

Medway Council
Meeting of Planning Committee
Wednesday, 6 April 2016
6.30pm to 8.30pm

Record of the meeting

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

Present: Councillors: Bowler, Carr, Mrs Diane Chambers (Chairman), Etheridge, Gilry, Griffiths, Hicks (Vice-Chairman), McDonald, Pendergast, Potter, Royle, Tejan, Tranter and Wildey

Substitutes: Councillors:
Opara (Substitute for Saroy)

In Attendance: Michael Edwards, Principal Transport Planner
Dave Harris, Head of Planning
Councillor Barry Kemp
Vicky Nutley, Planning and Licensing Lawyer
Carly Stoddart, Planning Manager East
Ellen Wright, Democratic Services Officer

902 Apologies for absence

An apology for absence was received from Councillor Saroy.

903 Record of meeting

The record of the meeting held on 9 March 2016 was agreed and signed by the Chairman as correct.

904 Urgent matters by reason of special circumstances

There were none.

905 Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

Other interests

There were none.

906 Planning application - MC/16/0095 - Units 5 & 6, Medway Distribution Centre, Courteney Road, Rainham, ME8 0RT

Discussion:

The Head of Planning drew attention to the supplementary agenda advice sheet and advised the Committee that attached to the advice sheet was a revised site plan.

He also reported upon a correction to the proposal section of the report in that the application related to the end 2 units of a block of 6 and not 3 as stated in the report. In addition, the number of proposed employees had increased from 45 to 64, this being 32 full time and 32 part-time employees based on advice from equipment manufacturers.

The Committee was informed that since despatch of the agenda, the applicants had submitted a detailed letter in support of their application and providing a response to the officer's appraisal. A copy of the letter was attached to the supplementary agenda advice sheet.

In outlining the application, the Head of Planning advised that Officers had recommended that the application be refused on the basis that it would result in the loss of important industrial floorspace at this location.

He advised that although the building had been vacant for 18 months, it was considered that if there was an injection of funding along the lines of that proposed for the Trampoline Centre, it was possible that the building would be more attractive to be marketed for industrial use.

He further advised that the applicants had stated that they had given consideration to other possible sites but that town centre sites did not provide the height needed for the proposed use.

With the agreement of the Committee, Councillor Kemp addressed the Committee as Ward Councillor and spoke in support of the application on the following grounds:

- This building has been vacant for 18 months and no-one has been interested in taking on the site.
- An Ice Rink is located a short distance from the application site and he considered this application would provide a similar leisure use on the Business Park.
- The proposal to site a trampoline centre at this location had received widespread support from local schools and autistic and fostering organisations.
- Only 15 jobs had been provided at this location in recent times but the proposal would create in the region of 60 jobs and would also provide work for local tradesmen.
- The site is close to bus stops, retail outlets and has sufficient car parking provision for users of the facility.

Planning Committee, 6 April 2016

- The application is generally acceptable to local residents.
- The Council should provide support for sustainable economic growth and this application would bring back into use a vacant site for a vibrant fitness/sport use.

The Committee discussed the application having regard to the reasons why the application had been recommended for refusal as outlined by the Head of Planning and the points raised by the Ward Councillor.

The Committee noted that Officers had discussed with the applicants the possible use of other sites and noted that the applicants had submitted a schedule setting out sequential assessments for various sites in Medway and the reasons why sites considered were not suitable for their requirements to operate a trampoline centre. This was appended to the supplementary agenda advice sheet.

In considering this application, it was noted that if the Committee was minded to approve the application, it would be necessary for conditions to be imposed relating to external changes to the building and to ensure that parking does not impinge on other users of the Business Park.

Decision:

The application be approved in principle and be resubmitted for consideration of appropriate conditions to the next meeting of the Committee.

907 Planning application - MC/15/2440 - Flanders Farm, Ratcliffe Highway, Hoo, Rochester, Kent, ME3 8QE

Discussion:

The Head of Planning outlined the planning application and advised the Committee that if it was minded to approve the application, the proposed recommendation be amended as set out on the supplementary agenda advice sheet.

In addition, he drew attention to a change to the proposal section of the report under the section headed 'Foul Water Drainage' which set out the reasons for the imposition of condition 13, details of which were also set out on the supplementary agenda advice sheet.

The Head of Planning explained that this application had originally been considered by the Committee on 20 January 2016 following which the application had been deferred pending further negotiations.

He advised that whilst the application submitted on 20 January 2016 was technically acceptable, an alternative and improved route for the drainage had been identified which would have less impact on the adjoining landowner but this would involve negotiation with the adjoining landowner to cross their land. The Head of Planning advised the Committee that although the applicants had

Planning Committee, 6 April 2016

been willing to accept the proposed alternative route, unfortunately negotiations had broken down and the adjoining landowner was unwilling to co-operate. Therefore the circular drainage route was the only option available.

In response to questions, the Head of Planning confirmed that the proposal would involve the use of existing ditches.

Decision:

Condition 13 of planning permission MC/14/3063 be discharged (foul and surface water) with the following informative to be attached to the decision notice:

The applicant is reminded that no foul water should be disposed of until the applicant has received the necessary permit from the Environment Agency.

908 Planning application - MC/15/1131 - Redvers Centre, Glencoe Road, Chatham, ME4 5QD

Discussion:

The Planning Manager East outlined the planning application in detail.

She advised the Committee that since despatch of the agenda an email had been received from all three Ward Councillors acknowledging the need for housing to be supplied across Medway but stating that this needed to be considered in the context of sustainable communities. The Ward Councillors had expressed concern as to the effect that the proposed development would have by adding pressure to services and facilities in the local area and that the scheme did not provide any contribution towards the provision of services and facilities to support the additional demand. Concern was also expressed as to the proposed level of parking provision for the development.

A summary of the points raised by the three Ward Councillors was set out on the supplementary agenda advice sheet.

The Committee discussed the application.

It was suggested that consideration of the application be deferred to enable a site visit to be undertaken.

Decision:

Consideration of the application be deferred pending a site visit.

Planning Committee, 6 April 2016

909 Planning application - MC/15/0098 - Street Farm, Stoke Road, Hoo St Werburgh, Rochester, ME3 9BH

Discussion:

The Head of Planning outlined the planning application in detail and reminded the Committee that this application had been considered by the Committee on 16 December 2015, when it had been determined to defer consideration for further negotiation on the viability of the scheme. He advised that the conclusions regarding viability and the implications for the Section 106 agreement were set out within the report.

He advised that the current application was an outline application with all matters reserved for the provision of 50 dwellings and he confirmed that following negotiations, it was now proposed that the scheme would include five affordable rent and two shared ownership homes within the development.

The Committee discussed the application and sought clarification as to how the viability assessments were undertaken and whether they had regard to the fact that this was currently agricultural land and the impact on the value of the land should it have the benefit of planning permission for housing development.

In response to questions as to the conditions relating to surface water and foul water, the Head of Planning confirmed that should the application be approved, proposed condition 12 required amendment to include retention of the surface water drainage scheme.

Concern was expressed that although the proposed development now included an element of affordable housing, this did not meet the Council's policy of 25% affordable housing for a development of this size.

Decision:

Consideration of this application was deferred pending the following:

- a) Counsel's advice
- b) A further report submitting the applicant's viability assessment and the two independent viability assessments so that the Committee can assess the information that has been taken into account.
- c) The report also include information as to the potential value of the 50 properties once they have been built.

910 Planning application - MC/15/4112 - 1a Ridley Road, Rochester ME1 1UL

Discussion:

The Head of Planning reminded the Committee that this application had been considered by the Committee at its meeting on 9 March 2016 when a decision had been deferred pending a site visit.

Planning Committee, 6 April 2016

He apologised for omitting a summary of the site visit from the supplementary agenda advice sheet and circulated details at the meeting.

The Committee therefore noted that the site visit had taken place on 4 April 2016 at which the case officer had explained the application, summarised the representations received and set out the issues for consideration as they related to matters of design, amenity and parking. He had also provided clarification on site in respect of matters relating to detail such as the extent of the proposed extensions and the height of the garages.

A summary of the comments from the agent and objectors was set out on the information circulated.

The Committee discussed the application and referred in particular to proposed condition 7 concerning landscaping. It was suggested that this condition be amended to ensure that if the conifer trees are removed at a future date suitable boundary treatment be provided to protect 1a Ridley Road and 67 St Margarets Street.

Decision:

Approved with conditions 1 – 6 and 8 and 9 as set out in the report for the reasons stated in the report and condition 7 amended as follows:

7. Prior to any works above slab level (not including demolition) details of a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. This plan shall detail the trees within the front garden to be retained, cross sections through the rear garden showing which trees will be retained with any retaining structures and all proposed planting. The plan should also detail replacement planting for the conifers along the boundary with 67 St Margarets Street. The protected trees shall thereafter be retained on site and the landscaping undertaken in accordance with the approved details within the first planting season following the garage and rear extension being brought into use. If the conifers on the boundary with 67 St Margarets Street are removed then the approved alternative planting shall be undertaken in the first planting season after removal and shall thereafter be retained and maintained with any trees being removed or dying being replaced in the next available planting season with the same species and size.

Planning Committee, 6 April 2016

911 Planning application - MC/15/3949 - Rear of 2 - 4 Wigmore Road, Wigmore, Gillingham, ME8 0SP

Discussion:

The Planning Manager East outlined the planning application in detail.

She reminded the Committee that this site had been the subject of a planning application for the construction of four single storey dwellings in 2013 (planning application MC/13/2031), which although refused by the Committee had been allowed on appeal in May 2014.

The current application was seeking to provide two further single storey two bedroom dwellings with associated parking.

The Committee discussed the application and expressed the view that this application continued to constitute backland development which would intensify the use of an existing access onto Hoath Lane. However, the Committee accepted that as the Planning Inspector had overturned the Committee's previous decision to refuse planning application MC/13/2031, should the Committee be minded to refuse the current application, it was likely that this decision would be overturned at appeal.

The Committee therefore felt that it had no alternative but to approve this application.

Decision:

Approved subject to:

- A) The applicant signing a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure £447.16 (£223.58 per dwelling) towards Designated Habitats Mitigation;
- B) Conditions 1 – 15 as set out in the report for the reasons stated in the report.

912 Officer Delegated Powers and Code of Good Planning Practice (including Site Visit Protocol)

Discussion:

The Head of Planning introduced a report asking the Committee to formally recommend minor updates to the Planning Code of Good Practice in the Constitution to clarify the participation by Members at Planning Committee in relation to Council-own developments and to update the site visit protocol to reflect current practice.

Planning Committee, 6 April 2016

The report also asked the Committee to consider a change to the provisions in the officer scheme of delegation relating to the triggers for escalation of planning applications from officer to Committee level.

The Committee noted that any decisions or recommendations which have the effect of changing the Constitution would need to be referred to Council for approval unless they were minor, in which case the Monitoring Officer had delegated authority to make the changes.

The Head of Planning referred in particular to the following:

- When Councillors request that an application be referred to Committee for determination, the requirement to supply such request in writing and to supply planning reasons for the referral.
- When attending planning presentations, whilst Councillors were permitted to ask questions of developers, they should not give an indication of how they will vote upon an application as this could result in them having been deemed to have predetermined an application.
- Any planning applications submitted by Councillors or staff should be highlighted in writing to the Head of Planning.

The Chairman also reminded the Committee that Members serving on the Planning Committee should not engage in conversation with anyone regarding a planning application, as this could affect their ability to sit on the Committee to determine the application when it is submitted for determination.

Decision:

The Committee:

- a) recommended to Council to approve changes to the Planning Code of Good Practice, including an update to the site visit protocol, as set out in Appendix A to the report.
- b) approved the proposed change to the scheme of employee delegations relating to the determination of planning applications, as set out in paragraph 2.5 of the report and shown as tracked changes in Appendix B to the report.
- c) recommended that the Council to approve the consequential change to the Constitution.

Planning Committee, 6 April 2016

Chairman

Date:

Ellen Wright, Democratic Services Officer

Telephone: 01634 332012

Email: democratic.services@medway.gov.uk