

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, 19 April 2017.

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

ALSO PRESENT: Mr D S Daley

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr M Clifton (Principal Planning Officer - Waste Developments), Mr J Wooldridge (Principal Planning Officer - Mineral Developments), Mr D Joyner (Transport & Safety Policy Manager) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

18. Minutes - 15 March 2017
(*Item A3*)

RESOLVED that the Minutes of the meeting held on 15 March 2017 are correctly recorded and that they be signed by the Chairman.

19. General Matters
(*Item B1*)

The Head of Planning Applications Group reported positive outcomes from a recent meeting between Planning Officers and representatives from Sport England. These included an agreed escalation process, which was already working effectively in other parts of the UK, the early involvement of KCC's Sports Development Unit in the planning process and joint training for officers from Sport England, KCC Property and Education.

20. Application SW/16/507594 (KCC/SW/0277/2016) - Phased extraction of brickearth, advance planting, access improvements, restoration and replanting back to agricultural use at Paradise Farm, Lower Hartlip Road, Hartlip; Wienerberger Ltd
(Item C1)

(1) Mr M Baldock and Mr L Burgess both informed the Committee that they were acquainted with some of the local residents who had corresponded in respect of the application. None of these acquaintanceships constituted a close personal relationship and they were both able to approach the determination of the application with a fresh mind.

(2) Mr S Bennett and Mrs J Taylor from Amey, the County Council's Noise and Air Quality were in attendance for this item.

(3) Correspondence from Newington PC and Mr John Wright had been circulated to the Committee prior to the meeting. Mr Wright had also provided photographs of the application site and its environs. These were displayed in the Council Chamber and a video of the horses from his stable was shown to the Committee as part of the introductory presentation by the Head of Planning Applications Group.

(4) Mr Richard Palmer (Newington PC), Mr Graham Addicott (Hartlip PC) and Mr John Wright addressed the Committee in opposition to the application. Mr David Bridgwood (Wardell Armstrong LLP) spoke in reply on behalf of the applicants.

(5) Mr M Baldock moved, seconded by Mr L Burgess that consideration of this application be deferred pending the outcome of the judicial review of the Secretary of State's decision to refuse the application for housing and related development at Pond Farm in Newington.

(6) One third of the voting Members present required that the way all Members cast their votes would be recorded.

(7) The Chairman thereupon put the motion set out in (5) above to the vote.

FOR: Mr M Baldock, Mr H Birkby, Mr L Burgess, Mrs E D Rowbotham and Mr T L Shonk.

AGAINST: Mr M J Angell, Mr D L Brazier, Mrs P Brivio, Mr N J D Chard, Mr I S Chittenden, Mr J A Davies, Mr T A Maddison, Mr S C Manion, Mr R J Parry, Mr C Simkins, Mr C P Smith, Mrs P A V Stockell and Mr J N Wedgbury.

Lost 5 votes to 13

(8) Mr T A Maddison moved, seconded by Mr C P Smith that the recommendations of the Head of Planning Applications Group be agreed subject to the complaints procedure being for approval by KCC; HGV movements on

Saturdays being limited to 50; and the workmen's facilities being removed at the end of each working phase; that the applicants be encouraged by Informative to engage with the owners of Paradise Farm and other adjoining residents and landowners about the impacts associated with the development and to explore the potential for alternative grazing facilities as appropriate; and for KCC Highways and Transportation to be asked to explore the potential for further improvements to the mitigation of the pinch point in Newington.

(9) One third of the voting Members present required that the way all Members cast their votes would be recorded.

(10) The Chairman thereupon put the motion set out in (8) above to the vote.

FOR: Mr M J Angell, Mr D L Brazier, Mrs P Brivio, Mr N J D Chard, Mr I S Chittenden, Mr J A Davies, Mr T A Maddison, Mr S C Manion, Mr R J Parry, Mr C Simkins, Mr C P Smith, Mrs P A V Stockell and Mr J N Wedgbury. .

AGAINST: Mr M Baldock, Mr H Birkby, Mr L Burgess, Mrs E D Rowbotham and Mr T L Shonk

Motion carried 13 votes to 5

(11) RESOLVED that:-

- (a) permission be granted to the application subject to conditions including conditions covering the cessation of brickearth extraction and the completion of the restoration within 18 years of the commencement of extraction; working, restoration and aftercare being undertaken as proposed; soil stripping, movement and storage, brickearth extraction and transportation and soil replacement taking place for no more than 16 weeks in any year between 1 April and 30 September (with brickearth extraction and transportation taking place for no more than 12 weeks during that period); the development being implemented as amended in February 2017 (i.e. with no operations outside the operational boundaries proposed at that stage); working only taking place between 0700 and 1800 hours on Mondays to Fridays and between 0800 and 1300 hours on Saturdays with no working on Sundays, and Bank/ Public Holidays and no operations, construction, servicing or maintenance outside of these hours except in emergencies; measures to prevent mud or debris being deposited on the highway (including the provision of the proposed wheel wash facility and its use when necessary, the cleaning of the access road and the covering/ sheeting of HGV loads); the noise limits proposed by KCC's Noise Consultant not being exceeded; the noise bunds being constructed in the proposed locations; the dust mitigation and live dust management plan proposed by KCC's Dust and Air Quality Consultant being implemented; The grass seeding of soil storage mounds / bunds; non-tonal reversing alarms being used by all operational vehicles,

plant and machinery associated with development at the site; the implementation of a code of practice for HGVs; the establishment of a complaints procedure for approval by KCC; the access onto the A2 being the only access used for development traffic; HGV movements being limited to 100 (50 in / 50 out) each day on Mondays to Fridays and to 50 (25 in / 25 out) on Saturdays ; the implementation of a traffic management plan (to include parking facilities and measures to assist in minimising the impact of HGVs when the A2 is congested); all HGVs involved in the transportation of brickearth entering from and leaving the site to the east; the provision of a detailed surface water management scheme; measures to address any unexpected contamination that may be found at the site; ecological surveys and mitigation; the implementation of an Ecological Management Plan; a programme of archaeological work; measures to safeguard public rights of way and their users; compliance with the Soils Handling Strategy; at least 1.2m of topsoil and subsoil being used in the final restoration profile; and the workmen's facilities being removed at the end of each working phase;

- (b) the applicants be advised by Informative that:-
 - (i) they are encouraged to establish a local liaison group involving representatives from Kent County Council, Newington Parish Council, Hartlip Parish Council and those residents or landowners immediately adjacent to the site;
 - (ii) they are encouraged to engage with the owners of Paradise Farm and other adjoining residents and landowners about the impacts associated with the development and to explore the potential for alternative grazing facilities as appropriate; and
 - (iii) they are asked to explore with KCC the potential for the early reinstatement of hedgerows to be monitored as part of the annual site monitoring visits; and
- (c) KCC Highways and Transportation be requested to explore the potential for further improvements to the mitigation of the pinch point in Newington.

21. Application CA/17/335 (KCC/CA/0030/2017) - Section 73 application to vary the wording of Condition 9 of Permission CA/15/2375 to increase the permitted tonnage at Plots D and E, Lakesview Business Park, Hersden, Canterbury; Ling UK Holdings Ltd
(Item C2)

(1) In agreeing the recommendations of the Head of Planning Applications Group, the Committee agreed to add an Informative encouraging the applicants to explore the potential for community engagement with the affected Parish Councils and interested parties.

(2) RESOLVED that:-

- (a) permission be granted to the application subject to Condition (9) being amended to allow no more than 120,000 tonnes of waste to enter the site in any one year; and the re-imposition of all conditions previously imposed on Permission CA/15/2375 updated and amended as necessary. These conditions include the provision of buildings to contain operations on site; the use of fast action doors within the Waste Transfer Building; the hours of operation; stockpile heights; HGV movements; odour suppression systems; noise controls; dust suppression measures; and a limit of 48 hours on the length of time putrescible waste can be retained on site;
- (b) the applicants be encouraged by Informative to explore the potential for community engagement with the affected Parish Councils and interested parties.

22. Application TM/17/131 (KCC/TM/0328/2016) - Section 73 application to vary Conditions 9 and 10 of Permission TM/10/2029 in order to increase vehicle movements and to allow preloaded HGVs to leave the site from 0630 at Hermitage Quarry, Hermitage Lane, Aylesford ; Gallagher Aggregates Ltd
(Item C3)

(1) Mr D S Daley was present for this item pursuant to Committee Procedure Rule 2.27 and spoke.

(2) RESOLVED that permission be granted to the proposed variations to Conditions (9) and (10) of Annex A2 of Permission TM/10/2029 to allow increased HGV movements and pre-loaded HGVs to leave the site from 0630 hours subject to conditions, including conditions covering the highest average daily number of HGV movements both entering and leaving the site during any one calendar month excluding non-working days not exceeding 600 movements per day; the number of HGV movements on any single day not exceeding 150 movements, of which a maximum of 50 movements should take place in the one hour period 0630 to 0730, 45 movements in the one hour period between 0730 and 0830 hours and 55 movements in the one hour period between 0830 and 0930 hours; only HGVs pre-loaded the previous evening being permitted to leave the site in the period between 0630 and 0700 hours (i.e. no other activity taking place); the maximum number of HGVs entering and leaving the site not exceeding a combined total of 50 movements during the evening peak period of 1600 to 1800 hours; and the submission and approval of details of a permanent HGV movement monitoring scheme to record movements on an hourly and daily basis.

23. 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) 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.

24. Mr Mike Clifton

The Chairman thanked Mr Mike Clifton for his many years of professional service to the Committee on his retirement. The Committee also recorded its appreciation.

25. Other Matters

The Committee recorded its appreciation for the work of all the Officers in the Planning Applications Group and elsewhere who had supported the Committee and also warmly thanked Mr John Davies for his chairmanship of the Committee over the previous four years.