

Medway Council
Meeting of Planning Committee
Wednesday, 13 November 2013
7.00pm to 10.07pm

Record of the meeting

Subject to approval as an accurate record at the next meeting of this committee

Present: Councillors: Avey, Baker, Bowler, Carr (Vice-Chairman), Mrs Diane Chambers (Chairman), Colman, Gilry, Griffin, Griffiths, Adrian Gulvin, Hubbard, Mackness, Purdy, Royle, Smith and Watson

In Attendance: Councillor Rodney Chambers, OBE, - Ward Councillor
Councillor Jane Chitty - Ward Councillor
Michael Edwards, Principal Transport Planner
Councillor Jane Etheridge - Ward Councillor
Dave Harris, Development Manager
Hannah Langford, Senior Lawyer (Planning and Projects)
Carly Stoddart, Senior Planner
Councillor Kelly Tolhurst - Ward Councillor
Ellen Wright, Democratic Services Officer

527 Record of meeting

The record of the meeting held on 23 October 2013 was agreed and signed by the Chairman as correct.

The Chairman, referring to the supplementary agenda advice sheet drew attention to minute 513 relating to planning application MC/13/1778 (278 Maidstone Road, Chatham). The Development Manager advised that whilst the Committee had resolved to approve this planning application at its meeting on 23 October 2013, the applicant had appealed against non-determination of the application on 22 October 2013. As a consequence, the decision on this planning application had been taken out of the hands of Medway Council. It was confirmed that the Planning Inspectorate had been advised that if Medway Council had been in a position to determine the application, it would have been approved as per minute 513.

528 Apologies for absence

There were none.

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529 Urgent matters by reason of special circumstances

There were none.

530 Chairman's announcements

The Chairman reminded Members that if they left 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.

531 Declarations of disclosable pecuniary interests and other interests

Disclosable Pecuniary Interests

Councillor Mackness referring to planning applications MC/13/2022 and MC/13/2011 (both relating to Rear of Sandacres, Upnor Road, Lower Upnor) advised the Committee that a friend's property backed onto this development. However, as he had not discussed these applications with anyone and had not pre-determined the applications, he intended to participate in the determination of both applications. However, during the meeting, Councillor Mackness advised the Committee that having realised that the agent for both planning applications was a client of his wife's business, he considered that he had a disclosable pecuniary interest. Councillor Mackness therefore left the room for the determination of both applications.

Other Interests

Councillor Adrian Gulvin, referring to planning application MC/13/1265 (Former Park and Ride Bus Terminus, Marconi Way, Rochester) advised that as a Council representative on the Kent Fire and Rescue Service, he had been closely involved in proposals for a new fire station in Medway and therefore had pre-determined this planning application. Councillor Gulvin therefore left the meeting for the consideration and determination of this planning application.

Councillor Griffin referring to planning application MC/13/1265 (Former Park and Ride Bus Terminus, Marconi Way, Rochester) advised the Committee that the application site was within her Ward but she confirmed that she had not discussed this application with anyone.

Councillor Watson, referring to planning application MC/12/2338 (Commissioners Road, Strood) informed the Committee that whilst he was a Council representative on the Local Access Forum and the Forum had submitted objections to this application, he had not discussed this application with anyone and therefore would take part in the determination of this planning application.

Councillor Watson also referred to planning application MC/13/1749 (The Helmet, Sharnal Street, High Halstow, Rochester) and advised the Committee that as he had spoken on this application as Ward Councillor at the meeting on 23 October 2013, he had pre-determined this application. Councillor Watson

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therefore withdrew from the Committee and took no part in the determination of this application.

The Chairman, Councillor Mrs Diane Chambers advised that with the exception of Councillor Baker all members of the Conservative Group (Councillors Avey, Carr, Mrs Diane Chambers Griffin, Adrian Gulvin, Mackness, Purdy, Royle and Watson) would withdraw from the meeting for the consideration and determination of planning application MC/13/0870 (Medway Bridge Marina, Manor Lane, Borstal, Rochester) on the basis that a colleague in the Conservative Group was an objector. Councillor Baker would remain to address the Committee as Ward Councillor. When this application was considered, Councillor Baker withdrew from the Committee and addressed the Committee as Ward Councillor on this planning application and therefore took no part in the determination of this application. In the absence of the Chairman and Vice Chairman, Councillor Bowler was elected to Chair the meeting for this particular planning application.

Dave Harris, Development Manager referring to planning applications MC/13/2022 and MC/13/2011 (both relating to Rear of Sandacres, Upnor Road, Upnor) advised the Committee that he had friends that lived abutting this site. He stated that he was not aware as to whether his friends had commented upon the applications as he had had no involvement in the processing of the applications and he left the meeting for consideration and determination of these applications.

532 Planning application - MC/13/0620 - 5 Lullingstone Close, Hempstead, Gillingham ME7 3TS

Discussion:

The Development Manager outlined the application and, as part of the presentation, displayed photographs of the aerals erected within the application site.

With the agreement of the Committee, Councillor Rodney Chambers addressed the Committee as Ward Councillor and suggested that the Committee may wish to undertake a site visit before determining this application as it was difficult to appreciate how the aerals were located from the photographs displayed.

Decision:

Consideration of this application be deferred pending a site visit.

533 Planning application - MC/12/2338 - Commissioners Road, Strood Kent

Discussion:

The Senior Planner reminded the Committee that this application had been the subject of a site visit on 9 November 2013 at which the Senior Planner had set out details of the application, representations received and the planning issues

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as they related to matters of principle, highways, conservation, residential amenity, public right of way impact and ecology.

A summary of the points raised at the site visit by Ward Councillors, objectors, the planning agent and officers was set out on the supplementary agenda advice sheet circulated prior to the meeting.

The Committee was advised that since the site visit and espatch of the agenda, further representations had been received details of which were summarised on the supplementary agenda advice sheet and appended in letters attached to the supplementary agenda advice sheet.

It was confirmed that in the interests of clarity, Councillor Etheridge, as Ward Councillor had submitted an objection in writing on 12 November 2012. However, although her concerns had been taken into account within the report, these had not been separated from those points raised by other objectors. Therefore, Councillor Etheridge's objections had now been separately listed on the supplementary agenda advice sheet.

With the agreement of the Committee, Councillors Chitty and Etheridge addressed the Committee as Ward Councillors.

The Committee discussed the application in detail, noting the concerns raised by the Ward Councillors and those of the objectors. In particular, Members expressed concern that the site was located within an area of protected open space and the affect that the loss of this open space would have on this area of Medway.

Decision:

Refused on the following ground:

The proposed development would be located within an area of protected open space where there is a presumption against development unless the proposal can satisfy the exception criteria set out in the policy. The application fails to demonstrate how the proposal meets the exception criteria set out and is therefore contrary to Policy L3 of the Medway Local Plan 2003.

534 Planning application - MC/13/0870 - Medway Bridge Marina, Manor Lane, Borstal, Rochester ME1 3HS

Discussion:

In the absence of the Chairman and Vice Chairman, Councillor Bowler was elected to Chair the meeting for this planning application.

The Development Manager reminded the Committee that this planning application had previously been considered as part of a group of applications at this site. However, whilst the Committee had determined the two other

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applications, this particular application had been deferred pending a report on the planning history of the site.

The Development Manager confirmed that the site had no relevant planning history prior to September 2013 and that its lawful use was as a boatyard. He drew attention to further letters of objection received since despatch of the agenda, one of which was summarised in the supplementary agenda advice sheet with the other letter from the immediate neighbour being appended to the supplementary agenda advice sheet.

He also advised that the applicants had written to express concern regarding proposed recommended condition 3 which they considered to be unduly restrictive to their business and suggesting that such condition reflect the hours applied for.

With the agreement of the Committee, Councillor Baker spoke on this application as Ward Councillor.

The Committee discussed the application noting that the applicant could lawfully use the application site for the preparation of boats without the need for planning permission and having regard to the proposed conditions.

Decision:

Approved with conditions 1 – 3 as set out in the report for the reasons stated in the report.

535 Planning application - MC/13/2022 - Rear of Sandacres, Upnor Road, Lower Upnor, Kent ME2 4UY

Discussion:

The Senior Planner reminded the Committee of the planning history of the site and advised that following the discovery of land contamination in 2010, works had been undertaken by the developers in consultation with the relevant environment regulators resulting in significant remodelling of the ground levels across the site.

A retrospective planning application was now submitted for consideration arising from these works.

It was suggested that if the Committee was minded to approve the application, proposed conditions 2 and 3 be amended as set out on the supplementary agenda advice sheet.

Decision:

Approved subject to

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- A) The applicant entering into an agreement under Section 106 of the Town and Country Planning Act 1990 to regularise total contributions already made pursuant to expired consents MC/07/1904 and MC/10/0968 as set out below and the additional requirements detailed at (vi) below:
- (i) A contribution of £95,333.33 towards the provision of equipped play space, informal open space and formal sports provision in the locality;
 - (ii) A contribution of £9,013.33 towards the provision of nursery school places in the locality.
 - (iii) A contribution of £40,560 towards the provision of primary school places in the locality;
 - (iv) A contribution of £23,322 towards the provision of secondary school and sixth form places in the locality; and
 - (v) The applicant meets the council's costs in relation to the preparation and serving of an amended tree preservation order.
 - (vi) The applicant agreeing to enter into an agreement with the highway authority, under Section 38 or Section 278 to provide and construct a kerb built out either side of the junction of the access road with Upnor Road, reducing the carriageway width to 4 metres for a distance of approx. 22 metres.
- B) Conditions 1 and 4 – 7 as set out in the report for the reasons stated in the report and conditions 2 and 3 amended as set out below:
- 2. The hard and soft landscape works detailed in drawing number WIM17034-11M shall be carried out in accordance with the approved plan. The hard and soft landscaping works shall be carried out in the first full planting season following the granting of this planning permission or in accordance with a programme agreed in writing with the Local Planning Authority. The hard landscaping shall thereafter be maintained in accordance with the approved details and the approved planting stock shall be maintained for a minimum of five years following its planting. Any of the stock that dies or is destroyed within this period shall be replanted in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the provisions of Section 197 of the Town and Country Planning Act 1990 and to ensure that the development does not prejudice the appearance or character of the site and the locality.
 - 3. Within 3 months of the date of this decision and notwithstanding the submitted plans, full details of the proposed landscape

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management plan that incorporates the maintenance and management proposals for the Unilog retaining walls located between plot 35 and the property known as 'Hawthorns' on Upnor Road shall be submitted to and approved in writing by the Local Planning Authority. These details shall including the long term design objectives, management responsibilities and maintenance schedules for the proposed landscaping and the Unilog retaining wall located between plot 35 and the property known as 'Hawthorns' on Upnor Road. The subsequently approved landscape management plan and details of maintenance and management proposals for the Unilog retaining wall shall thereafter be implemented in accordance with the details approved pursuant to this condition, other than the soft landscaping in any small, privately owned, domestic gardens. The soft landscaping and Unilog retaining wall shall thereafter be maintained in accordance with the details approved pursuant to this condition.

Reason: To accord with the provisions of Section 197 of the Town and Country Planning Act 1990 and to ensure that the development does not prejudice the appearance or character of the site and the locality.

536 Planning application - MC/13/2011 - Rear of Sandacres, Upnor Road, Lower Upnor, Kent ME2 4PE

Discussion:

The Senior Planner reminded the Committee of the planning history of the site and advised that following the discovery of land contamination in 2010, works had been undertaken by the developer in consultation with the relevant environment regulators resulting in significant remodelling of the ground levels across the site.

A retrospective planning application was now submitted for consideration arising from these works.

It was suggested that if the Committee was minded to approve the application, proposed conditions 1, 3 and 5 be amended as set out below:

1. The development shall be carried out in accordance with drawings nos: 7046/P001; 7046/P100; 7046/P101; 7046/P102; 7046/P103; 7046/P104; 7046/P105; 7046/P106; 7046/P107; 7046/P108; 7046/P109; 7046/P126.1; 7046/P126.2; 7046/P127.1; 7046/P127.2; 7046/P127.3; 7046/P127.4; 7046/P128.1; 7046/P128.2; 7046/P129.1; 7046/P129.2; 7046/P130.1; 7046/P130.2; TC/310/001; SK001 Rev A; WIM18656/11B; and 9580/230 Rev P3. All of these plans were received on 19 August 2013.

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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.

3. Notwithstanding the submitted plans and prior to the commencement of the development, full details of the brick wall, piers and trellis adjoining Schooner Walk, including their design, materials and foundation shall be submitted to and approved in writing by the Local Planning Authority. The approved details, together with the other details of boundary treatment as shown on drawing number 7046/P/109 shall be constructed prior to the first occupation of the residential unit to which they relate. Thereafter the boundary treatments shall be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of amenity and visual amenity in the locality, in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

5. No development shall commence until a revised hard and soft landscape plan has been submitted to and approved in writing by the Local Planning Authority. The revised hard and soft landscape plan shall retain the existing hard and soft landscaping as detailed in drawing number WIM18656-11B with the exception of the number of trees adjoining Schooner Walk, the proposed girth of those trees and details related to the species of the proposed instant hedge, which shall be amended as detailed below:
 - A) The reduction in trees along the boundary with Schooner Walk and the rear of plots 8-16 (inclusive) from 12 trees at approximately 4 metre centres to 8 trees at approximately 6 metre centres;
 - B) Confirming the girth of the trees mentioned in A) are to be 18 – 20cm; and
 - C) Revised the detail of proposed instant hedge to Hornbeam or similar native hedge planting

The details of hard and soft landscaping as approved shall be carried out in accordance with the approved plan, with the exception of the details listed in Condition 4 above that shall be implemented in accordance with the additional details approved pursuant to that condition. The hard and soft landscaping works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. The hard landscaping shall thereafter be maintained in accordance with the approved details and the approved planting stock shall be maintained for a minimum of five years following its planting. Any of the stock that dies or is destroyed within this period shall be replanted in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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Reason: To accord with the provisions of Section 197 of the Town and Country Planning Act 1990 and to ensure that the development does not prejudice the appearance or character of the site and the locality.

The Senior Planner also advised the Committee that within the report details had been submitted of four letters of objection received relating to this planning application. In response to the issues raised by the objectors, it was confirmed that Officers had been endeavouring to resolve a number of issues in relation to the development proposal prior to the application being reported to Committee for consideration. A summary of the response from the applicant's agent was set out on the supplementary agenda advice sheet.

During discussion on this application, Members expressed concern that as a result of the additional unexpected cost to the developer of undertaking the land remediation, the developer had advised that the development was unviable with the current level of Section 106 contributions required. The developer had advised that some 70% of the contributions secured under the original consents had been paid but that they were unable to meet the remaining 30% contribution or the remaining affordable housing element of the original scheme. In accordance with the Council's Developer Contributions Guide, the developer had submitted a viability appraisal which had been confirmed as accurate by the Council's Estates and Valuation Section.

Members questioned the reasons as to why provision of the affordable housing element of the development was considered acceptable to be removed as opposed to other elements of the developer contributions required under the Section 106 agreement previously agreed.

Decision:

Consideration of this application be deferred to enable Officers to undertake further investigations into the issues raised on the Section 106 contributions and the removal of the affordable housing element of the development and a report be re-submitted to the next meeting.

537 Planning application - MC/13/1265 - Former Park and Rise Bus Terminus, Marconi Way, Rochester

Discussion:

The Development Manager outlined the application and advised that since despatch of the agenda, two further letters of objection had been received from two of the existing objectors in response to amended plans. These objections were summarised on the supplementary agenda advice sheet along with officer's comments.

In addition, he drew attention to a request from the planning agent for a review of proposed conditions 15 and 17 details of which were also set out on the supplementary agenda advice sheet. It was considered that the changes

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requested by the planning agent were considered reasonable and therefore if the Committee was minded to approve this application, it was suggested that proposed recommendation A be deleted and replaced with an additional condition 31 and proposed conditions 15 and 17 be amended in line with the request of the planning agent.

Decision:

Approved with conditions 1 – 14, 16 and 18 – 30 as set out in the report for the reasons stated in the report and conditions 15 and 17 as amended and new condition 31 as set out below:

15. Training activity within the drill / training yard, including within the fire training house / tower shall only take place between 09:00 - 20:30 Monday to Saturday and at no other times.

Reason: In the interests of protecting the amenities of adjoining occupiers in accordance with Policy BNE2 of the Medway Local Plan 2003

17. The Road Safety Experience Facility hereby permitted shall only operate between the hours of 10:00 to 17:00 Mondays to Fridays inclusive and at no other times with the exception of 24 events in any one calendar year where the facility can operate between the hours of 10:00 to 22:00 Mondays to Fridays inclusive and at no other times. For clarification an event is one event in any 24-hour period. A log of recording the 24 events in any one calendar year shall be maintained at the Road Safety Experience Facility and shall include the details of the user of the facility, the purpose of the event, the date on which the event was held and the duration of the event. The log shall be made available to the Local Planning Authority within 48 hours of a written request to the Road Safety Experience Facility.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

31. The use shall not be commenced or occupied until the works to the highway to enable safe access and egress from the site have been submitted to and agreed in writing by the Local Planning Authority, in consultation with the Highways Authority. Thereafter the works to the highway to enable safe access and egress from the site shall be implemented in accordance with the approved plans and the use shall not be commenced or occupied until these works have been completed. The works to the highway to enable safe access and egress from the site shall thereafter be maintained.

Reason: In the Interests of highway and pedestrian safety.

538 Planning application - MC/13/1749 - The Helmet, Sharnal Street, High Halstow, Rochester ME3 8QN

Discussion:

The Development Manager reminded the Committee that this application had been deferred at the meeting on 23 October 2013 following the Acting Vice Chair indicating that he was proposing to recommend that this application be approved and he intended to read out proposed conditions. Members had stated that they would prefer to have sight of the proposed conditions before determining the application and it had subsequently been decided to defer consideration of the application to enable the proposed conditions to be circulated for consideration.

The Development Manager therefore referred to the proposed conditions appended to the supplementary agenda advice sheet, should the Committee be minded to approve this application.

In addition, the Development Manager drew attention to a representation received from the agent who had written in support of the application, details of which were also summarised on the supplementary agenda advice sheet.

The Committee discussed the application noting that a similar application had been refused in January 2012 and a subsequent appeal dismissed.

Decision:

Refused on the ground set out in the report.

539 Planning application - MC/13/2031 - 48 Hoath Lane, Rainham Gillingham ME8 0SW

Discussion:

The Development Manager outlined the planning application and suggested that if the Committee was minded to approve the application, an additional condition 16 be approved as follows:

16. Prior to the commencement of development details of existing and proposed site levels including cross sections though the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: No such details have been provided and in the interests of the visual amenity of the area to accord with Policy BNE1 of the Medway Local Plan 2003.

The Committee discussed the application noting that the most recent planning history for this site was MC/11/2407 which was for a similar terrace of four

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bungalows. This application had been refused on 22 December 2011 and the applicant had then appealed against this refusal to the Planning Inspectorate. The Development Manager explained that although the appeal had been dismissed, in response to comments made by the Planning Inspector when considering refusal ground 3 relating to potential noise disturbance, the application had now been resubmitted with a noise assessment report and recommended mitigating measures.

The Committee discussed the report in detail and expressed the view that this site was not suitable for the construction of four single storey dwellings. Concern was expressed that the on street parking bays outside the shops in Hoath Lane severely limited visibility for drivers when leaving the site and entering Hoath Lane and that this was considered dangerous. Whilst it was accepted that parking bays were already in existence at the rear of the shops and this was a factor noted by the Planning Inspector, such parking bays were not used as drivers preferred to use the parking bays outside the shops.

The Committee also noted that since the previous application had been refused in 2011, the National Planning Policy Framework had been introduced which had a greater emphasis on good design and it was not considered that this proposed development met the provisions of this Framework as it does not improve the character and quality of the area.

Members also expressed concern that the future occupiers of the properties could experience noise disturbance from the existing Takeaway fronting onto Hoath Lane.

Members also referred to the Housing Design Standards that had been adopted since the previous application was considered in 2011 and expressed the view that the proposed development did not meet these Standards. Furthermore, although measures were to be put in place to mitigate noise disturbance by the erection of a 3metre high fence and provision of a patio area, the proposed properties had very limited garden space and therefore provided a poor amenity for the future occupiers of the properties.

Decision:

- a) Refused on the following grounds:
1. The proposed development constitutes overdevelopment and poor design contrary to the National Planning Policy Framework and Medway Housing Design Standards.
 2. Potential noise disturbance for the future occupiers of the properties from the existing Takeaway fronting onto Hoath Lane.
 3. The existence of on street parking bays outside the shops in Hoath Lane severely limits visibility for drivers when leaving the application site and entering Hoath Lane and this is considered to be dangerous. Whilst it is accepted that parking bays are already

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in existence at the rear of the shops it is noted that these are not used as drivers prefer to use the parking bays outside the shops.

4. The limited size of the garden area for the proposed properties and the need for a 3m high acoustic fence would provide a poor amenity for the future occupiers of the properties.
- b) The Development Manager be granted delegated authority to approve the final wording of the refusal grounds in consultation with the Chairman and Vice Chairman of the Committee.

540 Planning application - MC/13/2179 - Berry Court Woods, Lodge Hill, Chattenden, Kent

Discussion:

The Development Manager outlined the application and advised that since despatch of the agenda a letter had been received from Land Securities requesting that only temporary permission be issued and a letter had been received from Natural England confirming no objections.

Decision:

Approved with conditions 1 – 11 as set out in the report for the reasons stated in the report.

541 Performance Report for the period July - September 2013

The Committee received and noted a report setting out performance for the period July – September 2013.

The Development Manager outlined feedback received from recent meetings with local developers which was very positive and favourable in respect of the development management processes. He outlined some areas where improvements could be made and confirmed that these would be investigated.

542 Section 106 Report for the period July - September 2013

The Committee received and noted a report setting out Section 106 funding received between the period July – September 2013.

543 Appeal decisions for the period July - September 2013

The Committee received and noted a report setting out appeal decisions for the period July – September 2013.

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Chairman

Date:

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