

Medway Council
Meeting of Planning Committee
Wednesday, 9 March 2016
6.30pm to 10.12pm

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, Hicks (Vice-Chairman), McDonald, Potter, Royle, Saroy, Tejan, Tranter and Wildey

Substitutes: Councillors:
Maple (Substitute for Griffiths)

In Attendance: Doug Coleman, Senior Planner
Michael Edwards, Principal Transport Planner
Dave Harris, Head of Planning
Vicky Nutley, Planning and Licensing Lawyer
Sarah Platts, Planning Manager West
Councillor Andrew Mackness
Ellen Wright, Democratic Services Officer

814 Apologies for absence

Apologies for absence were received from Councillors Griffiths and Pendergast.

815 Record of meeting

The record of the meeting held on 10 February 2016 was agreed and signed by the Chairman as correct.

816 Urgent matters by reason of special circumstances

There were none.

817 Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

Councillor Tejan declared disclosable pecuniary interests in the following planning applications on the basis that he is Company Secretary of South Maritime Residents Ltd (Southco) and left the meeting for the consideration and determination of the applications:

- MC/15/3891 and MC/15/3892 – Galvanising Shop, East Road, Historic Dockyard, Chatham ME4 4TG

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- MC/15/4364 – St Mary's Island, Sectors 10, 11, 13 and 15 Chatham Maritime, Chatham Kent
- MC/15/3760 – Sectors 10, 11/15 and 13 Island Way West, St Mary's Island, Chatham Maritime, Chatham Kent

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 Carr referred to planning applications MC/15/3891 and MC/15/3892 both relating to Galvanising Shop, East Road, Historic Dockyard, Chatham ME4 4TG and advised that as he is a Trustee of the Historic Dockyard and serves on the Committee that deals with property issues he would not take part in the consideration and determination of these planning applications.

Councillor Maple left the room for the consideration and determination of the following planning applications on the basis that he is a Trustee on the Chatham Maritime Trust:

- MC/15/4364 – St Mary's Island, Sectors 10, 11, 13 and 15 Chatham Maritime, Chatham Kent
- MC/15/3760 – Sectors 10, 11/15 and 13 Island Way West, St Mary's Island, Chatham Maritime, Chatham Kent.

Councillor Potter referring to planning application MC/15/2914 (32 Knights Road, Hoo St Werburgh, Rochester) left the meeting for consideration and determination of this planning application on the basis that he knew the applicant.

Councillor Saroy left the room for the consideration and determination of the following planning applications on the basis that her employer has links to the applicant:

- MC/15/4364 – St Mary's Island, Sectors 10, 11, 13 and 15 Chatham Maritime, Chatham Kent
- MC/15/3760 – Sectors 10, 11/15 and 13 Island Way West, St Mary's Island, Chatham Maritime, Chatham Kent

Councillor Saroy also left the room for the consideration and determination of the following planning applications on the basis that the applicant was a friend:

- MC/16/0022 and MC/16/0023 – 542 Lower Rainham Road, Rainham, Gillingham ME8 7TP

The Head of Planning referred to planning application MC/15/4374 – 14 Wharf Lane, Cliffe ME3 7UE and advised the Committee that the applicant worked in the BASS Hub at Medway Council and assisted with planning administration.

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Therefore this planning application had been referred to the Committee for determination.

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

Discussion:

In the absence of the Chairman, the Vice Chairman chaired the meeting for this planning application.

The Head of Planning advised the Committee that consideration of this application had been deferred at the meeting of the Committee on 20 January 2016 when it had been decided to defer consideration pending further negotiations.

The application had been resubmitted to the Committee on 10 February 2016 when the application had been deferred again pending further negotiations and for further information to be supplied as to the number of Houses in Multiple Occupation (HMOs) in the immediate area, the existence and operation of similar supported HMOs and the number of staff that would attend on site on any day.

The Head of Planning advised the Committee that the applicants had now lodged an appeal against non determination of the application within the statutory period and, as a result, the decision on the planning application was now in the hands of the Planning Inspectorate. However, the Committee still needed to take a view on the application and indicate what its decision would have been if it were in a position to determine the planning application.

The Head of Planning reminded the Committee that when reporting the planning application on 10 February, the applicants had, at that time, agreed to reduce occupancy of the HMO from 15 to 9 persons. However, the applicants had now rescinded this offer and were seeking permission for occupancy of up to 15 individuals. He reassured the Committee that if it was minded to indicate approval of the application, it could continue to do so on the basis of occupancy levels being restricted to 9 individuals and therefore proposed condition 5 had been retained to reflect this.

The Head of Planning referred to the supplementary agenda advice sheet which set out the information on HMOs requested by the Committee on 10 February 2016.

The Committee discussed the application and considered it unfortunate that the applicant had decided to appeal against non determination and furthermore rescind its offer of reducing the occupancy number from 15 to 9.

Members discussed the additional information supplied on the number of licensed HMO's across Medway and considered that this was useful in helping to determine the planning application.

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The Committee noted that at the meeting on 10 February, the local Ward Councillor had outlined the concerns of local residents and their wish for the premises to be converted into 2 – 3 self contained units rather than a HMO but that as the applicant had now appealed against non determination, the Committee was required to consider the application placed before it.

Decision:

If Medway Council had been in a position to determine the application, it would have been approved subject to the following:

- A) The applicants signing a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure £223.58 towards Designated Habitats Mitigation; and
- B) Conditions 1 – 5 as set out in the report for the reasons stated in the report.

819 Planning application - MC/15/3891 - Galvanising Shop, East Road, Historic Dockyard, Chatham, ME4 4TG

Discussion:

The Head of Planning outlined the planning applications for both MC/15/3891 and MC/15/3892. He advised the Committee that although the applicant was the University of Kent, the premises would not be operated for or by a Student Union as such facilities were in the process of being provided at the University Campus. He informed the Committee that the premises had been granted planning permission in 1984 for use as a Visitor Centre and could therefore be used for educational use without planning permission. The University currently utilise the space within the premises for art workshops, exhibitions and performance/rehearsal space and the projection of film.

In outlining the current proposals, the Head of Planning drew attention to a proposed new condition for MC/15/3891 as set out on the supplementary agenda advice sheet requiring the installation of secondary double glazing and the provision of an internal lobby.

With the agreement of the Committee Councillor Mackness spoke on the planning applications as Ward Councillor and expressed the following concerns:

- No consultation had been undertaken with local residents on the proposals or the proposed hours of use.
- No account has been taken of the affect of the proposals on the adjacent residential community.
- Complaints have already been submitted by residents to Dockyard Security, Medway Council and the Historic Dockyard concerning noise nuisance arising from doors being left open and loud music being played until late.

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- Concern that the applications are retrospective on the basis that the premises is already being used for performance of music and he did not agree that it fell within the same planning class as a visitor centre.
- Should the Committee be minded to approve the applications, consideration be given to requiring music to cease at 9pm and, on the basis that the use is intended for students, performances be limited to term time and not permitted for the full 12 months.
- If the applications are approved and the applicant applies to the Licensing Committee, consideration be given to a clause being added that no performance shall take place outside of the building on the basis that the site is adjacent to residential properties.

The Committee discussed the applications having regard to the concerns expressed by the Ward Councillor and, in response to questions and the issues raised by the Ward Councillor, the Head of Planning advised:

- The premises will be a University building and therefore live performances will be predominantly provided by students but if the University wishes to stage a reception, it was possible that a professional band would be used and the event attended by visitors.
- Rehearsal space fell within the same planning use class as a Visitor Centre and therefore it was not considered that either application was retrospective.
- The planning applications had been advertised on site and in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. Having regard to the site plan included within the agenda, the Head of Planning confirmed that the number of consultation letters sent out would have been few in number.
- The applications had also been the subject consultations internally with the Council's Environmental Health Team and no information had been supplied as to complaints received from local residents.
- In considering the planning applications prior to their submission to the Committee for consideration, discussions had taken place with the Historic Dockyard and the Historic Dockyard had confirmed that not only had they not received any complaints from residents but they had also discussed the proposals at a meeting with residents.
- The Historic Dockyard controlled the Dockyard as a whole and valued both its relationship with the University and local residents. Therefore the Historic Dockyard had encouraged provision of secondary glazing within the premises even though there had not been any complaints from residents.
- Buildings between the application site and the closest residential properties would serve to both screen and baffle any noise.
- The hours stated in the application may not be used every night but would offer the University the potential of having the full hours of use if staging a reception or a performance. Such hours reflected hours operated elsewhere in the Historic Dockyard. In addition, as the premises may be used for post graduates, it was not considered appropriate to restrict the use to term time only.

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The Committee noted the points raised and gave particular attention as to whether or not to restrict the hours of use of the facility.

Arising from discussions, it was suggested that should the Committee be minded to approve the application, an informative be added to the planning permission advising that there is an expectation that the applicant and the Historic Dockyard will work with the local residents to protect amenities.

Decision:

Approved with conditions 1 - 3 as set out in the report for the reasons stated in the report and a new condition 4 and informative as set out below:

4. The improved and enhanced performance /rehearsal space shall not be brought into use until:
 - additional secondary glazing has been installed in accordance with details submitted to and approved in writing by the Local Planning Authority.
 - The internal lobby shown on the plans hereby approved has been provided.

The approved details shall thereafter be retained.

Reason: In the interests of residential amenity and to comply with Policy BNE2 of the Medway Local Plan 2003

Informative:

The applicant/Dockyard Trust is advised to keep details of any complaints regarding disturbance relating to the use of the Galvanising shop and to positively engage with residents on measures to satisfactorily address any complaints received. To assist future planning and licencing applications a record should be kept of the complaints and responses.

820 Planning application - MC/15/3892 - Galvanising Shop, East Road, Historic Dockyard, Chatham, ME4 4TG

Discussion:

The Head of Planning advised that this planning application related to Listed Building Consent in relation to planning application MC/15/3891.

Decision:

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

821 Planning application - MC/15/4364 - St Marys Island, Sectors 10, 11, 13 And 15, Chatham Maritime, Chatham, Kent

Discussion:

The Head of Planning advised the Committee that this application sought to replace the existing affordable housing obligation of 97 affordable housing units by reducing the number of affordable dwellings from 35 to 18. The application therefore sought to modify the Section 106 agreement on the grounds of financial non-viability and was made pursuant to Section 106BA.

It was confirmed that the financial viability assessment had been independently reviewed on the Council's behalf.

The Committee discussed the application and noted that whilst the reduction in the number of affordable dwellings was not ideal, the scheme would retain the extra care units and a mix of affordable housing and shared ownership dwellings.

Decision:

The application made under Section 106BA of the Town and Country Planning Act 1990 (as amended) by entering into a deed of variation with the applicant to secure the revised affordable housing proposal consisting of 62 extra care units (based on 60% affordable rent/40% Shared Ownership basis) and 18 Shared Ownership dwellings be approved.

822 Planning application - MC/15/3760 - Sectors 10,11/15 and 13 Island Way West, St Marys Island, Chatham Maritime, Chatham, Kent

Discussion:

The Head of Planning outlined the planning application in detail.

Decision:

Approved subject to:

- A) The applicant entering into an agreement under the terms of S106 of the Town and Country Planning Act 1990 to secure £12,073.32 towards the interim measures required by Natural England to secure the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM), produced by Footprint Ecology in July 2014, including any associated costs in anticipation of:
- An administrative body being identified to manage the strategic tariff collected by the local authorities;
 - A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach;

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- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development; and

B) Conditions 1 – 12 as set out in the report for the reasons stated in the report.

823 Planning application - MC/15/4245 - Watermill Wharf, Canal Road, Strood, Rochester, ME2 4DR

Discussion:

The Head of Planning outlined the planning application in detail and in particular referred to the type of facility to be provided on site, how it would fit in with the surrounding environment and the proposal for the storage units to be clad in a mixture of larch slats and mesh panelling.

The Committee discussed the application and made reference to a recent visit to Trinity Buoy Wharf where it had been possible to view use of shipping containers for a wide variety of uses.

Whilst the Committee was generally supportive of the application, there was some reservation about the proposed cladding, particularly having regard to the sites proximity to the river and the affect that the salt air may have upon the larch cladding.

The Head of Planning advised that whilst it had been hoped that a sample of the cladding materials would be available for display at the meeting unfortunately, these had not been forthcoming. Reflecting concerns of Members regarding future maintenance, he suggested that if the Committee was minded to approve the application, proposed condition 3 be amended to require details of future maintenance of the external materials and then when submitted, the details and samples of all materials to be reported back to the Committee.

Decision:

- A) Approved with conditions 1 and 2 and 4 – 10 as set out in the report for the reasons stated in the report and condition 3 revised as follows:
3. No development shall take place until details and samples of all materials to be used externally, together with details of a scheme of maintenance, has been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

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Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with BNE1 of the Medway Local Plan 2003.

- B) The details and samples of all materials to be used externally be reported back to the Committee for determination.

824 Planning application - MC/15/3751 - 132 Cooling Road, Strood, Rochester, ME2 4RT

Discussion:

The Head of Planning drew attention to a correction to the representations section of the report in that the comments attributed to Councillor Hicks should not have been included within the report as they implied that Councillor Hicks had expressed a view upon the application whereas he had just requested that the planning application be referred to the Committee for determination and not dealt with under officer's delegated powers.

The Planning Manager – West outlined the planning application in detail and advised that since despatch of the agenda a further representation had been received from the Councillor Williams as Ward Councillor objecting to the proposed development. A summary of the objection was set out on the supplementary agenda advice sheet.

Members discussed the application and expressed concern that the proposed development of a chalet bungalow on this site would be an overdevelopment of the site which would result in a cramped development which is out of character for the area and would result in loss of amenity to the occupiers of adjoining properties. Furthermore, concern was expressed that the proposed property would have no direct frontage onto a highway and, with its access being along a rear track which was not of a standard that could be adopted or considered to be a reasonable private road, resulted in unacceptable backland development.

Decision:

Refused on the following ground:

The proposal represents unacceptable backland development with the resultant loss of garden land for the following reasons:

1. It has no proper frontage to a highway which is any more than a rear track and is neither to adoptable standard nor represents a reasonable private road.
2. The loss of the garden will result in a development very cramped in nature and out of character with the area.
3. The cramped nature will be detrimental to the amenities of occupiers of adjoining properties.

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The proposal is therefore contrary to the provisions of Policies BNE1, BNE2 and H9 of the Medway Local Plan 2003 and paragraphs 48 and 53 of the NPPF.

825 Planning application - MC/15/2914 - 32 Knights Road, Hoo St Werburgh, Rochester, ME3 9DS

Discussion:

The Planning Manager – West outlined the planning application in detail.

Decision:

Approved subject to the following:

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

826 Planning application - MC/15/4374 - 14 Wharf Lane, Cliffe, ME3 7UE

Discussion:

The Senior Planner outlined the application in detail and suggested that if the Committee was minded to approve the planning application, as additional condition 14 be approved as set out on the supplementary agenda advice sheet.

The Committee discussed the application and noted that the access into the site had been designed so as to be sufficiently wide to permit access for refuse vehicles and therefore would also be suitable for emergency vehicles.

Decision:

Approved subject to the following:

- A) The applicant signing a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure £894.32 (£223.58 per dwelling) towards Designated Habitats Mitigation.
- B) Conditions 1 – 13 as set out in the report for the reasons stated in the report and new condition 14 as set out below:
 - 14. No part of the development herein approved shall be occupied until the section of Wharf Lane between the junction with Reed Street and the entrance to the application site has been improved

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in accordance with details to be agreed in writing with the Local Planning Authority.

Reason: In the interest of the amenity of the occupiers of the proposed dwellings and in accordance with Policy BNE2 of the Medway Local Plan 2003.

827 Planning application - MC/15/2835 - The Railway, 113 Station Road, Rainham, Gillingham, ME8 7SF

Discussion:

The Senior Planner outlined the planning application in detail and referred to the reasons why the application was being recommended for refusal.

The Committee discussed the application and expressed the view that this was a missed opportunity for the applicant to bring the public house back into use as the current application as submitted was an overdevelopment of the site and overbearing. Members also expressed concern that the proposed roof-top garden would have a detrimental affect upon the occupiers of neighbouring properties.

Decision:

Refused on grounds 1 – 3 as set out in the report.

828 Planning application - MC/15/4461 - Gemini House, Maritime Close, Medway City Estate, Rochester, ME2 4DJ

Discussion:

The Planning Manager – West outlined the planning application in detail and in response to questions confirmed that if approved, the mobile hot food trailer would be sited at the location permanently as opposed to pitching up on site each day.

The Committee discussed the application having regard to the concerns set out in the report by those having submitted representations. It was suggested that if the Committee was minded to approve the application, such approval be for a temporary period of 12 months to enable the effect of the location of a mobile hot food trailer at this site to be reviewed after the 12 month period, that the planning permission be personalised to the applicant and that a suitable condition be imposed to require removal of refuse from the site.

Decision:

Approved subject to revised condition 1 as set out below, conditions 2 – 5 as set out in the report for the reasons stated in the report and new condition 6 as set out below:

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1. The use of the mobile trailer for the sale of hot food hereby permitted shall be used only by the applicant, Miss Roger. The mobile hot food trailer shall cease operation on or before 1 April 2017 and the mobile trailer and any materials and equipment brought onto the site in connection with the use shall be removed.

Reason: To allow the Local Planning Authority an opportunity to assess the effect of the development on the amenity of the surrounding area in accordance with Policy BNE1 of the Medway Local Plan 2003.

6. Prior to the first use of the mobile trailer for sale of hot food, details of the refuse storage arrangements for that use shall be submitted to and approved in writing by the Local Planning Authority. The approved storage arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse in accordance with Policy BNE2 of the Medway Local Plan 2003.

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

Discussion:

The Planning Manager – West outlined the planning application in detail and advised that since despatch of the agenda a letter removing an objection had been received from the neighbours at No. 1 Ridley Road as the amended plans involved revisions to ensure that the proposed roof terrace and raised garden area ensured a neighbourly separation between the application site and the property at No. 1. The objection had therefore been withdrawn regarding overlooking and loss of light subject to the imposition of a condition precluding the use of the garage roof for storage or raising its roof to incorporate storage in the garage.

It was therefore suggested that if the Committee was minded to approve the application, two new conditions numbered 8 and 9 be approved as set out below:

8. No part of the garage roof, other than the timber deck terrace shown on plan no. 111c received 12 February 2016 shall be used as a terrace area at any time.

Reason: In order to prevent unacceptable overlooking into the neighbouring property, in accordance with Policy BNE2 of the Medway Local Plan.

9. Prior to first use of the timber deck terrace, screening shall be erected along the south-east side boundary of the garage, as shown on plan no. 140a received 12 February 2016 and the

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screening shall be retained and maintained at that height thereafter.

Reason: To prevent unacceptable overlooking into the neighbouring property, in accordance with Policy BNE2 of the Medway Local Plan.

The Committee discussed the application and in particular referred to the materials to be used for the garage roof.

The Planning Manager – West described the application site referring in particular to the land levels. It was suggested that if the Committee was concerned regarding possible overlooking, it was possible to extend the length of the proposed screening referred to in proposed condition 9.

A Member suggested that as it was difficult to assess the scheme from the photographs displayed as part of the presentation and the plans supplied, a site visit be held so that Members could assess the application on site.

Decision:

Consideration of the application be deferred pending a site visit.

830 Planning application - MC/16/0022 - 542 Lower Rainham Road, Rainham, Gillingham, ME8 7TP

Discussion:

The Planning Manager – West outlined the planning application in detail.

Decision:

Approved with conditions 1 and 2 as set out in the report for the reasons stated in the report.

831 Planning application - MC/16/0023 - 542 Lower Rainham Road, Rainham, Gillingham, ME8 7TP

Discussion:

The Planning Manager – West outlined the planning application in detail.

Decision:

Approved with conditions 1 – 8 as set out in the report for the reasons stated in the report.

832 Response to DCLG Consultation on Proposed Changes to National Planning Policy

Discussion:

The Head of Planning submitted a report setting out information on the recent DCLG consultation on proposed changes to the National Planning Policy Framework and advising upon the response which had been submitted by the Council.

Decision:

The Committee noted the report.

833 Exclusion of the Press and Public

The Committee agreed to ask the press and public to leave the meeting because the following item 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.

834 Section 215 Enforcement

Discussion:

The Environmental Services Manager reported upon the action taken by the Environmental Enforcement Team with regard to Section 215 issues in the second quarter of 2015/16.

In response to questions, the Environmental Services Manager agreed to respond direct to a Member on those cases which were now closed in Twydall Ward.

Decision:

The Committee noted the report and expressed its appreciation to the Environmental Services Team for the work undertaken.

Chairman

Date:

Ellen Wright, Democratic Services Officer

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