

**Medway Council**  
**Meeting of Planning Committee**  
**Wednesday, 16 July 2014**  
**6.30pm to 8.20pm**

**Record of the meeting**

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

- Present:** Councillors: Avey, Baker, Bowler, Carr (Vice-Chairman, in the Chair), Gilry, Christine Godwin, Griffin, Griffiths, Hubbard, Iles, Mackness, Purdy, Royle and Smith
- Substitutes:** Councillors:  
Pat Gulvin (Substitute for Adrian Gulvin)  
Hicks (Substitute for Mrs Diane Chambers)
- In Attendance:** Amanda Berger-North, Locum Legal Representative  
Chris Butler, Planning Manager - West  
Michael Edwards, Principal Transport Planner  
Dave Harris, Head of Planning  
Councillor Vaughan Hewett - Ward Councillor  
Councillor Julie Shaw - Ward Councillor  
Councillor Les Wicks - Ward Councillor  
Ellen Wright, Democratic Services Officer

**144 Record of meeting**

The record of the meeting held on 18 June 2014 was agreed and signed by the Chairman as correct.

**145 Apologies for absence**

Apologies for absence were received from the Chairman, Councillor Mrs Diane Chambers and Councillor Adrian Gulvin.

**146 Urgent matters by reason of special circumstances**

There were none.

**147 Declarations of disclosable pecuniary interests and other interests**

Disclosable pecuniary interests

There were none.

## Planning Committee, 16 July 2014

### Other interests

In respect of planning application MC/14/0928 (6 Bowman Close, Lordswood, Chatham), Councillor Pat Gulvin addressed the Committee as Ward Councillor and therefore took no part in the determination of this application.

In respect of planning application MC/14/1330 – Pear Tree Cottage, Noke Street, Wainscott, Rochester, Councillor Hicks addressed the Committee as Ward Councillor and therefore took no part in the determination of this application.

### **148 Planning application - MC/14/0285 - Land at Station Road (Bakersfield) Rainham ME8 7QZ**

#### **Discussion:**

The Head of Planning outlined the planning application in detail and referred to the letter from the applicant appended to the supplementary agenda advice sheet circulated at the meeting.

He referred to the history of the site and advised the Committee that this application was an outline application with all matters reserved for residential development comprising approximately 90 dwellings.

The Head of Planning addressed the issues raised in the applicant's letter and specifically the points raised by the applicant on each of the proposed refusal grounds as summarised below:

- Proposed refusal ground 1

The Council has undertaken work on assessing housing demand and this indicates that there is an anticipated need for the construction of 1,000 houses per annum.

It was not accepted that there had been persistent under delivery of provision of housing in Medway as whilst there has been some level of under delivery, this was largely due to the recession. Indeed Medway had experienced a higher level proportionally of housing provision over and above any other local authority in Kent. In a recent meeting with representatives of the CLG both these facts were acknowledged and it was agreed that Medway did not have a persistent under delivery of housing provision.

In respect of the applicant's statement that Policies BNE25 and BNE34 were not up to date, and were not consistent with the National Planning Policy Framework (NPPF), the Head of Planning confirmed that the Policies were saved policies included in the Medway Local Plan 2003 and all the saved policies within the Plan had been assessed against the NPPF. While it had been accepted that part of those policies referred to

## Planning Committee, 16 July 2014

were not consistent with the NPPF, only those parts of the policies that were consistent had been used in assessing planning applications.

As part of his presentation, the Head of Planning used an aerial photograph to show the location of the application site and its relationship to the surrounding area. He advised the Committee that the Medway Landscape Character Assessment had shown this area to be of particular importance as a green space to separate the urban area from the clusters of properties in the rural area and separate the site from the River.

He further stated that whilst the applicant had argued that this site had been a former brickworks, since the brickworks had closed, the area had regenerated and now fitted in with the surrounding green spaces. He drew attention to the NPPF and advised that the NPPF clearly stated that if a site has regenerated then it should no longer be considered as previously developed land.

- Proposed refusal ground 2

The Head of Planning informed the Committee that ordinarily whilst it was possible for issues relating to land contamination to be dealt with via appropriate conditions, in the light of the use of this site as a former brickworks, it was not considered that a desk top survey would be sufficient to assess the appropriateness of the proposed residential development of this site with regard to contaminated land issues.

- Proposed refusal ground 3

The Head of Planning informed the Committee that insufficient surveys and mitigation proposals had been provided by the applicants in respect of the reptiles, birds and bats that were currently on the open green space and the possible receptor sites.

### **Decision:**

Refused on the grounds set out in the report.

### **149 Planning application - MC/14/1272 - Land at Chatham Docks, Pier Road, Gillingham ME4 4SR**

### **Discussion:**

The Head of Planning outlined the planning application and drew attention to the supplementary agenda advice sheet which set out representations received since despatch of the agenda from Southern Gas Networks, Southern Water and the Health and Safety Executive, along with the Officers response to the points raised.

## Planning Committee, 16 July 2014

It was noted that the Health and Safety Executive had confirmed that if approved, it was no longer necessary for the application to be referred to it following the revocation of the Hazardous Substance Consent relating to Sherlodge Gases which had previously occupied the site.

The Head of Planning suggested that if the Committee was minded to approve the application, recommendation A on page 36 of the agenda be deleted and the remaining recommendations be renumbered, proposed conditions 2 and 8 be amended and new conditions 14 and 15 be approved, details of which were set out on the supplementary agenda advice sheet.

During discussion on this application, a member referred to the loss of the netted trees on a grass verge on Pier Road. The Head of Planning explained that as a result of the works required at the roundabout, it was always intended that these trees were to be removed. The trees had been netted so as to prevent birds nesting in them. He reassured the Member that once the works were completed, the trees would be replaced.

A member referred to the planning presentation undertaken by the applicants prior to submitting the planning application and questioned whether the current planning application included one or two lifts. It was confirmed that one lift was to be provided. In the light of this information, the member requested that the applicants be asked to provide adequate reassurance that the development provides suitable access for disabled persons across all floors of the development in the light of there being provision for only one lift.

### **Decision:**

Approved subject to the imposition of conditions 1, 3 – 7, 9 – 13 as set out in the report for the reasons stated in the report and amended conditions 2 and 8 and new conditions 14, 15 and 16 as set out below, with delegated authority being granted to the Head of Planning to make minor amendments to the wording of the conditions if considered to be necessary prior to the issuing of the planning permission:

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

MED-MA-00-ZZ-DR-A-00150 Location Plan - S2 - P01  
MED-MA-00-XX-DR-A-00101 Site Plan - S2 - P08  
MED-MA-00-GF-DR-A-00102 Ground Floor Plan - S2 - P07  
MED-MA-00-01-DR-A-00103 First Floor Plan - S2 - P08  
MED-MA-00-02-DR-A-00104 Second Floor Plan - S2 - P07  
MED-MA-00-03-DR-A-00105 Third Floor Plan - S2 - P07  
MED-MA-00-R1-DR-A-00107 Roof Plan - S2 - P02  
MED-MA-00-XX-DR-A-00108 Boundary Treatments Plan - S2 - P03  
MED-MA-00-XX-DR-A-00121 Elevations 01 - S2 - P10  
MED-MA-00-XX-DR-A-00122 Elevations 02 - S2 - P10  
MED-MA-00-XX-DR-A-00131 Sections AA - S2 - P05  
MED-MA-00-XX-DR-A-00132 Sections BB - S2 - P05

## Planning Committee, 16 July 2014

MED-MA-00-XX-DR-A-00133 Sections CC & DD - S2 - P05  
MED-MA-00-XX-DR-A-00141 Site Section - S2 - P02  
MED-MA-00-ZZ-DR-A-25113 Sports Hall External Clad Corner-D1-P01  
MED-MA-00-ZZ-DR-A-25190 Elevation Bay Detail-D1-P02

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

8. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing by the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

14. No development shall take place until a Code of Construction Practice (CoCP) has been submitted to and approved in writing by the Local Planning Authority. The CoCP shall contain details on how noise, dust, air quality, hours of operation and lighting will be handled during the construction phase of the development. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenities of nearby properties in accordance with Policy BNE2 of the Medway Local Plan 2003.

15. Construction of the development shall not commence until details of the proposed means of foul water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The details as approved shall be implemented prior to first occupation of the building and thereafter maintained

Reason: No such details have been submitted and in order to ensure that the site is appropriately drained.

16. The applicant provide to the Local Planning Authority information as to ensuring suitable arrangements for disabled access into and within the building and, the Head of Planning be authorised to agree the specific

## Planning Committee, 16 July 2014

wording of this condition with the Chairman and Vice Chairman outside of the meeting.

### **150 Planning application - MC/14/0270 - Land rear of 116 Maidstone Road, Chatham ME4 6DQ**

#### **Discussion:**

The Planning Manager West outlined the planning application and referred to two nearby sites which had been the subject of planning applications in 2007 and 2012, one of which had been refused and the other dismissed at appeal.

He outlined the application site in detail and, using the presentation slides showed the Committee those trees on site that would be removed and retained should the application be approved. He suggested that if the Committee was minded to approve the application, proposed condition 5 be amended as set out on the supplementary agenda advice sheet.

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

In response to the issues raised by the Ward Councillor, the Planning Manager West confirmed that:

- The proposed development provided two car parking spaces per house;
- The Design and Conservation Team had not raised objections to the application as the site was adjacent to Gabriel Mews to the North which was a similar development; and
- No representation had been received from Southern Water in respect of drainage.

The Committee discussed the application. It was noted that a Ward Councillor had suggested that the Committee may wish to undertake a site visit but the Committee did not consider this necessary.

#### **Decision:**

Approved with conditions 1 – 4 and conditions 6 – 12 as set out in the report for the reasons stated in the report and condition 5 amended as set out below:

5. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing by the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that

## Planning Committee, 16 July 2014

will be collected in order to demonstrate that the works set out are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

### **151 Planning application - MC/14/0928 - 6 Bowman Close, Lordswood, Chatham ME5 8LD**

#### **Discussion:**

The Planning Manager West outlined the planning application.

He confirmed that there had been no objections to this planning application from the Environmental Health Team but advised that since despatch of the agenda, three further objections had been received, two of which were from persons who had already submitted objections but raising additional concerns. Details of the additional objections along with the points raised by the new objector were set out on the supplementary agenda advice sheet.

With the agreement of the Committee, Councillor Pat Gulvin spoke on this planning application as Ward Councillor. She suggested that if the Committee was minded to approve this application, such approval be time limited for one year so as to assess the impact upon the amenity of neighbours.

The Committee discussed the concerns raised by the objectors and the issues raised by the Ward Councillor and sought clarification as to whether the applicant was operating solely a dog grooming business or running this business alongside a dog boarding establishment. The Committee considered this relevant as the planning application for a dog grooming business indicated that only one dog would be on the premises at one time. However, should dog boarding also take place at the premises, it was possible that there could be noise implications for neighbouring properties, particularly as dogs were brought to the premises for grooming sessions and then left.

The Committee discussed the application and requested that Officers undertake further discussions with the applicant to establish the full extent of dog related activities that are or will be taking place at the premises.

#### **Decision:**

Consideration of this application be deferred to enable Officers to undertake further discussions with the applicant to establish the full extent of dog related activities that are or will be taking place at the premises.

**152 Planning application - MC/14/0957 - 2 Trevale Road, Rochester ME1 3NZ**

**Discussion:**

The Planning Manager West reminded the Committee that this site had previously been the subject of a site visit.

**Decision:**

Approved with conditions 1 – 7 as set out in the report for the reasons stated in the report.

**153 Planning application - MC/14/1188 - Land between 32 and 34 Roosevelt Avenue, Wayfield, Chatham ME5 0ER**

**Discussion:**

The Head of Planning outlined the planning application and advised the Committee that should it be minded to approve this application, an informative would be included advising the applicant to contact Southern Water.

**Decision:**

Approved with conditions 1- 13 as set out in the report for the reasons stated in the report.

**154 Planning application - MC/14/1330 - Pear Tree Cottage, Noke Street, Wainscott, Rochester ME3 8BJ**

**Discussion:**

The Planning Manager West outlined the planning application and the reasons why the application was recommended for refusal.

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

The Committee discussed the application noting the Ward Councillor's reasons for asking the Committee to approve this application.

During discussions, the Committee had full regard to the planning history for the site noting that when the bungalow had been extended in 2011 as a result of an appeal decision, the Planning Inspector had taken into account that the size and bulk of the extension would be partially off-set by the demolition of the garage. Subsequent planning applications and appeals for provision of a porch and double garage had been refused and dismissed having regard to the original Planning Inspector's view.



## Planning Committee, 16 July 2014

### **Decision:**

Refused on the ground set out in the report.

### **155 Planning application - MC/14/1618 - 49 Peverel Green, Parkwood, Gillingham ME8 9UH**

### **Discussion:**

The Planning Manager – West outlined the planning application and advised the Committee that since despatch of the agenda, Councillor Doe had submitted an objection, one further letter of objection had been received from an individual who had already submitted representations and two new letters of objection had been received, details of which were set out on the supplementary agenda advice sheet.

The Committee discussed the application noting that the premises was located in a quiet area and in close proximity to flats inhabited by elderly residents.

### **Decision:**

Refused on the ground set out in the report.

**Chairman**

**Date:**

**Ellen Wright, Democratic Services Officer**

Telephone: 01634 332012

Email: [democratic.services@medway.gov.uk](mailto:democratic.services@medway.gov.uk)