

# Planning Committee – Supplementary agenda

A meeting of the Planning Committee will be held on:

**Date:** 10 September 2014

**Time:** 6.30pm

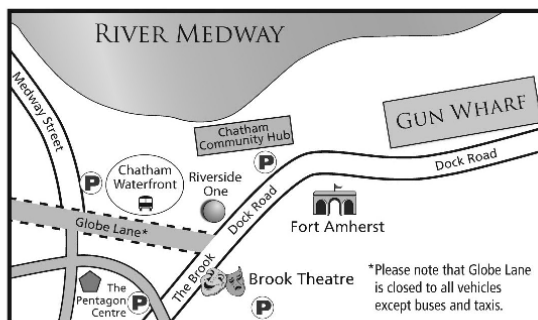
**Venue:** Meeting Room 2 - Level 3, Gun Wharf, Dock Road, Chatham ME4 4TR

## Items

29 Additional information - Supplementary agenda advice sheet (Pages 3 - 16)

For further information please contact Ellen Wright, Democratic Services Officer on Telephone: 01634 332012 or Email: [democratic.services@medway.gov.uk](mailto:democratic.services@medway.gov.uk)

Date: 10 September 2014



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বাংলা	331780	ગુજરાતી	331782	ਪੰਜਾਬੀ	331784	کوردی	331841	ارو	331785	Русский	332374
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## Medway Council

## PLANNING COMMITTEE – 10 September 2014

## Supplementary Agenda Advice

Page 22      MC/13/3301 &      Restoration House, 17 Crow Lane,  
& 30      MC/13/3305      Rochester. ME1 1RF

Members Site Meeting: Wednesday 3 September 2014

Members attending: Cllrs Mrs Chambers (Chairman), Cllr Baker, Cllr Bowler, Carr, Cllr Griffin, Cllr Gulvin, Cllr Mrs Gulvin, Cllr Hubbard, Cllr Mrs Iles, Cllr Mrs Purdy, Cllr Royle, and Cllr Mrs Smith

Following the opening of the meeting by the Chairman the Planner Manager (West) explained the proposed development, a summary of the material planning representations received and set out the issues that needed to be considered as they related to: matters of the principle; the impact of the development on the character, appearance and setting of the listed buildings / structures and the conservation areas the site lies within and adjoins; issues of archaeology; Issues related to residential amenity and issues related to highway safety

**The applicant's agent** spoke about the development previously granted and how the current scheme had evolved through its implementation and in response to discoveries made during construction. The applicant's agent also stressed that much of what could be seen and being undertaken on site was already approved and that this proposal sought to regularise some relatively small changes, bearing in mind the nature of the development already granted, as well as some new aspects of development.

**Residents** raised the following concerns:

- Loss of long term vehicular access to Number 3 Pretty Seat Mews;
- Concerns related to the provision and height of the proposed garages;
- Concern re access and egress to proposed garages and related highway and pedestrian safety;
- Questioned the reference of the applicants agent in regard to the symmetry of Italian Gardens;

**Members** asked the following questions:

- Why does the application include retrospective elements – Agents Response: The current scheme had evolved through its implementation and in response to discoveries made during construction

- Queried why breeze block construction had been used to the pump room – Agents Response: The breeze block wall will be hidden behind the repaired grade II listed wall and will not be visible;
- Asked for clarification as to whether the ground level is now on or below the ground levels as they would have been historically when the site was previously gardens. – Mr. Tucker (Owner) spoke and the Site Foreman confirmed that the ground levels are 2” to 3” below the level they would have been originally across the site.

After the meeting the Members viewed the site and then looked at the access onto East Row

## Representations

**English Heritage** has written in response to the amendments to the Planning Application that they were consulted upon. They have confirmed that they do not wish to offer any comment on this occasion and recommend that the application is determined in accordance with national and local policy guidance, and on the basis of the Council’s own specialist conservation advice.

**KCC Archaeology** has written with the following representations:

*“The above applications are part retrospective in nature and effectively seek amendments to planning permissions MC/10/2915 and MC/10/2917 so that the permission details accord with the implemented scheme. A written programme of archaeological works was eventually agreed with the applicant pursuant to Condition 2 on planning permission MC/10/2915, but this was not put in place until a substantial amount of development works had been completed. The works agreed under this written specification are now underway, but are yet to be fully implemented.*

*The revised scheme (under MC/13/3301 and MC/13/3305) would not result in any specific additional impacts beyond those identified in the written specification for Condition 2 of planning consent MC/10/2915. As such I have no broad objection to the revised application, provided the archaeological works previously agreed under MC/10/2915 are now completed.*

The County Archaeologist advised that he is content that any archaeological requirements can be covered through the details submitted pursuant to the previous permission and that no further conditions are required to cover archaeological matters if the original part implemented permission MC/10/2915 is still enforceable. The County Archaeologist recommends an informative be added to any consent reminding the applicant of their archaeological commitments.

## Officer Comment

T the current applications do not supersede planning permission MC/10/2915 and listed building consent MC/10/2917. Instead they propose additional

works to those previously approved. As such, and in light of the comments raised by the KCC Archaeological Officer, there is no requirement for further conditions to cover archaeological matters. However, as suggested by the KCC Archaeological Officer, it is considered appropriate to add an informative to the recommendation relating to planning application MC/13/3301 to remind the applicant of the need to complete and comply with the existing archaeological requirements relating to permission MC/10/2915.

**Page 38      MC/14/1484      Corporation Street Car Park,  
Corporation Street, Rochester**

### **Recommendation**

Application be **deferred** for further negotiation

**Page 44      MC/14/1599      Former Temple High School, Cliffe Road,  
Strood, Rochester. ME2 3DL**

### **Representations**

Sport England have made further comments to those reported on the main papers and have written to formalise their comments. They have no objection to the main school buildings of the development.

With regard to the Multi Use Games Area (MUGA), Sport England indicate that this provision of outdoor sports facilities would be of suitable benefit to the development of sport. This being the case, Sport England does not raise an objection to the development as a statutory consultee, subject to the imposition of a condition that requires a community use agreement to be imposed.

Sport England has also provided a response as a non-statutory consultee in reference to the car parking in the northwest corner of the site. They comment that the loss of the former playing field would prejudice the use of a former playing field and Sport England does not consider that any of their exceptions are applicable. Accordingly, Sport England objects to this aspect of the application as a non-statutory consultee.

### Officer Comment

The comments from Sport England are noted. As a non statutory consultee response no referral to the National Planning Casework Unit is required

### **Recommendation**

Revise condition 17 to read:

17. The development hereby permitted shall be carried out in strict accordance with the Construction Environment Management Plan (ref; report dated 19 August 2014) as received on 19 August 2014. Demolition and construction works shall not take place outside the hours of 08:00 to 18:00 hours on Mondays to Fridays and 08:00 to 13:00 on Saturdays with no working on Sundays or Public Holidays

Reason: To order to limit the impact of the development on the living conditions of neighbours including with regard to Policy BNE2 of the Medway Local Plan 2003.

Add condition 20.

20. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the multi use games area and remaining playing field and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facility. The development shall not be used at any time other than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport.

Page 64      MC/14/1760      Former Temple School, Brompton Farm  
Road, Strood. ME2 3NP

### Representations

**Sport England** has made further comments to their submissions in the main report. They have written to clarify their comments and confirm that in this instance they are a non-statutory consultee on this application and that they maintain their objection to this application, as it currently does not meet any of their exceptions as set out within their playing fields policy. However, they have confirmed that the application would not need to be referred to the National Planning Casework Unit, if the Council is minded to grant permission for the development.

Sport England have advised that they would be prepared to review this position if it can be demonstrated that one of the playing fields policy exceptions can be met. They advise that one way to do this would be to adequately replace the existing two MUGAs to be lost. Although they note that details of potential schemes have been provided, specific details of adequate



replacement sports facility provision/financial contribution will need to be provided.

#### Officer Comment

Officers have already commented upon Sport England's comment in the *Other Matters* section of the main report. Details of replacement sports facilities have been provided to Sport England and lengthy discussions have taken place between internal departments and Sport England. The mitigation to the loss of the two tennis courts includes a significant financial contribution to both Council sports provisions.

#### **KCC Biodiversity**

**KCC Biodiversity** have written to outline their support to the revised information. This reflects the comments in the main report. Nevertheless, to reduce any potential harm, a precautionary approach to the removal of structures, trees and buildings that may include suitable roosting features is recommended. On this basis, a relevant condition is recommended.

**One further letter of objection** has been received commenting that:

The development will result in an increase in flooding and water run off onto adjacent sites and nearby residential properties.

#### **Recommendation**

##### **Add condition**

20. No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of bats and nesting birds during building demolition tree and shrub works has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works;
- b) Extent and location of sensitive areas and proposed works shown on appropriate scale maps and plans;
- c) Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Persons responsible for implementing the works;

The works shall be carried out strictly in accordance with the approved details.

Reason: To secure the habitats of bats and nesting birds, in accordance with Policies BNE37 and BNE39 of the Medway Local Plan 2003.

**Representation**

The applicant's agent has written in response to this report and has pointed out that the submission asked for the fuel storage to be provided for a temporary period of two years or until the new facilities have been relocated. They note that this period has been shortened to 12 months by way of condition. The Applicant's Agent advise that it would helpful for the time period to be extended beyond 12 months and we would be grateful if Members would consider this request.

Officer Comment

Bearing in mind the location of the development, including its proximity to the open countryside and neighbouring properties, together with the intention to relocate the facility to the other side of the packhouse as part of MC/14/1737, it is not considered that the temporary periods specified in Condition 4 (i.e. 12 months or when the alterative fuel facility is provided) is unreasonable.

**Representations**

The applicant's agent has written in response to this report and has raised various points that require additional investigation prior to this application being determined.

**Recommendation**

Deferral to enable further investigation to take place

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The applicant's agent has written in response to this report and has raised various points that require additional investigation prior to this application being determined.

**Recommendation**

Deferral to enable further investigation to take place



## Mary Hoo, Rochester. ME3 8QD

### Representations

The applicant's agent has written in response to this report and made observations in relation to lighting and timing.

In relation to lighting they note recommended Condition 4 but argue that this information has already been comprehensively provided by a specialist and qualified lighting consultant and that there is no further information that would be forthcoming to discharge the condition which is not already provided. Furthermore, they argue that the scheme was designed having regard to the proposed operational hours set out in the application and these were again considered acceptable by the qualified lighting consultants. The applicant's agent considers that this condition should be removed.

In terms of timing, the agent notes that the Council is seeking to restrict the timing of operations in line with the hours set out in application MC/08/1121. However, they point out that the submission does not seek this. They point out that evidence submitted from their acoustic consultants and lighting specialist show that the proposed hours are acceptable with, in terms of acoustics, the proposed acoustic fencing. They argue that this application should be subject to hours of operation condition similar to the hours sought under planning reference MC/14/1429.

### Officer Comment

In terms of lighting the details submitted do not match the details submitted under planning reference MC/14/0936, which seeks to discharge the lighting condition (Condition 10) attached to the original consent for the wider site granted under MC/08/1121. The purpose of the condition is to ensure that there is consistency between the two lighting schemes in terms of the intensity of illumination across the entire site and that the height of the lighting columns in the two separate scheme are similar.

In terms of the applicant's agent comments on the hours of operation, Members will have noted the deferral sought in relation to MC/14/1429. This matter has been discussed with the applicant's agent and they have confirmed that should MC/14/1429 be deferred that they are willing for this application to be considered on the basis of the hours of operation condition imposed on MC/08/1121. They state that they will review this position once MC/14/1429 is determined.

Page 152 MC/14/1555

Land Adjacent 4 Berengrave  
Lane, Rainham, Kent. ME8 7LS

### Recommendation

Application be deferred for further negotiation

### **Site Plan on Committee Agenda**

The Site Plan on Committee Agenda is incorrect. A correct version of the site plan is attached to this supplementary Agenda Advice Sheet for Members information

### **Planning Appraisal**

**Delete** final sentence at end of paragraph 1 on page 188 as the retention of the conifers is unenforceable.

### **Recommendation**

**Delete** condition 7 and 10

**Amend** condition 5 as set out below:

5. 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 approved boundary treatment shall be completed prior to first occupation of any of the flats hereby approved and shall thereafter be retained.

**Amend** condition 8 as set out below:

8. Prior to the first occupation of any of the flats hereby approved details of the refuse storage arrangements for the storage of waste and recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. None of the flats hereby approved shall be occupied until the approved refuse storage arrangements are in place and all approved storage arrangements shall thereafter be retained.

**Amend** condition 9 as set out below:

9. None of the flats hereby approved shall be occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced, marked out and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

**Amend** condition 12 as set out below:

12. The measures contained in the Air Quality and Noise Protection Statement to improve air quality and reduce noise to the proposed flats shall be implemented in full prior to the first occupation of the flats hereby approved and shall thereafter be retained.

**Amend** condition 13 as set out below:

13. Prior to the first occupation of the flats hereby approved, details of any external lighting proposed including the exact position, details of light intensity and spillage shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details prior to the first occupation and shall be retained thereafter.

**Add** new condition as set out below:

Prior to the commencement of development, full details of the cycle and bin stores shall be submitted to and approved in writing by the Local Planning Authority and the approved stores shall be provided prior to the first occupation of the approved flats and be thereafter retained.

Reason: To ensure that satisfactory provision is made on site in accordance with the Council's standards and in the interests of visual amenity to comply with Policy BNE1 of the Medway Local Plan 2003.

**Re-number** conditions appropriately

**Page 190    MC/14/1772                    393 High Street, Chatham. ME4 4PG**

### **Representation**

An adjoining land owner has written advising that the applicant appears to including third party land in their proposals and has enclosed a copy of a Land Registry Title Plan.

### Officer Comment

The applicants have completed the land ownership Certificate A confirming that they are the owners of all the land upon which the development relates. This matter has been drawn to their attention, but as Members are aware Land Ownership is a civil matter between the application and any third party that has an interest in the land and cannot be a material consideration in the determination of a Planning Application.

### **Recommendation**

**Replace** first bullet point in recommendation A as follows:

£5,997.60 towards the Great Lines Heritage Park in particular towards routine inspections of new footbridges in the Park as a result of opening up new

public access into Fort Amherst.

Firth bullet point **Delete the words** "from Community Centres and Neighbour Facilities"

**Delegated power** be given to the Head of Planning to consider the relevance of Conditions 4, 5 and 11 and amend or remove accordingly.

**Amend Condition 6** as set out below:

None of the flats hereby approved shall be occupied until underground ducts have been installed by the developer to enable telephone, electricity and communal television services to be connected to any premises within the site without recourse to the erection of distribution poles, satellite dishes and overhead lines and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no distribution pole, satellite dishes or overhead line shall be erected within the area.

**Amend Condition 7** as set out below

No development shall take place until details of the following architectural elements have been submitted to and approved in writing by the Local Planning Authority.

- External wall - sections and elevation
- Balconies and their external fixings in the form of elevation and section drawings and details of the colour scheme
- Elevations, sections and details of the colour scheme of glazing, window and external door designs including wall/window junctions
- Elevations and sections of eaves and parapets

Any details to be submitted in a drawn form pursuant to the requirements of this condition shall be submitted at a scale of not less than 1:20. The development shall be implemented in accordance with the approved details and shall be retained thereafter.

**Condition 13 substitute the number "18"** for the number "17" in final sentence

**Amend Condition 21** as set out below:

The ground floor commercial units shall be used only for purposes falling within classes A1 (retail), A2 (financial and professional services) and B1(a) (offices) of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification.

**Amend Condition 22** as set out below:

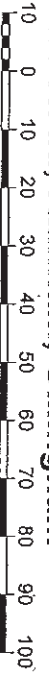
Notwithstanding the approved plans, no development shall take place until details to show refuse storage for the residential development (in accordance with the Councils minimum requirements) and commercial units have been submitted to and approved in writing by the Local Planning Authority. The approved refuse store shall be provided in accordance with the approved plans prior to the occupation of any part of the development and shall thereafter be maintained.








**MC/14/1697 371-375 Maidstone Road, Rainham, Gillingham**



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