

## KENT COUNTY COUNCIL

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### PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held online on Wednesday, 27 May 2020.

PRESENT: Mr R A Marsh (Chairman), Mr R A Pascoe (Vice-Chairman), Mr M A C Balfour, Mrs R Binks, Mr A H T Bowles, Mr I S Chittenden, Mr P C Cooper, Mr P M Harman, Mr H Rayner, Mr C Simkins and Mr J Wright

ALSO PRESENT: Ms S Hamilton, Mr R L H Long, TD and Mr M D Payne

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr J Wooldridge (Principal Planning Officer - Mineral Developments), Mr P Hopkins (Principal Planning Officer), Mr D Joyner (Transport & Development Manager), Mr A Tait (Democratic Services Officer) and Miss G Little (Democratic Services Officer)

#### UNRESTRICTED ITEMS

##### **13. Chairman's Opening Remarks**

*(Item )*

The Chairman opened the meeting by setting out the manner in which he intended to conduct the Committee's business so that the meeting could deal with the challenges posed by its Virtual nature in the most efficient way practical. He explained that, in order to help the smooth running of the meeting, he would formally move the recommendations of the Head of Planning Applications Group prior to the consideration of each application. This did not in any way imply any intention on his part to indicate his views on the application.

##### **14. Planning Applications Committee Virtual Meetings Protocol**

*(Item A2)*

RESOLVED that the Protocol appended to the report be adopted in order to facilitate the smooth working of the Committee's virtual meetings.

##### **15. Minutes - 4 March 2020**

*(Item A4)*

RESOLVED that the Minutes of the meeting held on 4 March 2020 are correctly recorded and that they be signed by the Chairman.

##### **16. Site Meetings and Other Meetings**

*(Item A5)*

(1) The Committee noted that its next meeting would take place on Wednesday, 10 June 2020.

(2) The Head of Planning Applications Group informed the Committee that active consideration was being given to the question of alternative arrangements for Members' site visits in accordance with Government advice. This included the Members' site tour of the Covers Quarry application site in Westerham which had not been able to take place as intended at the beginning of May 2020 (Minute 20/9).

## **17. General Matters**

*(Item B1)*

The Head of Planning Applications Group reported that the Government appointed Inspector to independently examine the Early Partial Review of the *Kent Minerals and Waste Plan* and the *Minerals Sites Plan* had concluded that both documents were legally sound subject to the modifications that were considered at the Examination. They could now be formally adopted by the County Council later in the year.

## **18. Application TM/05/723/MR88/38 (KCC/TM/0141/2019) - Details of a revised restoration scheme pursuant to Condition 38 of Permission TM/05/723/MR88 at Postern Park Quarry, Hadlow Road, Tonbridge; CEMEX UK Operations Ltd**

*(Item C1)*

(1) Mr M A C Balfour informed the Committee that he was the Local Member for this application. As he had not commented on this application in this capacity or as a Borough Councillor, he was able to approach its determination with an open mind.

(2) Mrs S Hamilton was present for this item and addressed the Committee.

(3) The Committee added an additional Informative drawing attention to the views of the Environment Agency in respect of several invasive non-native species (i.e. Giant Hogweed and Winter Heliotrope) known to be locally present and that it is illegal to cause them to be spread elsewhere. Attention was also drawn to the Agency's guidance on potential biosecurity protocols that should be followed.

(4) Mr H Rayner informed the Committee that as he had not been able to be present for the entire discussion of this application, he would not participate in its determination.

(5) On being put to the vote, the recommendations of the Head of Planning Applications Group (which had been seconded by Mr J Wright after having been formally moved by the Chairman) were unanimously agreed as amended in (3) above.

(6) RESOLVED that:-

- (a) the Application be approved subject to a condition specifying that no further works take place (including ground works and vegetation clearance) until a method statement for the protection of biodiversity has been submitted to and approved in writing by KCC. The method statement, which shall be informed by an appended up-to-date preliminary ecological appraisal (PEA) and (as necessary) protected species surveys shall be implemented as approved; and

- (b) the applicants be advised by Informative that:-
- (i) if the PEA and protected species surveys indicate that some or all of the further works are ecologically unacceptable, it will be necessary for the restoration scheme to be revisited and further revised; and
  - (ii) in undertaking the development, attention is drawn to the views of the Environment Agency in respect of several invasive non-native species (i.e. Giant Hogweed and Winter Heliotrope) known to be locally present and that it is illegal to cause them to be spread elsewhere. Attention is drawn to the Agency's guidance on potential biosecurity protocols that should be followed.

**19. Proposal DA/19/1549 (KCC/DA/0232/2019) - New tunnel (the Bean Road Tunnel) and associated road works to include bus, cycling and pedestrian access to the east of Bluewater Shopping Centre to link to Eastern Quarry development, including tree planting at land adjacent to Lake 5 and tunnel infilling at Bluewater Shopping Centre, Bluewater Parkway , Dartford, Greenhithe; KCC Major Capital Programme)**  
*(Item D1)*

(1) Mr P M Harman informed the Committee that he was the Local Member for this application. As he had not commented on this application in this capacity or as a Borough or Town Councillor, he was able to approach its determination with an open mind.

(2) The Head of Planning Applications Group informed the Committee of correspondence from the Local Member, Mrs P T Cole in support of the Proposal.

(3) The Head of Planning Applications Group informed the Committee of correspondence from Stone PC in support of the Proposal.

(4) The Head of Planning Applications Group referred to paragraph 112 of the report in which it was stated that the applicant did not propose piling. She said that some piling would be taking place at the tunnel portals on the Eastern Quarry and Bluewater side in the area of the tunnel hood supports and also temporary works to support the reed bed gabion wall. This was, however, covered by the Condition in the recommendations which had been recommended by Thames Water.

(5) The Clerk to the meeting read out written representations to the Committee which had been received from Mr Gordon Pratt (Managing Director of KENEXTram) as well as the reply on behalf of the applicants from Ms Deborah Day from Jacobs.

(6) The Committee agreed to add an additional Informative requesting the applicant to further consider not infilling the northern tunnel and to consider an alternative means of blocking off the tunnel.

(7) On being put to the vote, the recommendations of the Head of Planning Applications Group (which had been seconded by Mr H Rayner after having been

formally moved by the Chairman) were unanimously agreed as amended in (6) above.

(8) RESOLVED that:-

- (a) permission be granted to the proposal subject to conditions, including conditions covering the standard 3 year time limit; the development being carried out in accordance with the permitted details; the submission and approval of details of external hard landscape materials and the proposed fencing; the submission and approval of a detailed sustainable surface water drainage scheme including appropriate operational, maintenance and access requirements prior to commencement; the submission and approval of a Verification Report pertaining to the surface water drainage system to demonstrate the suitable modelled operation of the drainage system; the submission prior to commencement of details to satisfactorily demonstrate the diversion of the water asset to prevent the potential for damage to the subsurface potable water infrastructure; the submission and approval of further details of the length and depth of the provision of twin 800mm diameter pipes and headwall proposed as a culvert for the Eastern Quarry where it crosses the proposed access road; arrangements to address any unforeseen contamination found during development; arrangements to review the air quality dust impact assessment in the event of unforeseen contamination; the submission and approval of details of the highways design improvements which are to be incorporated into the scheme to address the minimum stagger distance, the provision of raised kerbs and call forward demand; an ecological survey, a pre-construction bird survey and supervision being carried out in accordance with the details set out in the application, including measures to secure a European Protected Species Mitigation Licence from Natural England in order to provide a mechanism to ensure that any mitigation/compensation is safe from foreseeable development and habitat management threats; the submission and approval of external lighting details, including the impacts of external lighting to bats and according with The Institute of Lighting Professionals Bat and Artificial Lighting in the UK Guidance Note 08/18; the submission and approval of details of the proposed landscape planting, including native species and suitability for bee pollination where appropriate in order to address the concerns raised by the Dartford BC and the Highway Authority relating to the impact upon potential desire lines and highway considerations; the submission and approval of details of the final profile and appearance of the existing tunnel face to the west and east of the existing tunnels and any landscaping requirements; the submission and approval of details of the proposed false tunnel or tunnel hood; the submission and approval prior to commencement of a Construction Environment Management Plan, including details in respect of the mitigation of dust and air quality measures during construction; the submission and approval prior to commencement of a Construction Management Plan in respect of operational hours during construction, routing of construction and delivery vehicles, parking and turning areas for construction vehicles, delivery vehicles and site personnel, timing of

deliveries, provision of wheel washing facilities and any temporary traffic management and signage; the restriction of piling unless a piling method statement has been submitted and approved; the submission prior to commencement of a method statement, incorporating a timeline in respect of vegetation removal and considerations in respect of all protected/ designated species; and

- (b) the Applicant be advised by Informative of:-
- (i) the need for a European Protected Species Mitigation Licence (EPSL) from Natural England in order to provide a mechanism to ensure that any mitigation/compensation is safe from foreseeable development and habitat management threats;
  - (ii) the need for developer consultation with the relevant utility companies;
  - (iii) waste management advice from the Environment Agency, including advice that in relation to contamination;
  - (iv) the Environment Agency's advice regarding permitting and waste transportation requirements to and from the development;
  - (v) the need for the drainage connection for the tunnel to have regard to the water management strategies for both the Bluewater and Eastern Quarry developments;
  - (vi) the advice from the Environment Agency that the tunnelling activity should be undertaken in a manner not likely to create impacts on the underlying chalk aquifer, having regard to potential water abstractions in the vicinity; and
  - (vii) advice from Thames Water in respect of working near its underground waste water assets, surface and foul water drainage and piling and working in close proximity to the underground strategic water main and utility infrastructure; and
  - (viii) the Committee's request for the applicant to further consider not infilling the northern tunnel and to consider an alternative means of blocking off the tunnel.

## **20. 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;
- (d) Scoping Opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017; and
- (e) the Urgent decision taken under Sections 10.15 and 10.16 of Part 2 of the Constitution in respect of the Temporary Body Storage Facility in response to the COVID-19 pandemic at the former County Workshops site in Aylesford.

**21. KCC responses to consultation**

*(Item F1)*

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

- (a) Lenham Neighbourhood Plan – Regulation 16 Consultation Submission Version;
- (b) Planning for Growth on the Hoo Peninsula; and
- (c) Ashford BC – Fibre to the Premises (FTTP) Supplementary Planning Document (SPD).