

Medway Council
Meeting of Planning Committee
Wednesday, 19 February 2014
7.00pm to 9.37pm

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, Purdy, Royle, Smith and Watson

Substitutes: Councillors:
Hicks (Substitute for Mackness)

In Attendance: Michael Edwards, Principal Transport Planner
Therese Finn, Planner Policy, Development Policy and Engagement
Dave Harris, Development Manager
Mark Pullin, Senior Planner
Catherine Smith, Development Policy and Engagement Manager
Councillor Les Wicks - Ward Councillor
Christine Wilson, Head of Legal Services
Ellen Wright, Democratic Services Officer

845 Record of meeting

The record of the meeting held on 29 January 2014 was agreed and signed by the Chairman as correct.

The Chairman drew attention to the additional paper circulated with the supplementary agenda advice sheet on which was listed the specific wording of conditions 3, 12, 13 and 14 for planning application MC/13/1197 (12 New Road Avenue, Chatham) which had been agreed in consultation with the Chairman and Vice Chairman in accordance with Minute 787 of the meeting on 29 January 2014.

846 Apologies for absence

An apology for absence was received from Councillor Mackness.

847 Urgent matters by reason of special circumstances

There were none.

848 Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

Other interests

There were none.

849 Compliance with the National Planning Policy Framework

Discussion:

The Committee received a report setting out the implications of the National Planning Policy Framework (NPPF) on the saved policies in the Medway Local Plan 2003 and outlined the degree of compliance with the NPPF. In addition, the report advised of issues relating to a limited number of policies that were not fully in accordance with national policy.

The Committee was advised that there were three broad areas where there was conflict between the Medway Local Plan 2003 and the NPPF which had potential implications for decision making and these were:

- Employment and economic development
- Retail and town centres
- Countryside protection

A schedule of all Medway Local Plan policies was set out at Appendix B to the report along with information as to whether they were consistent with the NPPF, partially consistent or inconsistent. The report also set out information as to the policy areas considered in the NPPF but which were not covered at all by the Medway Local Plan.

Decision:

The advice on the compliance of the saved Medway Local Plan 2003 policies with the National Planning Policy Framework be noted so as to provide confidence in their use in determining development proposals.

850 Rochester Airport Masterplan

Discussion:

The Committee received a report setting out the planning policy and design guidance produced for Rochester Airport.

The Masterplan which was available at www.medway.gov.uk/rochesterairport provided guidance for development on land at and bordering the airport and

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would be a material consideration in determining planning applications at the site.

The Committee was advised that the Rochester Airport Masterplan had been adopted by the Council at its meeting on 23 January 2014 as an amendment to the current policy framework. It was the Council's intention to adopt the Masterplan as a Supplementary Planning Document (SPD) once the new Development Plan was in place.

Arising from discussions it was confirmed that any technical assessments would be undertaken as part of the planning application process and, as part of the site was located within Tonbridge and Malling Borough Council's area, the Planning Policy Manager from Tonbridge and Malling had been fully involved in the preparation of the Masterplan.

Decision:

The content of the Rochester Airport Masterplan be noted.

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

Discussion:

The Development Manager reminded the Committee that this application had been the subject of a site visit on 15 February 2014 at which the Planner had set out what the application was for, talking through the submitted plans and making reference to the existing site characteristics, summarising the representations received and setting out the planning issues for members of the committee to consider as they related to matters of principle, design, residential amenity for the existing neighbours and future occupiers of the dwellings along with parking provisions and impact upon highway safety.

A summary of the points raised by residents at the site visit was set out on the supplementary agenda advice sheet along with responses from both the Development Manager and the Planner.

The Committee was advised that since the site visit, the agent had written to confirm that the prospective purchasers of No. 80 Trevale Road would be applying for the proposed parking space to be provided to the front of their property rather than the rear and, if this was not approved, they would be providing the parking space to the rear as approved.

The Development Manager also drew attention to amendments to the report in respect of the proposal and the planning appraisal, details of which were set out on the supplementary agenda advice sheet.

The Committee discussed the application and expressed concern as to the affect that the proposed development would have on the character and appearance of the street scene and that the construction of a house at this site would reduce forward visibility around the bend in Trevale Road. The

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Committee also expressed concern that the proposed development did not meet the Council's Housing Design Standards for a new build.

Decision:

Refused on the following grounds:

1. The proposed dwelling, by virtue of its design and appearance, would fail to respect the character and the appearance of the street scene within which it would be sited and would be contrary to Policy BNE1 of the Medway Local Plan 2003.
2. The proposed development would reduce forward visibility around the bend in Trevale Road from around 36 metres to approximately 21 metres, which would reduce the ability of drivers to see ahead and stop for any hazard in the road. The application would therefore increase the risk of road traffic accidents, contrary to Policy T1 of the Medway Local Plan.
3. The proposed development fails to meet the Council's Housing Design Standards for a new build.

852 Planning application - MC/13/2513 - Wayne Court, Miller Way, Wainscott, Rochester ME2 4LR

Discussion:

The Development Manager outlined the planning application.

A member referring to the level of representation received on this particular planning application and, the representations from both Frindsbury Extra Parish Council and the Frindsbury and Wainscott Community Association suggested that this application be deferred for a site visit.

Decision:

Consideration of this application be deferred pending a site visit.

853 Planning application - MC/13/3219 - Queens Court, Chichester Close, Rainham, Gillingham ME8 8BZ

Discussion:

The Planner outlined the planning application and advised the Committee that since despatch of the agenda nine further letters had been received, including one from eighteen residents of Chichester Close, objecting to the application reiterating previous concerns and stating that the revisions had not responded to or overcome original objections. In addition, the objectors had also raised concerns about the impact of the proposed development now that the two existing blocks had been built up to three storeys, the small size of the

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proposed parking spaces and the lack of spaces suitable for disabled persons and for vans. In addition, the objectors had also requested that the Committee undertake a site visit before reaching a decision.

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

The Committee discussed this planning application, noting the concerns expressed by the Ward Councillor and, in particular, concerns that the proposed development would result in exacerbating existing parking problems in the area. The Committee also had regard to the previous decision of a Planning Inspector when considering an appeal relating to planning application MC/12/0069.

Decision:

Consideration of this application be deferred to enable Officers to obtain further information on the issue of parking in the vicinity of the proposed development.

854 Planning application - MC/13/3172 - 249 London Road, Rainham, Gillingham ME8 6YR

Discussion:

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

9. The development hereby permitted shall be carried out in accordance with the Travel Plan Strategy submitted on 12 December 2013, including the measures and initiatives, monitoring and review mechanisms and the action plan.

Reason: To ensure a sustainable development that accords with Policy T14 of the Medway Local Plan 2003.

The Committee discussed the application noting that the premises had previously been used as a care home and was now empty and boarded up. Whilst the Committee acknowledged that the proposed development would bring this property back into use, concern was expressed regarding the proposal to extend the existing property into the rear garden of the site as it was considered that this would result in an overdevelopment of the site. In addition the loss of the garden area would result in inadequate facilities for the amenity of the residents of the care home. Concern was also expressed that insufficient parking provision would be available at the care home particularly as this site was located on a busy highway and other than the limited parking provided on the application site there was no on street parking available for visitors or staff in the vicinity of the property.

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Decision:

- a) Refused on the following grounds:
 1. The proposed development constitutes an overdevelopment of the site by virtue of the proposed extensions to the rear of the existing property.
 2. The proposed development will result in the loss of amenity space at the rear of the site and will therefore provide inadequate amenities for the residents of the care home
 3. The proposed development has insufficient car parking provision for visitors and staff having due regard to its location on a busy road with no nearby on street parking provision.

- b) The Development Manager be granted delegated authority to agree the specific wording of the refusal grounds with the Chairman and Vice Chairman outside of the meeting.

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

Discussion:

The Development Manager advised the Committee that consideration of this planning application had been deferred on 29 January 2014 to enable Officers to discuss with the applicant the possible provision of a traffic light controlled junction at the site access with the A228/B2001 or a roundabout.

He further advised that the applicants had declined to provide either option and the reasons supplied were set out in full within the committee report on pages 126 and 127.

As part of his presentation, the Development Manager displayed photographs of the site entrance and its relationship with the road so as to give an indication of the level of visibility to drivers. He informed the Committee that the applicants had stated that should the Committee deem it necessary to make further improvements to the visibility of the road junction, the applicants had suggested realigning the fence line at the road junction and pruning the trees in the area.

The Principal Transport Planner reported that that there was good visibility at the junction and that vehicles at the access point could be seen from some distance. In addition, the speed limit on this stretch of road was 40mph and there was adequate street lighting. Consideration had been given to the application having regard to the low number of vehicle movements into and out of the application site and it was not considered that this level of vehicle movements justified provision of a controlled junction.

In response to questioning, the Principal Transport Planner advised that it was possible for the average speed cameras to be extended to cover this stretch of road if this was considered necessary.

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The Development Manager also suggested that if the Committee was minded to approve the application, proposed conditions 7 and 10 be revised as set out in the supplementary agenda advice sheet.

Decision:

Approved with conditions 1 – 6, 8 and 9 and 11 – 18 as set out in the report for the reasons stated in the report and conditions 7 and 10 revised as set out below:

7. A desk top study, investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The desk study, investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety.

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An

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investigation and risk assessment must be undertaken in accordance with the requirements of condition 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 8 are complete and identifying any requirements for longer-term monitoring of pollutant linkages.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety.

856 Planning application - MC/13/3094 - Garage Site Off Romany Road (Rear of 13 - 23 Romany Road, 2 - 24 Preston Way and 41 - 53 Sturry Way) Gillingham

Discussion:

The Planner outlined the planning application and in answer to Member's questions confirmed that should the Committee be minded to approve the application, proposed condition 9 required the applicant to produce a Construction Code of Practice which would enable officers to ensure that residents in Preston Way would not have their right of way to the rear of their properties impeded during the construction works.

Decision:

Approved with conditions 1 – 14 as set out in the report for the reasons stated in the report.

857 Planning application - MC/13/3215 - 233 High Street, Rochester ME1 1HQ

Discussion:

The Development Manager outlined the planning application and advised the Committee that since despatch of the agenda, one additional letter of objection had been received reiterating the representations already received and making a number of additional comments, details of which were summarised on the supplementary agenda advice sheet.

In addition, the Development Manager referred to an objection circulated direct to Members of the Committee at the request of one of the Ward Councillors.

The Committee discussed the application and noted that this was the first application received for a micro pub in Medway. The Development Manager explained that these types of drinking establishments were popular on the South East Coast and he outlined the difference between a micro pub and a

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public house in respect of the type of drinks which would be on offer and the style of the drinking establishment. It was confirmed that the venue would not have television screens, jukeboxes or play music. However, he confirmed that in terms of the Planning use classes order, there was no difference between a public house and a micro pub.

The Committee discussed the application noting that whilst the proposed location for the micro pub would bring back into use a building that was currently empty, it was located in a predominately residential area and had residential properties located immediately above it.

Members also discussed the proposed opening hours and the Development Manager confirmed that the completed planning application form submitted by the applicant had requested hours of 06.00 – 22.00 Mondays to Fridays. He suggested that if the Committee was minded to approve the planning application, the opening hours could be amended by the Committee.

The Committee had regard to the general desire to regenerate this part of Rochester but considered that this particular site was not suitable for this type of drinking establishment taking into account its close proximity to residential dwellings.

Decision:

Refused on the following ground:

The A4 (Drinking Establishment) use, by way of the noise, disturbance and levels of activity generally associated with such an operation, would result in substantial harm to the amenities of occupiers of the dwellings within the vicinity of the property. The proposal is therefore considered contrary to the provisions of Policies BNE2 and R18 of the Medway Local Plan 2003.

858 Planning application - MC/13/2761 - Viridor Management Site, Clipper Close, Medway City Estate, Rochester ME2 4QP

Discussion:

The Development Manager outlined the planning application and suggested that should the Committee be minded to approve this application an additional condition be approved as set on the supplementary agenda advice sheet but renumbered 14.

In addition, he drew attention to an amendment to the proposal section of the report, details of which were also set out on the supplementary agenda advice sheet.

Decision:

Approved with conditions 1 – 13 as set out in the report for the reasons stated in the report and new condition 14 as set out below:

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14. Notwithstanding the submitted drawings, the buildings herein approved shall be painted in a shade of grey to be submitted to and approved by the Local Planning Authority prior to occupation. The buildings shall be painted in accordance with the approved details and shall be retained thereafter.

Reason: In the interests of visual amenity in accordance with Policy BNE1 of the Medway Local Plan 2003.

859 Planning application - MC/13/2549 - Land adjoining Well Penn, Well Penn Road, Cliffe Rochester

Discussion:

The Development Manager outlined the planning application.

Decision:

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

860 Planning application - MC/13/2726 - 7 Laurel Road, Gillingham ME7 1NT

Discussion:

The Development Manager outlined the planning application.

Decision:

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

861 Section 106 agreements relating to the period October - December 2013

Discussion:

The Committee received a report setting out the amount of Section 106 funding received between October – December 2013 and information as to what the contributions must be spent on according to the Section 106 agreements. In addition, information was submitted as to the Section 106 agreements that had been signed during the same period.

Decision:

The Committee noted the report.

862 Appeal Decisions for the period October - December 2013

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Discussion:

The Committee received a report setting out appeal decisions for the period October – December 2013. The Development Manager drew attention to the level of appeals that had been allowed.

Decision:

The Committee noted the report.

Chairman

Date:

Ellen Wright, Democratic Services Officer

Telephone: 01634 332012

Email: democratic.services@medway.gov.uk