

**Medway Council**  
**MEETING OF PLANNING COMMITTEE**  
**Wednesday, 10 March 2010**  
**7.00pm to 10.05am**

**RECORD OF THE MEETING**

<b>PRESENT:</b>	Councillors: Diane Chambers, Baker, Kenneth Bamber, Bowler, Brake, Bright, Burt, Carr, Gilry, Haydock, Hicks, Hubbard, Stephen Kearney, O'Brien and Ruparel	
<b>Substitutes:</b>	Councillor Richard Andrews (Substitute for Councillor Roy Hunter)	
<b>In Attendance:</b>	Chris Butler Angela Drum Michael Edwards Dave Harris Carly Stoddart Alison Webster Ellen Wright	Principal Planner Head of Legal Senior Transport Planner Development Manager Senior Planner Planner Committee Coordinator

**646 RECORD OF MEETING**

The record of the meeting held on 17 February 2010 was agreed and signed by the Chairman as correct subject to the word 'constitution' in Minute 614(d), being amended to 'contribution' in respect of planning application MC/09/1135: Former Priestfields Nursery, Priestfields, Rochester.

**647 APOLOGY FOR ABSENCE**

An apology for absence was received from Councillor Hunter.

**648 CHAIRMAN'S ANNOUNCEMENTS**

- (i) The Chairman announced that planning application MC/09/2372 (Land adjacent to 5 Eden Road and 2 Harrison Drive, High Halstow, Rochester) had been withdrawn from discussion at this meeting to enable further negotiations to take place.
- (ii) The Chairman requested that Members turn their nameplates towards the public gallery and ensure that they speak into the microphones.
- (iii) The Chairman reminded Members that if they leave the room for any part of the introduction or discussion on a planning application, they should not rejoin the Committee for the debate and decision-making for that particular application.

**649 DECLARATIONS OF INTEREST**

Councillor Andrews declared a personal and prejudicial interest in agenda item 5 in respect of planning application MC/09/1263 (Morning Cross Bungalow, Well Penn Road, Cliffe, Rochester) on the basis that the applicant was known to him and he left the meeting for consideration and determination of this application.

Councillor Baker declared a personal interest in agenda item 5 in respect of planning application MC/09/2635 (Fenn House Farm, Fenn Street, St Mary Hoo, Rochester) on the basis that he had received a letter from the applicant. However, he confirmed that he had not expressed an opinion on this application and therefore would speak and vote on the application.

Councillor Kenneth Bamber declared a personal interest in agenda item 5 in respect of planning application MC/09/2635 (Fenn House Farm, Fenn Street, St Mary Hoo, Rochester) on the basis that the applicant was known to him but he confirmed that he would speak and vote on the application.

Councillor Burt referring to agenda item 5 planning application MC/09/2635 (Fenn House Farm, Fenn Street, St Mary Hoo, Rochester) advised that he too had received a letter from the applicant and had therefore been lobbied on this application but he confirmed that he had not responded to the letter.

Councillor Hicks declared a personal interest in agenda item 5 in respect of planning application MC/09/2635 (Fenn House Farm, Fenn Street, St Mary Hoo, Rochester) on the basis that he had received a letter from the applicant and had asked for this application to come to Committee for determination. However he confirmed that he had not expressed a view on the application and therefore would speak and vote on the application.

In addition, Councillor Hicks also declared a personal interest in planning application MC/09/1263 (Morning Cross Bungalow, Well Penn Road, Cliffe Rochester) on the basis that he had received a letter from the applicant and was the Ward Councillor for the area. However as he had not expressed a view on the application he would speak and vote on the application.

Councillor O'Brien declared a personal interest in agenda item 5 in respect of planning application MC/09/1373 (The Marlborough Centre, 41a Maidstone Road, Rainham, Gillingham) and advised the Committee that he wished to speak on this application as Ward Councillor. Councillor O'Brien confirmed that he would take no part in the consideration or determination of this application.

**650 PLANNING APPLICATIONS**

The Development Manager, Principal Planner, Senior Planner, Planner and Senior Transport Planner reported upon the applications contained within the schedule of planning applications.

**(A) MC/09/1628 - National Grid Property Holdings, Grain Road, Isle of Grain, Rochester**

**Discussion:**

It was suggested that if the Committee was minded to approve this application, proposed conditions 51 and 53 be amended and a new condition 62 be approved as a means of ensuring the protection and enhancement of ecology in accordance with policies BNE37 and BNE 39 of the Medway Local Plan 2003. Full details of these conditions were set out in the supplementary agenda advice sheet.

It was confirmed that since despatch of the agenda, Natural England had withdrawn its objection following discussion with the applicants and agreement to additional mitigation and the conditions set out in the report and amended on the supplementary agenda advice sheet.

It was reported that Circular 06/05: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within the Planning System had been omitted from the list of circulars listed within the report and was relevant to consideration of the Appropriate Assessment.

It was also suggested that if the Committee was minded to approve this application, the Director of Regeneration, Community and Culture be granted delegated authority to amend conditions as considered necessary.

During discussion on this application, the Committee requested that the reserved matters application be reported back to Committee for determination.

**Decision:**

Approved subject to:

- (a) The applicants entering into an agreement under Section 106 of the Town and Country Planning Act 1990 to secure:
  - 1. A financial contribution of £5,375,000 towards safety and capacity improvements on the A228 between the site and Four Elms Roundabout.
  - 2. The provision of a bespoke bus service operating between the site and major transport hubs and residential areas within Medway, of sufficient capacity and frequency to meet all the potential shift-working patterns arising from the development and operating in perpetuity from 20% occupation of the development.
  - 3. The provision of an Umbrella Travel Plan for the whole site and Subsidiary Travel Plans for each unit constructed on the site containing a comprehensive car share strategy and other physical and management measures that facilitate travel by sustainable

## Planning Committee, 10 March 2010

modes and discourage single occupancy car use, and including provision for the appointment of a Travel Plan coordinator for the development.

4. A financial contribution of £4,000 towards the implementation and monitoring costs incurred by the Council in respect of the Umbrella Travel Plan and a financial contribution of £4,000 for each Subsidiary Travel Plan for the individual units within the site.
  5. A financial contribution of £50,000 towards schemes identified by Grain Parish Council to improve the quality of life for existing residents of the Isle of Grain.
  6. The provision of up to 65ha of land available for off-site ecological mitigation area.
- (b) Conditions 1 – 50, 52 and 54 – 61 as set out in the report for the reasons stated in the report
- (c) Conditions 51 and 53 amended as follows:
51. Prior to the submission of any reserved matters application or any site preparatory works that have not been agreed in writing by the Local Planning Authority, the first review of the masterplan shall be submitted to and approved in writing by the Local Planning Authority. The revised masterplan shall take account of the revised habitat survey results and the full invertebrate survey results and identify a minimum of 20ha of habitat of high invertebrate quality to be maintained and connected to a broader network of habitat or any such alternative amount of land that is otherwise agreed in writing by the Local Planning Authority.
  53. Prior to the submission of any reserved matters application or any site preparatory works that have not been agreed in writing by the Local Planning Authority, a long-term ecological monitoring and management plan for the ecological mitigation areas both on-site and off-site shall be submitted to and approved in writing by the Local Planning Authority. The long-term ecological management and monitoring plan shall include the provision for the creation of new habitats and shall be used to inform the phasing of the development to ensure new habitat areas are created before existing habitats are destroyed. The long-term ecological management and monitoring plan shall be implemented in accordance with the approved details.
- (d) A new condition 62 as follows:
62. Prior to the submission of any reserved matters application or any site preparatory works that have not been agreed in writing by the Local Planning Authority, details of the methodology for survey

## Planning Committee, 10 March 2010

work to be carried out of the entire application site and all of the off-site habitat parcels as identified on Figure No. 4 Revision E received on 24 February 2010 for beetles, aculeate hymenoptera, diptera, moths and aquatic groups shall be submitted to and approved in writing by the Local Planning Authority. The survey(s) shall be carried out in accordance with the approved methodology and the results submitted to and approved in writing by the Local Planning Authority prior to the submission of any reserved matters application or any site preparatory works (other than the surveys referred to in this condition).

Reason: To ensure the protection and enhancement of ecology in accordance with policies BNE37 and BNE39 of the Medway Local Plan 2003.

- (e) the Director of Regeneration, Community and Culture be granted delegated authority to amend the conditions as considered necessary.
- (f) the reserved matters application be referred back to this committee for determination.

### **(B) MC/09/2626 - Land bounded by The Brook, Queen Street, Slicketts Hill and Cross Street, Chatham**

#### **Discussion:**

It was suggested that if the Committee was minded to approve this application, a new condition 29 be approved, details of which were set out on the supplementary agenda advice sheet.

In addition, it was suggested that any approval of this application be subject to the Council agreeing not to dispose of the site without requiring the purchaser to enter into a Section 106 agreement in respect of the contributions set out on page 128 of the report.

#### **Decision:**

Approved subject to:

- (a) Conditions 1 – 28 as set out in the report for the reasons stated in the report;
- (b) A new condition 29 as follows:

- 29. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before any part of the development is occupied or in

## Planning Committee, 10 March 2010

accordance with a timescale agreed in writing with the Local Planning Authority and shall thereafter be retained. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- (c) the reserved matters application being submitted to this Committee for determination.
- (d) the Council at its meeting on 15 April agreeing not to dispose of the site without requiring the purchaser to enter into a Section 106 agreement in respect of the contributions set out below:
  - (i) Primary Care Trust – £55,218.10 – The contribution would go towards the development of the Community Healthy Living Centre in Chatham or other developments in the area.
  - (ii) Metropolitan Park - £29,488.20 – The contribution would go towards the shortfall of metropolitan park facilities in Medway.
  - (iii) Greenspaces - £88,346.10 - The contributions would be towards off site provision and / or maintenance of outdoor playing space.
  - (iv) Waste & Recycling - £10,000 – The contribution would go towards the requirement for waste and recycling as a result of the development.
  - (v) Highways – £64,000 towards future Park & Ride schemes serving Chatham Town Centre and funding towards travel plan monitoring.

### **(C) MC/09/2402 - The Marlborough Centre, 41A Maidstone Road, Rainham, Gillingham**

#### **Discussion:**

The Committee was reminded that this application had been the subject of a site visit on 6 March at which the Senior Planner set out the basis of the application, referring to the plans, summarised representations received and set out the planning issues for consideration as they related to matters of principle and density, street scene, residential amenity for neighbours and future occupiers along with impacts on the highway and parking. In addition, the Senior Planner drew attention to revised drawings received since the application had been considered by the Committee.

Those issues raised by local residents at the site visit and the comments from Ward Councillors Chishti and O'Brien along with a response from the applicant was summarised on the supplementary agenda advice sheet.

## **Planning Committee, 10 March 2010**

Since consultation on the revised plans, 4 letters had been received advising that the amendments made no difference to the objections already raised and 1 letter had been received in support of the application.

Councillor O'Brien spoke on this application as Ward Councillor.

### **Decision:**

Refused on the following ground:

1. The proposed development by virtue of the siting, proximity and height of the proposed terrace adjacent to number 41 Maidstone Road would be overbearing and dominant in relation to that property and would result in a loss of outlook and light to the windows to habitable rooms on the side elevation of that property to the detriment of the amenities of the occupiers. The proposal is therefore contrary to the provisions of policies BE1 of the South East Plan 2009 and BNE1 and BNE2 of the Medway Local Plan 2003.

### **(D) MC/09/2758 - 210 Maidstone Road, Rochester**

#### **Discussion:**

It was suggested that if the Committee was minded to approve this application proposed condition 3 be amended, details of which were set out on the supplementary agenda advice sheet.

#### **Decision:**

Approved subject to

- (A) Conditions 1, 2 and 4 as set out in the report for the reasons stated in the report.
- (B) Condition 3 revised as follows:

3. Prior to the occupation of the development, the proposed entrance door to serve the first floor flat and the privacy screen to the stairs serving the first floor flat, as detailed on drawing number 09.02.02/2 received on 23 December 2009, shall be installed with an opaque material or obscure glazing so as to prevent overlooking to the adjoining flat at 208 Maidstone Road and shall thereafter be maintained as such.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

## **Planning Committee, 10 March 2010**

(C) A new Condition 5 as follows:

5. Prior to the commencement of the development hereby permitted, a waste management plan shall be submitted to and agreed in writing with the Local Planning Authority. The Waste Management Plan shall subsequently be implemented in accordance with the approved details.

Reason: To ensure that the waste associated with the takeaway is appropriately dealt with.

### **(E) MC/09/2759 - 210 Maidstone Road, Rochester**

#### **Decision:**

Approved with conditions 1 – 5 as set out in the report for the reasons stated in the report and an additional condition 6 as follows:

6. During the opening hours of the takeaway hereby approved, waste bins shall be provided immediately outside the premises, for use by customers. Such bins shall be placed within the building when the premises are closed.

Reason: To provide appropriate refuse receptacles for customers in the interests of amenity.

### **(F) MC/09/2760 - 210 Maidstone Road, Rochester**

#### **Discussion:**

It was suggested that if the Committee was minded to approve this application additional conditions 4 – 7 as set out on the supplementary agenda advice sheet be approved.

The Committee was advised that the appraisal section of the report required amendment in that the size of the proposed signage was not 1m x 5.2m but was approximately 0.6m x 5.2m.

#### **Decision:**

Approved with conditions 1 – 3 as set out in the report for the reasons stated in the report and additional conditions 4 – 7 as follows:

- 4) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: In accordance with regulation 14(1)(a) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

## **Planning Committee, 10 March 2010**

- 5) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site

Reason: In accordance with regulation 14(1)(a) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 6) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: In accordance with regulation 14(1)(a) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 7) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: In accordance with regulation 14(1)(a) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

### **(G) MC/09/2664 - 2-8 Cooling Road, Strood, Rochester**

#### **Discussion:**

Since despatch of the agenda, additional representations had been received. These included a petition signed by 13 local residents in support of the application, an objection letter from the Frindsbury and Wainscott Community Association and one additional objection letter. A summary of the further objections received was summarised on the supplementary agenda advice sheet.

The Environment Agency had advised that it had no objection subject to conditions dealing with contamination issues.

#### **Decision:**

Consideration of this application be deferred pending a site visit.

### **(H) MC/09/2728 - 13 High Street, Rainham, Gillingham**

#### **Decision:**

Approved with conditions 1 and 2 as set out in the report for the reasons stated in the report.

### **(I) MC/09/2168 - Romany Lodge, Romany Road, Twydall, Gillingham**

#### **Decision:**

## **Planning Committee, 10 March 2010**

Approved with conditions 1 – 7 as set out in the report for the reasons stated in the report.

**(J) MC/09/2635 - Fenn House Farm, Fenn Street, St Mary Hoo, Rochester**

**Discussion:**

Since despatch of the agenda an additional letter had been received supporting the application.

**Decision:**

Consideration of this application be deferred pending a site visit.

**(K) MC/09/2372 - Land adjacent to 5 Eden Road and 2 Harrison Drive, High Halstow, Rochester**

**Decision:**

This application was withdrawn from the agenda to enable further negotiations to take place.

**(L) MC/10/0024 - 1 Gibraltar Cottages, Ham Lane, Hempstead, Gillingham**

**Decision:**

Refused on the ground set out in the report.

**(M) MC/09/1263 - Morning Cross Bungalow, Well Penn Road, Cliffe, Rochester**

**Decision:**

Approved with conditions 1 – 4 as set out in the report for the reasons stated in the report.

**Chairman**

**Date:**

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