

Planning Committee – Supplementary agenda

A meeting of the Planning Committee will be held on:

Date: 4 March 2015

Time: 6.30pm

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

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Items

29 Additional Information - Supplementary agenda advice sheet

(Pages 3 - 18)

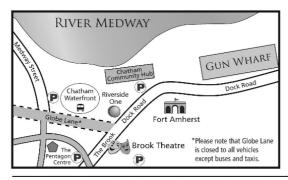
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Date: 4 March 2015

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Medway Council

PLANNING COMMITTEE – 4 March 2015

Supplementary Agenda Advice

Planning Committee 4 February 2015

Minute 760 Final reasons for refusal as agreed with Chairman and Vice Chairman

- The proposed development makes inadequate provision for access, egress and on-site manoeuvring by delivery vehicles, which would have a detrimental impact on highway safety and the free-flow of traffic on Luton High Street, contrary to Policies T1 and T2 of the Medway Local Plan 2003
- 2. The application site is outside of the Local Centre as defined in Policy R10 of the Medway Local Plan 2003 and the proposal would result in a form of development that would undermine the successful operation of a number of retails units within the Local Centre, possibly resulting in their closure and would therefore detrimentally impact on the vitality and viability of the Local Centre as a whole contrary to the objectives of Policy R10 of the Medway Local Plan 2003.

Page 24 MC/14/3309 Broomhill Reservoir

Members' Site Meeting – 21 February 2015

Committee members attending: Cllrs. Mrs Chambers (Chairman), Carr, Bowler, Gilry, Griffiths, Griffin, Hubbard, Iles, Purdy, Rodberg, Royle, and Smith.

Also in attendance: Cllrs Etheridge and Chitty as Ward Councillors and Cllr Hicks as likely sub for the Planning Committee in the absence of the Chairman.

Following the opening of the meeting by the Chairman, the Senior Planning Officer set out the details of the application, a summary of the representations received and the planning issues as they related to matters of principle, planning policy, design, amenity, ecology and highways.

Local residents expressed concerns relating to:

- Site cannot be considered previously developed land.
- Supporting Statement does not cover all issues, e.g. Trees and Ecology

- Engineering not accurate
- Aesthetic implications of Green space
- Requested to see site from all sides to demonstrate visual intrusion
- Large number of people attending meeting should be considered as an example on community feeling on the proposal.
- Strood is lacking in open spaces.
- Destroy open land and views across Medway.
- Set precedent for other development.

One resident spoke in support and advised that the development would provide additional security to the site which has been subject to vandalism.

Councillors Etheridge and Chitty spoke to advise that they had concerns but would save the detail of their views for the Committee meeting itself

Clir Hubbard advised that he is a member of the Committee and could not express a view at the site visit but would be speaking on the application at Committee.

Mark Reckless MP spoke advising of his concerns regarding the proposal and echoing what residents had said in terms of the development 'spoiling the Park for people' and that it would be naive to think the development would have no impact on the park at all.

Following the meeting at the front of the site, Members entered the site to view the site internally and, then went to view the site from the rear adjacent to the human sundial.

Representations

Since the site visit **8 further letters** have been received reiterating many of the objections already received and set out in the main report and making the following additional comments:

- Disagree with officer's assessment of quality of design and that there
 has been no independent design review or community engagement
 and the proposal is therefore contrary to the NPPPF and the Local Plan
 protection policies.
- Biodiversity damage not only of the site but adjoining land during construction.
- Rising bollard suggestion for access is financially unviable
- Disagree with officers contention that site is previously developed land
 it is not as it has blended into the landscape over time
- Site could be made a useable part of the park through the removal of the fencing
- Precedent for loss of adjacent orchards
- The ecological report is inadequate and incorrect
- Vehicular access will require some form of retention structure.
- The slope of the access would be unworkable.

Page 44 MC/14/3879 Riding School Centre, Capstone Country Park

Application be **deferred** pending consideration of the Inspectors decision on MC/13/2264, which is anticipated shortly.

Page 62 MC/14/2862 Former St Matthews Infant School, Borstal

Representations

1 further letter has been received commenting on the Committee report and advising that the development will unacceptably cause overlooking and loss of light and will impact on the narrow highway both during construction and when complete.

Page 94 MC/14/3036 Flanders Farm

Representations

Hoo St Werburgh Parish Council has written objecting to the application on the grounds that the further development of Flanders Farm at the intended scale will amount to an unacceptable intrusion into the countryside. The Parish Council is supportive of local fruit growing and acknowledges that if the applicant had not invested in modern facilities it would have been vulnerable to losing supply contracts. However the Parish Council is concerned that substantial amounts of fruit growing capacity have been lost within and around its Parish as a consequence of the development at Flanders Farm and house building in the area.

The applicant contends that Flanders Farm is highly accessible, however a facility on an industrial estate such as Kingsnorth would be equally accessible and/or it would be more appropriate for a development such as this to be sited on brownfield land. Flanders Farm is the wrong location for an industrial scale activity such as that proposed and permitting such a development could create a precedent for similar development within the countryside.

The proposed development will cause noise disturbance and light pollution for residents and is therefore contrary to Policy BNE2 of the Local Plan.

The proposed development does not satisfy the tests under Policy BNE25 of the Local Plan for development to be permitted within the countryside, most particularly it does not require a rural location and is of a scale which will be visually obtrusive. The development is also contrary to Policy BNE26 of the Local Plan insofar as it is not of a small scale within a village.

Flanders Farm is within the designated Area of Local Landscape Importance and will detract from the visual amenity of the area and is therefore contrary to Policy BNE34.

Three further representations have been received objecting to the development on the following grounds:

- While the applicant is involved in helping to expand fruit production within Britain, expansion at Flanders Farm should not involve the loss of further orchards, which are classified as Grade 1 agricultural land, within the open countryside. The planting of higher yielding trees within the retained orchard areas will not compensate for the loss of Grade 1 agricultural land.
- Further development within the countryside should not be permitted especially as some of the fruit processed at the site is imported to Britain.
- The scale of development proposed would be more appropriately located at Kingsnorth.
- The application is not accompanied by photomontages to demonstrate what the development's visual appearance will be.
- The additional traffic generated by this development will increase the risk of accidents on the A228.
- Ever since the original fruit packing and storage facility was established at Flanders Farm the applicant has been operating in breach of the conditions imposed on the planning permission, for example operating beyond the permitted hours of 7.00 am to 6.30 pm Monday to Friday, after midday on Saturdays and on Sundays when no activity is allowed and has undertaken various developments such as creating a hardstanding and siting caravans without permission.
- No further permissions should be allowed at the site until Members of the Planning Committee undertake a site visit.

Page 126 MC/14/1418 Flanders Farm

Representations

One additional representation of objection has been received raising the following concerns:

• The caravans are not being occupied by seasonal workers, with their occupants being employed on 12 month contracts.

- The caravans are visible from Christmas Lane, Dux Court Road and Cooling Road, being illuminated every night throughout the year.
- Any caravans at Flanders Farm should be occupied by agricultural workers on a seasonal basis, who are engaged in agriculture at Flanders Farm alone.

Page 84 MC/14/2830 Sherlodge Garage, Lordswood Lane

Members' Site Meeting – 21 February 2015

Committee members attending: Cllrs. Mrs Chambers (Chairman), Carr, Bowler, Gilry, Griffiths, Griffin, Gulvin, Iles, Purdy, Rodberg, Royle, and Smith.

Also in attendance: Cllr Brake as Ward Councillor.

Following the opening of the meeting by the Chairman, the Head of Planning set out the details of the application, a summary of the representations received and the planning issues as they related to matters of principle, design, amenity and highways.

The agent spoke in favour of the application explaining about the benefits from the enclosure in terms of sound and disturbance; that a pressure washer would not be used; and clarified the fire access from the main building.

Residents raised the following concerns

- Pressure washer was still in use that morning
- Disturbance from noise, spray and exhaust fumes
- 8am on a Saturday is too early
- Drainage inadequate as water run off onto road
- Damage to adjacent buildings from spray
- Water on polycarbonate sheeting will be noisy.
- Fumes smelt in adjacent garden
- Disturbance from car radios
- Vibration

Clirs Brake and Gulvin both spoke as Ward Councillors raising the following concerns:

- Pressure washer will be used and is noisy
- Drainage issues
- Unacceptable noise disturbance particularly to immediately adjoining neighbour.
- Too close to residential property
- Petrol station disturbance is limited by existing building which protects neighbours
- Victoria Cross appeal dismissed on noise disturbance issue.

Recommendation

Add additional condition 7 as follows:

7. Prior to the first use of the new covered washing and valeting area hereby approved full details of measures to ensure that water from this facility would be adequately drained shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented on site at all times that the car wash is in use.

Reason: In the interests of safety and amenity.

Page 162 MC/15/0106 666 Lower Rainham Road, Rainham

Recommendation

Add additional condition 5 as follows:

5. No car repairs including MOT's or spraying shall take place within the entire site outside of the hours of 08.00 – 18.00 Mondays to Saturdays inclusive or at anytime on Sundays or National Holidays.

Reason: To protect the residential amenities of the area and to accord with Policy BNE2 of the Medway Local Plan 2003.

Representations

The applicant has written making the following comments;

- The required lift necessitates alterations to the workshop and access to it.
- Have trialled opening on a Sunday but have ceased with no intention to start again.
- Delivery of cars occurs once every 2 weeks and lasts 10 mins and has been going on for 10 years.
- Petrol deliveries are 3 times a month.
- Operate a collection and delivery service for customers.

Page 188 MC/14/3516 16 New Road

Recommendation

Add additional condition 9 as follows:

9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details and a plan indicating the positions, design, materials, type of boundary and landscaping treatment including the parapet wall to be established to the rear

of the property. The boundary and landscaping treatment shall be completed before the use hereby permitted is commenced 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 and BNE14 of the Medway Local Plan 2003.

Page 198 MC/14/3567 16 New Road

Recommendation

Add additional condition 7 as follows:

7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details and a plan indicating the positions, design, materials, type of boundary and landscaping treatment including the parapet wall to be established to the rear of the property. The boundary and landscaping treatment shall be completed before the use hereby permitted is commenced 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 and BNE14 of the Medway Local Plan 2003.

Page 236 MC/14/3317 B&Q Strood Retail Park.

Recommendation

Substitute Condition 7 with following condition

- **7.** Notwithstanding the details submitted in support of the planning application, no development shall commence until there has been submitted to and approved in writing by the Local Planning Authority:
 - a) A **topographical survey** using a scaleable drawing that shows the position of and allocating a reference number to:
 - I. Each existing tree within the site with a stem diameter of 75mm or more, measured at 1.5m above the highest adjacent ground level, or in the case of woodlands or substantial tree groups, only individual trees with stem diameters greater than 150mm:
 - II. Each tree with an estimated stem diameter of 75mm or more that overhang the site or are located beyond the site boundaries, within a distance of up to 12 times their estimated stem diameter.

For individual trees the crown spread shall be shown at the four cardinal points, for woodlands or substantial groups of trees the overall extent of the canopy shall be shown. Spot levels, other relevant landscape features and artefacts shall also be recorded, taking account of the recommendations contained in paragraph 4.2.4 of British Standard 5837.

- b) A **tree survey**, which includes all trees included on the topographical survey (see (a) above) and which takes account of the recommendations contained in section 4.4 of British Standard 5837.
- c) A finalised tree retention and removal plan with numbered and colour coded trees identified for retention and removal, overlaid onto the proposed layout.
- d) A **tree constraints plan** showing root protection areas and any other relevant constraints plotted around each of the category A, B and C trees overlaid onto the proposed site layout plan.
- e) An **arboricultural impact assessment** that evaluates the direct and indirect effects of the proposed design, including the buildability of the scheme in terms of access, adequate working space and provision for storage of materials; and where necessary recommends mitigation.
- f) Existing and proposed finished site levels and cross-sectional details on a scale plan with retained trees and root protection areas overlaid.
- g) A **tree protection plan** on a scale drawing, informed by descriptive text where necessary, based upon the finalised proposals, showing trees for retention and illustrating the tree and landscape protection measures.
- h) **Arboricultural method statements** (methodology), appropriate to the proposals, for the implementation of any aspect of development that is within the root protection area, or has the potential to result in loss of or damage to a tree to be retained. The details should incorporate relevant information from other specialists as required. Particular attention should be given to:
 - i. Removal of existing structures and hard surfacing;
 - ii. Installation of temporary ground protection;
 - iii. Excavations and the requirement for specialized trench less techniques;
 - iv. Istallation of new hard surfacing materials, design constraints and implications for levels;
 - v. Specialist foundations or other engineering within root protection areas of retained trees, including details of installation techniques and effect on finished floor levels and overall height;

- vi. Retaining structures to facilitate changes in ground levels;
- vii. Preparatory works for new landscaping;
- i) Details for special engineering within root protection areas, paying particular attention to foundation design, installation techniques and effect on finished floor levels and overall building height.
- j) The alignment of utility apparatus including drainage
- k) A schedule of work to trees which is directly necessary to provide access for operations on site, including access facilitation pruning.

Details shall accord with the recommendations contained in *British Standard* 5837:2012 Trees in relation to design, demolition and construction - Recommendations or any revision thereof and shall be carried out as described and approved before any equipment, machinery or materials are brought on to the site for the purposes of the development. No alterations or variations to the approved details shall be made without prior written consent of the local planning authority and they shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Add new condition 23 as follows:

23. The proposed highway works as shown on Plan RPSTROOD3.1/01 shall be implemented prior to the occupation of the proposed units and following implementation shall be thereafter maintained.

Representations

Three further representations received objecting on following grounds:

- B and Q is a prestigious shop and of great value to marketing in Strood Town Centre which is overwhelmed with supermarkets, banks and estate agents
- Concern with the closure of the Rochester Bridge access, which is used whenever it is expedient to do so. The access to the council offices should be opened to the public rather than have a barrier - both into and out of the car park which could provide direct access to the mammogram unit when situated there.
- All of the businesses' fortunes within the park do rely upon local footfall and purchasing. There is also the 'click and collect' aspect; customers still require easy access to the retailers or they will opt for home delivery.
- Continual moving traffic access into and out of the park is essential for

day to day retail. For the proposed gym, they will need to utilise the 24 hour facility as they will miss lessons queuing in traffic and will give up over the Christmas period.

- Smiffy's licence to serve food and drinks when the café is installed may be affected and may free up spaces for the car park.
- Emergency access to the park will be slower if there is only one road in; these single lanes are already inter dependent upon a congested one way system of roads culminating in the nightmare that is attempting to access the system via Frindsbury Hill. Current arrangements mean that emergency vehicles from Rochester are able to access the park more quickly in event of fire, as happened at Matalan, and in case of heart attack, collapse or other medical emergency.
- The impact of the closure of the slip road into the park will impact negatively upon traffic from the Esplanade and Corporation Street. The building of huge numbers of homes along the Esplanade, many of whom wish to use Strood retail services, has resulted in more traffic wanting to turn left onto Rochester Bridge. There is only one lane to turn left. Many drivers queue in the right hand lane to go into Corporation Street and then turn left over the bridge, even when their light is red. It happens every day by repeat offenders and not enforced.
- The rise of employment and traffic to and from Morrison's, The Esplanade, Aldi and Medway City Estate has created traffic delays, which have not been dealt with prior to their implementation, by the local powers that be.
- The roads surrounding the retail park will become cumbersome and untenable if you take away the access from Rochester Bridge.
- More pedestrian crossings which will delay traffic movement
- Loss of the slip road will have an adverse impact on the retail park in terms of traffic movement

Kent County Council Archaeological team advise that the application site lies within an area of archaeological interest relating to the corridor of the Roman Road, which linked Rochester with London. Romano-British and later activity has been found flanking the line of the modern day high street in a number of locations and it is reaffirmed that a planning condition is recommended for a programme of archaeological work to be imposed as previous.

Southern Water add further to previous comments by drawing attention to the constraints of developing or planting trees close to the existing drainage system.

Officer Appraisal

Impact on Trees

In regard to four London Plane highway trees that were planted very close to the now filled subway, three of the trees furthest from the proposed unit have has a root system that has been restricted from growing to the north and must therefore grow south and south west of the site. The nearest tree also is affected by the subway but in this case has been restricted on the east side.

There is a change in level of 600mm between the existing external retail compound on a higher level and the highway.

Three trees furthest from unit C2 - The following have capacity to cause harm to these trees and therefore require further consideration.

- Any works to remove and/or replace the boundary wall south west of the trees
- Works to remove any part of the existing concrete surface to the south east of these trees where works are within their root protection areas.
 Root protection areas extend slightly beyond the proposed soft landscape area
- Cultivation of ground to the south east of these trees where works are within their root protection areas. Root protection areas extend slightly beyond the proposed soft landscape area
- Service installation, if any, within the tree root protection areas
- Any change of levels within the tree root protection areas

Tree closest to unit C2 - The following have capacity to cause harm to this tree and therefore require further consideration.

- Works to extend the paving north east of the tree
- Any works to remove and/or replace the boundary wall south west of the tree
- Works to remove any part of the existing concrete surface to the south east of the tree where works are within its root protection area. Root protection area extends 4m under unit C2 (RPA radius 10.8m)
- Cultivation of ground to the south east of this tree where works are within its root protection area. Root protection area extends 4m under unit C2 (RPA radius 10.8m)
- Excavation for foundations to construct the building, which encroach 4m into the root protection area
- Construction of the above ground structure, which appears to touch the tree canopy
- Service installation, if any, within the tree root protection area
- Any change of levels within the tree root protection area

The majority of works could be controlled via a suitably worded condition to meet the terms of BS 5837:2012 as follows and *replacing condition 07* of the report:

Actions since last Committee

At the meeting of the Planning Committee of 4 March, the Committee determined to defer the application to consider further the access from the retail park onto Knight Road.

The Agent has commented as follows:

The Council has previously granted planning permission for the removal of the slip road under application reference MC/12/2054, which remains extant and implementable. The slip road in question is limited to 'access only' and its removal will not therefore increase the number of vehicles exiting the retail park via the junction with Knight Road. In the absence of the slip road, those wishing to access the retail park from Commercial Road will be required to navigate two additional junctions. However, both are left turns which should not therefore result in any undue delay or impact on free-flowing traffic.

As part of the previous application and the current proposals, extensive discussions have taken place between our highways consultant and the Council's highways officer in order to establish the potential implications of the proposals, including the removal of the slip road, and agree any appropriate mitigation measures required. As part of these discussions, consideration was given to the potential for signalization at the access junction. However, it was concluded by both parties that this would not be feasible due to the presence of multiple access points around this junction, including those serving the industrial units to the north of Knight Road. Indeed, this view was expressed by the Council's highway officer to Members at Committee on 4 February, albeit not explained in detail.

Whilst it is not feasible to meet the Members request for signalisation at this junction for reasons, which will be explained, consideration has been given to what other options there might be to alleviate Members concerns. Overall, there is very limited scope to make further improvements and that the junction is essentially at its 'optimum' layout.

Option 1 Signalisation of the junction with Knight Road

A signalised junction cannot be accommodated at this location due to the number of access points serving various industrial / commercial units on the western side of Knight Road. These access points could not be incorporated into the signalised arrangements at the junction. Aside from the above, whilst there may physically be room to install traffic signals on the footways, there is insufficient room to incorporate signal head islands on the carriageway itself. Additionally, introduction of the necessary signal equipment would narrow the footways below standard width with potential road safety issues;

Signalisation of a junction means that all traffic arms are held on red for a given period resulting in stationary traffic along each arm for those periods,

thereby affecting the free-flow of traffic along the mainline, Knight Road. Medway Council Highways were keen to ensure that the development proposals would not result in any queuing / delay implications on the public highway, Knight Road

Option 2 Mini Roundabout

Consideration was given to potentially altering the junction form to a miniroundabout. However, the layout is considered to be unfeasible given the number of adjoining access points on the west side of Knight Road

Option 3 Left-out only from Retail Park access road

Consideration was given to potentially altering the junction form so as to provide left-out only movements from the Retail Park access road. This potential, layout has been tested using the PICADY computer program. However, the layout is considered to be unfeasible for the following reasons:

The left-out movement could only be catered for as a single lane given that the adjoining southbound carriageway on Knight Road is single lane. Given this, all traffic exiting the Retail Park access road would be 'funnelled' through a single lane which would result in a significantly higher queue distance back into the Retail Park;

The traffic that currently turns right out of the site would be diverted southwards to the 'Morrison's' roundabout where it would either 'u-turn' or turn right onto Priory Road. This would add increased traffic demand at the Morrison's roundabout and potentially at additional junctions further afield.

Given the above, there to be only limited scope in terms of providing an improved priority arrangement at the junction. Nevertheless, a fourth option has been suggested which could assist in providing an improved flow of traffic at the junction.

Option 4 Formalised road marking option

At present, white lining denoting the left and right turning lanes only extends as far back as the extent of the adopted highway (i.e. to a point adjacent to the back of the pedestrian island). The existing carriageway width of the exit arm is sufficient to accommodate vehicles queuing side by side over a distance of approximately 72m and up to a point in front of the 'Zebra' crossing. However, because there are no formal road markings denoting the left and right turn lanes, the actual 'stacking' distance that vehicles queue side by side may be less.

The proposal would be to introduce new white lining denoting separate left and right turning lanes along an extended length of the Retail Park access road for a distance of approximately 65m back from the give-way line. It should be noted that denotation of the two lanes should not be taken any further back due to potential safety implications regarding the pedestrian use of the adjacent 'Zebra' crossing. In effect, the proposal would provide an

increased formalised 'stacking' distance along the Retail Park access road for vehicles to queue side by side (when necessary) to that which currently exists. During very busy periods the arrangement could help the operation of the Knight Road / Retail Park access road junction by providing improved segregation between left and right turning traffic which in turn could provide an improved flow of traffic on approach to the junction with Knight Road. The accompanying Plan (ref: RPSTROOD3.1/01) illustrates the preliminary highways layout for this option, which the applicant is willing to pursue should Members consider this to be worthwhile.

Officer comments

The Transport Note explains that the proposed development would not result in a material increase in traffic compared to the previous application, which was approved in 2013. This was predicted to generate 38 additional vehicle movements exiting on to Knight Road during the Saturday peak period, which equates to around one additional vehicle every two minutes. This number of vehicle movements is unlikely to be distinguishable from daily variations in traffic movements at the access and will not materially affect the flow of traffic exiting the retail park. The development now proposed would only generate up to an additional 12 vehicle movements on to Knight Road during the Saturday peak period. For this reason, neither the consented scheme nor the current application proposes any works to Knight Road in respect of vehicle egress from the retail park.

In addition to the above, the Transport Note explains the reasons why the access junction with Knight Road cannot be signalised. These revolve around the private accesses on the western side of Knight Road in the immediate vicinity of the junction and insufficient space within the carriageway to incorporate signal head islands and the detrimental impact on traffic flows along Commercial Road. These views are shared by the Council's Integrated Transport Team. It should be noted that the Retail Park is within the town centre and easily accessible by other modes of transport. The proposed development also offers significant improvements to pedestrian facilities. In light of these alternative travel choices, it is considered that measures to make it easier to travel to and from the site by private car, even if they were achievable, are not necessarily appropriate in sustainable locations that already have air quality issues.

In light of the above it is considered that the application, as submitted, complies with the transport policies of the Local Plan.

Having considered the proposed alternatives and suggested changes to the exit of the retail park, although the scale of the benefit would be small, the applicant's proposal is considered reasonable to extend the centre line to provide more stacking space. Ideally, it should be incorporated in to the scheme for improving the crossing between the Retail Park and Morrisons (which will be implemented by the Council). The additional cost would be minimal and could be absorbed by the contribution already secured.

In response to the additional representations received, there are no plans to provide public access from Rochester bridge via the former civic centre car park to Strood retail Park and this will remain to be controlled by a barrier system. In terms of the mobile hot food sales use currently located within the car park, the applicants advise that this will be removed upon B and Q leaving the site.

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