

Medway Council
Meeting of Planning Committee
Tuesday, 3 May 2016
6.30pm to 9.30pm

Record of the meeting

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

Present: Councillors: Bowler, Carr, Etheridge, Gilry, Griffiths, McDonald, Pendergast, Potter, Royle, Saroy, Tejan, Tranter and Wildey

Substitutes: Councillors:
Gulvin (Substitute for Mrs Diane Chambers)

In Attendance: Martin Aust, Financial Consultant
Councillor David Brake
Councillor Matt Fearn
Dave Harris, Head of Planning
Councillor Vince Maple
Vicky Nutley, Planning and Licensing Lawyer
Sarah Platts, Planning Manager West
Councillor Julie Shaw
Ellen Wright, Democratic Services Officer

979 Election of Chairman

Decision:

In the absence of the Chairman and Vice Chairman, Councillor Carr was elected to chair this meeting of the Committee.

980 Apologies for absence

Apologies for absence were received from the Chairman, Councillor Mrs Diane Chambers and the Vice Chairman, Councillor Hicks. The Committee noted that although Councillor Williams had been due to substitute for Councillor Hicks, unfortunately, he too had submitted his apologies for absence.

981 Record of meeting

The record of the meeting held on 6 April 2016 was agreed and signed by the Chairman as correct.

982 Urgent matters by reason of special circumstances

There were none.

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983 Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

Other interests

There were none.

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

Discussion:

The Head of Planning reminded the Committee that this planning application had been considered by the Committee on 6 April 2016 following which the Committee had resolved to approve the application subject to a report being submitted setting out proposed conditions.

The Head of Planning advised the Committee that since despatch of the agenda, two emails had been received from similar indoor trampoline operators, one confirming that they had signed a lease at Jetty 5 Chatham Maritime and the other confirming an interest in opening up in part of Dickens World. In the light of the receipt of these emails, the original committee report submitted for consideration on 6 April was appended to the supplementary agenda advice sheet.

The Head of Planning advised the Committee that although the planning application had been approved in principle on 6 April 2016, as the decision notice had not yet been issued, it was open for the Committee to re-consider the planning application in the light of the new information received.

In response to questions, the Head of Planning confirmed that neither of the sites identified at Jetty 5 or Dickens World had the benefit of planning permission.

The Committee discussed the application having regard to the information supplied by the Head of Planning and noting that at the meeting on 6 April, the Committee had been advised that the applicants had investigated possible sites for a trampoline centre in Medway but had confirmed that they had been unable to identify a site that met their requirements other than the application site.

The Committee considered the options available, including whether to defer a decision on the planning application until a more detailed report could be brought forward setting out further information on possible alternative sites for a trampoline centre in Medway. During discussion, the Committee was mindful that the proposed change of use of Units 5 and 6 from use classes B1 (employment), B2 (general industrial) and B8 (storage and distribution) to B1, B2, B8 and D2 (leisure use as a trampoline park) would result in the loss of an

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employment/industrial site but would bring back into use units that were currently vacant and would involve investment to bring the units up to a good standard of use. In addition, the proposal would result in employment opportunities and provision of leisure facilities for young people.

Decision:

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

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

Discussion:

The Head of Planning reminded the Committee that this application had been the subject of a site visit on 26 April 2016 at which he had explained the application, summarised the representations received and set out the key planning issues as they related to matters of principle, density, design, amenity, parking and highways.

A summary of the issues raised at the site visit by residents and the headteacher of the neighbouring school were summarised on the supplementary agenda advice sheet.

In addition, at the site visit Councillor Maple, as Ward Councillor had advised that the applicant/agent should provide a response regarding issues of overlooking, parking and Section 106 contributions.

The Committee was advised that the agent had responded to a number of questions and points raised at the site visit but had since provided a full response which had been emailed to Members of the Committee and was appended in full on the supplementary agenda advice sheet.

The Head of Planning further advised that since despatch of the agenda, the Headteacher of Phoenix Junior Academy had submitted a number of comments and these were also summarised on the supplementary agenda advice sheet.

The Head of Planning further advised that a petition containing 202 signatures (plus additional names without signatures) had been received objecting to the planning application, on the grounds that it would put children at risk as there would be no control over the residents living in the properties and the build would be directly on the school boundary looking into the school, which was not acceptable. The petitioners also expressed concern regarding the additional traffic and parking issues that the build would bring to an already over-crowded residential area and stated that the safety of children must be a priority.

The Committee was advised that since despatch of the agenda one further letter of objection had been received reiterating reasons set out in the report and those set out above and making the following additional comments:

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- If the developer cannot afford the S106 contributions, what will happen if the costs of the scheme exceed that anticipated?
- Pressure on existing school, open spaces and services
- There will be additional costs to deal with the necessary sewer improvements required.

The Head of Planning explained that when considering this application at its meeting on 6 April 2016, the Committee had expressed concern as to the lack of financial contribution which would be received as part of the development to mitigate the affect that the development would have on the existing local facilities and services in the area.

He advised that when circulating the committee agenda, copies of the relevant viability assessments had been circulated for consideration by the Committee. He explained that although these had been produced as exempt documents on the basis that they contained information relating to the financial and business affairs of a particular company, the issue of viability assessments had recently been considered by the Kent Planning Officers Group and it had been decided that as viability assessments formed a material consideration in the determination of planning applications, such documents should be considered in open committee.

He referred to the supplementary agenda advice sheet and suggested that if the Committee was minded to approve the application, the proposed Section 106 agreement be expanded to include a contribution of £38,317.08 towards local services but including monitoring officer fees and requested that if the application was approved, the Committee grant him delegated authority to determine the allocation of this funding in consultation with local Ward Councillors.

In addition, he suggested an amendment to proposed condition 7 and suggested that a new condition 15 be approved, details of which were set out on the supplementary agenda advice sheet.

The Committee welcomed Martin Aust, Independent Financial Consultant, who outlined relevant factors relating to the financial viability assessments to assist the Committee in determining the application. In particular, he advised that the proposed undercroft parking which formed part of the development would result in a substantial cost that affected the overall viability of the scheme.

With the agreement of the Committee, Councillor Maple spoke on this application as Ward Councillor and he thanked the Committee for attending the site visit and listening to the concerns of local residents.

Councillor Maple stated that Ward Councillors recognised that this was a balanced application and therefore he accepted the reasons why the application was being recommended by officers for approval. However, he advised the Committee that the proposed development would result in

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extensive pressures on local facilities such as health services, school places, the road network and local greenspaces.

He referred to the list of requested financial contributions set out on page 34 of the report and advised the Committee that even with the revised Section 106 contribution suggested by the Head of Planning, less than half of the total requested contribution would be provided should the application be approved.

He outlined the additional concerns of local residents as summarised below:

- Overlooking, especially the effect that the development will have on the nearby education facilities.
- Disruption to education whilst the residential development is being constructed, particularly during times when educational tests are taking place.
- The effect that the development would have on local parking facilities and the fact that the development does not take account of visitor parking.
- Concerns from the school as to the effect that the development could have upon the escape route from the school by pupils in the event of an emergency.

The Committee discussed the application in detail having regard to the concerns expressed by local residents and schools and those outlined by the Ward Councillor.

In response to the Committee's concerns, the Head of Planning advised that proposed condition 14 could be strengthened to ensure that the developers included liaison with the adjacent school regarding work at the site so as to ensure that disruption to education was kept to a minimum and that demolition works be undertaken outside of school term time and that adequate screening of the site be provided.

In response to the query concerning the need for the school to provide an alternative means of escape in an emergency, the Head of Planning advised the Committee that this was a lease issue and therefore fell outside of the planning process.

The Independent Financial Consultant suggested that if the Committee was minded to approve the application, as part of the approval it could include an overage clause that should the developers profit margin exceed 20%, any excess profit be shared on a 50:50 basis.

The Committee noted that should it be minded to refuse the planning application, it was likely that the developer would appeal against this decision and, if subsequently approved by a Planning Inspector, there was no guarantee that a Planning Inspector would include the Section 106 contributions of £43,583 already negotiated.

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Decision:

Delegated powers be granted to the Director of Regeneration, Culture, Environment and Transformation to grant planning permission subject to:

- A) The prior completion of a Section 106 agreement to secure:
- i) £5,365.92 towards the interim measures required by Natural England to secure the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM), produced by Footprint Ecology in July 2014, including any associated costs in anticipation of:
 - An administrative body being identified to manage the strategic tariff collected by the local authorities;
 - A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach;
 - Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.
 - ii) A contribution of £38,317.08 towards local services but including monitoring officers fees with the Head of Planning being granted delegated authority to determine the expenditure of this funding in consultation with Ward Councillors.
 - iii) Insertion of an overage clause so any profit over 20% is shared 50:50 with the Local Planning Authority to be spent on local services impacted by the development
- B) Conditions 1 – 6 and 8 – 13 as set out in the report for the reasons stated in the report and condition 7 amended as set out below, condition 14 as set out in the report but amended to include timing of demolition to minimise disruption to the adjoining school, community and school engagement regarding the construction process and provision of adequate screening with the specific wording of this condition to be agreed by the Head of Planning in consultation with the Chairman and Vice Chairman and new condition 15 also as set out below:
7. No development shall take place above slab level until full details of the proposed means of surface water drainage / disposal, as outlined in the Herrington Consulting Ltd document "Surface Water Drainage Strategy" Revision 1

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(Issue 2) dated 28/07/2015 and received by the Council on the 29/07/2015, has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage / disposal shall be based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme and shall include: i) A timetable for its implementation, and ii) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. The development shall be implemented in accordance with the approved details thereafter maintained.

Reason: To ensure that an appropriate means of foul and surface water sewerage disposal is supplied to serve the development and to manage the risks of flooding during and post construction and for the lifetime of the development.

15. None of the flats hereby approved shall be occupied until measures to control access and egress to the underground parking area have been submitted to and approved in writing by the Local Planning Authority and installed in accordance with the approved details. The approved measures shall thereafter be maintained and retained on site.

Reason: In the interests of highway and pedestrian safety.

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

Discussion:

The Head of Planning outlined the planning application and reminded the Committee that consideration of this application had been deferred on 6 April 2016 for a further report on the Section 106 agreement and the viability assessments.

He advised that when circulating the committee agenda, copies of the relevant viability assessments had been circulated for consideration by the Committee. He explained that although these had been produced as exempt documents on the basis that they contained information relating to the financial and business affairs of a particular company, the issue of viability assessments had recently been considered by the Kent Planning Officers Group and it had been decided that as viability assessments formed a material consideration in the

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determination of planning applications, such documents should be considered in open committee.

The Head of Planning advised the Committee that the solicitor acting on behalf of the applicant had submitted a letter attaching Counsel's advice that they had received expressing concern over continued delay in determination of the planning application.

In addition, he advised that an updated viability report from the Council's Independent Viability Assessor was attached to the supplementary agenda advice sheet.

Martin Aust, Independent Financial Consultant, advised the Committee of his findings on the financial viability assessments for this proposed development.

The Committee discussed the report and expressed concern as to the limited level of Section 106 agreements which would be achieved from the development of this site and it was suggested that the Head of Planning give further consideration, in consultation with Planning Spokespersons, to the possibility of lobbying MPs and the Government on the current position regarding developments and the situation regarding viability assessments particularly where such land was in long term ownership.

Decision:

Approved subject to:

A) The applicants entering into agreement under Section 106 of the Town and Country Planning Act to secure:

- i) The provision of five affordable rent and two shared ownership homes;
- ii) A financial contribution of £375,234.14 in total to be provisionally split in the following ways;
 - £23,122.14 towards off site provision of Outdoor Open Space at Four Wents Road Play area and Open space and Pottery Road Recreation Ground;
 - £45,760 towards Nursery Provision - £8,320 per pupil .
 - £112,320 towards Primary Education - £8,320 per pupil place (assuming accommodation within existing schools) or £11,700 (where accommodation will be provided in a new school);
 - £143,520 towards Secondary Education (including sixth form) - £11,960 per pupil place (assuming accommodation within existing schools);
 - £23,397.50 towards Healthcare – Improvements to local GP Surgeries based on £191 per person;
 - £6, 835.50 towards Community Facilities – £55.80 per person;

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- £9,100 towards Transport for accessibility improvements in the vicinity, including safer routes to school initiatives, public right of way improvements and footway improvements along Stoke Road;
 - £11,179 towards Habitats Regulations (Mitigation against Wintering Birds) £223.58 per unit.
- iii) Insertion of an overage clause so any profit over 20% is shared 50:50 with Local Planning Authority to be spent on local services impacted by the development

B) Conditions 1 – 27 as set out in the report for the reasons stated in the report.

987 Planning application - MC/16/0996 - Land at 78 King George Road, Weeds Wood Chatham ME5 0TT

Discussion:

The Head of Planning outlined the planning application in detail and the reason why the application was being recommended for refusal.

The Committee noted that Councillor Brake was in attendance as Ward Councillor as he wished to ask that the Committee undertake a site visit prior to determining the application.

Decision:

Consideration of the application be deferred pending a site visit.

988 Planning application - MC/15/4129 - Land Adjacent 2 and 4 Laburnum Road, Strood

Discussion:

The Planning Manager West outlined the planning application and advised the Committee that the proposal description set out in the report required amendment to read:

‘Construction of 3 x one bedroom 3 x two bedroom self contained flats with provision for 9 car parking spaces’

The Committee discussed the application noting the change to the proposal as a result of changes to the internal layout of the proposed flats.

Decision:

Approved subject to:

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- A) The applicant signing a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure £1,341.48 (£223.58 per dwelling) towards Designated Habitats Designation;
- B) Conditions 1 – 13 as set out in the report for the reasons stated in the report.

989 Planning application - MC/16/0242 - 117 Charles Drive, Cuxton, Rochester ME2 1DU

Discussion:

The Planning Manager West outlined the planning application and advised that this was a retrospective application as the hardstanding and vehicular crossover had already been constructed.

With the agreement of the Committee, Councillor Fearn spoke on this application as Ward Councillor and explained that the applicant had employed a building contractor to undertake the works and had been advised by the building contractor that they did not require planning permission. The applicant considered that they had no reason to doubt this advice as similar hardstandings and vehicular crossovers had been provided by neighbours which had the benefit of lawful development certificates.

Councillor Fearn outlined the difficulties that residents had in parking close to their homes in Charles Drive, and advised that the local bus company had also experienced problems in getting buses along the road due to parked cars. Double yellow lines had been provided in an attempt to alleviate the problem but this had exacerbated the problem for local residents in parking their vehicles.

The Committee discussed the application and having viewed the photographic presentation expressed concern as to the harshness of the constructed hardstanding. Members questioned whether it would be possible for the construction to be softened by a landscaping condition but the Planning Manager West advised that there were limited opportunities for the provision of landscaping owing to the way in which the hardstanding had been constructed.

The Committee noted that no objections had been received from neighbours in respect of this development.

The Head of Planning advised the Committee that should it be minded to refuse the application, the Committee would be authorising Officers to take enforcement action for the hardstanding to be removed.

Decision:

The planning application was approved.

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990 Planning application - MC/16/0403 - Felicita, 60 Town Road, Cliffe Woods, Rochester ME3 8JJ

Discussion:

The Planning Manager West outlined the planning application and advised the Committee that since despatch of the agenda, the agent had submitted amended plans details of which were set out on the supplementary agenda advice sheet.

She suggested that if the Committee was minded to approve this planning application, new conditions 2, 4 and 5 as set out on the supplementary agenda advice sheet be approved but with proposed conditions 4 and 5 being renumbered 5 and 6 to take account of the incorrect numbering of the conditions in the committee report.

Decision:

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

130-1000-478 P01-B P9 and 130-1000-477 P01-A P6 received 22nd April 2016.

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

5. The boundary hedge that runs along the side boundary of the site, fronting Milton Road, shall be retained as shown on plan no. 130-1000-477 P01-A P6 received 22 April 2016 and shall be maintained thereafter. Any part of the hedge which, within 5 years of planting is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

Reason: To protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

6. Prior to first occupation of the extensions hereby approved, the existing parking area shown on the approved plans shall be provided for vehicle parking and thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the

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land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

991 Planning application - MC/16/0796 - Former Butthaw Meadow, Vicarage Lane, Hoo St Werburgh, Rochester

Discussion:

The Planning Manager West outlined the planning application in detail.

Decision:

Approved with conditions 1 – 4 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