

KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber - Sessions House on Wednesday, 10 July 2019.

PRESENT: Mr R A Marsh (Chairman), Mrs R Binks, Mr J Burden, Mr P C Cooper, Mr S J G Koowaree (Substitute for Mr I S Chittenden), Mr M D Payne, Mr C Simkins and Mr J Wright

ALSO PRESENT: Mr A H T Bowles

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr J Wooldridge (Principal Planning Officer - Mineral Developments), Mrs A Hopkins (Principal Planning Officer), Mr P Hopkins (Principal Planning Officer), Mr C Finch (Senior Projects Officer - CAIP East Kent), Ms V Hubert (Strategic Transport and Development Planner), Ms M Green (Principal Planning Officer) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

30. Minutes - 12 June 2019

(Item A3)

RESOLVED that the Minutes of the meeting held on 12 June 2019 are correctly recorded and that they be signed by the Chairman.

31. Application SW/18/502827 (KCC/SW/0090/2018) - Redevelopment of existing waste management facility and inclusion of additional land into a waste management use (part retrospective) at Site D, Oare Creek, Faversham; East Kent Recycling

(Item C1)

(1) Mr A H T Bowles was present for this item pursuant to Committee Procedure Rule 2.27 and spoke.

(2) Correspondence from Helen Whately, MP and Mr Julian Saunders (Faversham TC) had previously been circulated to the Committee.

(3) The Head of Planning Applications Group informed the Committee of representations made by the Local Member, Mr A Hook, Mr P Vaight, Mr R Morrison (UPROARE), Elizabeth Heister and Mr and Mrs Hutchinson.

(4) The Head of Planning Applications Group asked the Committee to note that the second "waste types" condition should read "the quantity of green waste received to not exceed 40 tonnes per week."

(5) Ms Janet Hill (Chair of Oare PC), Mr Julian Saunders (Faversham TC), Mr Robert Morrison (UPROARE), Mr Paul Vaight and Mr Ben Martin (Local Borough

Councillor) addressed the Committee in objection to the application. Mr Matt Mehegan (Watermans) spoke in reply on behalf of the applicants.

(6) The Committee agreed to include a requirement for the site operator to maintain records of the quantity of waste handled at the site and to make them available to the Waste Planning Authority upon request and in an annual summary. It also agreed that the submitted noise monitoring scheme would be permanent rather than temporary.

(7) The Committee added an Informative that the applicants should explore the potential for the installation of additional pedestrian refuge points and/or for lengthening them.

(8) On being put to the vote, the recommendations of the Head of Planning Applications Group were carried as amended by 5 votes to 2.

(9) RESOLVED that:-

- (a) the Appropriate Assessment made under The Conservation of Habitats and Species Regulations (2017) be endorsed as appended to the report and that permission be granted to the application subject to conditions, including conditions covering the development being carried out in accordance with the submitted documentation and plans, including flood mitigation measures; the development being carried out in accordance with the proposed site layout; overall throughput being restricted to a maximum of 45,000 tpa, with no more than 1,000 tonnes held on site at any one time; precautions to prevent unauthorised tipping; entrance gates being closed outside of permitted operational hours; a copy of the permission being made available on site; the withdrawal of permitted development rights; the site operator maintaining records of the quantity of waste handled at the site and making them available to the Waste Planning Authority upon request and in an annual summary; the maximum number of HGV movements being restricted to 80 per day (40 In / 40 Out); records of all HGV movements being maintained by the site operator; monitoring reports of HGV movements associated with all operations at the site being submitted to the Waste Planning Authority each month; HGVs being routed along the Western Link Road and the A2 corridor, unless delivering / collecting within the Faversham area; measures being taken to ensure that vehicles connected with the use do not deposit mud or other materials on the public highway; all loaded HGVs entering or leaving the site being enclosed, covered or sheeted; the site access road being maintained and kept free of potholes, mud and other debris; the provision of secure covered cycle parking facilities; the provision of car parking as proposed; final details of the proposed pedestrian refuges and other improvements along the access road being submitted for approval and completed as approved; the core operating hours being 0700 to 1800 on Mondays to Fridays, 0700 to 1300 on Saturdays with no operations on Sundays and Bank holidays; additional hours for vehicle movements only being 1800 to 2000 on Mondays to Fridays and 1300 to 1800 on Saturdays; the hours for receipt of Waste Collection / Disposal Authority Waste

(including that contracted to third parties) being 0700 to 1800 on Bank Holidays, 1300 to 1700 hours on Saturday afternoons prior to and following Bank holidays and 0700 to 1800 hours on Boxing Day (with prior written agreement); the Noise mitigation measures set out within the application; the Materials Recycling Facility being run off mains electricity; no additional plant or equipment to be operated on site without prior permission / approval; the use of broadband reversing alarms for site-based HGVs, plant and equipment; employment of Best Practicable Means (BPM) to minimise noise, including the fitting of all vehicles, plant and machinery with closed engine covers and effective silencers which are to be effectively maintained; plant, equipment and vehicles only working from ground level and not operating on stockpiles or stored materials; the submission of a noise monitoring scheme, including the provision of additional mitigation measures where required and its regular monitoring, which is only to be discontinued once the Waste Planning Authority is satisfied that noise emissions accord with the levels calculated in the Noise Assessment; noise limits being a maximum of 5dB above background levels at noise sensitive properties; dust mitigation measures as set out in the application; the submission for approval of details of means of enclosure and the fixed dust suppression system proposed for the north-east corner of the site; unsegregated (mixed) waste, except for Construction, Demolition and Excavation category waste, only being received within the waste reception building(s); the height of stored materials, bales and skips not exceeding 4m; waste types being restricted to those applied for; municipal waste being restricted to wood and green waste only; no food waste, 'black bag' waste or other putrescible waste streams being accepted except for material received in contaminant quantities as part of a mixed skip load; any contaminant quantities of putrescible waste received being removed to an authorised facility within 48 hours; the quantity of green waste received not exceeding 40 tonnes per week; the delivery of the green waste mitigation measures proposed in the application; the surface and groundwater pollution mitigation measures included in the application; the submission of a remediation strategy to deal with the risks associated with contamination of the site; the measures to be taken if unidentified contamination is found to be present; no infiltration of surface water drainage into the ground occurring without the written consent of the planning authority; all foul drainage being connected to mains drainage or sealed cesspool; details of piling or any other foundation designs using penetrative methods being submitted for approval; the concrete pad and integrated surface water drainage system being extended to include the entire yard area; the proposed flood mitigation measures being delivered and maintained; the submission for approval of a landscape management and enhancement scheme in accordance with the principles set out within landscape drawing received, including planting and maintenance arrangements; the protection and retention of existing and proposed vegetation; the buildings being clad as proposed in moorland green; a precautionary mitigation approach to vegetation clearance; use of the buildings being restricted to waste use; details of a full lighting scheme for the site being submitted for approval; external lighting (except for

low-level security lighting) not being used outside of the proposed hours of use; the submission for approval of a Construction Environmental Management Plan; no piling taking place during construction; and construction operations taking place between 0800 and 1800 hours on Mondays to Fridays and 0900 to 1300 hours on Saturdays;

- (b) the Head of Planning Applications Group be granted delegated powers to determine submissions made pursuant to the conditions imposed on the planning permission, including where there are relevant technical objections. *For the avoidance of doubt, any material changes to the nature of the development hereby permitted or the above conditions will require a further planning application (either full or a variation of condition pursuant to section 73 of the Town and Country Planning Act 1990); and*
- (c) the applicants be advised by Informative that they should explore the potential for the installation of additional pedestrian refuge points and/or for lengthening them.

32. Application DO/18/1104 (KCC/DO/0474/2018) - Redevelopment of existing industrial site into a waste management use to provide for a fully enclosed waste management facility at East Kent Recycling, Aylesham Industrial Estate, Cooting Road, Aylesham; East Kent Recycling
(Item C2)

(1) The Head of Planning Applications Group reported correspondence from Nonnington PC maintaining its objection to the application.

(2) Ms Jillian Barr (representing Sharpak Aylesham Ltd) addressed the Committee in objection to the application. Mr Matt Mehegan spoke in reply on behalf of the applicants.

(3) On being put to the vote, the recommendations of the Head of Planning Applications Group were carried by 6 votes to 0 with 1 abstention.

(4) RESOLVED that:-

- (a) permission be granted to the application subject to conditions, including conditions covering the commencement of the development within 3 years; the development being carried out and completed in accordance with the submitted details, documents and plans; a maximum throughput of 45,000 tonnes per annum; no more than 80 HGV movements (40 in / 40 out) per day; records being maintained and made available to the Waste Planning Authority of all HGV movements; HGV movements before 0800 hours being restricted to 4 HGV movements between 0500 and 0600 hours and 10 HGV movements each hour between 0600 and 0800 hours; no overnight parking of HGVs taking place on site; measures being taken to ensure that vehicles leaving the site do not deposit mud or other materials on the public highway; all loaded HGVs entering or leaving the site being enclosed, covered or

sheeted; no waste being delivered to the site by members of the public; the provision and retention of areas shown for vehicle access, parking, turning, manoeuvring, loading and unloading; measures to prevent the discharge of surface water into the public highway; the provision of dropped kerb cross overs and associated parking restrictions on the public highway; the provision and maintenance of visibility splays as shown on the submitted plans; the implementation and maintenance of the proposed fleet management measures to ensure that there is no queuing on the public highway; core operating hours being 0600 to 1830 on Mondays to Fridays; 0600 to 1400 on Saturdays with no operations on Sundays, Bank and Public Holidays (except where required in the exceptional circumstances set out below):-

exceptional vehicle movements taking place between 0500 and 2000 on Mondays to Fridays, 0500 to 2000 on Saturdays, with no vehicle movements on Sundays, Bank and Public Holidays; receipt of Waste Collection Authority and Waste Disposal Authority waste (including that which it has contracted to third parties) being from 0700 to 1800 on Public Bank Holidays (except Christmas Day) and on occasional Saturday afternoons up to 1700 prior to and following a Public Bank Holiday (in order to meet any exceptional service demands), 1830 to 0600 on Mondays to Fridays and 1400 to 0000 hours on Saturdays on up to a maximum of 10 occasions (nights) per year. Night-time working will not take place on Bank or Public Holidays or on more than two consecutive nights, 0800 to 1300 on Sundays on up to a maximum of 6 occasions (Sundays) per year). During all such extended hours all external doors are to be kept closed at all times, with no waste deliveries or transportation of materials off site taking place; the Operator maintaining a record of out of normal hours working;

the external cladding being finished in green; use of building being restricted to waste use; waste receipt, deposit, handling, sorting, processing, storage and dispatch taking place within the building; the implementation of an archaeological watching brief; waste types being restricted to those applied for in the amended application, excluding residual (putrescible) and black bag waste, unless in contaminant quantities; any putrescible (residual) waste received being removed from site to an authorised waste disposal facility within 48 hours; the submission for approval of a Dust Management Plan; rapid rise doors being installed and kept closed at all times unless a vehicle is entering or leaving; the submission for approval of a ground and surface water remediation strategy to deal with the risks associated with contamination of the site; the submission for approval of a verification report demonstrating the completion of works set out in the approved remediation strategy; the measures to be implemented if contamination not previously identified is found to be present on site; no infiltration of surface water drainage into the ground unless approved; no piling or any other foundation designs taking place using penetrative methods unless approved by the County Planning Authority; a copy of the permission and the approved plans being

made available in the operator's site office; the withdrawal of permitted development rights unless approved; no crushing, screening or shredding of waste taking place on site; all vehicles, plant and machinery being maintained, serviced and fitted with closed engine covers and effective silencers; no external lighting being installed without approval from the County Planning Authority; external lighting being extinguished outside the operating hours; the submission for approval of a Construction Environmental Management Plan (CEMP), including dust mitigation measures; and construction or demolition operations being restricted to 0800 to 1800 on Mondays to Fridays, 0900 to 1300 on Saturdays, with no operations on Sundays and Bank Holidays unless approved by the County Planning Authority; and

- (b) the applicants be informed by Informative
 - (i) of Local Highway Authority advise on work affecting highway land;
 - (ii) of Environment Agency advice on piling / foundation design.
 - (iii) of the Coal Authority's standing advice and contact details; and
 - (iv) that they should make a pre-application enquiry if they wish to progress the construction of a new radio mast on site, prior to any work taking place in order to establish whether the development proposed requires planning permission; and
- (c) the Head of Planning Applications Group be granted delegated powers to determine submissions made pursuant to the conditions imposed on the planning permission, including where there are relevant technical objections. *For the avoidance of doubt, any material changes to the nature of the development hereby permitted or the above conditions will require a further planning application (either full or a variation of condition pursuant to section 73 of the Town and Country Planning Act 1990.*

33. Proposal TW/18/239 (KCC/TW/0523/2018) - 2 Form of Entry expansion at Bennett Memorial Diocesan School, Culverden Down, Tunbridge Wells; KCC Property and Infrastructure Support
(Item D1)

RESOLVED that:-

- (a) the application be referred to the Secretary of State for Housing Communities and Local Government on Sport England grounds, and that subject to his decision and subject to a signed Memorandum of Understanding regarding the required monetary contribution regarding the Travel Plan and Public Transport Capacity Improvements permission be granted to the application subject to conditions, including conditions covering the standard 3 year time limit for implementation; the development being carried out in accordance with the permitted details; the submission and approval of details of all materials to be used externally; the submission for approval of a scheme of landscaping to

include additional tree planting, soft landscaping, and hard surfacing; the development being carried out in accordance with the submitted "Tree Protection, Removal and Replacement Strategy"; the submission of further details of an Arboricultural Method Statement with "restrictive dig and surfacing details; the submission of arboricultural supervision / monitoring reports; no tree removal taking place during the bird breeding season; the setting up of a 25m exclusion zone around potential badger setts prior to the commencement of the development; the submission of a biodiversity enhancement plan prior to the completion of the development; removal of the temporary teaching accommodation within 1 month of the first use / occupation of the permanent teaching accommodation; the submission of details of external lighting and hours of operation regarding the new building, the building extensions, the bus pick-up / drop off zone, pedestrian access routes, car parking and the site boundaries; completion of the bus pick-up / drop off zone and on-site pedestrian access improvements prior to first use / occupation of the development; the provision and retention of car parking, loading and turning facilities, 22 of them prior to first use / occupation, and the following 14 within 3 months of the removal of the temporary teaching accommodation; implementation of a Traffic Regulation Order to provide parking restrictions on Culverden Down and a 20 mph speed limit in the vicinity of the school, and its completion prior to occupation of the development; the submission and approval of an updated Travel Plan within six months of occupation, and its ongoing monitoring / auditing for a period of 5 years, within which there will be annual updates with funding secured for KCC Highways (via a Memorandum of Understanding) to ensure adequate resourcing to audit and oversee this process, including the setting up of a Steering Group and the appointment of a Travel Plan Coordinator; the submission and approval of a detailed Sustainable Surface Water Drainage Scheme prior to the commencement of the development; the submission of a verification report (relating to the SuDs) prior to occupation of the development; hours of working during construction and demolition being restricted to between 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays; and the submission and approval of a construction management strategy prior to the commencement of the development, including details of the location of site compounds and operative / visitors' parking, details of site security and safety measures, lorry waiting and wheel washing facilities, details of how the site access would be managed to avoid conflict with peak school times, and details of any construction accesses; and

- (b) the applicants be advised by Informative that with regard to the requirement to prepare and submit:-
 - (i) a (revised / amended) School Travel Plan, they should register with Kent County Council's Travel Plan Management system "Jambusters"; and
 - (ii) a scheme of landscaping, consideration should be given to the inclusion of species that encourage bees;

34. 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 2017; and
- (d) Scoping Opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (None).

35. KCC responses to consultations

(Item F1)

RESOLVED to note without comment Kent County Council's response to the following consultations:-

- (a) Application EDC/18/0196 - Discharge of Conditions 19, 20 and 21 of Permission EDC/17/0048 relating to the submission of the Area Masterplan, Area Design Code and Air Quality Monitoring at Ashmere (Western Village), Eastern Quarry, Watling Street, Swanscombe; and
- (b) Application EDC/19/0062 - Discharge of Condition F4 of Permission 20150155 (Gravesham) relating to a scheme for the provision and timing of improvements to the A2 Trunk Road/Southfleet Road Interchange and A2 Trunk Road/ station access roads at Land at Ebbsfleet bounded by A2, Southfleet Road, Springhead Road, North Kent Rail Line excluding Blue Lake, Springhead Enterprise Park and CTRL Alignment, Swanscombe and Northfleet.