

Medway Council
Meeting of Planning Committee
Wednesday, 29 January 2014
7.00pm to 9.10pm
Record of the meeting

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

Substitutes: Councillors:
Paul Godwin (Substitute for Gilry)

In Attendance: Chris Butler, Principal Planner
Doug Coleman, Senior Planner
Michael Edwards, Principal Transport Planner
Dave Harris, Development Manager
Councillor Peter Hicks - Ward Councillor
Hannah Langford, Senior Lawyer (Planning and Projects)
Ellen Wright, Democratic Services Officer

772 Record of meeting

The record of the meeting held on 8 January 2014 was agreed and signed by the Chairman as correct.

The Committee was advised that in accordance with minute 685 (Planning application MC/13/2232 – 199/199c Gillingham Road, Gillingham), the Development Manager, in accordance with powers delegated to him, agreed the following refusal ground for this particular planning application in consultation with the Chairman and Vice Chairman:

‘The proposed later hours of opening will be prejudicial to the amenity of neighbouring residents in this primarily residential area due to late night noise and disturbance caused by the comings and goings of customers. The proposal is therefore contrary to the provisions of Policy BNE2 of the Medway Local Plan 2003’.

773 Apologies for absence

An apology for absence was received from Councillor Gilry.

774 Urgent matters by reason of special circumstances

There were none.

775 Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

Other interests

Councillor Carr left the meeting for the consideration and determination of planning application MC/13/2047 – Land adjoining Four Seasons 10a Matts Hill Road, Hartlip Sittingbourne.

Councillor Mackness left the meeting for the consideration and determination of planning applications MC/13/2864 and MC/13/2921 both relating to 59 – 61 High Street, Rochester ME1 1LX on the basis that he has a business connection in Rochester High Street.

Councillor Watson left the meeting for the consideration and determination of planning application MC/13/2967 – Port Werburgh Park, Vicarage Lane, Hoo ME3 9TW on the basis that he has business connections with the marina.

The Development Manager left the meeting for the consideration and determination of planning applications MC/13/1804 and MC/13/1805 both relating to the site at Lower Upnor Depot, Lower Upnor, Rochester ME2 4UP on the basis that he has friends that reside close to the application site. He also advised the Committee that he had had contact with the applicants regarding this application but only in respect of matters relating to the process and not about the actual planning application.

776 Planning application - MC/13/1804 - Site at Lower Upnor Depot, Lower Upnor, Rochester ME2 4UP

Discussion:

The Principal Planner reported upon the application in detail and advised the Committee that since despatch of the agenda, the applicant's planning agent had written in regarding the Officer's recommendation to refuse the application on the grounds of the lack of ecological information. A copy of the agent's letter had been appended to the supplementary agenda advice sheet.

The Principal Planner advised the Committee that it could resolve to approve the application subject to the ecological work being undertaken and, if found to be satisfactory, grant delegated powers to the Development Manager to issue the permission with appropriate conditions flowing out from the recommendations of the survey work. It was however stressed that if the ecological survey work highlighted any problems then the application would be

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reported back to this Committee. The Principal Planner circulated a list of draft conditions which covered issues such as implementation; the management and maintenance of the existing flood defence wall; details of the surface water drainage; contamination; hard and soft landscaping; details of a landscape and woodland management plan; ecology/biodiversity; Code of Construction Practice; construction traffic and hours of restriction; a programme of archaeological work and details and limitations in relation to the B1(c) and A3 use.

With the agreement of the Committee, Councillor Hicks spoke on this application as Ward Councillor in support of the application.

Decision:

The Director of Regeneration, Community and Culture and/or the Development Manager be granted delegated authority to grant planning permission subject to:

- a) the receipt of adequate additional ecological surveys and all details of proposed ecological/biodiversity mitigation required, as informed by the result of existing and additional ecological survey work;
- b) the additional ecological survey work and mitigation submitted pursuant to a) above being acceptable to the Council's Consultant Ecologists;
- c) if details of the ecological survey are unacceptable, the planning application be reported back to the Committee.
- d) the imposition of appropriate planning conditions as the Director of Regeneration, Community and Culture and/or the Development Manager consider to be reasonably required to be imposed along the lines of the draft conditions numbered 1 – 46 circulated prior to the meeting.

777 Planning application - MC/13/1805 - Site at Lower Upnor Depot, Lower Upnor, Rochester ME2 4XA

Discussion:

The Principal Planner outlined the basis of this planning application as part of the presentation for planning application MC/13/1804.

With the agreement of the Committee, Councillor Hicks spoke as Ward Councillor on this planning application whilst addressing the Committee on planning application MC/13/1804.

Decision:

Approved with conditions 1 – 8 as set out in the report for the reasons stated in the report.

778 Planning application - MC/13/3153 - National Grid, Isle of Grain Storage Installation, Isle of Grain ME3 0AB

Discussion:

The Principal Planner outlined the basis of the planning application and advised that since despatch of the agenda, the County Archaeologist had confirmed that no archaeological measures were required in this instance.

In addition, the Principal Planner advised that one local resident had written commenting that the Council had failed to consult local residents affected by the development and pointing out that gas filled tankers would be on the Grain Road and that this was an escape or evacuation route for Grain Village. In response to this concern, the Principal Planner advised the Committee that advice from Central Government was that local planning authorities should not become involved in matters covered by other legislation, therefore, as the LNG road tankers were regulated and controlled under the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 such concerns fell outside of the remit of the Local Planning Authority and, as such, no planning objection to the development could be raised in relation to the fact that LNG Road Tankers would be on the public highway.

The Committee discussed the planning application and noted that all Parish Councils would have been aware of this planning application as it was included on the weekly list circulated to all Parish Clerks.

Arising from discussions, it was suggested that to assist with the ingress and egress of the LNG road tankers into and out of the site, consideration should be given to the installation of a method of traffic control at the entrance of the site by way of provision of either traffic lights or a roundabout.

Decision:

Consideration of this application be deferred to enable Officers to undertake further discussions with the applicant on the possible provision of a suitable method of traffic control at the entrance of the application site from Grain Road.

779 Planning application - MC/13/2864 - 59 - 61 High Street Rochester ME1 1LX

Discussion:

The Development Manager reported upon the planning application and advised the Committee that the description of the planning application set out in the report should be changed to read "Change of use from Florist (Class A1) to a coffee shop (Class A3) with ancillary retail (class A1)."

He explained that whilst the applicant had described the proposal as a change of use from Class A1 to a mixed use of Class A1 and A3, the proposal was for change of use from a florist to a coffee shop and, the submitted plans were very

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clear in that by bringing back into use the basement of the premises, there would be a sit down area covering two levels. The primary use of the premises was therefore clearly A3. However, there was an ancillary A1 retail use as customers could take away beverages and cold food. The Development Manger was satisfied that the plans submitted indicated that the A1 use was ancillary to the A3 use and not a mixed use of the premises. He confirmed that food consumed on the premises would be either cold food or heated pre packaged food and there would be no food preparation and cooking on the premises.

The Development Manager further advised that since despatch of the agenda, the agent had written outlining a number of points in support of the application, details of which were summarised on the supplementary agenda advice sheet.

In addition, the Development Manager drew attention to an amendment to class D of the Town and Country Planning (General Permitted Development) Order 2013 and how this affected this particular planning application, details of which were also set out on the supplementary agenda advice sheet.

The Committee considered the planning application having regard to the use classes of other premises within the High Street.

Decision:

Approved with conditions 1 – 4 as set out in the report for the reasons stated in the report.

780 Planning application - MC/13/2921 - 59 - 61 High Street, Rochester ME1 1LX

Discussion:

The Development Manager outlined the basis of this application whilst undertaking the presentation on planning application MC/13/2864.

Decision:

Approved with conditions 1 – 6 as set out in the report for the reasons stated in the report.

781 Planning application - MC/13/1669 - 71 - 73 Carnation Road, Strood, Rochester ME2 2YF

Discussion:

The Development Manager advised that this planning application related to reserved matters of access, appearance, landscaping, layout and scale pursuant to condition 1 of outline permission MC/11/0103 which, whilst refused by this Committee at its meeting on 23 March 2011, had been allowed at appeal on 5 December 2011.

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Decision:

Approved with conditions 1 – 6 as set out in the report for the reasons stated in the report.

782 Planning application - MC/13/2829 - 2 Trevale Road, Rochester ME1 3NZ

Discussion:

The Development Manager outlined the application and advised the Committee that since despatch of the agenda three further letters of objection had been received stating that the revised plans do not alter their objections.

Decision:

Consideration of this application be deferred pending a site visit.

783 Planning application - MC/13/2967 - Port Werburgh Park, Vicarage Lane, Hoo ME3 9TW

Discussion:

The Development Manager outlined the basis of the planning application.

Decision:

Approved with conditions 1 and 2 as set out in the report for the reasons stated in the report.

784 Planning application - MC/13/1898 - Garage blocks between 49 and 57 Trinity Road, Gillingham ME7 1JA

Discussion:

The Senior Planner outlined the basis of the planning application and drew attention to a correction on page 139 of the agenda papers in that the parking surveys should refer to 'Mill Road' and not 'Marlborough Road'. He confirmed that this was a clerical error and assured the Committee that the surveys had been undertaken in Mill Road.

Decision:

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

785 Planning application - MC/13/2047 - Land adjoining Four Seasons 10a Matts Hill Road, Hartlip, Sittingbourne

Discussion:

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The Senior Planner outlined the basis of this planning application.

Decision:

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

786 Planning application - MC/12/1227 - 24 Station Road, Rainham, Gillingham ME8 7PH

Discussion:

The Development Manager outlined the basis of the planning application.

Decision:

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

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

Discussion:

The Senior Planner outlined the basis of the planning application and reminded the Committee that consideration of this application had been deferred by the Committee on 4 December to enable Officers to obtain additional information having regard to concerns expressed relating to the proposed kitchen not serving hot food, the proposed parking provision, the location of the refuse facilities and the impact of the frontage parking.

The Senior Planner advised that following negotiations, the applicant had submitted a revised drawing removing the parking spaces at the front of the building with the exception of one disabled parking space. The disabled space could not be removed as disabled access to the building could only be achieved at the front. The Committee accepted this but requested that the disabled parking bay be clearly marked as only available for registered disabled blue badge holders.

The revised drawing also showed a planter at the front of the building with 900mm railings. It was therefore recommended that if the Committee was minded to approve the application, proposed Condition 3 be amended to incorporate landscaping to both the front and the rear, including the railings.

A revised drawing had also been submitted showing a flue on the east side elevation to enable hot food to be cooked and served in the kitchen. The applicant had advised that the dining room would be open for breakfast between 07:00 and 09:00 although this may be adjusted later if required. However, no details of the extraction system to be installed in the kitchen had

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yet been submitted and it was therefore recommended that an additional condition be approved to address this.

The Committee discussed the application and the revisions that had taken place as a result of negotiations between Officers and the applicant. Members requested that both the landscaping and provision of railings be put in place prior to the use of the guest house and also stipulated that the design of the railings be subject to approval of the local planning authority.

During consideration of this planning application, it was suggested that where possible, when planning applications are deferred and then reported back to a meeting at a later date, committee reports be re-written to take account of the updated information as opposed to the resubmission of the original report and a brief update at the end of the report.

Decision:

Approved subject to:

- A) A unilateral obligation under Section 106 to secure a contribution of £2,000 towards the re-provision of on street parking spaces; and
- B) Conditions 1 and 2, 4 –6 and 8 - 11 as set out in the report for the reasons stated in the report and conditions 3, 7 and 12 amended and new condition 13 as follows with the Development Manager being granted delegated authority to finalise the wording of the conditions in consultation with the Chairman and Vice Chairman:
 - 3. As per the report but amended to require details of the planters and railings to be submitted to and approved in writing by the Local planning Authority and provided prior to the commencement of the guest house.
 - 7. As per the report but amended to require that the disabled parking bay allocated at the front of the building will be provided prior to use of the guest house and the disabled parking space shall only be used thereafter by those customers and guests who are registered as disabled.
 - 12. As per the report but amended to include provision for the details of the external flue to be submitted to and approved in writing by the Local Planning Authority including the colour of the flue.
 - 13. The kitchen be required to be open during the hours of 07.00 and 09.00 and hours in the evening yet to be identified.
- C) The Development Manager be granted delegated authority to approve the specific wording of the amended conditions and new condition detailed above in consultation with the Chairman and Vice Chairman.
- D) The Development Manager have regard to the request of the Committee that future reports which are the subject of a report back with updated information be re-written to take account of the updated information

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

Discussion:

The Development Manager reminded the Committee that this application had been deferred at the meeting on 8 January 2014 as a result of concerns regarding the parking provision.

The applicant had now submitted revised drawings and sent an email to all members of the Committee addressing the concerns raised.

The application was now re-submitted for consideration with 36 spaces to serve the proposed development. This was an increase of 9 spaces on the previous application.

In the light of the Committee's concerns that some of the rooms within the proposed development did not meet the Council's Housing Design Standards, the applicant had submitted revised layout drawings together with a schedule demonstrating that the room sizes complied with the good practice standards rather than just meeting the baseline standards. Prior to this revision, the layout showed a number of individual rooms within some of the flats being disproportionately larger than other rooms due to the proposal largely being a conversion. The applicant had achieved the good practice standards within the scheme by reducing the size of these larger individual rooms to allow for the increase of other rooms.

The applicant had also submitted a financial statement with the current application having liaised with the original case officer and an officer from the Property Team of Medway Council. The financial statement had been accepted by the Council as demonstrating why the lower Section 106 contributions were justified.

The Committee discussed the report and a member drew attention to the request of the Committee on 8 January 2014 for the contribution towards off site provision and/or maintenance of outdoor open space to be spent on improvements to Reed Common in place of Broomhill Park.

Decision:

Approved subject to:

- A) The applicant entering into an agreement under Section 106 of the Town and Country Planning Act 1990 to include the following contributions:
 - i) A contribution of £11,230.80 towards health facilities in the Strood area.
 - ii) A contribution of £28,000 towards off site provision and/or maintenance of outdoor open space to be spent on improvements

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to Northcote Recreation Ground, Sycamore Road play area and/or Reed Common.

- iii) A contribution of £4,200 towards waste and recycling to be used to provide adequate facilities to cover the impact of the development.
- iv) An agreement that when any future stage of the development is undertaken (of all or any of the land outlined in blue on the submitted site plan) that it will include the provision of a minimum of 25% of affordable homes calculated on the basis of the number of dwellings across the site as a whole, the trigger being when 25 or more dwellings are proposed across the joint sites.

B) Conditions 1 and 3 – 15 as set out in the report for the reasons stated in the report and condition 2 amended as follows:

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans: HSP/FR1, HSP/FP2, HSP/FP3, 227/07 rev A, 227/08 rev B, 227/09 rev A, 227/10 rev A, 227/11 rev B, 227/12 rev A, 227/13 rev A, 227/14 rev A, 227/15 rev A and 227/18 received 19 June 2013; 3033, 227/02 rev A, 227/17 rev A, 227/19 received 22 November 2013; 227/01 rev D received on 9 January 2014 and 227/03 rev C, 227/04 rev B, 227/05 rev C, 227/06 rev B received 21 January 2014.

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

789 Performance Report for the period October - December 2013

The Committee received and noted a report setting out performance relating to the period October – December 2013.

Chairman

Date:

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