

## 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 Wednesday, 6 November 2019.

PRESENT: Mr R A Marsh (Chairman), Mr R A Pascoe (Vice-Chairman), Mr P Bartlett (Substitute for Mr M D Payne), Mrs R Binks, Mr A Booth, Mr J Burden, Mr I S Chittenden, Mr P C Cooper, Mr H Rayner and Mr J Wright

ALSO PRESENT: Ida Linfield

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mrs A Hopkins (Principal Planning Officer), Mr P Hopkins (Principal Planning Officer), Mr J Bickle (Senior Planning Officer), Mrs L Cook (Senior Planning Officer), Mr M Bembridge (Transport and Development Planner) and Mr A Tait (Democratic Services Officer)

#### UNRESTRICTED ITEMS

##### **51. Minutes 9 October 2019**

*(Item A3)*

RESOLVED that the Minutes of the meeting held on 9 October 2019 are correctly recorded and that they be signed by the Chairman.

##### **52. Dates of future meetings**

*(Item A4)*

The Committee noted the following future meeting dates:-

Wednesday, 4 December 2019;	Wednesday, 15 January 2020;
Wednesday, 5 February 2020;	Wednesday, 4 March 2020;
Wednesday, 1 April 2020;	Wednesday, 13 May 2020;
Wednesday, 17 June 2020;	Wednesday, 15 July 2020;
Wednesday, 12 August 2020 (Provisional);	Wednesday, 16 September 2020;
Wednesday, 14 October 2020;	Wednesday, 4 November 2020;
Wednesday, 9 December 2020;	Wednesday, 13 January 2021;
Wednesday, 10 February 2021;	Wednesday, 17 March 2021;
Wednesday, 21 April 2021; and	Wednesday, 16 June 2021.

### **53. General Matters**

*(Item B1)*

(1) The Head of Planning Applications Group reported that the Examination Hearing stage of the *Kent Minerals and Waste Plan Early Partial Review* had now concluded with some minor modifications being made as a result of the Examination process. These would be subject to public consultation in late 2019 and any views received would be forwarded to the Planning Inspectorate so that the Inspector could consider them in finalising his report. This report was expected in early 2020 which, subject to his views, would allow the Local Plan to be adopted.

(2) The Head of Planning Applications Group then informed the Committee that, following a request made by a member of the public for the Secretary of State to call in the Maidstone Girls Grammar School and the Maplesden Noakes School, Maidstone applications (Minutes 20/47 and 20/48), the Secretary of State had decided not to do so.

### **54. Application SW/19/500380 (KCC/SW/05/2018) - Change of use of land from storage and parking of HGVs to a small-scale waste management facility at Units 1 and 2 Marshbank Industrial Estate, Old Ferry Road, Iwade; ADS Skip Hire**

*(Item C1)*

(1) The Head of Planning Applications Group informed the Committee of correspondence from the Local Member, Mr M J Whiting raising no objection to the application provided that the conditions were such as to assure that the operation remained small-scale and that the site was regularly monitored.

(2) The Head of Planning Applications Group reported correspondence from Swale BC reaffirming its objection to the application.

(3) The Committee amended the recommendations by specifying that the proposed planting was to be delivered and maintained for at least 7 years; that no waste was to be burned on site; that there was to be no occupation or residency of the office or accommodation outside working hours; that records were to be kept of all the tank inspections and made available to KCC upon request; and that the netting on the fencing was to be maintained in a good state of repair.

(4) On being put to the vote, the recommendations of the Head of Planning Applications Group were carried as amended in (3) above by 7 votes to 2.

(5) RESOLVED that 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 permission being implemented within 3 years; the development being carried out in accordance with the submitted documentation and plans; no waste being imported until the site infrastructure (including waste reception bay, concrete pad, drainage channels, silt traps, underground storage tank, sleeper walls and dust suppression system) is provided and that it be maintained in a good state of repair thereafter; the submission, as referenced in the supporting statement, of a site management plan consolidating the mitigation measures, including

amongst other matters, the measures set out in the document titled 'Supplementary Information: Dust Management' dated 26 April 2019 (Reference: 2917); overall throughput being restricted to a maximum of 5,000 tpa; no skips, containers or waste / recyclable materials stored exceeding 3m in height; a copy of the permission being made available on site; withdrawal of permitted development rights; a maximum of 22 HGV movements per day (11 In / 11 Out); records of all HGV movements being kept by the site operator; HGVs being routed north along the Old Ferry Road toward the A249 corridor, unless delivering / collecting locally within Iwade or Lower Halstow; 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 upgraded and repaired within 4 months of the permission; the provision and permanent retention of the vehicle parking and vehicle loading/unloading and turning facilities; operating hours being limited to between 0700 and 1700 on Mondays to Fridays, 0700 and 1300 on Saturdays with no operations on Sundays and Bank Holidays; entrance gates being closed outside of permitted operational hours; the employment of Best Practicable Means (BPM) to minimise noise, including all vehicles, plant and machinery being fitted with closed engine covers, effective silencers and being effectively maintained; plant, equipment and vehicles only working from ground level and not operating on stockpiles or stored materials; waste types being restricted to those applied for; any contaminant quantities of putrescible waste received being removed to an authorised facility within 48 hours; all incoming waste being deposited within the waste reception bay, with no waste destined for landfill being stored beyond the concrete pad; all other sorted waste being stored within the bay or the storage containers proposed; no waste being deposited or stored directly on the ground outside the reception bay; no waste being burned on site; site infrastructure, including hard surfaced areas, drainage channels, silt traps and the storage tank being maintained in a good state of repair and inspected regularly, with any damage being repaired immediately; the underground surface water storage tank being emptied when necessary with the contents being transported to a licenced facility for disposal all through the lifetime of the development; measures to be taken if unidentified contamination is found to be present during construction; records being kept of all the tank inspections and made available to KCC on request; all foul drainage being connected to mains drainage or a sealed cesspool; all fuel, oil or chemicals being stored in accordance with Government Guidance/ Regulations; no external lighting or flood lighting (except for the low-level lighting proposed in the application) being installed on site without prior written approval from the County Planning Authority; the submission of an archaeological watching brief and its subsequent implementation; the proposed planting being delivered within the first planting season following completion of the development and being maintained for at least 7 years thereafter, with any diseased or dying plants being replaced with suitable planting stock; and the office building and fencing being finished in a dark green colour with the netting on the fencing being maintained in a good state of repair; and there being no occupation or residency of the office or accommodation outside working hours.

**55. Proposal CA/19/1633 (KCC/CA/0166/2019) - 5 FE secondary school comprising 3-storey building, separate sports hall, MUGA, creation of two new vehicular accesses and associated parking landscaping and ancillary work at former Chaucer Technology School, Spring Lane, Canterbury; Kent County Council and Keir Construction (Southern)**

*(Item D1)*

(1) Ida Linfield was present for this item pursuant to Committee Procedure Rule 2.27 and spoke.

(2) The Head of Planning Applications Group informed the Committee that the applicants had agreed to include photovoltaic panels as part of the development. This necessitated an additional condition requiring the submission of details and that they be installed when the development was completed and the deletion of the relevant recommended Informative.

(3) In unanimously agreeing the recommendations of the Head of Planning Applications Group, the Committee amended the conditions by specifying the replacement of any plants or trees that died within 7 years after planting; that the vehicular accesses were to be kept open for *at least* 30 minutes before opening and closing time; and that a *minimum* of 2 electronic charging points were to be provided prior to occupation of the development. The Committee also added two Informatives. The first of these specified that the School Travel Plan should include a review of the efficiency of the 30-minute opening and closing of the vehicular accesses and the need for longer opening times as well as the adequacy of the facilities for pedestrians in the vicinity of the site. The second Informative encouraged the applicants to consider the provision of additional electronic charging points, including the installation of passive infrastructure for such works as part of the development.

(4) RESOLVED that:-

- (a) permission be granted to the proposal 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; no development taking place until the applicant has secured a programme of archaeological work in accordance with a written specification and timetable to be approved in writing by the County Planning Authority; no development taking place until a detailed sustainable surface water drainage scheme has been submitted for approval, and thereafter being implemented as approved; the landscape scheme set out in the Landscape Submission being implemented as set out within the first available planting season once the development is occupied; the replacement of any plants or trees that die within the first 7 years after planting; details of how the development will enhance biodiversity being submitted to and approved by the County Planning Authority prior to the completion of the development; no tree removal during the bird breeding season; details of any external lighting to be provided; no further development taking place if contamination not previously identified is found to be present, until a remediation strategy has been agreed with the County Planning Authority; no infiltration of surface water drainage into the ground being permitted other

than with the written consent of the County Planning Authority; no piling or penetrative foundation methods being used on site without the prior written consent of the County Planning Authority; no building on any phase being occupied until a Verification Report has been submitted and approved by the County Planning Authority; no development taking place until a construction management plan (including lorry routing, access, parking and circulation within the site for contractors and other vehicles related to construction operations, timings of deliveries, provision of wheel washing facilities, and temporary traffic management/signage) has been submitted for approval and implemented as approved; measures to prevent mud and debris being taken onto the public highway; 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 and Bank Holidays; measures to protect the existing trees during construction; the provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to occupation of the school; the provision and permanent retention of secure, covered cycle parking facilities as shown on the submitted plans prior to the occupation of the school; the provision and permanent retention of vehicle loading/unloading and turning facilities, as shown on the submitted plans, prior to the occupation of the school; the completion and maintenance of the accesses shown on the submitted plans prior to the occupation and use of the site commencing; all the highway works/changes, including the amended accesses and footways, being completed via a Section 278 Agreement with the Highway Authority at the applicant's expense and as shown in Drawing Number 133693 H-01 Rev P4, with a timeframe for the implementation of these works being submitted to the County Planning Authority; gates opening away from the highway and being set back a minimum of 6 metres away from the edge of the carriageway; the vehicular accesses being open during the school start and finish times and for at least 30 minutes prior to school opening and closing times in order to allow use by parents/guardians of dropping off/collecting facilities for pupils within the school grounds, to reduce congestion and inconsiderate parking/stopping on the public highway; at least 2 electronic vehicle charging points being provided prior to occupation; the submission to the KCC *Jambusters* website of the School Travel Plan, the implementation of this Plan and the measures therein within 6 months of the occupation of the development and its regular review thereafter; and submission of details of PV Panels to be installed when the development is constructed: and

- (b) the applicants be advised by Informative that:-
- (i) the School Travel Plan should include a review of the efficiency of the 30-minute opening and closing of the vehicular accesses and the need for longer opening times as well as the adequacy of the facilities for pedestrians in the vicinity of the site;
  - (ii) consideration should be given to the provision of additional electronic charging points, including the installation of

passive infrastructure for such works as part of the development;

- (iii) consideration should be given to the inclusion of species that encourage bees during preparation for submission of the required scheme of landscaping;
- (iv) the Highways Authority has advised that visibility and access into the site may be impeded by inconsiderately parked vehicles on Spring Lane. They must use their best endeavours to progress the installation of double yellow lines parking restrictions in Spring Lane as shown on the submitted Drawing Number 13693 H-01 Rev P4, to ensure safe access to the proposed development;
- (v) it is their responsibility to ensure, before the development is commenced, that all the necessary highway approvals and consents are obtained and that the limits of the highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority;
- (vi) the Environment Agency has further advised that piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Therefore, it should be demonstrated that any proposed piling will not result in contamination of groundwater. If piling is proposed, a Piling Risk Assessment must be written for submission in accordance with EA guidance document "*Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance in Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73*"; and
- (vii) the CL:AIRE Definition of Waste: "*Development Industry Code of Practice (version 2)*" provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice, excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution. Treated materials can be transferred between sites as part of a hub and cluster project, and some naturally occurring clean material can be transferred directly between sites. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. The Environment Agency recommends that developers should refer to the Position statement on the Definition of Waste: "*Development Industry Code of Practice and the Environmental regulations page on GOV.UK.*"

## **56. 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).

## **57. KCC responses to consultations**

*(Item F1)*

RESOLVED to note Kent County Council's responses to the following consultations:-

- (a) Application TM/17/01595/OAEA - Outline application: The erection of up to 840 dwellings (including affordable home) with public open space, landscaping, sustainable drainage systems, land for a Primary School, doctors surgery and for junction improvements at Hermitage Lane/A20 junction, and a link road between Poppy Fields roundabout and Hermitage Lane. Vehicular accesses into the site from Poppy Fields Roundabout and Hermitage Lane. All matters reserved with the exception of means of access at Land South of London Road and East of Hermitage Lane, Aylesford;
- (b) Application CA/18/00868/FOS - Hybrid planning application comprising: detailed planning application for 456 residential dwellings (405 houses and 512 flats) with associated open space, landscaping, car parking, access and other infrastructure (following demolition of 52 Shalloak Road, existing agricultural buildings and structures); outline planning application (with all matters reserved) for the development of a commercial area with up to 212sqm of retail and 617sqm of office/light industrial use at Broad Oak Farm, Sweechgate, Broad Oak, Sturry;
- (c) Application CA/17/01383/OUT - Outline application (with all matters reserved) for the development of up to 650 houses and associated community infrastructure comprising primary school, community building, public car park and associated amenity space, access, parking and landscaping; and detailed/full application for the construction of part of the Sturry Link Road and a local road from the Sturry Link Road to Shalloak Road at Land at Sturry/Broad Oak, Sturry;
- (d) Application CA/17/01866/FOS - Mixed use development including up to 955 dwellings comprising: Detailed proposals for 194 new dwellings, 1

Local Equipped Area of Play, new vehicular access (via priority junction) into Sweechbridge Road (north), realigned vehicular access to Sweechbridge Road (south), new westbound on -slip to and modified off-slip from A299 Thanet to Heart in Hand Road, upgraded alignment of May Street, associated internal roads/footpaths/cycleways, sustainable drainage system, earthworks, public open space landscaping (inc woodland) and street lighting. Outline application for up to 761 additional dwellings with all matters reserved excess access (excluding internal circulation) also including up to 33,000sqm of employment/commercial floorspace with associated parking spaces comprising employment units (within Use Class B1(a), B1 (c ) B2 and B8) (27,000 sqm) and 65-bed care home (Use Class C2) (4,500sqm) at Land at Hillborough, Sweechbridge Road, Herne Bay; and

- (e) Benenden Neighbourhood Development Plan - Regulation 14