

Medway Council
Meeting of Planning Committee
Wednesday, 2 April 2014
7.00pm to 8.25pm

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:
Christine Godwin (Substitute for Colman)

In Attendance: Councillor Pat Cooper
Michael Edwards, Principal Transport Planner
Dave Harris, Head of Planning
Councillor Geoff Juby, Leader of the Liberal Democrat Group
Hannah Langford, Senior Lawyer (Planning and Projects)
Councillor Peter Rodberg
Ellen Wright, Democratic Services Officer

958 Record of meeting

The record of the meeting held on 12 March 2014 was agreed and signed by the Chairman as correct.

959 Apologies for absence

An apology for absence was received from Councillor Colman.

960 Urgent matters by reason of special circumstances

There were none.

961 Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

Councillor Mackness declared a disclosable pecuniary interest in planning application MC/13/3268 – 168 Delce Road, Rochester ME1 2EP on the basis that his wife has a business in Delce Road and he left the meeting for the consideration and determination of this application.

Planning Committee, 2 April 2014

Other interests

Councillor Bowler referring to planning application MC/13/3268 – 168 Delce Road, Rochester ME1 2EP informed the Committee that he had been contacted by the applicant but had advised the applicant that he was unable to comment on or discuss the application as he served on the Planning Committee.

Councillor Carr referring to planning application MC/13/3268 – 168 Delce Road, Rochester ME1 2EP informed the Committee that the agent was known to him but he confirmed that he had not discussed the application with anyone and therefore would take part in the determination of this application.

Councillor Watson withdrew from the meeting for the consideration and determination of planning application MC/13/3227 – Plot 2, Merryboys Stables, Merryboys Road, Cliffe Woods, Kent ME3 7TP on the basis that a family member has business arrangements with someone on this site.

962 Planning application - MC/13/3227 - Plot 2, Merryboys Stables, Merryboys Road, Cliffe Woods Kent ME3 7TP

Discussion:

The Development Manager outlined the planning application and referred to the planning history of the application site.

Decision:

Refused on the ground set out in the report.

963 Planning application - MC/14/0028 - Victory Pier, Pier Road, Gillingham Kent ME7 1RL

Discussion:

The Development Manager drew attention to the supplementary agenda advice sheet on which was set out objections submitted by Councillor Cooper as Ward Councillor.

The Development Manager outlined the planning application and in particular drew attention to the differences between the current planning application and that previously approved at MC/08/1614 on 19 December 2008 in that the current proposal was for a hotel one storey less in height and with a reduction in beds from 120 to 80.

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

The Committee discussed the application having regard to the concerns expressed by objectors and the Ward Councillor and the level of parking

Planning Committee, 2 April 2014

provision proposed to serve the proposed hotel. However, in noting such concerns, Members had regard to the fact that the provision of a hotel has always been part of the development proposals for this site since the original outline permission had been approved in May 2004 and therefore considered that anyone moving into accommodation at the site would have been fully aware of the long term plans for the site.

Decision:

Approved with conditions 1 – 25 as set out in the report for the reasons stated in the report.

964 Planning application - MC/13/3282 - Asda, 387 Maidstone Road, Chatham ME5 9SE

Discussion:

The Development Manager outlined the planning application and informed the Committee that the proposal sections of the report required amendment to state that the application was for a variation of Condition 16 and not removal.

It was suggested that if the Committee was minded to approve this application, proposed conditions 3 and 6 be amended as set out on the supplementary agenda advice sheet.

Decision:

Approved with conditions 1 – 2 and 4 – 5 and 7 – 12 as set out in the report for the reasons stated in the report and conditions 3 and 6 amended as follows:

3. No later than six months from the commencement of the varied hours of delivery hereby permitted, an updated acoustic appraisal, to demonstrate the effectiveness of the repairs to the acoustic fence on the northern boundary, shall be submitted to and approved in writing by the Local Planning Authority. The acoustic appraisal must also confirm that there is no detrimental impact on the amenities of adjoining occupiers in Maidstone Road and Thorndale Close. Should no acoustic appraisal be submitted or should the acoustic appraisal indicate an adverse impact on the amenities of adjoining occupiers or should the acoustic appraisal be considered to be unacceptable to the Local Planning Authority, the varied hours of delivery shall cease immediately and the original hours of delivery, being no deliveries to the foodstore to take place outside the hours of 07:00 to 23:00 on Mondays to Saturdays (inclusive) and 08:00 to 13:00 on Sundays, shall be complied with.

Reason: To assess the impact of the development on adjoining amenity following the repairs to the acoustic fencing and to ensure that the development is without prejudice to conditions of amenity.

Planning Committee, 2 April 2014

6. No tree identified for retention within the approved landscaping plan of ME/92/0481 shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than as detailed on the approved plans. Any pruning to accommodate the Boundary Treatments shall be carried out in accordance with British Standard 3998 Tree Work.

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with policy BNE1 and BNE6 of the Medway Local Plan 2003.

965 Planning application - MC/13/3283 - Asda, 387 Maidstone Road, Chatham ME5 9SE

Discussion:

The Development Manager outlined the planning application and informed the Committee that the proposal sections of the report required amendment to state that the application was for a variation of Condition 4 and not removal.

It was suggested that if the Committee was minded to approve this application, proposed conditions 3 and 4 be amended as set out on the supplementary agenda advice sheet.

Decision:

Approved with conditions 1 – 2 and 5 – 6 as set out in the report for the reasons stated in the report and conditions 3 and 4 amended as set out below:

3. No later than six months from the commencement of the varied hours of delivery hereby permitted, an updated acoustic appraisal, to demonstrate the effectiveness of the repairs to the acoustic fence on the northern boundary, shall be submitted to and approved in writing by the Local Planning Authority. The acoustic appraisal must also confirm that there is no detrimental impact on the amenities of adjoining occupiers in Maidstone Road and Thorndale Close. Should no acoustic appraisal be submitted or should the acoustic appraisal indicate an adverse impact on the amenities of adjoining occupiers or should the acoustic appraisal be considered to be unacceptable to the Local Planning Authority, the varied hours of delivery shall cease immediately and the original hours of delivery, being no deliveries to the foodstore to take place outside the hours of 07:00 to 23:00 on Mondays to Saturdays (inclusive) and 08:00 to 13:00 on Sundays, shall be complied with.

Reason: To assess the impact of the development on adjoining amenity following the repairs to the acoustic fencing and to ensure that the development is without prejudice to conditions of amenity and to comply with Policy BNE2 of the Medway Local Plan 2003.

Planning Committee, 2 April 2014

4. Within 1 month of the date of this planning permission, the diesel fire pump(s) as shown on drawing PL02-WH Rev A, received on 08 January 2008, and as detailed on drawing number 8158-100 Rev X, received on 03 March 2008, shall be fitted with a critical silencer to reduce the noise levels to 85 dB and the pump house shall provide a sound reduction of 40 dB(A) in accordance with the original details submitted pursuant to MC/08/0233. Such arrangements shall be thereafter maintained.

Reason: To ensure that the development does not prejudice conditions of amenity and to comply with Policy BNE2 of the Medway Local Plan 2003.

966 Planning application - MC/13/3284 - Asda, 387 Maidstone Road, Chatham ME5 9SE

Discussion:

The Development Manager outlined the planning application and informed the Committee that the proposal sections of the report required amendment to state that the application was for a variation of Condition 4 and not removal.

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

Decision:

Approved with conditions 1 – 2 and 4 – 7 as set out in the report for the reasons stated in the report and condition 3 amended as set out below:

3. No later than six months from the commencement of the varied hours of delivery hereby permitted, an updated acoustic appraisal, to demonstrate the effectiveness of the repairs to the acoustic fence on the northern boundary, shall be submitted to and approved in writing by the Local Planning Authority. The acoustic appraisal must also confirm that there is no detrimental impact on the amenities of adjoining occupiers in Maidstone Road and Thorndale Close. Should no acoustic appraisal be submitted or should the acoustic appraisal indicate an adverse impact on the amenities of adjoining occupiers or should the acoustic appraisal be considered to be unacceptable to the Local Planning Authority, the varied hours of delivery shall cease immediately and the original hours of delivery, being no deliveries to the foodstore to take place outside the hours of 07:00 to 23:00 on Mondays to Saturdays (inclusive) and 08:00 to 13:00 on Sundays, shall be complied with.

Reason: To assess the impact of the development on adjoining amenity following the repairs to the acoustic fencing and to ensure that the development is without prejudice to conditions of amenity and to comply with Policy BNE2 of the Medway Local Plan 2003.

Planning Committee, 2 April 2014

967 Planning application - MC/13/2484 - 142 - 144 Napier Road, Gillingham, Kent ME7 4HG

Discussion:

The Committee was reminded that this planning application had been the subject of a site visit on 29 March 2014 at which the Senior Planner had explained the proposed development and set out the issues that needed to be considered as they related to matters of principle, layout, amenity and access.

The applicant's agent had commented upon the site's allocation in the Local Plan.

A summary of the concerns raised by residents was outlined on the supplementary agenda advice sheet.

At the conclusion of the site visit, the applicant had opened the warehouse building and the Senior Planner had gone inside with some residents. It had been established that the warehouse housed three cars in various states of repair and the interior was laid out like a vehicle repair garage.

It was suggested that if the Committee was minded to approve this application, proposed condition 11 be deleted and proposed condition 12 renumbered accordingly and two new conditions numbered 12 and 13 be approved, details of which were set out on the supplementary agenda advice sheet.

The Committee discussed the planning application referring in particular to the width of the access road into the application site. The Principal Transport Planner confirmed that the access road into the site was sufficiently wide enough to enable a refuse vehicle or fire engine access and that such vehicles could turn and leave the site in a forward gear.

The Development Manager referred to the planning history of the application site and outlined the difference in this planning application as opposed to previous planning applications.

Decision:

Approved with conditions 1 – 10 as set out in the report for the reasons stated in the report and conditions 11 – 13 as set out below:

11. The plans and particulars submitted in accordance with Condition 1 above shall include:

A plan showing the location of and allocating a reference number to each existing tree within the site with a stem diameter of 75mm or more, measured at 1.5m above the highest adjacent ground level and each tree with an estimated stem diameter of 75mm or more that overhang the site or are located beyond the site boundaries within a distance of up to 12 times their estimated stem diameter. For individual trees the crown

Planning Committee, 2 April 2014

spread shall be shown and for groups of trees the overall extent of the canopy shall be shown, and for all trees it shall be clear as to which are identified for retention or removal;

For all existing trees within the site with a stem diameter of 75mm or more, measured at 1.5m above the highest adjacent ground level and each tree with an estimated stem diameter of 75mm or more that overhang the site or are located beyond the site boundaries within a distance of up to 12 times their estimated stem diameter:

- a) a tree survey
- b) a tree constraints plan
- c) an arboricultural impact assessment
- d) a tree protection plan
- e) arboricultural method statements

All of the above plans and particulars shall accord with the recommendations contained in British Standard 5837:2012 *Trees in relation to design, demolition and construction - Recommendations*, or any revision thereof.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE1 and BNE6 of the Medway Local Plan 2003.

12. The details submitted pursuant to Condition 1 shall include a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before any of the new dwellings are occupied and shall thereafter be retained. Development shall be carried out in accordance with the approved details.

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.

13. The details submitted pursuant to Condition 1 shall include arrangements for the storage and collection of refuse, including provision for the storage and collection of recyclable materials. Except with the prior written approval of the Local Planning Authority, none of the new dwellings hereby approved shall be occupied until the approved refuse storage arrangements are in place and all approved storage arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

Planning Committee, 2 April 2014

968 Planning application - MC/13/3268 - 168 Delce Road, Rochester ME1 2EP

Discussion:

The Development Manager outlined the planning application and suggested that should the Committee be minded to approve the application, proposed condition 4 be amended so that the hours of use be 07.00 to 21.00 hours Mondays to Saturdays inclusive only.

During discussion of this planning application, a member recommended that the Committee undertake a site visit but on being put to the vote this was not supported.

Decision:

Approved with conditions 1 – 3 and 5 as set out in the report for the reasons stated in the report and condition 4 amended as follows:

4. The use hereby permitted shall only operate between the hours of 07:00 to 21:00 Mondays to Saturdays inclusive only.

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

969 Planning application - MC/13/3335 - Buddy's View, Perry Hill, Cliffe, ME3 7TX

Discussion:

The Development Manager outlined the planning application and explained that whilst the proposal was contrary to policy, the latest Medway Gypsy Traveller and Traveller Accommodation Assessment identified a 5 year requirement for 13 pitches to be provided between 2013 and 2018. Therefore, should this application be approved, the two caravans would count towards this required number. In addition, the Development Manager advised that the caravans would be located close to the existing caravans already on this site and would form part of the same complex and be occupied by the same family. On this basis, a temporary consent tied into the timescale on the original site and with a personal permission was considered appropriate.

During the photographic presentation on this particular planning application, Members sought an assurance that what appeared to be a pile of rubbish shown in the photographs would be removed. The Development Manager stated that the applicant had given an assurance that this was due to be removed shortly and he confirmed that Officers would ensure that this was undertaken.

Planning Committee, 2 April 2014

The Development Manager in response to questions also confirmed that a fence separated the footpath from the application site.

Decision:

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

Chairman

Date:

Ellen Wright, Democratic Services Officer

Telephone: 01634 332012

Email: democratic.services@medway.gov.uk