

KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held at Sessions House, County Hall, Maidstone on Tuesday, 21 March 2006.

PRESENT: Mr R E King (Chairman), Mr T J Birkett (substitute for Mr T A Maddison), Mr A R Chell (substitute for Mr R F Manning), Mr J A Davies, Mr C G Findlay (substitute for Mrs V J Dagger), Mr T Gates, Mrs E Green, Mr W A Hayton (substitute for Mr J B O Fullarton), Mr S J G Koowaree, Mr C J Law (substitute for Mr R A Marsh), Mr R F Manning, Mr J I Muckle, Mr A R Poole, Ms B J Simpson, Mrs P A V Stockell and Mr F Wood-Brignall.

ALSO PRESENT: Mr A D Crowther, Mrs V J Dagger and Mr K Sansum.

OFFICERS: The Head of Planning Applications Group, Mr B J Murphy (with Mr J J Crossley and Mrs A Hopkins); the Transportation Manager, Mr R Dines; and the Democratic Services Officer, Mr A Tait.

UNRESTRICTED ITEMS

14. Minutes
(Item A2)

RESOLVED that the Minutes of the meeting held on 14 February 2006 are correctly recorded and that they be signed by the Chairman.

15. Application TW/05/3222 – Change of use from agricultural to new green waste open window composting facility at Little Bayham Farm, High Woods Lane, Tunbridge Wells; Bowman and Sons
(Item C1 – Report by Head of Planning Applications Group)

- (1) A letter of representation from Bowman and Sons was tabled.
- (2) RESOLVED that permission be refused on the following grounds:-
 - (a) the proposal represents inappropriate development in the Green Belt and Area of Outstanding Natural Beauty and the applicant has failed to demonstrate the special circumstances necessary to override presumption against permitting the proposal. The proposal is therefore contrary to Policies ENV1, ENV3 and MGB3 of the Adopted Kent Structure Plan; Policies WM2, E1 and E4 of the Kent and Medway Structure Plan (Deposit Draft) and Policies W2 and W4 of the Kent Waste Local Plan;
 - (b) the proposal lacks in sufficient detail to enable a proper assessment to be made of the potential impacts from the development, which could be properly enforced should planning permission be granted. The proposal is therefore contrary to Policy W33 of the Kent Waste Local Plan;

- (c) the proposal lacks sufficient information to ensure that the spreading of the end product on agricultural land would not exceed the Nitrate Vulnerable Zone; and
- (d) no details assessing the potential impact of the passing bays has been provided both in terms of impact upon the landscape itself and in terms of nature conservation interest in the adjacent hedgerows. The proposal therefore is contrary to Policies W2, W4 and W21 of the Kent Waste Local Plan, Policy ENV2 of the Kent Structure Plan and Policy E3 of the Kent and Medway Structure Plan (Deposit Draft).

16. Proposal TM/03/2563 – Development of new factory to manufacture aerated concrete products with outside storage, parking, new access and associated facilities at Ightham Sandpit, Borough Green Road, Ightham, Sevenoaks; H & H Celcon Ltd.

(Item C2 – Report by Head of Planning Applications Group)

(Mrs V J Dagger was present for this item pursuant to Committee Procedure Rule 2.24 and spoke)

(1) The following correspondence was tabled: a letter from the applicants, H & H Celcon Ltd dated 17 March 2006; the presentations by Mr Taylor and Mr McWilliam from Borough Green Traffic Action Group; and the formal views of Tonbridge and Malling Borough Council dated 10 March 2006.

(2) The Head of Planning Applications Group reported the receipt of correspondence from Cemex confirming their willingness to enter into a Section 106 Legal Agreement to give up their land for the construction of the Borough Green Bypass. He also reported that English Nature had written to maintain their original objection.

(3) The following people addressed the Committee:-

- (a) Mr M Taylor and Mr P McWilliam from Borough Green Action Group (in support);
- (b) Mr P Gillin from Keep Boroughs Green Action Group (in opposition);
- (c) Mr H Rayner from Wrotham Parish Council (in opposition);
- (d) Mrs G Bowden from Ightham Parish Council (in opposition);
- (e) Mr C Willsher from Borough Green Parish Council (in support); and
- (f) Mr S Brittle from H & H Celcon (in reply).

(4) Mr W A Hayton moved, seconded by Mrs P A V Stockell that the recommendation contained in paragraphs 90 to 93 of the report be adopted.

(5) Mr J A Davies moved, seconded by Mr F Wood-Brignell as an amendment that consideration of this application be deferred pending a Members' site visit.

Carried 11 votes to 4

(6) The amended motion was then carried unanimously.

(7) RESOLVED that consideration of this application be deferred pending a Members' site visit.

17. Application SW/05/1203 – Plant to process incinerator bottom ash into secondary aggregates for recycling at Ridham Dock Industrial Complex, nr Iwade, Sittingbourne; Ballast Phoenix Ltd

(Item C3 – Report by Head of Planning Applications Group)

(Mr A D Crowther was present for this item and spoke pursuant to Committee Procedure Rule 2.24)

(1) A letter from Mr B Stokes, the local Borough Councillor was tabled. It requested that permission be refused or that the decision be deferred pending further tests and investigations.

(2) RESOLVED that permission be granted to the proposal, subject to conditions including the submission of details of the specification and colour of external materials of the new building; the submission of a scheme for the disposal of foul and surface waters; the submission of a scheme of dust suppression; submission of detailed designs of the lagoon system and a siltation management plan; submission of an appropriate detailed plan showing the positioning of the 'A' frame material bays to take into account the predominant wind direction; external material stockpiles extending no more than 2 metres above ground level and no less than 1 metre from the top of the 'A' frames; the carrying out and submission of a comprehensive contaminated land site investigation prior to the development commencing; the submission of a Method Statement detailing any remediation requirements (including any measures necessary to prevent the mobilisation of leachate during remediation) and the implementation of the development in accordance with the approved Method Statement; the cessation of operations should new contamination be found, and the agreement of an amended Method Statement which subsequent operations should accord with; the flood gate and earth retaining structure being constructed to maintain a continuous minimum crest height of 5m AOD; the submission of a verification report upon completion of any remediation required; all office accommodation within the building being above 6.5m ODN; only incinerator bottom ash from the Allington Waste to Energy plant entering the site; the site not being made open to the public and no sales being made to the public from the site; all loaded HGVs entering and leaving the site being sheeted; vehicle movements; and hours of use.

18. Proposal CA/05/1634 – Erection of a sessional nursery to house 26 children and creation of external play area at Herne Infants School, Palmer Close, Herne; Governors of Herne Infants School and KCC Education and Libraries

(Item D1 – Report by Head of Planning Applications Group)

(1) During discussion of this item, it was agreed that the possibility of providing a drop-off facility for Nursery School children would be kept under review.

(2) RESOLVED that permission be granted to the proposal subject to conditions including the standard time conditions; the development being carried out in accordance with the approved plans; the provision of a revised School Travel Plan prior to the first occupation of the development; the staggering of opening and closing times to that of the main school; the drop off area being reinstated and kept available; details of external lighting; construction times; and controls on any future changes in the use of the building.

19. Proposal AS/05/2144 – Removal of mobile classroom and demolition of timber framed classroom; construction of single storey extension to provide two classrooms and hall with internal alterations to the remaining building at High Halden C E Primary School, Church Hill, High Halden, Ashford; Canterbury Diocesan Board of Education and KCC Education and Libraries.
(Item D2 – Report by Head of Planning Applications Group)

(1) Correspondence from Rebecca Bogucki, a local resident was tabled.

(2) RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; external materials being submitted for approval; a scheme of landscaping, its implementation and maintenance; tree protection and a methodology for working in close proximity to trees; location of contractors' parking facilities; hours of working during construction; mitigation relating to Great Crested Newts; the recommendations of the protected species survey being followed; management and monitoring of the hedge relocation; provision of biodiversity enhancing methods; and protection of nesting birds.

20. Proposal DO/05/1183 – Provision of floodlighting to hard surface external sports area at St Edmund's Catholic Primary School, Old Charlton Road, Dover; Governors of St Edmund's Catholic Primary School and KCC Education and Libraries.

(Item D3 – Report by Head of Planning Applications Group)

(Mr K Sansum was present for this item and spoke pursuant to Committee Procedure Rule 2.24)

(1) Mr T J Birkett made a declaration of personal interest as his grandson attended the school. He took no part in the decision on this item.

(2) Correspondence from Dover District Council was tabled, together with notes of a Members' site visit on 14 March 2006.

(3) Mr C Graves addressed the Committee in opposition to the proposal. Mr P Damon from Burns Guthrie spoke in reply on behalf of the applicants.

(4) Mr J A Davies moved, seconded by Mr F Wood-Brignall that the recommendations of the Head of Planning Applications Group be adopted.

Tied 6 votes to 6

(5) The Chairman used his casting vote in favour of the motion.

(6) RESOLVED that permission be refused on the grounds that the proposed development, by virtue of the location of the lighting columns, would result in an unacceptable form of development, which would be visually intrusive, affect the amenity of neighbouring properties and be harmful to the character and appearance of the surrounding area contrary to Policies S2 and ENV15 of the adopted Kent Structure Plan; Policy NR4 of the Kent and Medway Structure Plan (Deposit Draft) and Policy DD1 of the Dover District Local Plan.

21. Proposal MA/05/2199 – Clearance of land and erection of new buildings to accommodate 40 extra care apartments and communal areas for the elderly and 6 supported apartments with communal areas for those with learning difficulties. Associated parking to be provided at land off Tovil Green, Tovil, Maidstone; KCC Social Services.

(Item D4 – Report by Head of Planning Applications Group)

RESOLVED that subject to the submission of clarification of the survey work to be carried out in relation to Great Crested Newts, the application be referred to the First Secretary of State as a departure from the Development Plan and that subject to him giving no direction to the contrary, permission be granted to the proposal subject to conditions including the standard outline time conditions; the submission of reserved details relating to external appearance, landscaping and design; the development being carried out in accordance with the approved plans; details of a method to obscure views from the north elevation of the building; the provision of car parking spaces prior to the first occupation of the development and once provided the parking spaces being kept available for that use; further survey work on bats; protection of breeding birds; submission of mitigation and enhancement strategies; tree protection; foul and surface water drainage; the submission of further ground contamination reports and completion of remedial work; further ground contamination conditions as recommended by the Environment Agency; hours of operation during construction; details of site levels; and measures to ensure that no mud is deposited on the public highway.

22. County Matters Dealt with Under Delegated Powers

(Items E1-6 – Reports by Head of Planning Applications Group)

RESOLVED to note reports on items dealt with under delegated powers since the last meeting relating to:-

- (a) County Matters applications;
- (b) consultations on applications submitted by District Councils or Government Departments;
- (c) County Council developments;
- (d) detailed submissions under the Channel Tunnel Rail Link Act 1996 (None);
- (e) screening options under Environmental Impact Assessment Regulations 1999; and
- (f) scoping options under Environmental Impact Assessment Regulations 1999 (None).