

Medway Council
Meeting of Planning Committee
Wednesday, 21 September 2016
6.30pm to 9.05pm

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), Royle, Griffiths, McDonald, Pendergast, Potter, Tejan, Tranter and Wicks
- Substitutes:** Councillors:
Gulvin (Substitute for Etheridge)
Johnson (Substitute for Gilry)
Purdy (Substitute for Hicks)
- In Attendance:** Councillor Rodney Chambers, OBE
Councillor Matt Fearn
Jan Guyler, Head of Legal Services/Deputy Monitoring Officer
Dave Harris, Head of Planning
Paul Ives, Senior Planner
Madeline Mead, Derelict Buildings Officer
Councillor Julie Shaw, Labour Group Whip
Ellen Wright, Democratic Services Officer

293 Apologies for absence

Apologies for absence were received from Councillors Etheridge, Hicks and Gilry.

294 Record of meeting

The record of the meeting held on 24 August 2016 was agreed and signed by the Chairman as correct.

295 Urgent matters by reason of special circumstances

There were none.

296 Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

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Other interests

There were none.

297 Planning application - MC/16/1847 - 94 - 100 High Street, Chatham ME4 4DS

Discussion:

The Head of Planning outlined the planning application and reminded the Committee that this application had been considered on 24 August 2016 following which it had been decided to defer consideration of the application pending further work on the proposed Section 106 agreement.

He advised the Committee that following further consultations, the proposed Section 106 agreement now included requested contributions for education and health. He explained the reasons why these had not originally been included within the report submitted to the Committee on 24 August 2016 and referred to the reasons for the requested contributions as set out on the supplementary agenda advice sheet.

He also drew attention to the supplementary agenda advice sheet which set out a revised full schedule of proposed Section 106 heads of agreement.

In response to a question as to the existing windows in the building fronting onto the High Street, the Head of Planning confirmed that the applicant was in the process of changing the UPVC windows and would be undertaking repairs to other existing windows.

Decision:

Approved subject to:

- A) The applicant entering into a Section 106 agreement to secure the following:
1. The development as 'Car Free', by precluding future occupiers from obtaining parking permits, including if required an undertaking to pay the Council's costs in regard to amending the relevant Traffic Regulation Order to preclude future occupiers of the development from obtaining such parking permits;
 2. An open space contribution of £18,305.60 based on an occupancy ratio of 1.33 for the one bedroom units, 2.44 for the two bedroom units and 3.59 for the three & four bedroom units and a contribution of £544 per person to be spent on improvements to the Town Hall Gardens and/or Chatham Riverside, to encourage healthy communities.

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3. A heritage contribution of £7,840.45 based on an occupancy ratio of 1.33 for the one bedroom units, 2.44 for the two bedroom units and 3.59 for the three & four bedroom units and a contribution of £233 per person to be spent at the Old Brook Pumping Station, to help safeguard the provision of a cultural, heritage facility.
 4. A contribution of £3,577.282 (£223.58 per unit) towards appropriate mitigation measures within Special Protection Areas.
 5. A contribution of £1,747.20 based on an occupancy ratio of 0.03 for the 7 x two, three and four bedroom flats towards the provision of nursery school facilities.
 6. A contribution of £5,241.60 based on an occupancy ratio of 0.09 for the 7 x two, three and four bedroom flats towards the provision of primary school facilities.
 7. A contribution of £5,023.20 based on an occupancy ratio of 0.06 for the 7 x two, three and four bedroom flats towards the provision of secondary school facilities.
 8. A contribution of £1,674.40 based on an occupancy ratio of 0.02 for the 7 x two, three and four bedroom flats towards the provision of sixth form school facilities.
 9. A contribution of £6,419.51 based on an occupancy ratio of 1.33 for the 9 x one bedroom flats; 2.44 for the 3 x two bedroom flats, 3.59 for the 3 x three flats and 3.59 for the 1 x four bedroom flat towards the provision of local health facilities.
- B) Conditions 1 – 11 as set out in the report for the reasons stated in the report.

298 Planning application - MC/16/2593 - 66 Birch Grove, Hempstead, Gillingham ME7 3RB

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 19 September 2016 at which the case officer had explained the application, summarised the representations received and set out the planning issues for consideration as they related to street scene, character of the area and residential amenity.

He drew attention to the supplementary agenda advice sheet which set out a summary of the concerns raised by neighbouring residents.

Responding to concerns raised at the site visit, the Head of Planning clarified the measurements of the proposed extensions, details of which were set out on

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the supplementary agenda advice sheet. In addition, he confirmed that there was no planning history for the application property.

He also reported upon a change to the section of the report titled 'Design and Street Scene' to state that Birch Grove was within the urban area as defined in the Local Plan and the street was residential in character, with the section that comprised the application property being characterised by semi detached properties.

In response to concerns that there was inadequate parking provision to serve the property, the Head of Planning suggested that if the Committee was minded to approve the application, a new condition 5 be approved to require that prior to commencement of the development, the applicant provide information to the Local Planning Authority of details as to how two off street parking spaces could be provided on site.

With the agreement of the Committee, Councillor Rodney Chambers spoke on this planning application as Ward Councillor and expressed concern that the proposed extensions would have a significant impact on the street scene as Birch Grove was primarily a road of semi detached dwellings with gaps between the properties to provide an open aspect. Therefore, to approve a side extension to this property would create a terracing effect which could create a precedent that over time would change the whole character of the street. In addition, he expressed concern that the proposed extensions were bulky and the occupiers at No. 64, being sited to the North of the application property would suffer loss of light to their bedroom.

The Committee discussed the planning application having regard to the wishes of the applicant to extend their existing property and balancing such request with the effect that the extensions would have upon the property and its location in the street scene and the effect upon the neighbouring property at No. 64. The Committee also had regard to other properties that had been extended in Birch Grove.

Decision:

Refused on the following ground:

The proposal represents an overdevelopment of the site due to the following:

- The proposed side extension will substantially close the gap between properties at first floor level, setting a precedent that will change and harm the character of the immediate area and street scene which is characterised by semi detached properties set apart with space at first floor level.
- The rear extension will result in an unacceptable loss of light and outlook that the occupiers of the neighbouring property at 64 Birch Grove can reasonably expect to enjoy.

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- The application is therefore contrary to the provisions of Policies BNE1 and BNE2 of the Medway Local Plan 2003.

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

Discussion:

The Senior Planner outlined the planning application and advised the Committee that the application site was located on the boundary of a Conservation Area. He advised the Committee that, if the application was approved, it would result in the loss of a number of trees but advised that the applicant would be providing a planting scheme to replace the trees and would also provide replacement trees elsewhere in Chatham Central Ward.

With the agreement of the Committee Councillor Shaw spoke on this application as Ward Councillor and advised that Ward Councillors had been approached by residents who were concerned about this planning application, She therefore requested that the Committee defer consideration and arrange a site visit to view the application site.

Decision:

Consideration of this application be deferred pending a site visit.

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

Discussion:

The Head of Planning outlined the planning application and referred to a similar application (MC/15/2349) which had been refused on 23 September 2015.

He advised the Committee that the applicant had now addressed previous concerns relating to drainage and had offered to undertake additional landscaping which was addressed under proposed condition 2.

The Chairman informed the Committee that Councillor Freshwater had expressed a wish to attend the Committee and speak on this planning application as Ward Councillor but unfortunately had been unable to attend. However, he had supplied a written statement and had requested that this be read out on his behalf by Councillor Pendergast.

With the agreement of the Committee, Councillor Pendergast read of the statement supplied by Councillor Freshwater drawing attention to the concerns of the residents at No. 13 Rochester Crescent following the relocation of steps from the previous location adjacent to No. 17 to a new location adjacent to No. 13. Councillor Freshwater had therefore asked that the Committee defer consideration and undertake a site visit.

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Decision:

Consideration of the application be deferred pending a site visit.

301 Planning application - MC/16/3269 - 32 Gorse Avenue, Weeds Wood, Chatham ME5 0UG

Discussion:

The Head of Planning outlined the planning application and referred to previous planning applications (MC/12/2968 and MC/13/0977) considered on 6 February 2013 and 16 July 2013, both of which had been refused and subsequently dismissed at appeal.

He informed the Committee that the applicant had now sought to address the concerns raised on the previous two applications by the submission of the current application.

He advised that the proposed parking provision fell below the Council's approved parking standards but as the application was centrally located it was considered that the site could accommodate a lesser level of parking provision.

The Committee discussed the planning application and expressed concern that the application presented an overdevelopment of the site, unacceptable overlooking of the property at No 30 Gorse Avenue and a lack of parking provision.

Decision:

Refused on the following ground:

The proposal represents an unacceptable overdevelopment of the site due to overlooking of the neighbouring property at 30 Gorse Avenue from the proposed first floor bedroom window and the lack of sufficient off street car parking to serve the needs of the existing and proposed properties that will then exacerbate competition for on street parking in the area that will be detrimental to the amenities of existing residents in the area. The proposal is therefore contrary to the provisions of Policy BNE2 of the Medway Local Plan 2003.

302 Planning application - MC/16/2843 - Land at rear of 48 Cambridge Road, Strood, Rochester ME2 3HW

Discussion:

The Senior Planner outlined the planning application and advised the Committee that this application site had been the subject of several planning applications seeking to demolish the existing building and replace it with a new dwelling. He referred to a similar application (MC/15/0212) which had been refused on 31 March 2015 and then subsequently dismissed at appeal on 8 September 2015.

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He advised the Committee that the concerns of the Planning Inspector has now been addressed by the applicant in the current planning application.

Decision:

Approved subject to:

- A) A Section 106 (unilateral) being submitted and agreed to provide a contribution of £223.58 towards wildlife mitigation, plus legal and monitoring costs
- B) Conditions 1 – 4 as set out in the report for the reasons stated in the report.

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

Discussion:

The Senior Planner outlined the planning application in detail.

Attention was drawn to the supplementary agenda advice sheet which stated that since despatch of the agenda one additional representation had been received from a neighbour to the North at No. 53 raising no objection to the proposed development as other properties had been extended in the past in different ways.

With the agreement of the Committee, Councillor Fearn spoke on this application as Ward Councillor and he advised the Committee that he was representing the concerns of the resident at No. 49 Ladywood Road. He stated that the resident was concerned that the proposed loft conversion at No. 51 would create overlooking and loss of privacy. He also sought clarification as to a discrepancy in the committee report relating to the number of roof windows to be provided as part of the proposed development.

Councillor Fearn requested that the Committee defer consideration and undertake a site visit for this application so as to assess the street scene and the potential overlooking.

The Committee discussed the application and a number of Members questioned the need to undertake a site visit when it was possible to view the street scene from accessing Ladywood Road on Google Maps.

The Committee discussed the use of Google Maps when assessing planning applications and concern was expressed regarding use of this data by some Members of the Committee as it was considered that the whole Committee needed to determine an application based on the same information.

In response, the Head of Planning advised the Committee that the Council was currently undergoing a programme of digital transformation and one project

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would include the way in which information was presented at Planning Committee meetings with a view to making use of video footage of the application site and street scene as opposed to just plans and static photographs. This would assist the Committee and ensure that all information was available to all Members of the Committee.

In respect of the issue of site visits, some Members expressed the view that attending a site visit enabled Committee Members to see the site first hand and to speak to the applicant and objectors and therefore on some occasions, site visits were an important part of the process of considering a planning application.

Decision:

Consideration of the application be deferred pending a site visit.

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

Discussion:

The Head of Planning outlined the planning application and advised the Committee that since despatch of the agenda an amended site plan had been received which correctly outlined in red the application site. This plan was displayed at the meeting as part of the presentation.

He advised the Committee that the public house on this site had been closed for some time and was located at the end of a narrow residential street. Therefore, the proposed conversion of the building for residential accommodation would result in a less intensive use than the former public house.

The Committee discussed the application and expressed concern as to the number of proposed dwellings, the internal layout of the rooms with the bathrooms being on the ground floor and the lack of parking provision having regard to the existing pressure on parking in Layfield Road by residents.

A Member drew attention to page 83 of the Committee report and sought clarification as to the proposed properties to be provided. The Head of Planning confirmed that the proposal was for 2 x 1 bed roomed and 1 x 2 bed roomed dwellings.

The Committee expressed the view that although it supported the principle of the conversion of the former public house into residential dwellings, it would like Officers to undertake further negotiations with the applicant as to the concerns expressed.

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Decision:

Consideration of this application be deferred to enable Officers to undertake further discussions with the applicant on the proposed development.

305 Planning application - MC/16/2384 - 378 High Street Rochester ME1 1DJ

Discussion:

The Head of Planning outlined the planning application and in response to questions confirmed that there was an access to the rear of the property which could be used for deliveries, therefore deliveries to the premises could be either at the front or rear of the property.

He drew attention to a piece of land at the rear of the application site which was overgrown and needed attention but confirmed that this did not form part of the application site for this particular planning application.

A Member referred to the description of the planning application as a Public House/Micropub and suggested that it would be helpful for the Committee to have a specific definition of a micropub in future reports.

Decision:

Approved with conditions 1 – 5 as set out in the report for the reasons stated in the report.

306 Planning application - MC/16/2422 - 49 High Street, Gillingham ME7 1BQ

Discussion:

The Head of Planning outlined the planning application in detail and advised the Committee that the proposed location of the hot food takeaway was predominantly a retail area.

He drew attention to the 'Hot Food Takeaways in Medway' Guidance Note 2014 which stated that if an application property was within 400m of a school, restrictions on opening hours would apply. However, he advised that such restriction did not apply to sites that were located in town centres designated in the Medway Local Plan 2003 and therefore the restricted opening hours did not apply to this particular application (paragraph 5.15 of the Hot Food takeaways in Medway : A Guidance Note 2014).

The Committee discussed this application and expressed concern that whilst this section of the High Street may be predominantly retail, an increasing number of retail outlets were selling food products and in addition there were a number of food outlets and hot food takeaways located in nearby Skinner Street and Canterbury Street. The proposed change of use at this particular site to class A5 use (hot food takeaway) would further reduce the non A1 retail

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uses in this part of the High Street and this was considered to be detrimental to the vitality of the Town Centre.

As the application site was located close to three educational establishments, it was not considered that another hot food takeaway should be granted planning permission as this would prejudice the Council's health eating agenda set out in the Hot Food takeaways in Medway : A Guidance Note 2014.

The Head of Planning reminded the Committee that Members of the Planning Committee had been involved in the production of the Hot Food takeaways in Medway : A Guidance Note 2014 and therefore if it was now the wish of the Committee to have the document reviewed this would be possible. However, at the current time the Guidance Note was in place to help to determine planning applications.

Decision:

Refused on the following ground:

The proposed change of use to a hot food take away use (class A5) would further reduce the non A1 retail uses in this part of the High Street below the level set out in the Council's adopted "Hot Food Takeaways in Medway – a Guidance Note" adopted in 2014 and with other takeaways, including hot and cold food served from A1 units, would both prejudice the vitality of Gillingham Town Centre and well as prejudicing the Council's healthy eating agenda as set out in the Guidance Note above. The proposal is therefore contrary to both the Guidance note and Policies R5 and R17 of the Medway Local Plan 2003.

307 Planning application - MC/16/57 - 57 Bettescombe Road, Rainham, Gillingham ME8 9AY

Discussion:

The Senior Planner outlined the planning application in detail.

Decision:

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

308 Star Hill to Sun Pier Conservation Area Appraisal

Discussion:

The Committee received a copy of the draft 'Star Hill to Sun Pier Conservation Area Appraisal'.

The appraisal would be a document which, when approved, would be used to assist the Council and others in judging whether development proposals preserved or enhanced the character or appearance of the area and helped to

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ensure that the architectural and historic significance of the area was taken into account when considering development proposals.

A management plan accompanied the appraisal which set out a strategy for preserving and enhancing the special character of the area.

Decision:

The production of a draft Star Hill to Sun Pier Conservation Area Appraisal be noted and it also be noted that this document will be the subject of consultation with the public and stakeholders.

309 Star Hill to Sun Pier Public Realm Design Guide

Discussion:

The Committee received a copy of the draft 'Star Hill to Sun Pier Public Realm Guide'.

The Public Realm Guide supplemented the draft Conservation Area Appraisal and would constitute a design guide for the Council and developers with regard to paving materials and junction design. The document also provided further guidance for developers on the establishment of a river walk and provided an audit of historic paving materials used in historic alleyways between the river and the High Street and required these to be kept as a condition of development proposals.

Decision:

The production of a draft Star Hill to Sun Pier Public Realm Guide be noted and it also be noted that this document will be the subject of consultation with the public and stakeholders.

310 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.

311 Section 215 Enforcement

Discussion:

The Committee received a report setting out Section 215 enforcement for the period October 2015 – March 2016.

Decision:

The Committee noted the report.

312 Derelict Buildings Report - January - June 2016

Discussion:

The Committee received a report setting out information on derelict buildings for the period January – June 2016.

Decision:

The Committee noted the report.

313 Enforcement Proceedings

Discussion:

The committee received a report setting out enforcement proceedings during the period 1 January – 30 June 2016.

Decision:

The Committee noted the report.

Chairman

Date:

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