

## 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 Tuesday, 15 March 2011.

PRESENT: Mr R E King (Chairman), Mr J F London (Vice-Chairman), Mr R Brookbank, Mr A R Chell, Mrs V J Dagger, Mr T Gates, Mr C Hibberd, Mr P J Homewood, Mr J D Kirby, Mr S J G Koowaree (Substitute for Mr M B Robertson), Mr R J Lees, Mr R F Manning, Mr R J Parry, Mr R A Pascoe, Mr C P Smith, Mr K Smith, Mr R Tolputt (Substitute for Mr J A Davies) Mr A T Willicombe

ALSO PRESENT: Miss S J Carey Mr K G Lynes

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 N Sarrafan (County Transport & Development Manager) Mr A Tait (Democratic Services Officer)

#### UNRESTRICTED ITEMS

##### **18. Minutes - 15 February 2011**

*(Item 4)*

RESOLVED that the Minutes of the meeting held on 15 February 2011 are correctly recorded and that they be signed by the Chairman.

##### **19. Site Meetings and Other Meetings**

*(Item A4)*

The Committee noted that the next training session on Minerals and Waste matters would be held during the afternoon of 12 April 2011. It was confirmed that there would be no visit to the proposed incinerator at Charing as the application had been withdrawn.

##### **20. Pre and Post Planning Application Charging Service**

*(Item B1)*

RESOLVED that the content of the report be noted and that:-

- (a) the implementation of a pre and post planning application charging strategy be agreed as set out in Option 2 in paragraphs 26 to 32 of the report; and
- (b) the Head of Planning Applications Group prepare a Pre and Post Advice Protocol to accompany the charging scheme based upon the information contained in the report.

**21. Application SH/08/124 - Materials Recycling Facility, Anaerobic Digestion Plant and associated office and parking facilities at Otterpool Quarry, Ashford Road, Sellindge; Countrystyle Recycling Ltd**  
(Item C1)

(1) Mr R A Pascoe informed the Committee that he was acquainted with some of the objectors to the application. He was also a Member of Shepway DC. He had, however, not taken part in any discussion of the application and was in a position to approach it with a fresh mind.

(2) Each Member of the Committee had received lobbying correspondence, including a DVD from objectors to the application prior to the meeting.

(3) Mrs S J Carey was present for this item pursuant to Committee Procedure Rule 2.24 and spoke. She also delivered a petition signed by some 2,000 local residents calling for the application to be refused permission.

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

- (a) a letter from Damian Collins MP dated 10 March 2011;
- (b) correspondence from the Sellindge and District Residents Association summarising their grounds for objection and suggested conditions if permission were to be granted;
- (c) correspondence from Mrs M Turton to Mr Carter, the Leader of the Council; and
- (d) the notes from the public meeting on 8 February 2010.

(5) Mr L Baxter (Sellindge Parish Council), Mr R Lello (Sellindge and District Residents Association) and Mr S Furey (CPRE) addressed the Committee in opposition to the application. Mr N Cronin (SLR Consulting) spoke in reply on behalf of the applicants.

(6) The Head of Planning Applications Group advised the Committee that, with one exception, the list of particular conditions suggested by Sellindge and District Residents' Association that they wished to be applied to any consent, would all be covered; albeit that the specific wording would need to be drafted in a manner which would ensure their enforceability. The only exception would be their first proposed condition, which called for the requirements of the Environmental Permitting Regulations to be fully met and confirmed to be so by the Environment Agency. This was because it was not a matter for the Committee, as the Environment Agency itself would determine whether a permit would be issued.

(7) Mr C P Smith moved, seconded by Mr R F Manning that the recommendations of the Head of Planning Applications Group be agreed.

(8) The mover and seconder of the motion accepted amendments which added a no left turn condition; a requirement that there should be no queuing on the public highway; and an Informative that the buildings should be lowered as far as was possible.

(9) On being put to the vote, the Motion set out in (7) above (as amended in (8) above) was carried by 14 votes to 3.

(10) RESOLVED that:-

- (a) permission be granted to the application subject to conditions, including conditions (incorporating Conditions 2 – 12 proposed by the Sellindge and District residents' Association) covering waste throughputs; daily vehicle movements; a prohibition on left turning for vehicles exiting the site; the prevention of vehicles queuing on the public highway; contamination risk assessment details; badger mitigation (construction stage and post construction); weighbridge details; access arrangements; access gates and fencing details; signage; code of construction practice; landscaping details; operating hours; noise controls; notification of commencement; a dust and odour Management Plan; and an electricity generation strategy; and
- (b) the applicants be informed by Informative of the Committee's view that the buildings should be sunk as low into the ground as possible.

**22. Application DA/10/1232 -- Change of use of part of yard from open storage to increase area for waste transfer and recycling of waste; and provision of a trommel with covered waste sorting facility, partly within existing yard and partly within new extended area of yard at Lees Yard, Rochester Way, Dartford; Easy Load Ltd**

*(Item C2)*

RESOLVED that:-

- (a) permission be granted subject to conditions including conditions covering the development being carried out within 5 years; the development being carried out in accordance with the scheme as submitted together with any subsequently approved details, including a single site access (with reserved emergency access) and the footprint of the proposed waste stockpiles on site; restriction of waste types, hours of operation, throughput and traffic movements to the level of those already permitted at the site; the Trommel and picking station being of a fixed specification and location within 1 metre of the northern site boundary; stockpile heights being no greater than the boundary fencing and below the visible eye-line; operational safeguarding measures to control noise, dust, odour, related emissions, surface run-off and drainage, light pollution and mud and debris on the road. Such measures including transitional arrangements (without undue amenity impacts) for the re-location of skip storage and vehicle parking within the 'extension' area, in favour of active waste management within the same footprint; and remediation measures to handle any unsuspected site contamination issues that may arise during the carrying out of the development; and
- (b) the applicants be informed by Informative that whilst planning and Environment Agency Permitting controls are designed to be complementary in these types of waste management settings, planning controls always preside.

**23. Application MA/10/1932 - Replacement building for waste processing on Unit 6 with provision of revised access and parking at Unit 6, Detling Aerodrome Estate, Detling; D&D Waste Recycling Ltd**  
*(Item C3)*

RESOLVED that permission be granted to the application subject to conditions including conditions covering the development being carried out within five years; the development being carried out in accordance with the scheme as submitted and in accordance with the approved plans; details of the external materials being submitted and approved by the County Planning Authority; a restriction of waste types; restriction of waste processing throughput to 38,400 tonnes per annum; vehicle movements being restricted to 30 per day (15 in and 15 out); no waste processing outside of the waste building; no external storage of any waste materials; hours of operation; and operational safeguarding measures to control noise, dust, odour, vibration and mud and debris on the road.

**24. Application MA/10/1931 - Change of use of land to provide for skip hire depot, including retention of existing portacabins for use as office, canteen and toilet (dual use) at Unit 13/14, Detling Aerodrome Estate, Detling; D&D Waste Ltd**  
*(Item C4)*

RESOLVED that permission be granted to the application subject to conditions including conditions covering the development being carried out within five years; the development being carried out in accordance with the scheme as submitted (together with the approved plans), for the interrelated uses of Units 13 and 14 with the adjoining Unit 6; details of the external materials being submitted and approved by the County Planning Authority; vehicle movements directed through the single and common site access for Units 6, 13 and 14 being restricted to 30 per day (15 in and 15 out); no processing or storage of waste being carried out on Units 13 and 14; hours of operation being restricted to 06:00 to 18:00 hrs Monday to Friday and 07:00 to 17:00 hrs on Saturdays; operational safeguarding measures to control noise, dust, odour, vibration and mud and debris on the road; the skips that are stored on Unit 13 not exceeding a height of 3 metres from the adjoining ground level; Unit 14 being used for no other purpose than to accommodate the existing site office, canteen facility and car parking area; the boundary palisade fencing being maintained throughout the use of the site; and landscaping along the rear boundary being maintained and replaced if necessary.

**25. Proposal TW/10/434 - Redevelopment of existing school site to provide a new academy at The Skinners Kent Academy, Land east of Blackhurst Lane and between Sandown Park and Pembury Road, Tunbridge Wells; KCC Building Schools for the Future and Academy Team**  
*(Item D1)*

(1) Mr K G Lynes was present for this item pursuant to Committee Procedure Rule 2.24 and spoke;

(2) Correspondence from Mr T Draper (a local resident) and Mr J A Davies suggesting a deferment pending a Members' site visit was tabled.

(3) The Head of Planning Applications Group informed the Committee of late correspondence from Mr A J King in support of the proposal subject to appropriate conditions.

(4) The Head of Planning Applications Group informed the Committee of late correspondence from Sport England requesting a condition requiring details of the Community Use scheme prior to first use of the site; from Tunbridge Wells Environmental Health requesting that full details of the proposed biomass plant be submitted to them for consultation and requesting the inclusion of an Air Quality Assessment as an evidence base in the preparation of the school travel plan. These requests were all agreed. The Committee was also informed that Tunbridge Wells Environmental Health had requested that the travel plan should require the use of low emission school busses, but the head of Planning Applications Group did not consider it would be a reasonable requirement.

(5) The Head of Planning Applications Group summarised late correspondence from the following local residents:-

- (a) Mrs I Jackson;
- (b) Mrs J Guthrie;
- (c) Mr J Pomeroy;
- (d) Mrs B Kiely;
- (e) Mr T Draper;
- (f) Mrs M Henson; and
- (g) Advance Land and Planning Ltd on behalf of Leonard Cheshire Disability.

(5) Mr R Backhouse (local ward councillor); a resident from the Leonard Cheshire Disability Seven Springs Home; Mr Shorrick (Sandown Park and Blackhurst Lane Local Community Group); Mr D Simmonds (RPS on behalf of Mrs A Flynn – local resident); Mr J Kiely and Mr C Jackson (local residents) addressed the Committee in opposition to the application. Mr C Everett (Deputy Chair of The Skinners Company) and Mr M Page (DHA on behalf of Wilmott Dixon) spoke in reply on behalf of the applicants.

(6) The Committee specified that use of the external amphitheatre should be by the academy only. It also asked for the inclusion of an Informative that the road improvements should be installed as swiftly as possible and that they should make all reasonable effort to ensure that the works were undertaken during the School Holiday period in order to minimise the impact upon the local community and road users.

(7) On being put to the vote, the recommendations of the Head of Planning Applications Group (as amended in (6) above) were carried unanimously.

(8) RESOLVED that: -

- (a) permission be granted to the proposal subject to conditions, including conditions covering a 5 year implementation period; the development being carried out in accordance with the permitted details; junction

improvements being implemented in full (in accordance with final details to be agreed with the Highway Authority) prior to first occupation of the new Academy; details of the Community Use scheme being submitted for approval prior to first use of the site; on-site vehicles parking and turning areas being provided (as detailed within the application) prior to first occupation of the new Academy and maintained in perpetuity thereafter; coach, vehicle and cycle parking (as detailed within the application) being made available for the community use associated with Sites 1 and 2 at all times when the community facilities are in use; a pedestrian link between the main Academy car park area and Sandown Park (to access sports facilities on Site 2) being provided and maintained for users of the all weather pitch; pedestrian footway reinstatement (including full kerbing) at the two existing pedestrian entrances which are to be closed, as detailed within the application; pedestrian enhancement facilities being carried out (as detailed within the application) prior to the first occupation of the new Academy; a pre-construction highway condition survey being undertaken prior to commencement of the works in Sandown Park and Blackhurst Lane, together with a post completion survey and completion of any consequential remedial measures; measures to guard against the deposit of mud and debris on the public highway during construction/demolition operations; a requirement for the applicant to fund the reasonable installation of waiting restrictions on surrounding residential roads should they prove necessary in the future; the submission of a new School Travel Plan (including an Air Quality Assessment), its implementation and ongoing monitoring; the submission of a Code of Construction Practice; details of ground contamination; the submission of lighting details for car park/general areas for approval by the County Planning Authority; full implementation of the ecological recommendations for precautionary mitigation being carried out prior to commencement of the development; a programme of archaeological work, including a historic site survey and a watching brief on below ground works; the submission of details of external materials for approval by the County Planning Authority; the submission of acoustic details of all external plant/equipment on new the Academy building; details and specification of all fencing proposed on Sites 1 and 2 for approval by the County Planning Authority; hours of construction being limited to: Monday to Friday 08:00-18:00, Saturday 09:00-13:00, and no operations on Sunday and Bank Holidays; the submission of detailed landscape/vegetation planting schemes for Sites 1 and 2, their implementation within the first planting season following the completion of development and maintenance for a period of 5 years thereafter; tree protection details being implemented on Sites 1 and 2 in accordance with British Standard 5837:2005 (Trees in Relation to Construction); noise levels of biomass fuel deliveries being limited to ensure that the rating level emanating from the facility does not exceed the background noise level at nearby residential properties by +5 dB when assessed in accordance with BS 4142; hours of use of the floodlit MUGAs (Site 1) being limited to: Monday to Friday 08:30-22:00, Saturday 08:30-21:00, Sunday and Bank Holidays 08:30-20:00; hours of use of the all weather pitch (Site 2) being limited to: Monday to Thursday 08:30-21:00, Friday 08:30-20:00, Saturday 10:00-16:00, and no use on Sunday and Bank

Holidays; hours of use of the external amphitheatre (Site 1) being limited to Monday to Saturday 08:30-19:30 and for Academy use only, and no use on Sunday and Bank Holidays; and details of the biomass boiler being submitted for approval by the County Planning Authority following consultation with Tunbridge Wells Borough Council; and

- (b) the applicant be advised by way of Informatives of the following matters:-
  - (i) the applicant is required to seek an Environmental Permit from the Environment Agency to operate the proposed biomass boiler;
  - (ii) the Low/Medium/Intermediate pressure gas mains in proximity to the application sites;
  - (iii) that lighting for the car park/general areas should be designed to meet an average of 10 lux with a uniformity of 0.25 to meet ILE Best Practice guidelines; and
  - (iv) that the Committee considers that the road improvements should be installed as swiftly as possible and that the applicant should make all reasonable effort to ensure that the works are undertaken during the School Holiday period in order to minimise the impact upon the local community and road users.

## **26. County matter applications**

*(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 (None);
- (c) County Council developments;
- (d) Screening opinions under Environmental Impact Assessment Regulations 1999; and
- (e) Scoping opinions under Environmental Impact Assessment Regulations 1999.