

Medway Council
Meeting of Planning Committee
Wednesday, 10 February 2016
6.30pm to 7.40pm

Record of the meeting

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

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

In Attendance: Dave Harris, Head of Planning
Laura Caiels, Legal Advisor
Michael Edwards, Principal Transport Planner
Councillor Andrew Mackness
Vicky Nutley, Planning and Licensing Lawyer
Tom Stubbs, Planner
Ellen Wright, Democratic Services Officer

756 Apologies for absence

There were none.

757 Record of meeting

The record of the meeting held on 20 January 2016 was agreed and signed by the Chairman as correct.

The Chairman referred to the supplementary agenda advice sheet and advised the Committee of the following:

- Minute 575 of the meeting held on 16 December 2015 – Planning application MC/14/2395 – Gibraltar Farm, Ham Lane, Hempstead, Gillingham – This application had been refused on one ground and the Head of Planning granted delegated powers to add an additional ground dependent upon the formal response from Highways England. It was now confirmed that Highways England had not raised any objection and therefore, the decision had been issued with the one refusal ground in accordance with the Committee's decision.
- Minute 658 of the meeting held on 20 January 2016 – Planning application MC/15/3910 – Future Court, George Summers Close, Medway City Estate, Rochester ME2 4EL – The Committee was advised that the following conditions had been approved in consultation with the Chairman, Vice Chairman and Group Spokespersons:

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1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: proposed floor plans pages 1-9 inclusive and proposed elevation plan 2015 04 07 received 23 November 2015; and revised Parking plans 1-3 received 16 December 2015.

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

3. The use hereby permitted shall only operate between the hours of 10:00 to 22:00.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

4. The use shall not commence until full details of a parking management scheme for both staff and visitors has been submitted to and approved in writing by the Local Planning Authority. The parking management plan shall include full details of promoting the use of public transport. The parking management plan shall be implemented in accordance with the approved details from the first occupation and use hereby approved and retained thereafter.

Reason: Required to be implemented before the use commences in the interests of sustainability and in accordance with the objectives of Policies T13 and BNE2 of the Medway Local Plan 2003.

5. The building shall not be brought into use until the parking spaces have been constructed using permeable surfacing materials and the layout implemented in accordance with the proposed parking plan 3 of 3 received on 16 December 2015. The parking spaces 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 that area of land or in such a position as to preclude its use.

Reason: Required to be implemented before the use commences in the interests of sustainability and in accordance with the

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objectives of Policies T13 and BNE2 of the Medway Local Plan 2003.

6. The primary use of the site shall be for the purposes of a laser tag arena with associated facilities as described in this application and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure any change of use is adequately assessed regarding amenity and the impact on the highway in accordance with Policies BNE2, T1 and T13 of the Medway Local Plan 2003.

758 Urgent matters by reason of special circumstances

There were none.

759 Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

Other interests

The Chairman, Councillor Mrs Diane Chambers referred to planning application MC/15/3987 – The Former Marine Public House, 7 River Street, Brompton, Gillingham and advised that she would leave the meeting for the consideration and determination of this planning application on the basis that she lives close to the application site. In the absence of the Chairman, the Vice Chairman would chair the meeting for this particular planning application.

Councillor Hicks referred to planning application MC/15/4517 – The Salon Bellerophon House, Doust Way, Rochester and advised that he would leave the meeting for the consideration and determination of this planning application on the basis that he was Vice President of the Rochester and Strood Conservative Association.

Councillor Etheridge referred to planning application MC/15/4517 – The Salon Bellerophon House, Doust Way, Rochester and advised that he would leave the meeting for the consideration and determination of this planning application on the basis that he was a member of the Rochester and Strood Conservative Association.

Councillor Tejan referred to planning application MC/15/4517 – The Salon Bellerophon House, Doust Way, Rochester and advised that he would leave the meeting for the consideration and determination of this planning application

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on the basis that he was Deputy Chairman of the Rochester and Strood Conservative Association.

Councillor Tranter referred to planning application MC/15/4517 – The Salon Bellerophon House, Doust Way, Rochester and advised that he would leave the meeting for the consideration and determination of this planning application on the basis that he was a member of the Rochester and Strood Conservative Association and the applicant was the other Ward Councillor for Rochester West.

760 Planning application - MC/15/4517 - The Salon, Bellerophon House, Doust Way, Rochester Kent ME1 1HH

Discussion:

The Head of Planning outlined the planning application and explained that whilst there was a desire for these premises to remain available for retail use in the long term, it was considered acceptable for the change of use to be approved for a temporary 5 year period.

Decision:

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

761 Planning application - MC/15/3987 - The Former Marine Public House, 7 River Street, Brompton, Gillingham ME7 5RJ

Discussion:

In the absence of the Chairman, the Vice Chairman took the Chair for consideration and determination of this planning application.

The Head of Planning outlined the planning application and advised the Committee that this application had originally been submitted for consideration on 20 January 2016 (Minute 652 refers) but had been deferred pending further information.

He referred to the supplementary agenda advice sheet and advised that the applicant had agreed to reduce the number of potential occupants of the proposed house in multiple occupation (HMO) to 9 individuals and he drew attention to a letter from the applicants appended to the supplementary agenda advice sheet.

The Head of Planning suggested that if the Committee was minded to approve the application, proposed conditions 4 and 5 be amended as follows:

4. The bedroom window within the first floor north-eastern side elevation, serving bedroom 3 as shown on drawing number 619-200B, shall be fitted with obscure glass and apart from any top-hung light, that has a cill

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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 property is brought into use 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.

- 5 Notwithstanding the submitted plans, a maximum of 9 people shall reside at the site at any time. A register of all tenants shall be maintained and available for inspection by the Local Authority at any time.

Reason: In order to define the intensity and nature of the use hereby permitted in the interests of the amenities of nearby residents and of residents of the site itself in accordance with Policy BNE2 of the Medway Local Plan 2003.

The Head of Planning advised the Committee that these premises had been vacant for some time and was considered too large for conversion from a public house to a single family dwelling. The application for conversion to a HMO had been assessed against Policy H7 of the Medway Local Plan 2003 which stated that HMOs would normally be permitted if the area was of mixed use or commercial character, located where increased traffic and activity would not adversely effect the amenity of the occupiers of nearby properties and the property was too large to reasonably expect its occupation by a single household.

With the agreement of the Committee, Councillor Mackness spoke on this application as Ward Councillor and outlined the concerns of local residents that:

- The applicants had failed to consider the views of local residents and works had already taken place at the application site without the benefit of planning permission;
- The application was to provide 'supported accommodation for vulnerable adults' but no information was available as to who would be providing such support;
- Residents were concerned as to the future occupiers of the premises in that they may be ex-offenders, drug or alcohol users or persons with mental health issues and it was considered that there were already a number of similar properties in Brompton providing support to vulnerable people;
- Concerns that the future occupants of the premises may be individuals from outside of Medway;
- Whilst there was an acceptance that there was a need for the provision of accommodation for vulnerable adults, such accommodation should be spread across the community and not concentrated in one area;
- The immediate area around the application site is residential and made up predominantly of self contained flats and houses and therefore the

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application does not accord with Policy H7 or Policy BNE2 of the Medway Local Plan 2003;

- Any future occupiers of the premises or support staff who use or own vehicles would exacerbate on street parking in the area; and
- Whilst it accepted that the premises was too large to be suited to a single family dwelling, residents would prefer to see the premises converted into 2 – 3 self contained flats.

The Committee discussed the application having regard to the concerns expressed by the Ward Councillor on behalf of local residents and, in particular, the suggestion that the property would be better suited to conversion to 2 – 3 self contained flats.

The Head of Planning suggested that if the Committee had a preference for the building to be converted into 2 – 3 self contained flats as opposed to a HMO it could defer a decision to enable officers to undertake discussions with the applicants.

The Committee noted the advice of the Head of Planning and it was suggested that if the application was deferred pending further discussions, officers also supply:

- information as to the location of other HMOs in Medway and whether any are located in predominantly residential areas;
- information on how similar HMO's offering care operate within Medway and how they interact with the community; and
- information as to the levels or staffing or care workers that will be providing support to the occupiers of the premises along with an assessment as to the likely impact upon on street parking.

Decision:

- a) Consideration of this application be deferred to enable officers to discuss with the applicants the possibility of the property being converted into 2 – 3 self contained flats as opposed to a House in Multiple Occupation;
- b) Should the application be resubmitted in its current format, officers provide the following additional information:
 - information as to the location of other houses in multiple occupation in Medway and whether any are located in a predominantly residential area;
 - information on how similar HMO's offering care operate within Medway and how they interact with the community; and
 - information as to the levels of staffing or care workers that will be providing support to the occupiers of the premises along with an assessment as to the likely impact upon on street parking.

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762 Planning application - MC/15/4507 - 8 Hudson Close, Rainham, Gillingham, ME8 0DE

Discussion:

The Planner outlined the planning application.

Decision:

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

763 Planning application - MC/15/2039 - 10 - 40 and 48 - 86 Corporation Street, Rochester ME1 1NN

Discussion:

The Head of Planning reminded the Committee that this application had originally been submitted for consideration on 18 November 2015 but had been deferred to enable further consideration to be given to issues relating to affordable housing and viability, design and parking.

He then outlined the application in detail and drew attention to a correction to the proposed Section 106 contribution towards mitigation against recreational disturbance as set out on page 66 of the agenda.

In addition, he advised that since despatch of the agenda, the applicant had advised that a minimum of 18 affordable units would be provided as part of the scheme but it was likely that more than 18 affordable units would be provided with HCA grant funding if the affordable housing was not controlled under a Section 106 Agreement.

He advised the Committee that a further Independent Viability Assessment had been undertaken to examine the level of Section 106 financial contributions that could be provided and the applicant was currently preparing a formal response to this assessment. Negotiations would now take place to finalise the financial contribution sought from the development and therefore it was suggested that if the Committee was minded to approve the application, the Head of Planning be granted delegated authority to finalise issues relating to the financial viability of the scheme and the Section 106 contributions.

The Committee discussed the application having regard to the prominent location of the application site in Rochester and its close proximity to the city centre and the new railway station.

Members referred to the level of parking proposed to serve the development and noted that 89 units would be provided served by 79 parking spaces. The Head of Planning drew attention to proposed condition 15 which required the applicants to supply to the Local Planning Authority a Parking Management Plan which would contain details of how the parking spaces within the

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development would be managed and preserved for use by future residents and their visitors.

In response to questions, the Head of Planning confirmed that the land to the rear of St Clements House would remain available for community use by the residents of St Clements House, which was not affected by this proposed development.

He also confirmed that the nearby Working Men's Club did not form part of the development site.

In response to queries as to the future of the tenants of the existing flats due to be demolished to make way for the new development, the Head of Planning advised the Committee that the applicants had confirmed that any residents from the existing flats that wished to be rehoused in the new development would be eligible to apply to be re-housed there.

A Member suggested that owing to the prominence of the application site and its proximity to the historic centre of Rochester, details of materials be submitted to the Committee for consideration.

Decision:

Approved subject to:

- a) The applicants signing a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure £12,379.74 towards Designated Habitats Mitigation;
- b) Conditions 1 – 25 as set out in the report for the reasons stated in the report.
- c) The Head of Planning be granted delegated authority to finalise issues relating to the Section 106 contributions having regard to the financial viability assessment.
- d) Details of the materials to be used in the construction of the development be submitted to the Committee for consideration.

764 MC/14/3784 - Land North of Moor Street - Update report

Discussion:

The Committee was advised that planning application MC/14/3784 for residential development at Land North of Moor Street had been received by the Council in December 2014 and that an appeal against the non determination of the application had been made in April 2015. The date of the appeal was scheduled for Tuesday 23 February.

Notwithstanding the appeal, the planning application had been reported to the Committee on 29 April 2015 following which it had been resolved that had the Council been in a position to determine the application, it would have been refused on eight grounds.

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The Head of Planning advised that since the decision of the Committee in April 2015, there had been a narrowing of some of the issues and some changes to the Local Planning Authority's assessment of the scheme. The Head of Planning had therefore submitted a detailed report updating Members on these developments prior to the commencement of the Planning Inquiry.

Decision:

- a) The content of the report be noted and it be confirmed that the appeal be defended on the basis of the update provided within the report specifically:
 - i) The withdrawal of putative reasons for refusal nos. 4, 5 and 7, subject to a satisfactory planning obligation and conditions;
 - ii) The substitution of scheme drawings as specified in paragraphs 3.3 of the report;
 - iii) Update to putative refusal reasons 1, 2, 3 and 8; and
 - iv) Update regarding housing land supply and the planning balance.

765 Appeals for the period October - December 2015

Discussion:

The Committee received a report setting out appeal decisions for the period October – December 2015.

Decision:

The Committee noted the report.

766 Exclusion of the press and public

The Committee agreed to ask the press and public to leave the meeting because the following items contained sensitive information relating to current legal proceedings. The information was considered to be exempt under paragraph 6 of part 1 of Schedule 12A of the Local Government Act 1972.

767 Derelict Buildings Report

Discussion:

The Committee received a report setting out action taken by the Derelict Buildings Officer for the period October – December 2015.

The Head of Planning drew attention to a number of specific sites.

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Decision:

The Committee noted the report and asked that two additional sites be added to the priority list for action.

768 Enforcement Report for the period October - December 2015

Discussion:

The Committee received a report setting out enforcement proceedings for the period October – December 2015.

Decision:

The Committee noted the report.

Chairman

Date:

Ellen Wright, Democratic Services Officer

Telephone: 01634 332012

Email: democratic.services@medway.gov.uk