

Medway Council
Meeting of Planning Committee
Wednesday, 4 February 2015
6.35pm to 9.20pm

Record of the meeting

Subject to approval as an accurate record at the next meeting of this committee

- Present:** Councillors: Avey, Bowler, Carr (Vice-Chairman), Mrs Diane Chambers (Chairman), Gilry, Christine Godwin, Griffiths, Adrian Gulvin, Iles, Hubbard, Mackness, Purdy, Royle and Smith
- Substitutes:** Councillors:
Hicks (Substitute for Griffin)
- In Attendance:** Robin Cooper, Director of Regeneration, Community and Culture
Michael Edwards, Principal Transport Planner
Councillor Jane Etheridge - Ward Councillor
Grahame Gould, Planning Consultant
Dave Harris, Head of Planning
Perry Holmes, Assistant Director, Legal and Corporate Services/Monitoring Officer
Paul Ives, Senior Planner
Councillor Vince Maple, Leader of the Labour Group
Vicky Nutley, Planning and Licensing Lawyer
Christine Wilson, Head of Legal Services
Ellen Wright, Democratic Services Officer

753 Record of meeting

The record of the meeting held on 7 January 2015 was agreed and signed by the Chairman as correct.

Attention was drawn the supplementary agenda advice sheet which set out the following refusal grounds for the planning applications stated:

Minute 633 Planning application - MC/14/2146 – Garages at Hoopers Place, Rochester

1. The proposed development by virtue of its siting, position in relation to neighbouring properties, scale and design would be an overdevelopment of the site that would be detrimental to the amenities of neighbouring and prospective occupiers; represents a poor design that would be harmful to and out of keeping with the character of the area; and also result in an

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over proliferation of flats in the area to the detriment of the desire to provide for a balanced and mixed community. The proposal is therefore contrary to the provisions of policies BNE1, BNE2, and H4 of the Medway Local Plan 2003 and the NPPF 2012 in particular paragraph 50 (providing a wide choice of high quality homes) and section 7 on requiring good design.

Minute 635 – Planning application MC/14/2467- Garage Site rear of 23 – 29 Seagull Road, Strood

1. The proposed development by virtue of its mass, scale, and design would be out of keeping and harmful to the character of the area which is predominantly consists of 2 storey housing. The proposal is therefore contrary to the provisions of Policies BNE1 and H4 of the Medway Local Plan 2003 and Section 7 (requiring good design) of the National Planning Policy Framework 2012.
2. The proposed development by virtue of its height, position of balconies and windows to habitable rooms and proximity to site boundaries and neighbouring property would result in unacceptable conditions of direct overlooking and perceived overlooking harmful to the amenities that occupiers of neighbouring properties may reasonably expect to enjoy. The proposal is therefore contrary to the provisions of Policy BNE2 of the Medway Local Plan 2003 and the NPPF 2012.
3. The proposed development due to the loss of garaging will result in increased pressure for on street parking in an area that already has significant pressures regarding on street parking. The proposal will therefore result in increased pressure for the limited on street parking available to the detriment of the amenities of residents living in the area. The proposal is therefore contrary to the provisions of Policy BNE2 of the Medway Local Plan 2003.

754 Apologies for absence

Apologies for absence were received from Councillors Griffin and Rodberg.

755 Urgent matters by reason of special circumstances

There were none.

756 Chairman's Announcements

The Chairman drew attention to the supplementary agenda advice sheet circulated prior to the meeting. She informed the Committee that prior to the consideration of agenda item 5, she would adjourn the meeting for 15 minutes to enable all Members sufficient time to read the contents of the supplementary agenda advice sheet.

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Furthermore, the Chairman drew attention to papers distributed by a member of the public immediately prior to the start of the meeting. She reminded the Committee that the Council's Constitution required that only representations received by 12 noon on the day before the day of the Committee could be taken into account and therefore she requested that Members disregard the additional papers circulated. She reminded the Committee that the individual had addressed the Committee at the site visit and the papers that he supplied on Monday 2 February had been appended to the supplementary agenda advice sheet.

The Chairman also welcomed Vicky Nutley, Planning and Licensing Lawyer to her first meeting of the Committee.

757 Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

Other interests

Councillor Mackness advised the Committee that although he pilots aircraft, he does not use Rochester Airfield and therefore did not consider that he had an interest in the Rochester Airport planning application.

The Monitoring Officer drew attention to Minute 630 of the meeting held on 7 January 2015 and reiterated that Members of the Committee would not be deemed to have predetermined the Rochester Airport planning application just because they voted either in favour or against the Masterplan at Full Council.

Furthermore, he drew attention to a concern that had been expressed that Councillors had a pecuniary interest in the planning application for Rochester Airport by virtue of the profit sharing agreement under lease arrangements. He advised the Committee that financial arrangements between the Council as landowner and another party was not a material planning consideration and did not result in any Member having a pecuniary interest. The Monitoring Officer went on to clarify those matters that could give rise to a disclosable pecuniary interest in this application such as if any Member or their partner owned or occupied land the value of which would be affected by the planning application or were employed at Rochester Airfield or were a Director of Rochester Airport or held a substantial amount of shares in Rochester Airport Ltd.

Councillor Adrian Gulvin spoke on planning application MC/14/2830 (Sherlodge Garage, 600 Lordswood Lane, Lordswood Chatham) as Ward Councillor and therefore did not take part in the consideration and determination of this planning application.

758 Planning application - MC/14/2914 - Rochester Airport, Maidstone Road, Chatham ME5 9SD

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Discussion:

Prior to considering this planning application there was a 15 minute adjournment to enable members of the Committee to read the contents of the supplementary agenda advice sheet as it related to this planning application.

The Planning Consultant outlined the basis of the planning application and referred to the site visit held on 31 January 2015. At the site visit, the Council's Planning Consultant had outlined the planning application and summarised the main issues received in objection and support of the proposal. A summary of the points raised at the site visit was set out on the supplementary agenda advice sheet.

He reminded the Committee that there was currently no limitations on the use of the airport or controls on the times of usage. However, should the Committee be minded to approve the application, it was proposed that the number of aircraft movements would be restricted to no more than 40,000 per annum and that the hours of use of the airport would be restricted to 7.30 – 19.30 on Monday – Friday and 8.30 – 17.30 on Saturday and Sunday with an evening extension to dusk or 21.00 for aircraft kept at the airport.

He advised the Committee that there were strict limitations on the type of aircraft that could use the airport due to the length of the runway and the wingspan of the aircraft.

Furthermore, he stressed that proposed condition 2 required that the development be carried out in accordance with approved plans and therefore should the Civil Aviation Authority require revisions that did not accord with the submitted plans, these would require a new planning application to be submitted.

The Planning Consultant drew attention to an additional representation received since despatch of the agenda from the Kent Downs Area of Natural Beauty Unit and three additional representations received since the site visit. Details of the additional representations were summarised and appended to the supplementary agenda advice sheet.

The Committee was advised that since the site visit, the applicant had submitted details of the movement data for the period 1984 and 2000 provided by GEC at the point where the management of the airport changed. This historic movement information together with that for the period for 2001 to 2014 was outlined in a table within the supplementary agenda advice sheet. The table also showed details of the 70/30 split between use of the two runways.

The applicant had also provided a summary of the Mandatory Occurrence Reports filed with the Civil Aviation Authority for the period 2001 and 2014. These were also set out in the supplementary agenda advice sheet.

The Committee discussed the application having regard to the planning issues as they related to this application.

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It was suggested that if the Committee was minded to approve the application, proposed condition 15 be amended to restrict the total number of aircraft movements to 38,000 per annum except in an emergency. In addition, it was suggested that a new condition 19 be approved restricting the number of Gyrocopter movements to one session in the morning and one session in the afternoon in accordance with Policy BNE2 of the Medway Local Plan 2003.

During discussion on the planning application, a member commented upon the potential income generation should the planning application be approved but the Monitoring Officer reminded the Committee that this matter was one that should be disregarded when determining the planning application.

In response to a question, it was confirmed that as part of the application site fell within the boundary of Tonbridge and Malling Borough Council, the applicant would require planning approval from both Medway Council and Tonbridge and Malling Borough Council.

Decision:

Approved with conditions 1 – 14 and 16 – 18 as set out in the report for the reasons stated in the report, condition 15 amended and new condition 19 as follows:

15. The total number of aircraft movements shall not exceed 38,000 per annum, except in an emergency.

Reason: In the interests of safeguarding residential amenity in the area in accordance with the provisions of Policy BNE2 of the Medway Local Plan 2003.

19. Gyrocopter use be restricted to one morning session and one afternoon session per day.

Reason: In the interests of the residential amenities of occupiers of properties and to accord with Policy BNE2 of the Medway Local Plan 2003.

759 Planning application - MC/14/3309 - Broom Hill Reservoir, Broomhill Road, Strood, Rochester

Discussion:

The Head of Planning introduced the report and advised the Committee that since despatch of the agenda, seven further letters of representation had been received, including from the Friends of the Broomhill Group objecting to the planning application on grounds already set out within the report and requesting a site visit.

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In addition Kent County Council Archaeology had advised that the construction of the reservoirs would have removed any archaeological remains. On this basis, there were no requirements for archaeological measures.

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

Decision:

Consideration of this planning application be deferred pending a site visit.

760 Planning application - MC/14/2239 - 57 - 59 Luton High Street, Luton, Chatham ME5 7LP

Discussion:

The Committee was reminded that this planning application had been the subject of a site visit on 24 January 2015 at which the Senior Planner had set out what the application was for, talked through the submitted plans making reference to the existing site circumstances, summarising the representations received as a consequence of neighbour notification and the site notice and set out the planning issues for Members to consider as they related to the principle of use as a local shop, design, residential amenity impact along with parking provision and impact on highway safety.

A summary of the points raised at the site visit was set out on the supplementary agenda advice sheet along with a response from Officers to questions raised in terms of traffic surveys of the local area.

In addition, the agent had supplied additional information relating to the Servicing Management Plan and other issues which they considered addressed some of the concerns raised by objectors, details of which were also set out on the supplementary agenda advice sheet.

The Committee was also advised that since despatch of the agenda one further letter of support had been received.

The Committee discussed the application and a number of Members expressed concern as to the potential number of HGV movements that would be generated close to a core road junction should this application be approved. It was considered that this road network already suffered from traffic bottlenecks particularly in the mornings and afternoons when parents were dropping off and collecting school children.

Concern was also expressed that should the proposed convenience store be open late into the evening and this could encourage anti social behaviour in the local area.

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Whilst the Committee appreciated that the applicant's agent had submitted a Servicing Management Plan demonstrating the proposed delivery arrangements, concern was expressed as to the enforcement of these arrangements.

A Member expressed concern as to the affect that the proposed development would have upon the local retail area and the impact that the provision of a food convenience store could have upon the vitality of the local centre.

A Member highlighted the benefits that the application would have in respect of local employment opportunities and increased availability of choice for local residents.

Decision:

Refused on the following grounds:

1. The proposed development makes inadequate provision for access, egress and on-site manoeuvring by delivery vehicles which would have a detrimental impact on highway safety and the free-flow of traffic on Luton High Street, contrary to Policies T1 and T2 of the Medway Local Plan 2003.
2. Concerns as to the enforcement of the Servicing Management Plan and how it will be applied to sub contractors.
3. The proposed development would impact on the viability of the local neighbourhood in contravention of Policy R10 of the Medway Local Plan 2003.

761 Planning application - MC/14/1630 - Alpha Lake and Chalk Lake North Sea Terminal, Salt Lane, Cliffe, Rochester ME3 7SX

Discussion:

The Head of Planning outlined the planning application and drew attention to the supplementary agenda advice sheet suggesting that if the Committee was minded to approve the application a number of conditions be amended, proposed condition 6 be deleted and the remainder of the conditions renumbered and a new condition 17 be approved.

Decision:

Approved subject to:

- A) the applicant entering into a Section 106 obligation to secure the following:

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- (i) A scheme of works for the enhancement of Cliffe Fort including removal of clutter and a timetable for the implementation of such works.
 - (ii) A scheme for works to re-instate any storm damaged sections of the Saxon Shore Way in the vicinity of the site and to provide 3 low stone benches.
 - (iii) The provision of a timetable for the proposed works to ensure implementation and completion within 10 years.
- B) Conditions 1, 2 and 5 as set out in the report for the reasons stated in the report, conditions 3 and 4 amended as follows, condition 6 deleted and the remaining conditions 7 – 17 being renumbered 6 – 16 and a new condition 17 as set out below:

- 3 No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of working methods, plant, working hours and haul routes for all activities connected with this permission, as well as measures to minimise the mobilisation of suspended solids in the site during placement of materials in the site. The development shall be undertaken in accordance with the approved CEMP.

Reason: in order to minimise any adverse impacts on the European site, ecological interests and the amenities of the area.

- 4 Prior to the commencement of the development a scheme for the monitoring and mitigation measures to be employed to prevent significant impacts on the designated sites relating to the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include:
- Details of the key, relevant species to be monitored for the duration of operational activity at Alpha Lake and Chalk Lake in order to provide continuous assessment of effects on the Special Protection Area and where appropriate the Ramsar Site and SSSI;
 - Details of proposed monitoring following the completion of infilling operations to include annual surveys of wintering and breeding birds for a minimum of 5 years and the submission of their results in the form of an annual report. Such reports shall include any mitigation measures that may be required to improve the conditions for wintering and breeding birds which shall first be submitted to and approved in writing by the Local Planning Authority before being implemented on site.

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- Methodology to be employed for continuous monitoring of Alpha Lake bird use (to be carried out at least monthly) and of aquatic flora and fauna representative of the saline lagoon habitat;
 - Trigger levels for those bird species that occur regularly and in significant numbers at Alpha Lake that if exceeded would precipitate additional mitigation responses;
 - Trigger levels for saline lagoon flora and fauna in Alpha Lake and Chalk Lake that if exceeded would precipitate additional mitigation responses;
 - Trigger levels for chemical parameters in Alpha Lake and Chalk Lake water that if exceeded would precipitate additional mitigation responses;
 - A response protocol to be employed in the event the trigger thresholds above are exceeded, including notification procedures (e.g. informing Natural England);
 - Details of the range of mitigation options that would be employed to prevent, curtail and/or reverse any significant effect assessed to be occurring or at risk of occurring on the basis of the above monitoring, up to and including reduction or temporary cessation of operations in affected parts of the site;
 - Details of dust suppression during all aspects of the development;
 - Details of water quality monitoring in Alpha Lake and Chalk Lake including specifications for sampling points and sampling frequency together with an action plan for mitigation measures;
 - Details of personnel responsible for compliance with the monitoring and mitigation
 - Details of monitoring arrangements after completion of fill operations and for implementation of any required mitigation.
17. During operations the total noise contribution from the site should not exceed the noise levels stipulated in the following Table at the identified sensitive receivers. For the purpose of the assessment, site operations are considered to include all fixed and mobile noise sources (including but not limited to barge unloading, potential rail unloading, earth working plant, haul trucks, and associated on and off shore vehicle movements). The locations of compliance monitoring are in line with those specified in Appendix B of the Walter Beak Mason Noise Assessment Report (Ref.4245) dated 10 June 2014.

Receiver Location	Receiver Type	Period	Limit LAeq,1hr (cumulative from all operations), dB
1.East Tilbury	Residential	Daytime (06:30-20:00)	51
		Night time (20:00-06:30)	42

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2. West Court Farm/Access Road	Residential	Daytime (06:30-20:00)	54
		Night time (20:00-06:30)	42
3. Cliffe Pools (SW)	Nature Reserve	Daytime (06:30-20:00)	55
		Night time (20:00-06:30)	54
4. Cliffe Pools (NW)	Nature Reserve	Daytime (06:30-20:00)	55
		Night time (20:00-06:30)	54
5. Salt Lane Cottages	Residential	Daytime (06:30-20:00)	54
		Night time (20:00-06:30)	42
6. Saxon Shore Way (Hans Garunde)	Nature Reserve	Daytime (06:30-20:00)	55
		Night time (20:00-06:30)	54

Compliance with the above should be documented and reported to the Local Planning Authority on an annual basis for the lifetime of operations at the site. The initial compliance report should be submitted no later than 6 months following commencement of site operations. Due to the mobile nature of the works, it is assumed that compliance can be shown via monitoring alone, or via a combination of monitoring and modelling. Where modelling is used to indicate compliance, the computation noise model is expected to be validated by the operator. A report documenting the compliance exercise, including model validation, should be submitted and agreed with the Local Planning Authority within 6 weeks of monitoring being undertaken.

Monitoring should be undertaken by a suitably qualified person. Measurements will be undertaken in accordance with British Standard BS 7445-1:2003 'Description and measurement of environmental noise. Guide to quantities and procedures', with instrumentation meeting the standards set out in BS EN 61672-1:2003 'Electroacoustics. Sound level meters. Specifications'.

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Measurements should be undertaken in free field conditions at the closest receiver boundary.

Reason: In the interests of the ecology at or in close proximity to the site.

762 Planning application - MC/14/3317 - B&Q Strood Retail Park, Commercial Road, Strood, Rochester ME2 2AB

Discussion:

The Senior Planner outlined the planning application and advised the Committee that the application had been re-advertised following a minor change to the description of the development, therefore the formal consultation process did not close until 9 February. He suggested that if the Committee was minded to approve the application, delegated authority be granted to the Head of Planning to determine the application in accordance with the Committee resolution provided no additional representations were received prior to the consultation closing date raising planning issues not already covered in the committee report.

In addition, he advised the Committee that since despatch of the agenda, one further letter of objection had been received raising concern at the loss of the slip road into the site.

Members discussed the planning application and expressed concern regarding the proposed loss of the slip road into the retail park. It was considered that this could impact upon traffic in Knight Road as the highway network in this area was already heavily congested especially on market days. Reference was made to the proposed Section 106 agreement which sought £2,214 towards traffic management proposals in Commercial Road, and it was suggested that should this development proceed, it would be appropriate to install traffic light controls at the exit of the site onto Knight Road so as to allow traffic to move easily off the retail park. This would result in an increased level of Section 106 funding to be required for traffic management improvements.

The Principal Transport Planner advised the Committee of the traffic management proposals that were intended to be undertaken using the £2,214 proposed Section 106 funding. Then Committee was advised that the proposed development would result in an increase of 17 parking spaces and therefore the impact of the development on highway terms was considered marginal and Officers were not confident that there was sufficient space to permit the installation of traffic lights at the retail park exit into Knight Road.

Decision:

Consideration of this application be deferred to enable Officers to undertake further investigations on the proposed development with particular regard to access and egress to the site.

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763 Planning application - MC/14/3331 - The North Foreland, 325 High Street Rochester, ME1 1DA

Discussion:

The Head of Planning outlined the planning application and advised the Committee that since despatch of the agenda, the Environment Agency had confirmed that the revised plans deal satisfactorily with all their concerns and therefore they had no objections. He advised that the Environment Agency had made a number of comments for the applicant to be aware of and these had been forwarded to the applicants.

Members discussed the application and whilst generally supportive of the proposed development, concern was expressed that only three parking spaces were to be provided as part of the development. Reference was made to a nearby development which, when approved by the Committee, had included a condition that the future residents would not be permitted resident's parking permits.

Members also referred to the proposed materials to be used within the development. The Head of Planning gave an assurance that the Conservation and Urban Design Officer had carefully considered this application and significant conditions were proposed to cover the materials used. However, he agreed to report back to the Committee at a future date when details of materials were received should the application be approved.

The Head of Planning informed the Committee that in order to get the design right on such a constrained site, it was not possible for more than three parking spaces to be provided on site. However, the development would include a locked bicycle storage area and on street parking was available opposite the development for which permits could be obtained. He confirmed that an additional condition could be approved stating the occupiers of the development not be permitted resident's parking permits.

Decision:

- a) 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:

14. Residents of the flats hereby approved shall not be entitled to apply for or acquire parking permits for on street parking in the area.

Reason: To ensure that the development permitted does not prejudice conditions or highway safety or efficiency and to accord with Policy T1 of the Medway Local Plan 2003.

- b) It be noted that a further report on materials will be submitted to the Committee for approval at a future date.

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764 Planning application - MC/14/3298 - The North Foreland, 325 High Street, Rochester ME1 1DA

Discussion:

The Head of Planning outlined the planning application.

Decision:

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

765 Planning application - MC/14/3229 - 86 Hollywood Lane, Wainscott, Rochester ME3 8AR

Discussion:

The Head of Planning outlined the planning application.

Decision:

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

766 Planning application - MC/14/3289 - 245 Barnsole Road, Gillingham ME7 4JQ

Discussion:

The Head of Planning outlined the planning application in detail.

The Committee discussed the application and whilst noting the mixed development of houses in Barnsole Road, having regard to the fact that the application affected one of a pair of semi detached bungalows, some concern was expressed as to the impact that the proposed development would have upon the balance of the design of these two properties.

Decision:

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

767 Planning application - MC/14/2830 - Sherlodge Garage, 600 Lordswood Lane, Lordswood, Chatham ME5 8NJ

Discussion:

The Head of Planning outlined the background to this planning application and advised the Committee that whilst enforcement action had been undertaken when a car wash/valeting facility operated at a nearby site, as this planning

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application related to the provision of a car wash/valeting business located within an existing garage the change of use was considered acceptable.

In addition, he advised the Committee that since despatch of the agenda, the agent had advised that the operators had responded positively to complaints received about their car wash operation and that they would adhere to the planning conditions recommended.

With the agreement of the Committee, Councillor Adrian Gulvin spoke on the application as Ward Councillor.

Decision:

Consideration of the application be deferred pending a site visit.

768 Planning application - MC/14/3348 - City Wall Wine Bar, 120 High Street, Rochester Kent ME1 1JT

Discussion:

The Head of Planning outlined the planning application and advised the Committee that since despatch of the agenda, English Heritage had written to advise that Scheduled Monument Consent was also required. The applicant had since been advised of this and an informative would be attached to the planning permission if the Committee was minded to approve the application.

Decision:

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

769 Performance Report - 1 October - 31 December 2014

Discussion:

The Head of Planning reported upon performance for the period 1 October – 31 December 2014.

In particular he drew attention to the significant increase in fees over the last quarter and advised the Committee that this related to the scale of applications rather than the number of applications received.

He advised that there had been a slight decline in enforcement owing to staff shortages but he was confident that now staff were in post, this situation would improve.

Decision:

The Committee noted the report

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770 Section 106 Agreements for the period 1 July - 31 December 2014.

Decision:

The Committee received and noted a report setting out Section 106 funding received during the period July – December 2014 and information as to what the 106 contributions were to be spent on in accordance with the Section 106 agreements.

Chairman

Date:

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