

Medway Council
Meeting of Planning Committee
Wednesday, 16 November 2016
6.35pm to 10.50pm

Record of the meeting

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

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

Substitutes: Councillors:
Gulvin (Substitute for Tejan)

In Attendance: Tom Ashley, Planning Consultant
Chris Butler, Senior Planner
Councillor Rodney Chambers, OBE
Councillor Jane Chitty
Doug Coleman, Senior Planner
Michael Edwards, Principal Transport Planner
Dave Harris, Head of Planning
Mike Hibbert, Planning Consultant
Councillor Steve Iles
Councillor Clive Johnson
Councillor Vince Maple
Vicky Nutley, Planning and Licensing Lawyer
Ellen Wright, Democratic Services Officer

441 Apologies for absence

An apology for absence was received from Councillor Tejan.

442 Record of meeting

The record of the meeting held on 21 September 2016 was agreed and signed by the Chairman as correct.

443 Urgent matters by reason of special circumstances

There were none.

444 Chairman's Announcements

At the conclusion of the meeting, the Chairman informed the Committee that at the Make a Difference Awards on Friday 4 November 2016, Dave Harris, Head

Planning Committee, 16 November 2016

of Planning had won the Manager of the Year Award. The Committee congratulated Dave Harris on his award.

445 Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

Other interests

Councillor Etheridge referred to planning application MC/16/2656 (Broom Hill Reservoir, Gorse Road, Strood) and advised the Committee that as he had campaigned against development at this site prior to being elected onto the Council, he would withdraw from the meeting for the consideration and determination of this planning application.

On planning application MC/16/3590 (47 – 49 High Street, Rochester) Councillor Tranter withdrew from the Committee and addressed the Committee as Ward Councillor. He therefore took no part in the determination of the planning application.

446 Planning application - MC/16/2051 - Land at Otterham Quay Lane, Rainham, Kent

Discussion:

The Planning Consultants outlined the planning application and advised the Committee that a planning application relating to this site had been considered by the Committee on 1 September 2015 (MC/15/0761) which had been refused. A public inquiry was now held in abeyance pending the determination of this current planning application.

The Committee was advised that since refusing planning application MC/15/0761, Officers had been in discussions with the applicant on the Committee's concerns relating to the application and in particular, the affect that the proposed development would have upon the junction of Mierscourt Road with the A2.

The Planning Consultants outlined the revisions that had been made to the current scheme to include highway improvements to increase the capacity of the A2 details of which were set out in the report.

Attention was drawn to the supplementary agenda advice sheet and it was suggested that if the Committee was minded to approve the application, conditions 1, 8, 15 and 16 be amended, proposed condition 21 be deleted, condition 22 and 23 be amended and re-numbered 21 and 22.

Planning Committee, 16 November 2016

Attention was also drawn to an additional section relating to flood risk under the planning appraisal section of the report, as set out on the supplementary agenda advice sheet.

The Committee discussed the planning application in detail noting that this was a fresh application which sought to address the concerns previously expressed relating to the effect that the proposed development would have upon the highway.

A number of Members expressed concern that the proposed development would result in the loss of Grade 1 agricultural land, would place pressure on the surrounding road network particularly at peak periods when the surrounding road network was already congested and result in reduce air quality in the area and would place pressure on local facilities. It was also pointed out that the site was within an Area of Local Landscape Importance.

Members also had regard to Saved Policy BNE25 'Development in the Countryside' and the Council's housing land supply provision.

The Head of Planning drew attention to another development at Moor Street which had only been dismissed at appeal on heritage grounds. The Inspector had considered that proposal acceptable in all other respects including highway impact, landscape and agricultural land. He advised that if the Committee was minded to refuse this planning application on highway grounds, it was likely that this decision would be overturned on appeal having regard to the proposed highway improvements that were now proposed.

Decision:

Approved subject to:

A) The applicant entering into a S106 agreement to secure the following:

i) 25% Affordable Housing on site comprising: 75 dwellings (60% Affordable Rent and 40% Shared Ownership)

ii) Contributions towards improved Education provision comprising:

a. Nursery School @ £8320 per pupil place (£274,560)

b. Primary School @ £8320 per pupil place (£673,920)

c. Secondary School @ £11,960 per pupil place (£681,720)

d. Sixth Form @ £11,960 per pupil place (£179,400)

Total: £1,809,600

iii) Highway improvements to A2/Mierscourt Road junction improvements

iv) Contribution to improvements to off site Open Space: £121,275 (reduced from £571,095 to account for 1.92ha of on-site provision)

Planning Committee, 16 November 2016

- v) Contribution towards improvements to Local Health Facilities: £140,385
- vi) Contributions towards improvements to Public Realm: £73,500
- vii) Contribution towards Birds Disturbance Mitigation: £67,074
- viii) Contribution to Waste & Recycling: £46,632
- ix) Contribution towards improvements to local Community Facilities: £41,013

B) Conditions 2 – 7, 9 – 14, 17 – 20 as set out in the report for the reasons stated in the report and conditions 1, 8, 15, 16, 21 and 22 as set out below:

1 The development hereby permitted shall be carried out in accordance with the following approved plans received on 9th May 2016:

1279/00 REV; 1279/01 REV FINAL; 1279/02 REV FINAL; 1279/05 REV FINAL; 29905/001/013 REV A; 29905/1001/012 REV C; 29905/1001/09 REV C; 1279/08 REV A.

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

8 Any application for the approval of reserved matters relating to the landscape shall include full details of hard and soft landscaping and a programme for implementation. Details shall include:

- i. Proposed finished levels of contours, (including slab levels); means of enclosure (should be consistent with boundary treatment proposals); car parking layouts; existing areas of retained planting; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. external furniture, play equipment; refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc); retained historic features and proposals for restoration where relevant.
- ii. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; tree pit details including species, size, root

Planning Committee, 16 November 2016

- treatment and means of support; implementation programme.
- iii. All planting, seeding and turfing comprised in the approved scheme of landscaping, shall be implemented during the first planting season following occupation of the houses or completion of the development, whichever is the earlier.
 - iv. Details of lighting design, location and specification including spillage and intensity
 - v. Detailed design for sustainable drainage systems

The programme for the implementation of landscaping scheme shall include details of strategic planting and open space provision that will be delivered prior to the occupation of the first dwelling. These details shall have regard to the Construction Environmental Management Plan required under condition 18 to ensure that these early landscaping works are not undertaken abortively.

Details shall be approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved timetable.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003

- 15 a. No development shall take place until a detailed scheme for the provision of surface water drainage for the life time of the development, together with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority.
- b. No development above foundation level shall take place until details of the future management and maintenance of the surface water drainage, including 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, have been submitted and approved in writing by the Local Planning Authority.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: In order to ensure the satisfactory development of the application site.

- 16 No development above foundation level shall take place until a detailed scheme of noise insulation/mitigation measures have been submitted to and approved in writing by the local planning authority. The scheme shall include details of acoustic protection

Planning Committee, 16 November 2016

sufficient to ensure internal noise levels (LAeq,T) no greater than 35dB in bedrooms or combined study/bedrooms and 40dB in living rooms with windows closed. Where the internal noise levels (LAeq,T) will exceed 35dB in bedrooms or combined study/bedrooms and 40dB in living rooms with windows open, the scheme shall incorporate appropriately acoustically screened mechanical ventilation. The scheme shall include details of acoustic protection sufficient to ensure amenity/garden noise levels of less than 55dB (LAeq,T). All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To ensure no detrimental effect on residential amenity of future residents.

- 21 No development shall take place until an Air Quality Emissions Mitigation Assessment and Statement has been submitted to and approved in writing by the Local Planning Authority. The Assessment and Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance, and shall specify the measures that will be implemented as part of the development to mitigate the air quality impacts identified in the Air Quality Assessment dated December 2014 and approved as part of the permission. The total monetary value of the mitigation to be provided shall be demonstrated to be equivalent to, or greater than, the total damage cost values calculated as part of the Mitigation Assessment. The development shall be implemented entirely in accordance with the measures set out in the approved Mitigation Statement. As a minimum the following air quality mitigation measures shall be provided:

- a) All gas fired boilers to meet a minimum standard of <40mgNOx/kWh;
- b) 1 Electric vehicle charging point per dwelling with dedicated parking or 1 charging point per 10 spaces (unallocated parking);
- c) Mitigation in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction.

Reason: In the interests of amenity and minimising air pollution in accordance with policy BNE24 of the Medway Local Plan 2003.

- 22 No development above foundation level shall take place until a detailed design for highways improvements to Otterham Quay Lane as shown on drawings 29905_1001_009 and 29905/001/013 Rev A have been submitted to and approved in writing by the Local Planning Authority. A timetable for the provision of the improvements shall be submitted and approved in

Planning Committee, 16 November 2016

writing and thereafter the improvements shall be constructed in accordance with the approved details and timetable.

Reason: To provide an attractive and safe means of pedestrian access in accordance with Policy T3 of the Medway Local Plan 2003.

447 Planning application - MC/16/2837 - Land South of Stoke Road, Hoo St Werburgh, Kent

Discussion:

The Head of Planning outlined the planning application in detail. He advised that if the Committee was minded to approve the planning application, it was suggested that an amendment be made to the provisions of the proposed Section 106 heads of agreement. In addition, it was suggested that proposed conditions 4 and 11 and the reasons for conditions 6 and 7 be amended and a new condition 22 be approved. All suggested changes were set out on the supplementary agenda advice sheet.

The Head of Planning advised that dependent upon the outcome of discussions regarding the quality and provision of on site open space, it may be possible for the level of Section 106 funding to be redistributed and therefore he requested that the Committee grant delegated authority to him to agree this outside of the meeting.

The Committee discussed the planning application and it was suggested that if approved, the Section 106 funding for the Great Lines Heritage Park should be split 50/50 between the Park and footpath provision in Main Road, Hoo to improve access to local schools. Members also suggested that if the open space contribution was reduced then the surplus be put towards the footpath provision in Main Road.

A number of Members expressed concern as the effect that this development would have upon the highway network on the Peninsula and local facilities.

Decision:

Approved subject to:

- A) The applicants entering into agreement under Section 106 of the Town and Country Planning Act to ensure:
 - i) Secure a minimum of 25% affordable housing (no less than 32 units)
 - ii) A financial contribution of £1,299,221.64 in total to be provisionally split in the following ways

Planning Committee, 16 November 2016

- £75,000 toward highways improvements at the A228 Peninsular Way (junction with Main Road, Hoo)
 - £116,230.40 towards Nursery provision
 - £285,292.80 toward Primary Education
 - £364,540.80 toward Secondary Education
 - £19,740.88 toward waste and recycling (£155.44 per dwelling)
 - £59,429.65 toward improvements to local GP Surgeries (£191 per dwelling)
 - £334,723.80 toward off site provision of outdoor open space (£777 per person)
 - £15,868.65 to be split 50/50 between the Great Lines Heritage Park and improvements to footpaths in Main Road Hoo to improve access to schools (£51 per person – 2.45 persons per home on average)
 - £28,394.66 toward Habitats Regulations (mitigation against Wintering Birds – at £223.58 per dwelling)
- B) Dependent upon the outcome of discussions regarding the quality and provision of on site open space, the Head of Planning be granted delegated authority to determine the contribution for open space and any surplus to be used for the footpath provision in Main Road, Hoo.
- C) Conditions 1 – 3, 5, 8 – 10 and 12 – 21 as set out in the report for the reasons stated in the report and conditions 4, 5, 6 and 11 amended as set out below and new condition 22:
- 4 The development hereby permitted shall be carried out in accordance with the following approved documents/plans:
- Application forms (received 01/07/16) Site Location Plan (7038-L-03)
Development Framework Plan (7038-L-01 rev E) Gladman-
Design and Access Statement (June 2016) Gladman - Planning Statement (June 2016)
Gladman - Statement of Community Involvement (June 2016)
Gladman - Socio-Economic Sustainability Statement (June 2016)
Prime Transport Planning - Transport Assessment (June 2016)
Prime Transport Planning - Travel Plan (June 2016)
Wardell-Armstrong Air Quality Mitigation Statement (June 2016)
Wardell-Armstrong Noise and Vibration Assessment Report (June 2016)
CGMS Consulting Archaeological Desk- Based

Planning Committee, 16 November 2016

Assessment (June 2016) CGMS Consulting Built Heritage Statement (June 2016)
FPCR - Ecological Appraisal (June 2016) FPCR - Arboricultural Assessment (June 2016)
FPCR - Landscape and Visual Appraisal (June 2016) Enzygo - Phase 1 Environmental Report
Enzygo - NPPF: Flood Risk Assessment
Utility Law Solutions - Foul Drainage Analysis (June 2016)
Land Research Associates - Soil Resources and Agricultural Quality (June 2016)

- 6 The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping (hard and soft) which shall include a tree survey specifying the position, height, spread and species of all trees on the site, provision for the retention and protection of existing trees and shrubs and a date for the completion of any new planting and boundary treatment. The scheme as approved by the Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Local Planning Authority. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

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 Policies BNE1 and BNE6 of the Medway Local Plan 2003.

7. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to the Local Planning Authority for approval in writing prior to the first occupation of any part of the development. The landscape management plan shall be carried out as approved.

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 Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 11 Notwithstanding the air quality mitigation approved under condition 10, prior to any development about ground floor slab level details of the following mitigation measures shall be submitted to and approved in writing by the Local Planning Authority:

Planning Committee, 16 November 2016

- All gas-fired boilers to meet a minimum standard of <40mgNO_x/kWh
- 1 Electric Vehicle rapid charge point per dwelling with dedicated parking
- 1 Electric Vehicle rapid charge point per 10 spaces for dwellings with unallocated parking

- 22 The land drain running through the site shall be surrounded by a 4m easement and shall also not have any properties backing onto it. These ditches shall therefore be included within open space and shall be maintained as such thereafter.

Reason: To ensure that flood risk and access to the land drains are not impeded as a result of the development.

448 Planning application - MC/16/2776 - Land at Brickfields, Darland Farm, Pear Tree Lane, Hempstead, Gillingham ME7 3PP

Discussion:

The Senior Planner outlined the planning application in detail and referring to the supplementary agenda advice sheet suggested that if the Committee was minded to approve the application, section 9 of the proposed Section 106 heads of agreement be amended, conditions 10 and 11 be amended and new conditions 17 – 20 be approved as set out below:

Section 106 head of agreement:

9. A contribution of £28,000 towards the initial capital costs and £21,600 towards ongoing management cost necessary to mitigate the impact of the development on the Darland Banks Site of Nature Conservation Interest and Local Nature Reserve;

Conditions:

10. The details submitted in pursuance of Condition 1 shall show land reserved for parking or garaging in accordance with the adopted County Parking Standards. None of the buildings shall be occupied until this area has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.
11. In accordance with the recommendations contained in British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations or any revision thereof the plans and particulars submitted pursuant to Condition 1 above shall include:

Planning Committee, 16 November 2016

- a) A tree constraints plan showing root protection areas and any other relevant constraints plotted around each of the category A, B and C trees overlaid onto the proposed site layout plan.
- b) Existing and proposed finished site levels and cross-sectional details on a scaled plan with retained trees and root protection areas overlaid.
- c) An arboricultural impact assessment that evaluates the direct and indirect effects of the proposed design, including during construction in terms of access, adequate working space and provision for storage of materials; and where necessary recommends mitigation.
- d) Arboricultural method statements for the implementation of any aspect of development that is within the root protection area, or has the potential to result in loss of or damage to a tree to be retained. Particular attention should be given to:
 - i. Removal of existing structures and hard surfacing;
 - ii. installation of temporary ground protection;
 - iii. excavations and the requirement for specialized trenchless techniques;
 - iv. specialist foundations or other engineering within root protection areas of retained trees, including details of installation techniques and effect on finished floor levels and overall height;
 - v. retaining structures to facilitate changes in ground levels; and
 - vi. preparatory works for new landscaping.
- e) A schedule of work to trees which is directly necessary to provide access for operations on site, including pruning to facilitate access.

The development shall be carried out in accordance with the approved details before any equipment, machinery or materials are brought on to the site and any mitigation measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: To avoid any irreversible damage to retained trees 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 Policies BNE1 and BNE6 of the Medway Local Plan 2003.

17. No development shall take place (including any ground works, site or vegetation clearance) until a method statement for ecological mitigation

Planning Committee, 16 November 2016

(including provision for reptiles, nesting birds, dormice and bats) has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works;
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- c) Extent and location of proposed works, including the location of the ecological buffer zone around the periphery of the site;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- f) Use of protective fences, exclusion barriers and warning signs;
- g) Initial aftercare and long-term maintenance (where relevant);

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

18. Before the commencement of development (including any ground works, site or vegetation clearance), a bat activity survey shall be carried out with full details of appropriate bat mitigation measures and shall be submitted to and approved in writing by the Local Planning Authority. The approved strategy shall be implemented in full accordance with the details so approved.

19. No development shall take place until a "lighting design strategy for biodiversity" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

20. Prior to commencement of development hereby approved, details of how the development will enhance the quality and quantity of biodiversity as outlined in Section 4.3 of the submitted Extended Phase 1 Habitat Survey (Corylus Ecology, April 2016) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with those approved details and thereafter retained.

Planning Committee, 16 November 2016

In addition, he drew attention to representations received since despatch of the agenda from Kent County Council's Biodiversity Officer, Kent Wildlife Trust and from the applicant and additional information on Section 106 matters details of which were set out on the supplementary agenda advice sheet.

With the agreement of the Committee, Councillor Rodney Chambers OBE spoke on this planning application as Ward Councillor and outlined concerns on behalf of local residents that this application should be refused to protect the local landscape and the adjoining nature reserve. He referred to the topography of the site and the access and egress to the proposed development from Pear Tree Lane. This road currently had a 50mph speed limit. He also referred to the existing roundabouts in Capstone Road and Ash Tree Lane and questioned their capacity to cope with the additional traffic that would be generated by the development.

The Committee discussed the application in detail noting the concerns of the local Ward Councillor.

A Member referred to the type of housing to be provided at this site and that element of the proposed Section 106 agreement to provide funding for affordable housing off site in lieu of providing affordable units within the development. He expressed the view that the level of funding being requested did not adequately reflect the true cost of acquiring land and building affordable housing and referred to the likely value of the houses which were proposed to be developed at the application site. He suggested that there was merit in investigating this further.

It was suggested that if the Committee was minded to defer consideration for a fuller investigation of the Section 106 funding for affordable housing, investigations could also be made as to the possibility of strengthening the landscape treatment to the east of the site and whether the Section 106 contributions should also include funding for highway works to mitigate the issue of the speed of traffic and the lack of footpaths along Pear Tree Lane.

Decision:

Consideration of this application be deferred to enable further discussions on the following:

- a) The level of Section 106 funding proposed for provision of affordable housing off site having regard to an independent assessment.
- b) The possibility of strengthening the landscape treatment to the east of the site.
- c) The possible inclusion of Section 106 funding for highway improvements having regard to the 50mph speed limit in Pear Tree Lane and the lack of footpaths.

Planning Committee, 16 November 2016

449 Planning application - MC/16/2656 - Broom Hill Reservoir, Gorse Road, Strood, Rochester

Discussion:

The Senior Planner outlined the planning application in detail and advised the Committee that the current application was a resubmission of planning application MC/14/3309 with the development having been modified to take account of comments from the Planning Inspector when dismissing an appeal on 25 February 2016.

With the agreement of the Committee, Councillor Chitty spoke on the planning application as Ward Councillor and set out the concerns of local residents. She explained that residents had worked hard to protect the green space at Broomhill Park as this site was a valuable open space in Strood. A Friends of Broomhill Park Group had been formed and the space had been awarded a Green Flag.

She referred to the topography of the site and the land levels and expressed concern that should the application be approved, the development would be visible from long distances. In addition, traffic to and from the site would need to cross footpaths that were frequently used by families.

She advised the Committee that the application conflicted with the overall vision for the area and impacted on the green space and heritage trail and she expressed concern that the site had already been cleared of vegetation before an environmental assessment could be undertaken.

The Committee discussed the application in detail and it was noted that the modification to the proposed development had resulted in the removal of the pavilion which the Planning Inspector considered would harm the visual amenity of the park when seen from wider views including Rochester Bridge. The remainder of the development would not be visible.

The Committee noted that the land was in private ownership.

The Senior Planner drew attention to an additional representation received after despatch of the agenda which had been set out on the supplementary agenda advice sheet.

Decision:

Approved subject to:

- A) The submission of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure £223.58 per new dwelling towards Designated Habitats Mitigation.
- B) Conditions 1 – 12 as set out in the report for the reasons stated in the report.

Planning Committee, 16 November 2016

450 Planning application - MC/16/2653 - Elmsleigh Lodge, 118 Maidstone Road, Chatham ME4 6DQ

Discussion:

The Head of Planning outlined the planning application and reminded the Committee that this application had been the subject of a site visit on 12 November 2016 at which he had outlined the details of the application, representations received and the planning issues as they related to the street scene and design, amenity, highways and parking, trees and impact on the Conservation Area.

He advised that at the site visit, the agent had added detail in relation to the need to remove the trees and wall and clarified the proposed land levels and the stepped nature of the proposal.

A summary of the concerns raised by residents was set out on the supplementary agenda advice sheet and a copy of a letter supplied by a resident at the site visit which could not be circulated at the site visit owing to adverse weather conditions was appended to the supplementary agenda advice sheet.

The Head of Planning explained that issues had been raised as to the planning history of adjacent land and therefore information on this was set out in full on the supplementary agenda advice sheet.

With the agreement of the Committee, Councillor Maple addressed the Committee as Ward Councillor and outlined residents concerns that the removal of the wall and mature trees opposite their properties would affect their current outlook and have an adverse effect upon visual amenity of the street scene. Whilst it was noted that replacement tree planting was proposed, this would involve provision of young saplings.

He reminded the Committee that the application site was located in a Conservation Area.

In addition, he requested that if the Committee was minded to approve the application, appropriate conditions be added to ensure that the applicant's contractors were mindful of the need to be 'good neighbours' with the residents living close to the site. The Head of Planning referred to proposed condition 9 and confirmed that if the Committee was minded to approve the application, this condition could be strengthened to cover concerns regarding the behaviour of the contractors.

The Committee discussed the application and a number of Members expressed concern that the application in its current form constituted an overdevelopment of the site. The Committee noted the comments from residents who had lived opposite the application site for many years that the condition of the wall was

Planning Committee, 16 November 2016

no different now than it had been 10 years ago and therefore there was no justification for its removal.

The Head of Planning advised the Committee that the trees had a significant impact in the Conservation Area and if the wall was found to be structurally unstable it may require removal which would then make the trees vulnerable. However, if the Committee wished to defer consideration of the application to obtain an independent structural assessment then this could be arranged.

Decision:

Consideration of this application be deferred:

- a) to enable Officers to obtain an independent structural assessment of the condition of the wall; and
- b) if the wall is not required to be removed, enable Officers to undertake further discussions with the applicants as to the possibility of reducing the number of proposed properties to two in total on the site.

451 Planning application - MC/16/0370 - Land at 185 Walderslade Road, Walderslade, Chatham ME5 0ND

Discussion:

The Senior Planner outlined the planning application in detail and drew attention to further advice received from the Council's Ecological Consultants since despatch of the agenda details of which were set out on the supplementary agenda advice sheet. In the light of this information, there was no longer a need to impose a condition related to ecology.

The Committee discussed the application.

Decision:

Approved subject to:

- A) The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) securing:
 - i) £90,117, consisting of: £15,558 towards Nursery provision; £32,733 towards Primary provision; £33,112 towards Secondary; and £8,714 towards Sixth Form education;
 - ii) £46,527 towards specific improvements to Hook Meadow and Princes Ave public open spaces;
 - iii) £4,471.60 (£223.58 additional dwelling) towards Natural England's Designated Habitats Mitigation;

Planning Committee, 16 November 2016

iv) £4,499 towards the Great Lines Heritage Park in regard to footpath maintenance required due to increased provision of housing and therefore increase population resulting in increased usage of the GLHP and creating deterioration on the parks footpaths.

B) Condition 1 – 14 as set out in the report for the reasons stated in the report.

452 Planning application - MC/16/3533 - 21 Victoria Street, Rochester, ME1 1XJ

Discussion:

The Senior Planner advised the Committee that since despatch of the agenda the applicant had submitted further information to justify the proposed development submissions against tests set out at paragraph 133 of the National Planning Policy Framework, details of which were set out on the supplementary agenda advice sheet.

Following the submission of this additional information/evidence, the Council had re-consulted both Historic England and the Ancient Monuments Society and Historic England had since confirmed that it had withdrawn its objection to the planning application. No response had been received from the Ancient Monuments Society and therefore it was assumed that the Society wished its objections to remain.

The Senior Planner referred to a revised planning appraisal in the light of the new information received, details of which was set out on the supplementary agenda advice sheet. He confirmed that the application was now being recommended by Officers for approval.

The Committee discussed the application noting the location of the existing building and referring to the requirement for the materials to match those of the section of the building which will be retained.

Decision:

Listed Building Consent be granted, subject to:

- i) Referral to the National Planning Casework Unit (NPCU), due to the objection from the Ancient Monuments Society, advising them of the Council's intention to grant Listed Building Consent subject to the imposition of conditions, and the NPCU not calling the application in within the relevant period; and
- ii) The granting of delegated authority to the Head of Planning to impose such conditions as he deems reasonable and which he considers meets the tests as set out in the National Planning Practice Guidance related to the use of Planning Condition.

Planning Committee, 16 November 2016

453 Planning application - MC/16/3537 - 21 Victoria Street, Rochester ME1 1XJ

Discussion:

The Senior Planner referred to planning application MC/16/3533 and confirmed that the same information applied to this particular application as reported above.

Decision:

Planning permission be granted, subject to delegated authority being granted to the Head of Planning to impose such conditions as he deems reasonable and which he considers meets the tests as set out in the National Planning Practice Guidance related to the use of Planning Condition and a Section 106 agreement for Bird Mitigation.

454 Planning application - MC/16/3590 - 47 - 49 High Street, Rochester ME1 1LN

Discussion:

The Senior Planner outlined the planning application in detail and advised that since despatch of the agenda, the Planning Agent had advised that the current tenant had agreed terms to relocate and continue his business from an alternative shop in the High Street. The Senior Planner confirmed that whilst no evidence had been produced to this effect this was not a material planning consideration.

In addition, he advised that a further representation had been received from an existing objector who's concerns had been set out in the committee report. The further representation related to the highways section of the committee report. Details of the representation and the response from Officers was set out in the supplementary agenda advice sheet.

With the agreement of the Committee, Councillor Tranter addressed the Committee on this planning application as Ward Councillor. He expressed concern that the loss of this mini market from the High Street could have a detrimental effect upon other small independent grocery shops in the High Street as residents living in the locality will turn to the larger supermarkets to fulfil their everyday grocery needs. He referred to the possible relocation of the existing business and advised the committee that the potential new location was considerably smaller than the existing property and he understood that the tenants did not wish to relocate. Furthermore, there were currently sufficient restaurants within the High Street.

The Committee discussed the application noting the views of the Ward Councillor.

Planning Committee, 16 November 2016

Decision:

Approved with conditions 1 – 10 as set out in the report for the reasons stated in the report.

455 Planning application - MC/16/3243 - 1 Main Road, Hoo St Werburgh Rochester ME3 9NA

Discussion:

The Senior Planner outlined the planning application and suggested that if the Committee was minded to approve the application, proposed condition 4 be amended as set out on the supplementary agenda advice sheet.

In addition, he referred to an additional section for the planning appraisal section of the report relating to health and well being, details of which were also set out on the supplementary agenda advice sheet.

The Committee discussed the planning application having regard to the requested hours of use and those proposed in amended condition 4.

The Committee noted that the property has been vacant for some time and therefore to bring it back into use would be beneficial for the community and that parking was available on-site.

Concern was expressed as to the proposed shutters to be installed on the front of the property as it was considered that these would have a detrimental impact on the visual appearance of the property when it was closed.

Decision:

Consideration of the application be deferred and the Head of Planning be granted delegated authority to determine the planning application following consultations with the applicant as to amending the planning application to remove the proposed installation of shutters, it being noted that the Committee support the hours of use as requested by the applicant.

456 Planning application - MC/16/2335 - 259 - 261 High Street, Rochester ME1 1HQ

Discussion:

The Senior Planner outlined the planning application and advised the Committee that since despatch of the agenda, the applicants had provided amended and additional plans. Details of amendments were set out on the supplementary agenda advice sheet.

He also drew attention to updated information relating to the relevant planning history for the site, representations from Kent County Council (Archaeology)

Planning Committee, 16 November 2016

and Network Rail and further information on the planning appraisal all of which were set out on the supplementary agenda advice sheet.

In the event that the Committee was minded to approve the application, it was suggested that proposed conditions 2 and 3 be amended, proposed condition 23 be deleted and the remaining conditions re-renumbered and a new condition 27 be approved, details of which were set out on the supplementary agenda advice sheet.

The Committee discussed the planning application and referred to the proposed Section 106 Heads of Agreement for a contribution towards repair of light fittings at the Chatham Naval Memorial. It was suggested that this funding would be more appropriately used for repairs to the clock at the Corn Exchange.

The Committee referred to the issue of Section 106 funds generally and whilst recognising the importance of the Great Lines Heritage Park, requested that in future, contributions should be split 50/50 between the Great Lines Heritage Park and a site in the Ward in which the application site is located.

The Committee also requested that Officers be mindful of the need for appropriate materials to be used at the application site in the light of its location in a Conservation Area.

Decision:

Approved subject to:

- A) The applicant entering into a Section 106 agreement to secure the following:
 - i) A contribution of £4695.18 (£223 per unit) towards appropriate wildlife mitigation measures within Special Protection Areas;
 - ii) A contribution of £2643.95 split 50/50 between the repair of light fittings at the Chatham Naval Memorial and repairs to the clock at the Corn Exchange;
 - iii) A contribution of £8595.37 towards the fabric upkeep, maintenance and costs towards Eastgate House improvements; and
 - iv) A contribution of £20,024.64 towards Open space improvements to be spent on improvements towards Eastgate House Gardens.
- B) Conditions 1 and 4 – 22 as set out in the report for the reasons stated in the report, conditions 2 and 3 amended as set out below, conditions 24 – 27 as set out in the report but renumbered 23 – 26 and new condition 27 as set out below:

Planning Committee, 16 November 2016

2. Drawing 3275 PD 11 Rev B (block and location plan); 3275 PD 12 Rev B (Proposed Plans block 1); 3275 PD 14 Rev A (block 1 Proposed Elevations); 3275 PD 15 Rev B (Proposed Sections A-A and B-B; 3275 PD 18 (Block 2 Floor Plan –retaining wall details); Design and Access Statement (2 November 2016); letter dated 1 November 2016 all received by email dated 3 November 2016.

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

3. The bathroom windows on the northwestern side above ground floor level on Block 1 (the frontage block) shall be fitted with obscure glass and apart from any top-hung light, that has a cill height of not less than 1.7 metres above the internal finished floor level of the room it serves, shall be non-opening. This work shall be carried out and completed before the room is occupied and shall be retained at all times thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

27. No development shall commence until full details of means of access for maintenance purposes for the area between the rear elevation of Block 2 and the existing retaining wall. The means of access shall be provided in accordance with any details subsequently approved and thereafter maintained.

Reason: To ensure access for maintenance of wall and building.

457 Planning application - MC/16/3523 - 765 Maidstone Road, Rainham, Gillingham Kent ME8 0LR

Discussion:

The Senior Planner outlined the planning application in detail and advised that since despatch of the agenda four additional letters of representation had been received details of which were set out on the supplementary agenda advice sheet.

Decision:

Approved subject to:

- A) The applicant signing a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure £670.74 towards Wildlife Habitat Mitigation.

Planning Committee, 16 November 2016

- B) Conditions 1 – 10 as set out in the report for the reasons stated in the report.

458 Planning application - MC/16/3577 - 55 Luton High Street, Chatham ME5 7LP

Discussion:

The Head of Planning outlined the planning application in detail and suggested that if the Committee was minded to approve the application, proposed condition 4 be amended as follows:

4. Prior to the first opening of the take away hereby approved the car parking area within the application site (and defined on the submitted block plan) shall be formally marked out to show at least 4 car parking bays with the bays of a size commensurate with that set out in Medway Council's interim parking standards. Thereafter the parking area shall be retained and kept available for customer parking at all times that the hot food take away is open for business.

The Committee discussed the application and concern was expressed that the application site was located on a very busy section of highway in Luton High Street. It was considered that although the application site had on site parking, the property was on a tight bend and therefore egress from the car park would be difficult with vehicles entering a very busy road.

Decision:

Refused on the following ground with the wording of such refusal ground to be approved in consultation with the Chairman:

1. That owing to the configuration of the road layout and the location of the property being sited on a tight bend and, the requirement for vehicles egressing the application site into a very busy traffic stream, the application is unacceptable.

459 Planning application - MC/16/3411 - New Horizons Children Academy (Former Bishop of Rochester Academy West Campus/Chatham South) Site, Park Crescent, Chatham ME4 6NR

Discussion:

The Head of Planning outlined the planning application in detail.

On behalf of the Ward Councillor, a Member suggested that an informative be approved that required the school to meet with residents to discuss the impact that changes at the school are having for the residents.

The Head of Planning advised that if this suggestion was supported by the Committee, this could be included as an informative.

Planning Committee, 16 November 2016

Decision:

Approved with conditions 1 – 3 as set out in the report for the reasons stated in the report and the following informative:

- The school be requested to meet with local residents to discuss issues and measures to mitigate impact on local roads.

460 Planning application - MC/16/3842 - Rear of Allington, Station Road, Rainham Gillingham ME8 7UF

Discussion:

The Head of Planning outlined the planning application in detail and drew attention to a correction to the site density in that it should be corrected to read 14 dwellings per acre and not 4.

Decision:

Approved subject to:

- A) The applicant entering into a Section 106 Agreement to secure a contribution of £223.58 for Designated Habitats Mitigation
- B) Conditions 1 – 6 as set out in the report for the reasons stated in the report.

461 Planning application - MC/16/3240 - 15 Rochester Crescent, Hoo St Werburgh, Rochester ME3 9JH

Discussion:

The Head of Planning reminded the Committee that this application had been the subject of a site visit on 12 November 2016 at which he had explained the application, summarised the representations received and outlined the issues as they related to street scene, drainage, impact on car parking in the street and residential amenity.

He drew attention the supplementary agenda advice sheet which summarised comments made at the site meeting by the applicants team and the objectors.

He suggested that if the Committee was minded to approve the application, an additional condition 3 be approved relating to the provision of fencing and that condition 1 be amended to add in the plan referred to in condition 3.

Decision:

Approved with condition 2 as set out in the report for the reasons stated in the report, condition 1 amended and new condition 3 as follows:

Planning Committee, 16 November 2016

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

Section A-A, Section B-B, Section C and Section C-C as received on 1 August 2016 and amended boundary treatment plan received on 14 December 2016.

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

3. Within 2 months of the date of this permission, the new fencing as detailed on the boundary treatment plan received on 15 November 2016 shall be undertaken and shall thereafter retained on site.

Reason: In the interests of privacy and to accord with Policy BNE2 of the Medway Local Plan.

462 Planning application - MC/16/2906 - 51 Ladywood Road, Cuxton, Rochester ME2 1EP

Discussion:

The Head of Planning reminded the Committee that this application had been the subject of a site visit on 12 November 2016 at which he had outlined the planning application and the planning issues as they related to matters of design, street scene and amenity. At the site visit he had provided an update in respect of the representations received. A summary of the representations and the applicant's response was set out on the supplementary agenda advice sheet.

Decision:

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

463 Planning application - MC/16/2767 - The Barge, 63 Layfield Road, Gillingham ME7 2QY

Discussion:

The Head of Planning outlined the planning application and reminded the Committee that this application had originally been considered by the Committee on 21 September 2016 following which the Committee had accepted the principle of change of use from a public house to residential use but had expressed the view that three dwellings would result in the creation of a poor internal layout. The application had therefore been deferred to enable Officers to discuss with the applicant the possible reduction in the number of proposed properties to be provided on site.

Planning Committee, 16 November 2016

He confirmed that the revised application was now for conversion of a public house to one two bedroomed and one three bedroomed house.

Decision:

Approved subject to:

- A) The applicant signing a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure £223.58 per new dwelling created towards Designated Habitats Mitigation.
- B) Conditions 1 – 6 as set out in the report for the reasons stated in the report.

464 Planning application - MC/16/1971 - 74 - 76 Ingram Road, Gillingham ME7 1SE

Discussion:

The Head of Planning outlined the planning 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 £223.58 towards Wildlife Habitat Mitigation.
- B) Conditions 1 – 8 as set out in the report for the reasons stated in the report.

Chairman

Date:

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