

Medway Council
Meeting of Planning Committee
Wednesday, 8 January 2014
7.05pm to 8.55pm

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), Gilry, Griffin, Griffiths, Adrian Gulvin, Hubbard, Mackness, Purdy, Royle, Smith and Watson

Substitutes: Councillors:
Harriott (Substitute for Colman)

In Attendance: Hannah Langford, Senior Lawyer (Planning and Projects)
Michael Edwards, Principal Transport Planner
Dave Harris, Development Manager
Ellen Wright, Democratic Services Officer

677 Record of meeting

The record of the meeting held on 4 December 2013 was agreed and signed by the Chairman as correct.

678 Apologies for absence

An apology for absence was received from Councillor Colman.

679 Urgent matters by reason of special circumstances

There were none.

680 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.

681 Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

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Other interests

Councillor Avey advised the Committee that in respect of planning application MC/13/2679 (97 Elaine Avenue, Strood, Rochester) he wished to address the Committee as Ward Councillor and therefore would take no part in the determination of the application.

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

Discussion:

The Development Manager reminded the Committee that this application had been the subject of a site visit on 4 January 2014 at which the Planning Officer had set out the details of the application, representations received and the planning issues as they related to matters of the visual impact on the street scene and within the residential area and the impact on neighbours amenities.

It had been explained that the mast and aerials on the roof of the property were lawful through the passage of time and the ex-military mast to which some of the aerials being applied for were mounted was also lawful through the passage of time. It had also been explained that matters of 'interference' to electronic equipment as a result of the operation of radio equipment fell under the remit of other bodies and was therefore not a material matter for the Committee to consider in the assessment of a planning application.

At the site visit, both the applicant and his son and neighbours were given the opportunity to comment upon the planning application and those Members attending the site visit also visited the garden of the adjacent neighbour at 4 Lullingstone Close and heard the neighbour's concerns. A summary of the points raised by those attending the site visit both in support of and objecting to the planning application were summarised on the supplementary agenda advice sheet.

The Committee discussed the application and noted that whatever the outcome of the planning application either the applicant or the adjacent resident would likely feel aggrieved by the Committee's decision. The Committee had regard to the fact that some of the masts were lawful and generally considered that the masts did not demonstrate harm, particularly as they were screened by trees for part of the year. Therefore, the Committee generally felt that provided the use of the masts could be conditioned the planning application should be approved.

Decision:

Approved subject to conditions 1 – 3 as set out below for the reasons stated:

1. The ex-military mast located in the southwest corner of the site shall only be used in combination with the aerials measuring 1.6m length by 0.4m

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width [option 1] and 3.5m length by 1m width [option 3] and no other aerials.

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 Policies BNE1 and BNE2 of the Medway Local Plan 2003."

2. The ex-military mast and aerial combination referred to in condition 1 shall not be extended and used for a period of more than 6 hours during any single week.

Reason: To protect the visual amenity of neighbouring residents, in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003."

3. Other than the mast and aerial combination attached to the tree in the south-eastern area of the garden, all other masts/aerials shall be fully retracted when not in use

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 Policies BNE1 and BNE2 of the Medway Local Plan 2003.

683 Planning application - MC/13/2679 - 97 Elaine Avenue, Strood, Rochester ME2 2YP

Discussion:

The Development Manager reported upon this application and advised the Committee that notification had now been received that the applicant had submitted an appeal in respect of planning application MC/13/1029 for development at this site.

In addition, he advised that since despatch of the agenda, five further letters of objection had been received, reiterating concerns already set out in the report with the following additional concerns:

- Fundamentally no change from schemes previously refused.
- Impact of light from new development
- Unacceptable backland development
- It is not wasteland, it is poorly maintained garden
- Inaccuracies in design and access statement

On behalf of some local residents, Peter Waller Planning had sent a letter to all Members of the Committee, a copy of which was appended to the supplementary agenda advice sheet.

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With the agreement of the Committee, Councillor Avey spoke on this application as Ward Councillor and highlighted residents concerns.

The Committee discussed the planning application and expressed the view that despite the minor changes to the current application from that previously submitted, this application was still unacceptable.

Decision:

Refused on the following ground:

1. The proposed development by virtue of its predominantly backland nature, limited garden size, land levels and access opposite existing residential properties would result in an unacceptable form of development out of character with the area and harmful to the amenities that occupiers of neighbouring properties and prospective properties could reasonably expect to enjoy. The proposal is therefore contrary to the provisions of the National Planning Policy Framework 2012 and Policies BNE1, BNE2, H4, and H9 of the Medway Local Plan 2003.

684 Planning application - MC/13/2951 - Land at Fenn Corner (Adjacent to Fenn House) Fenn Street, St Mary Hoo, Rochester ME3 8QT

Discussion:

The Development Manager reported on the application and advised the Committee that since despatch of the agenda representations had been received from St Mary Hoo Parish Council, the Dickens Country Protection Society and two local residents, full details of which were summarised on the supplementary agenda advice sheet.

The Committee discussed the planning application and it was noted that when this application had previously been submitted for consideration, Members of the Conservative Group had withdrawn from the meeting as, at that time, it had been considered that there had been a conflict of interest with regard to the applicant. That particular planning application had been deferred by the Committee and then subsequently withdrawn by the applicant. It had since been clarified that a conflict of interest for the Conservative Members did not apply.

The Committee discussed the planning application having regard to the location of the site in a rural area as defined in the Medway Local Plan 2003 and the provisions of the National Planning Policy Framework.

In response to points raised by Members during the debate, the Development Manager advised that whilst this site was located within a cluster of properties, this was not classified as a settlement, the installation of obscure glazing would not alleviate the issue of overlooking as it would be the application site that would be adversely affected by overlooking from nearby properties and

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concerns regarding the condition of the site could be addressed through other powers.

The Development Manager also confirmed that he had taken on board the desire for a review of policies affecting areas such as that within which the application site was located.

Decision:

Refused on the grounds set out in the report.

685 Planning application - MC/13/2232 - 199/199c Gillingham Road, Gillingham ME7 4EP

Discussion:

Referring to the supplementary agenda advice sheet, the Development Manager drew attention to a change to the second paragraph of the planning appraisal section of the report in that the second line should read 23.00 and not 123.00.

The Committee discussed the planning application noting that when originally approved, the Committee had restricted the hours of opening of this shop on the basis of it being located in a predominately residential area and immediately adjacent to housing.

The Committee noted the presentation from the Development Manager which included information as to the opening hours of other convenience shops in the locality. However, whilst the Committee recognised that the provision of the shop had improved the application site, it was considered necessary to have regard to the fact that this shop was not located within a parade of shops or adjacent to other commercial premises. Therefore, it was considered that the restricted hours previously approved afforded a level of protection to the amenity of local residents.

Decision:

- a) The application to vary condition 3 of planning permission MC/13/1368 to allow the retail use to operate 06.00 to 23.00 on Mondays to Saturdays (inclusive and 06.00 to 22.00 on Sundays and National Holidays) be refused on the grounds that later opening hours would be detrimental to the amenity of neighbouring residents in a predominantly residential area.
- b) The Development Manager be granted delegated authority to agree the wording of the refusal ground outside of the meeting with the Chairman.

686 Planning application - MC/13/1469 - Greatfield Lodge, Darnley Road, Strood, Rochester ME2 2UU

Discussion:

The Development Manager outlined the planning application and advised the Committee that whilst the application was similar to that previously submitted and refused by the Committee in March 2013, the applicant had now addressed the issues that had led to the previous refusal.

The Committee discussed the planning application and expressed concern that the level of proposed car parking fell short of the Council's approved parking standards and that some of the rooms within proposed properties did not meet the approved Housing Design Standards. Concern was also expressed that the number of properties to be provided as part of this development just fell short of the number required to trigger a requirement for the developer to provide 25% of affordable housing.

The Development Manager responded to the concerns raised and in doing so provided an explanation as to how a developer's viability statement was assessed.

In respect of the issue of affordable housing, he advised that this particular application related to only part of the whole site and therefore provision had been built into the proposed Section 106 agreement so that when any future stage of the development is undertaken, it will include a minimum of 25% affordable homes calculated on the basis of the number of dwellings across the site as a whole. In the event that the site was sold to another developer, the Section 106 would continue to apply.

Referring to the Housing Design Standards, the Development Manager explained that all the proposed flats met the Housing Design Standards with regard to their gross internal floor space but that because the development was a conversion, this had resulted in some rooms being below standards whilst some were above the standards. However, overall all flats met the approved standards.

In respect of the level of parking provision, the Principal Transport Planner advised that the level of parking provision proposed at this site was considered acceptable by Officers on the basis of census data on average car ownership in the area. However, he stated that there may be scope for the provision of an increased level of car parking as the developer owned the whole site.

Decision:

- a) The application be deferred to enable Officers to undertake further discussions with the applicant with a view to increasing the level of car parking provision for this proposed development;

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- b) When the application is resubmitted to the Committee for determination, information also be supplied on the Housing Design Standards for new properties and converted properties; and
- c) Officers also be requested to consider the possible use of the proposed funding from the Section 106 agreement for open space being used for Reed Common in place of Broomhill Park.

687 Planning application - MC/13/2543 - 1 Rowland Avenue, Darland, Gillingham ME7 3DL

Discussion:

The Development Manager outlined the planning application and advised the Committee that if it was minded to approve the application, there were two possible options relating to the provision of car parking. The first option would provide one car parking space on the frontage of the property with on road parking also being available and the second option would provide two car parking spaces at the frontage of the property.

The Committee discussed the planning application having regard to the size of the plot.

Members expressed the view that should the application be granted, they would prefer both parking spaces to be provided in the front garden area of the original dwelling as proposed in the application.

Decision:

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

688 Planning application - MC/13/2480 - 14 Sussex Drive, Walderslade, Chatham ME5 0NJ

Discussion:

The Development Manager reported on the planning application and advised that since despatch of the agenda, two further letters had been received stating that the revised plans do not overcome objections.

The Committee discussed the report and suggested that a further condition be approved requiring the applicant to provide permeable paving for the drive.

Decision:

Approved with conditions 1 – 5 as set out in the report for the reasons stated in the report and a new condition 6 as set out below:

- 6. Prior to the commencement of development details of the surfacing and drainage of the extended vehicle parking area, to include the use of

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porous material, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainability and to provide satisfactory drainage for surface water.

Chairman

Date:

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