessment Regulations 1999; and
- (e) Scoping opinions under Environmental Impact Assessment Regulations 1999 (None).