

Medway Council
Meeting of Planning Committee
Wednesday, 4 December 2013
7.00pm to 9.55pm

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: Chris Butler, Principal Planner
Michael Edwards, Principal Transport Planner
Dave Harris, Development Manager
Councillor Peter Hicks - Ward Councillor
Councillor Alan Jarrett - Ward Councillor
Hannah Langford, Senior Lawyer (Planning and Projects)
Danielle Matthews, Derelict Buildings Officer
Alison Munck, Enforcement Officer
Ellen Wright, Democratic Services Officer

613 Record of meeting

The record of the meeting held on 13 November 2013 was agreed and signed by the Chairman as correct.

The Development Manager drew the Committee's attention to the supplementary agenda advice sheet on which was listed the specific wording of the grounds for refusal for planning application MC/13/2031 (48 Hoath Lane Gillingham) which had been agreed in consultation with the Chairman and Vice Chairman in accordance with minute 539 of the meeting on 13 November 2013.

The Democratic Services Officer referring to Minute 532 (planning application MC/13/0620 – 5 Lullingstone Close, Hempstead, Gillingham) informed the Committee that following consultations with the applicant it had not been possible to arrange a site visit prior to this meeting of the Committee. The Committee was therefore requested to identify a suitable date for a site visit so that the application could be referred back to the next meeting on 8 January 2014

Planning Committee, 4 December 2013

Decision:

It was agreed that arrangements be made for the site visit for planning application MC/13/0620 – 5 Lullingstone Close, Hempstead, Gillingham be held on 4 January 2014.

614 Apologies for absence

An apology for absence was received from Mark Lawson, Environmental Services Manager.

615 Urgent matters by reason of special circumstances

There were none.

616 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.

617 Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

Other interests

Councillor Avey referring to planning application MC/13/2334 – 133 High Street, Strood, informed the Committee that whilst he was not a member of the Strood Town Centre Forum, he attended meetings of the Forum. He confirmed that when the Forum had discussed this planning application, he had not been involved in the discussions and had not expressed an opinion on the planning application.

Councillor Mackness advised the Committee that he had received advice from the Monitoring Officer that he had a conflict of interest in respect of planning application MC/13/2011 – Rear of Sandacres, Upnor Road, Lower Upnor on the basis that the agent was a customer of his wife's business and on the basis that he was a Consultant for his wife's business. As a result of this conflict of interest, Councillor Mackness left the meeting for the consideration and determination of this application.

Councillor Hubbard referring to planning application MC/13/2334 – 133 High Street, Strood informed the Committee that he served on the Strood Town Centre Forum as a Council representative. However, he stated that when the Forum had discussed this planning application, he had declared that he served on Medway Council's Planning Committee and he had not taken part in any discussions on the application. He advised the Committee that he wished to

Planning Committee, 4 December 2013

speak on this planning application at this meeting as Ward Councillor for the adjoining Ward at this meeting. Councillor Hubbard therefore removed himself from the Committee and addressed the Committee as Ward Councillor for this planning application and took no part in the determination of the application.

Dave Harris, Development Manager, referring to planning application MC/13/2011 (Rear of Sandacres, Upnor Road, Upnor) advised the Committee that he had friends that lived abutting this site. He stated that he had not had any involvement in the processing of this application and he left the meeting for consideration and determination of this application.

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

Discussion:

The Principal Planner outlined the planning application and the background to the planning history of the site. In the light of the Committee's decision to defer a decision on this planning application at its meeting on 13 November, the Principal Planner outlined for information the reasons for the proposed removal of the affordable housing element of the development.

The Principal Planner also drew attention to the proposed heads of agreement of the Section 106 which had been set out on page 27 of the agenda papers and advised the Committee that these should have been listed on page 21 of the agenda papers under the Recommendation heading.

With the agreement of the Committee, Councillor Hicks addressed the Committee as Ward Councillor on this planning application.

The Committee discussed the application in detail and whilst noting the reasons for the removal of the affordable housing from this particular development, expressed the view that should this be considered acceptable by the Committee, such decision would be based on the unique circumstances that have occurred at this site and therefore would not be seen to create a precedent for any future planning applications.

Decision:

Approved subject to:

- A) The applicant entering into an agreement under Section 106 of the Town and Country Planning Act 1990 in relation to both MC/13/2011 and MC/13/2022 to regularise total contributions already made pursuant to expired consents MC/07/1904 and MC/10/0968 as set out below and the additional requirement 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;

Planning Committee, 4 December 2013

- (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 meeting Medway 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 – 17 as set out in the report for the reasons stated in the report.

619 Planning application - MC/12/2984 - Land at Highview Farm, Lordswood Lane, Walderslade, Chatham ME5 8JP

Discussion:

The Development Manager reported upon this planning application and outlined the planning history of the site. He advised that since despatch of the agenda, Maidstone Borough Council had submitted objections to the planning application, details of which were summarised on the supplementary agenda advice sheet.

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

The Committee discussed the application in detail having regard to the location of this site and the provisions of the Medway Local Plan 2003 and the guidance of the National Planning Policy Framework with regard to the protection and enhancement of valued landscapes.

Decision:

Refused on the ground set out in the report.

620 Planning application - MC/13/2712 - Chatham Waterfront Pumping Station, Globe Lane, Chatham ME4 4SL

Planning Committee, 4 December 2013

Discussion:

The Development Manager reported upon this application and suggested that should the Committee be minded to approve this application, an additional condition 4 be approved as set out on the supplementary agenda advice sheet relating to a noise assessment.

The Development Manager also advised that this particular application was for a temporary period of 5 years so as to protect the amenity of prospective occupiers of future development and so as not to prejudice regeneration of the area.

The Committee discussed the application and whilst a number of members appreciated that the erection of an outdoor television screen would provide a useful information, advertising and entertainment feature on what is an otherwise unattractive building, concerns were expressed as to the potential noise disturbance to local residents, particularly based on the hours of use applied for. The possibility of adjusting the noise decibel levels so as to be variable dependent upon the time of day/night was also discussed.

Decision:

Temporary approval be granted subject to:

Conditions 1 and 2 as set out in the report for the reasons stated in the report, revised condition 3 and new condition 4 as follows:

3. The public television screen hereby permitted shall only operate between the hours of 07.00 to 21.00 hours Monday to Saturdays and 09.00 to 21.00 hours Sundays and National Holidays with the exception of special events that have received the prior approval in writing of the Local Planning Authority.

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

4. The development hereby permitted shall not be brought into operation until a noise assessment has been carried out and submitted to and approved in writing by the Local Planning Authority. The approved noise report shall set out the proposed noise levels and timings and the measures in place to ensure the agreed noise levels are not exceeded. The noise levels shall thereafter be maintained in accordance with the approved details.

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

621 Planning application - MC/13/2334 - 133 High Street, Strood, Rochester ME2 4TJ

Discussion:

The Development Manager outlined the planning application and advised that since despatch of the agenda further representations had been received from the City of Rochester Society and three additional objectors, details of which were summarised on the supplementary agenda advice sheet. In addition he advised that the Strood Town Centre Forum had sent a letter of representation to all members of the Planning Committee and a copy of the letter was appended to the supplementary agenda advice sheet.

At the commencement of the meeting, a member had sought clarification as to how members of the Planning Committee stood in determining this application on the basis that, with the exception of Councillors Baker and Griffiths they had all been in attendance at the Council meeting on 17 October 2013 when budget proposals for the relocation of Strood Library had been approved. He sought an assurance that members had not fettered their discretion to determine this planning application. In response to this query, the Senior Lawyer (Planning and Projects) drew attention to Planning Code of Conduct which stated that there was an acceptance that a Councillor may legitimately consider matters in several capacities as different factors may apply to different decisions. She advised that the usual test to be applied was that when determining a planning application, members of the Planning Committee should not come to the Committee with a biased mind or having pre-determined the application.

Councillor Griffiths having regard to the statement from the Senior Lawyer advised the Committee that he had written a letter to his constituents regarding the use of their Council Tax to fund the relocation of Strood Library but he was satisfied that this did not relate to the planning issues to be considered at this meeting.

With the agreement of the Committee, Councillor Hubbard spoke on this application as Ward Councillor for the adjoining Ward.

The Committee discussed the application in detail having regard to vehicular access into and out of the site for disabled drivers and disabled access internally within the building, provision of parking within Strood in the locality of the application site and the implications for the vitality of Strood generally should the Library be relocated to a town centre location.

The Committee noted concerns regarding the loss of the library from its existing location and concerns that should this application be approved, this would result in the loss of a popular charity shop currently located at this premises but also noted that the role of the committee was purely to determine an application for change of use at the application site.

Planning Committee, 4 December 2013

Decision:

Approved with conditions 1 – 5 as set out in the report for the reasons stated in the report.

622 Planning application - MC/13/1197 - 12 New Road Avenue, Chatham ME4 6BB

Discussion:

The Development Manager outlined the planning application referring to the planning history for this site.

The Committee discussed the application in detail and expressed concern that although the application was for change of use from offices to guesthouse, the type of facility to be provided was unclear especially based on the information that the proposed kitchen would not be serving hot food. The Committee considered it highly unlikely that a guesthouse letting rooms to visitors to Medway for business and leisure purposes would not be providing guests with hot breakfasts.

Concern was also expressed regarding the parking provision that would be available, the location of refuse facilities and the impact of the frontage parking area on the character of the area and existing on street parking. A member expressed a view that should this planning application be approved, an additional condition be approved stating that no business or residential parking permits be issued for this premises.

Concern was also expressed as to how the Council could enforce proposed condition 10 restricting the period by which any guest can be accommodated at the guesthouse.

Decision:

Consideration of this application be deferred to enable Officers to obtain additional information having regard to the concerns expressed by the Committee.

623 Planning application - MC/13/2242 - 275a Maidstone Road, Rochester ME1 3EE

Discussion:

The Development Manager outlined the application in detail and referred to the reasons why the application was being recommended for refusal.

The Committee discussed the application noting that no representations had been received objecting to the proposal.

Planning Committee, 4 December 2013

A member advised that as Ward Councillor he had received only one representation relating to this application stating that the occupier of the property was disabled and would therefore benefit from the additional space that the proposed extension would provide.

Decision:

Approved with standard conditions as follows:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: drawing numbers 13.07.06E revA (existing details) and 13.07.06 revA (proposed extensions and alterations).

Reason: For the avoidance of doubt and in the interest of proper planning.

3. All materials used externally shall match those of the existing building.

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.

624 Planning application - MC/13/2476 - The Anchorians Club, Darland Avenue, Darland, Gillingham ME7 3AN

Discussion:

The Development Manager outlined the application in detail.

Decision:

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

625 Exclusion of the press and public

The Committee agreed to ask the press and public to leave the meeting because the following items contained sensitive information relating to current legal proceedings. The information was considered to be exempt under paragraph 6 of part 1 of Schedule 12A of the Local Government Act 1972.

Planning Committee, 4 December 2013

626 Section 215 Enforcement

Discussion:

In the absence of the Environmental Services Manager, the Development Manager briefly outlined the work of the Environmental Enforcement team for the period April – September 2013.

The Committee noted the report.

627 Derelict Buildings Report

Discussion:

The Derelict Buildings Officer reported upon action taken between the period July – September 2013 and referred to a number of sites of particular interest.

Referring to one particular site located within the Rochester Conservation Area, the Committee expressed the view that when locating street signs, the Council should have regard to the requirements of a Conservation Area and Officers were requested to pursue the relocation of the sign referred to.

The Committee thanked the Derelict Buildings Officer for the work undertaken on pursuing works to derelict buildings.

628 Enforcement Proceedings for the period July - September 2013

Discussion:

The Enforcement Officer answered questions relating to those sites identified by members of the committee in advance of the meeting and one additional site not included within the committee report.

The Development Manager agreed to ask the Senior Planner to contact Councillor Hubbard direct in respect of his query relating to site number 69 on the appendix to the enforcement report.

Chairman

Date:

Ellen Wright, Democratic Services Officer

Planning Committee, 4 December 2013

Telephone: 01634 332012

Email: democratic.services@medway.gov.uk