

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 Wednesday, 7 December 2016.

PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr M J Angell, Mr M Baldock, Mr D L Brazier, Mrs P Brivio, Mr L Burgess, Mr N J D Chard, Mr I S Chittenden, Mr M Heale (Substitute for Mr A Terry), Mr T A Maddison, Mr S C Manion, Mr R J Parry, Mrs E D Rowbotham, Mr T L Shonk, Mr C Simkins and Mr J N Wedgbury

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr M Clifton (Principal Planning Officer - Waste Developments), Mr P Hopkins (Principal Planning Officer), Mr J Wooldridge (Principal Planning Officer - Mineral Developments), Mr A Pigott (Strategic Transport and Development Planner) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

57. Minutes - 16 November 2016
(Item A3)

- (1) The Head of Planning Applications Group advised in respect of Minute 55 (4) (c) that a letter had been sent to the Secretary of State and that a reply was still awaited.
- (2) RESOLVED that the Minutes of the meeting held on 16 November 2016 are correctly recorded and that they be signed by the Chairman.

58. Site Meetings and Other Meetings
(Item A4)

- (1) The Committee noted that there would be a site meeting at Paradise Farm, Hartlip on the afternoon of the Committee meeting on Wednesday, 18 January 2017 in respect of the application for brickearth extraction.
- (2) The Committee noted that there was still no definitive date for the site tour in respect of the proposed school developments in Wilmington as the detailed mitigation measures in respect of the access arrangements were still not available.

59. General Matters
(Item B1)

The Head of Planning Applications Group informed the Committee of the consultation in respect of the *Statement of Community Involvement*. This would include the Committee's *Speaking to the Planning Applications Committee* leaflet. The consultation period would conclude on 31 January 2017.

60. Application AS/16/462 (KCC/AS/0065/2016) - Variation of the hours of working of the Barber Green Asphalt Plant to increase the permitted "out of hours" working to up to 180 periods per year at Hothfield Works, Watery Lane, Westwell, Ashford; Tarmac Ltd
(Item C1)

(1) Mr C Simkins informed the Committee that he was the Local Member for this application. He had not given his views on the application and was able to approach its determination with a fresh mind.

(2) Mr I S Chittenden informed the Committee that he had formerly been an employee of the applicants, Tarmac Ltd. This employment had ceased 10 years earlier. He did not have a Disclosable Pecuniary Interest or An Other Significant Interest and was able to approach the determination of the application with a fresh mind.

(3) Mrs Christine Drury (Chairman of Westwell PC) addressed the Committee in respect of the application. Ms Sian Holden (Matthews and Son LLP) spoke in reply on behalf of the applicants.

(4) On being put to the vote, the recommendations of the Head of Planning Applications Group were carried by 13 votes to 3 with 1 abstention.

(5) RESOLVED that:-

- (a) permission be granted to the application subject to conditions, including conditions covering the public highway between the site access and the A20 being resurfaced and the drainage work described in the public highway between the site access and the A20 being resurfaced and the drainage work described within the application documents being completed prior to the implementation of the permission; Out of Hours working being restricted to a maximum of 180 occasions per year; no more than a total of 25 HGVs leaving the site between 1800 and 0600 hours and/or in any 8 hour additional working period unless otherwise agreed in writing by the Mineral Planning Authority; the implementation of the updated Landscape and Ecological Management Plan; the installation of the proposed acoustic cladding on the highest part of the plant, with the colour coating match the existing plant; the lighting scheme being maintained; the re-imposition of all conditions included in Permissions AS/90/608 and AS/12/844; the asphalt plant being maintained as approved; the hard surfacing and surface water drainage system being maintained; controls on permitted development rights; normal operational hours being restricted to between 0500 and 1800 hours on Mondays to Fridays, 0500 to 1300 hours on Saturdays, with no HGVs leaving the site before 0600 hours on Mondays to Saturdays; operation of the asphalt plant ceasing in the event that minerals are no longer imported to site by rail; the plant being maintained to minimise dust and other emissions; the Terms of this permission being made known to any person given responsibility for operations on site; noise from 'out of hours' operations on site being restricted to the specific limits previously permitted; no articulated HGVs being used between 1800 and 0600 hours; no more than 10 HGVs leaving the site per hour between 1800 and 0000 hours and no more than 6 HGVs leaving the site per hour between 0000 and 0600 hours; the additional working periods not being used in conjunction with normal working hours to operate the

site continuously for more than ten consecutive days; a record of additional 'out of hours' working periods undertaken being maintained and made available to KCC on request; the voluntary code of practice for HGV drivers included within the application being adhered to and made known to all drivers attending the site, including the voluntary 20mph speed limit between the site and the A20; and

- (b) the applicants be advised by Informative that:-
- (i) they need to secure all necessary highway approvals and consents prior to commencement of the development, including a separate Section 278 Agreement for any work within the public highway;
 - (ii) they are encouraged to re-establish a formal local liaison group (committee) for the site with invitees to include representatives of the local community (for example residents of Watery Lane, Westwell Parish Council, Ashford Borough Council (Environmental Health), the local KCC Member, Kent County Council (Highways and Transportation) and (Planning) and to hold regular liaison meetings or facilitate other suitable arrangements for discussion, such as notification of local residents providing details of when and how to raise any concerns;
 - (iii) they are asked to regularly emphasise to all HGV drivers attending the site of the importance of the Code of Practice for HGVs using Watery Lane; and
 - (iv) they are encouraged to liaise with the Local Highway Authority and other local land owners concerning the regular maintenance of the highway verges between the works and the A20 in order to minimise encroachment into the public highway.

61. Application AS/16/01192 (KCC/AS/0208/2016) - Permanent use of the site as a High Output Operating Base, including the storage and loading onto train of track ballast, maintenance activities and erection of accommodation at Waterbrook Park, Waterbrook Avenue, Sevington, Ashford; Network Rail (Item C2)

(1) The Head of Planning Applications Group reported correspondence from Mr Paul Bartlett which had previously been circulated to the Committee. This correspondence included the suggestion for a specific condition requiring the use of a sprinkler and for the "nearest noise sensitive receptor" condition to be strengthened to take account of possible new houses to the south of the application site. The Head of Planning Applications Group advised that it would not be appropriate to require the applicants to fulfil a condition in respect of a future development that might or might not arise and also that the proposed conditions included a requirement the development to be carried out in accordance with the approved details and drawings set out in the application. This included the use of a sprinkler.

(2) RESOLVED that permission be granted to the application subject to conditions, including conditions covering implementation within 3 years of the date of the permission; the development being carried out in accordance with the approved details and drawings set out in the application; noise mitigation

measures being put in place prior to the commencement of the High Output Operating Base (HOOB), including the erection of the various buildings and structures associated with the development, and the provision and maintenance of a 6m high bund, noise barrier or combination of both along the eastern and southern perimeters of the site, together with the construction and maintenance of a 5m high noise barrier around the perimeter of the rail sidings, as shown on Figure 5 of the RPS Noise Assessment Report dated October 2016; the noise rating level calculated and measured in line with BS 4142:2014 at the nearest noise sensitive receptors being at or below 42 dB Lar for any 15min period between 5am. and 7am; the noise rating level calculated and measured in line with BS 4142:2014 at the nearest noise sensitive receptors being at or below 52 dB Lar for any 1hr period between 7am. and 11pm; noise monitoring being carried out, with the results being submitted to the County Planning Authority within one month, upon the commencement of the HOOB operations at the nearest noise sensitive receptors in order to demonstrate whether the noise limits specified are being met; operations immediately ceasing in the event that the levels measured are above those specified, until such times as additional noise mitigation measures are put in place. Further noise monitoring being carried out upon the re- commencement of the HOOB operations, with the results being submitted to the County Planning Authority within one month in order to enable an assessment to be made as to whether further additional noise mitigation measures are required in order to comply with the noise limits set; the submission of a remediation strategy in the event of the discovery of any ground contamination during site construction; no infiltration of surface water into the ground, except where it can be demonstrated that there is no unacceptable risk to groundwater; all foul drainage being contained within a sealed cesspit; the submission and approval of a detailed surface water drainage scheme prior to commencement of the development. no occupation of any buildings taking place until after the implementation of the approved surface water drainage scheme; the submission and approval of detailed design plans for the proposed diversion of Public Right of Way AE350; retention of the existing Public Right of Way AE350 on its current route until such times as the Diversion Order securing it diversion has been certified; and no obstruction of either the current Public Right of Way AE350 or its diverted route throughout the duration of the HOOB operations.

62. Proposal SE/16/01043/KCC/REG3 (KCC/SE/0055/2016) - Single storey extension to provide additional teaching space, car park extension and landscape improvements to enable the school to expand from 1FE to 2FE at Seal CE Primary School, Zambra Way, Seal; KCC Property and Infrastructure Support
(Item D1)

(1) Mr N J D Chard informed the Committee that he was the Local Member for this proposal. He had not given his views on the proposal and was able to approach its determination with a fresh mind.

(2) Mr Tim Martin from Seal PC addressed the Committee in opposition to the proposal. Mr Paul Mew (Paul Mew Associates) and Ms Sarah Hiscutt (GL Hearn Limited) spoke in reply on behalf of the applicants.

(3) Mr N J D Chard moved, seconded by Mr M Baldock that consideration of this proposal be deferred to enable further detailed consideration of opportunities to improve travel and access arrangements.

(4) Following discussion, Mr Chard withdrew the motion with the agreement of his seconder and the Committee.

(5) Mr M Baldock moved, seconded by Mr C P Smith that the application be refused. *The reasons for refusal are set out in (6) below.*

Carried Unanimously

(6) RESOLVED that the application be refused for the following reasons:-

(a) The proposal would represent inappropriate development in the Metropolitan Green Belt by reason of the scale and size of the extension and the increase in built form on the site, which would be harmful to and would not maintain the open character of the Green Belt, contrary to Policy GB8 of the Sevenoaks District Council Allocation and Development Plan, Policy LO8 of the Core Strategy and paragraph 89 of the NPPF; and

(b) the proposed expansion of the school would result in an increase in school related traffic on surrounding roads without provision in place of adequate mitigation measures to offset the adverse travel impacts, contrary to Policy T1 of the Sevenoaks District Council Allocation and Development Management Plan.

63. Proposal DA/16/01328 (KCC/DA/0213/2016) - Erection of two storey classroom block with additional site car parking at Wentworth Primary School, Wentworth Drive, Dartford; KCC Property and Infrastructure Support
(Item D2)

(1) The Head of Planning Group asked the Committee to amend her recommended Informatives so that the school should “request” rather than “instruct” parents of older children to park further from the school. This was agreed.

(2) RESOLVED that:-

(a) 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; the submission of details of external materials; the carrying out (subject to a Traffic Regulation Order) of the highways works (provision of double yellow line waiting restrictions at the junction of Wentworth Drive and Chastilian Road) before first occupation of the building, or in accordance with a timetable to be agreed with the Highways Authority; the provision of the car parking and cycle parking spaces detailed in the application prior to occupation; the submission and approval of a car parking management plan prior to occupation; the submission and approval of a construction management strategy including details of the location of site compounds, operatives and construction visitor vehicle parking, wheel cleaning facilities and details of how the site access would be managed to avoid peak school times, together with details of any construction accesses, and details of procedures to be adopted to minimise and respond to neighbour complaints during the construction period; no HGVs reversing onto or off the public highway unless under the supervision of a banksman; hours of working during construction being restricted to between the hours of 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1300 hours on Saturdays

with no operations on Sundays and Bank Holidays; the submission and approval of drainage design layout, with no drainage for the infiltration of surface water drainage to the ground being permitted other than with consent of the Planning authority; and the submission of a remediation strategy if contamination not previously identified is found to be present at the site, detailing how it will be dealt with; and

- (b) the applicants be advised by Informative that:-
- (i) the school should request parents of older children to park further from the school to relieve the pressure for parking in the most popular areas nearer to the school entrances;
 - (ii) the Responsible Parking Initiative should be included within the School Travel Plan;
 - (iii) construction should be governed by a Construction Environment Management Plan in order to prevent water pollution; and
 - (iv) their attention is drawn to the Environment Agency Developer's Guide and pollution prevention advice.

64. Proposal DA/16/01732/CPO (KCC/DA/0222/2016) - Single storey extension to accommodate eight new classrooms and ancillary spaces at Temple Hill Primary School, St Edmund's Road, Dartford; KCC Property and Infrastructure Support
(Item D3)

- (1) Mr T A Maddison informed the Committee that he was the Local Member for this application. He had not given his views on the application and was able to approach its determination with a fresh mind.
- (2) On being put to the vote, the recommendations of the Head of Planning Applications Group were agreed by 16 votes to 0 with 1 abstention.

RESOLVED that the application be referred to the Secretary of State for Communities and Local Government and that subject to his decision:-

- (a) 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; the submission of details of all materials to be used externally; hours of working during construction being restricted to between the hours of 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays or Bank Holidays; the submission of a Construction Management Plan, providing details of construction vehicle loading/unloading and turning facilities, and measures to be taken to prevent mud and debris being deposited on the public highway; a revised School Travel Plan, to include the commitment to operating the "Walking Bus" from the nearby Temple Hill Square car park; the implementation of the revised School Travel Plan and its future review and revision where necessary; the submission and written approval of a

specification for a programme of archaeological works; a detailed drawing showing the layout of the car park, and specifically the dimensions of all parking spaces, prior to construction; and the submission and approval of details of the photovoltaic panels; and

- (b) the applicants be advised by Informative that:-
 - (i) the School Travel Plan should be registered with Kent County Council through the “jambusters” website; and
 - (ii) they should follow the Environment Agency’s advice with regard to foul drainage, land contamination and waste.

65. Matters dealt with under delegated powers
(Item E1)

RESOLVED to matters dealt with under delegated 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 2011; and
- (d) Scoping Opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (None).