

Medway Council
Meeting of Planning Committee
Wednesday, 14 December 2016
6.30pm to 8.00pm

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), Gilry, Royle, Griffiths, Etheridge, Hicks (Vice-Chairman), McDonald, Pendergast, Potter, Tejan, Tranter and Wicks

In Attendance: Michael Edwards, Principal Transport Planner
Dave Harris, Head of Planning
Paul Ives, Senior Planner
Vicky Nutley, Planning and Licensing Lawyer
Ellen Wright, Democratic Services Officer

535 Apologies for absence

There were none.

536 Record of meeting

The record of the meeting held on 16 November 2016 was agreed and signed by the Chairman as correct.

The Committee noted that since the meeting on 16 November 2016, planning application MC/16/3243 had been amended in line with the Committee's wishes and therefore the Head of Planning had approved the planning application in accordance with the decision of the Committee (Minute 455 refers).

In respect of planning application MC/16/3577 (55 Luton High Street, Chatham), the Committee noted the refusal ground approved in consultation with the Chairman and Group Spokes as follows:

The proposed take away is on a short busy section of Luton High Street close to the roundabout with Capstone Road, a light controlled crossing and opposite residential properties. While 4 off street parking spaces are proposed, the proposed use by its very nature will attract a high volume of short term visitors which will result in an intensification of the access onto Luton High Street, which may also (due to the limited number of spaces) result in vehicles having to reverse out onto Luton

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High Street. In addition, experience with such take-away's is that customers do not want to walk any distance to the premises and if there are no parking spaces available, will park on the High Street immediately outside the premises. The combination of the intensification of the access, the competition for limited spaces, the likelihood of vehicles having to reverse back onto the highway and vehicles parking on the road (irrespective of double yellow lines) will result in an unacceptable hazard to traffic with the potential for accidents. The proposal is therefore contrary to the provisions of Policies T2 and R18 of the Medway Local Plan 2003.

537 Urgent matters by reason of special circumstances

There were none.

538 Chairman's announcements

The Chairman advised the Committee that the following planning applications had been withdrawn from the agenda and would therefore not be discussed at this meeting:

MC/16/2653 Elmsleigh Lodge, 118 Maidstone Road, Chatham
MC/16/3566 – Land to the rear of 21 – 23 Asquith Road, Rainham
MC/16/3567 – Block of Garages, land to the rear of 21 – 23 Asquith Road, Rainham

539 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/16/4274 – The Royal Marine, 7 River Street, Brompton, Gillingham and advised the Committee that although she had not discussed this planning application with anyone she had been approached by a resident when this application had previously been before the Committee and therefore she would vacate the Chair and withdraw from the meeting for the consideration and determination of the application. In the absence of the Chairman, the Vice Chairman chaired the meeting for this planning application

Councillor Tejan referring to planning application MC/16/4274 – The Royal Marine, 7 River Street, Brompton, Gillingham and stated that he wished to address the Committee on this planning application as Ward Councillor and therefore he would not take part in the determination of this planning application.

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

This application was withdrawn from the agenda.

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

Discussion:

The Head of Planning reminded the Committee that this application had been considered by the Committee on 16 November 2016 but had been deferred to enable further discussions on the level of Section 106 funding proposed for affordable housing off site, the possibility of strengthening the landscape treatment on the eastern and northern boundaries and the possible inclusion of Section 106 funding for reviewing the 50mph speed limit in Pear Tree Lane.

The Head of Planning drew attention to the outcome of discussions with the applicant on the above issues, details of which were summarised on the supplementary agenda advice sheet.

As a result, he suggested that if the Committee was minded to approve the application, the proposed heads of agreement for the Section 106 required amendment and proposed condition 4 required amendment to refer to an updated plan.

The Committee discussed the application and, whilst the uplift in the level of Section 106 funding for affordable housing was appreciated, there was still an element of concern about the speed of traffic in Pear Tree Lane, having regard to the lack of lighting and footpaths and the impact that the proposed development would have upon the roundabout at Ash Tree Lane.

The Head of Planning confirmed that the footpath issue had already been addressed in the proposed planning application and he drew attention to the proposed addition to the Section 106 agreement for the applicant to contribute £5,000 towards securing a Traffic Regulation Order to reduce the speed limit along a section of Pear Tree Lane from 50mph to 40mph. A Member suggested that if possible, an element of this £5,000 be used to partially pay for the provision of lighting on this stretch of road.

Decision:

Approved subject to:

- A) The applicant entering into a Section 106 agreement to secure the following:
 - 1. A contribution of £1,875,000 towards the provision of off-site affordable housing in lieu of providing affordable units within the proposed development;

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2. A contribution of £20,589.80 towards the provision of healthcare facilities;
3. A contribution of £40,268.80 based on an occupancy ratio of 0.11 towards the provision of nursery school facilities;
4. A contribution of £98,841.60 based on an occupancy ratio of 0.27 towards the provision of primary school facilities;
5. A contribution of £99,985.60 based on an occupancy ratio of 0.19 toward the provision of secondary school facilities;
6. A contribution of £26,312.00 based on an occupancy ration of 0.05 towards the provision of sixth form facilities;
7. A contribution of £122,734.90 based an occupancy ratios of 3.59 towards improvements to Capstone Country Park and/or Luton Recreation Ground;
8. A contribution of £9,837.52 (£223.58 per dwelling) towards appropriate mitigation measures within Special Protection Areas;
9. A contribution of £28,000 towards the initial capital costs and £21,600 towards ongoing management cost necessary to mitigate the impact of the development on the Darland Banks Site of Nature Conservation Interest and Local Nature Reserve;
10. The following off site highway works to be completed prior to occupation of the development (in accordance with drawing number 16-007-008 rev A):
 - a) Provision of new priority junctions on old Pear Tree Lane, including new kerb lines and associated road markings and highway signs as required;
 - b) Provision of traffic calming and a system of street lighting on the western section of old Pear Tree Lane between the site access and Capstone Road;
 - c) Amendments to the existing traffic islands on Capstone Road and the provision of an uncontrolled crossing suitable for pedestrians and cyclists;
 - d) Provision of a new section of footway on the western side of Capstone Road;
 - e) Provision of a pedestrian footway linking the proposed development to Hempstead.
11. To pay the Council's Legal and Monitoring Officer costs.

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12. A contribution of £5,000 towards securing a Traffic Regulation Order to reduce the speed limit along this section of Pear Tree Lane from 50mph to 40mph.
- B) Conditions 1 – 3 and 5 – 20 as set out in the report for the reasons stated in the report and revised condition 4 as set out below:
- 4 The development hereby permitted shall be carried out in accordance with the following approved plans: drawing no.s 712/L (-) & 05 16-007-008 rev A) received on 7 July 2016 and drawing no. 712:L (--) 01 D received on 12 December 2016.

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

542 Planning application - MC/16/4274 - The Royal Marine, 7 River Street, Brompton, Gillingham ME7 5RJ

Discussion:

In the absence of the Chairman, the Vice Chair took the chair for this item.

The Senior Planner outlined the planning application and advised the Committee that since despatch of the agenda the owners had submitted a Management Statement concerning the operation of the property should planning approval be granted, details of which were summarised on the supplementary agenda advice sheet.

With the agreement of the Committee, Councillor Tejan spoke on this planning application and outlined residents and Ward Councillors concerns that there were already similar licensed and unlicensed houses in multiple occupation (HMO's) in Brompton. Therefore, this facility would be better suited at another location elsewhere in Medway.

He stated that Brompton was a residential area and there were already concerns about anti social behaviour and lack of parking. Residents acknowledged that the public house currently stood empty but had a preference for the building to be converted into 2 – 3 bedroomed flats as these were in high demand. Unfortunately, the applicant had not taken into account the views of the local community and those of the Ward Councillors.

Councillor Tejan also expressed concern as to the individuals who could be housed in the HMO and the impact that this may have upon the local community and local services.

The Committee discussed the application and referring to Councillor Tejan's comments about licensed and unlicensed HMO's, the Planning and Licensing Lawyer advised the Committee that not all HMO's required a licence. However she reassured the Committee that whether or not a licence was required, all HMO's were inspected.

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In discussing the application, the Committee had regard to the decision of the Planning Inspector when considering an appeal against planning application MC/15/3987 for non-determination within the statutory period. The Committee noted that the Planning Inspector had taken full account of the fact this building had previously operated as a public house and the activity levels and potential noise and disturbance that such use could generate as customers arrived and left the building. The Planning Inspector had however dismissed the appeal on the basis that whilst the applicants had agreed to the unilateral undertaking in relation to bird disturbance mitigation measures, such agreement was not formally secured before or during the appeal process.

In the light of the Planning Inspector's decision, the Committee considered that it had little alternative but to approve the application now before it.

Decision:

Approved subject to:

- 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.
- B) Conditions 1 – 5 as set out in the report for the reasons stated in the report.

543 Planning application - MC/16/3566 - Land To The Rear of 21-23 Asquith Road, Rainham, Gillingham, ME8 0JD

This application was withdrawn from the agenda.

544 Planning application - MC/16/3567 - Block Of Garages, Land To The Rear of 21-23 Asquith Road, Rainham, Gillingham

This application was withdrawn from the agenda.

545 Planning application - MC/16/3296 - Romany Lodge, Romany Road, Twydall, Gillingham, ME8 6JH

Discussion:

The Head of Planning outlined the planning application.

The Committee discussed the application.

Decision:

Approved subject to:

- A) The applicants entering into a unilateral obligation to pay the bird mitigation contribution.

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

546 Planning application - MC/16/2802 - Rear of 39 And 40 Birling Avenue, Rainham, Gillingham, ME8 7EY

Discussion:

The Head of Planning outlined the planning application and referred to the planning history of the site and in particular planning application MC/14/1500 which had been refused in 2014. He advised that the grounds for refusal were outlined on page 121 of the agenda. However, he drew attention to the fact that the current application was different to that submitted in 2014 in that the application now used the rear of the 2 properties (No.s 39 and 40 Birling Avenue) and had a larger overall site area with altered access, amenity area and house size.

The Committee discussed the application noting the changes to that submitted in 2014.

Decision:

Approved subject to:

- A) The applicant entering into a unilateral agreement to secure a contribution towards bird mitigation impacts.
- B) Conditions 1 – 8 as set out in the report for the reasons stated in the report.

547 Planning application - MC/15/2897 - Land At The Junction of Maidstone Road and Sir Evelyn Road, Rochester, Kent

Discussion:

The Senior Planner outlined the planning application and drew attention to a correction to the proposal description in that the planning application was for the 'Construction of 2 terrace houses and 1 two storey flat with associated parking'.

In addition, he drew attention to additional representations received since despatch of the agenda which were summarised on the supplementary agenda advice sheet.

The Committee discussed the application noting that the proposed development would result in the loss of a number of trees but that a buffer zone would be created in the longer term. The Senior Planner also advised that a number of the trees were unhealthy and a number would need to be coppiced.

Following discussion, it was suggested that it would be beneficial for the Committee to undertake a site visit before determining the planning application

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so that Members may fully appreciate the application and which of the trees would be lost as part of the development.

During discussion on this planning application, Members discussed the benefits of using more up to date technology for planning presentations which may reduce the need for applications to be deferred for the Committee to undertake a site visit to view the application site and its surroundings. The Head of Planning explained that officers were in the process of investigating possible alternative methods of improving the way that planning presentations were undertaken and the Committee fully endorsed this action.

Decision:

- a) Consideration of this planning application be deferred pending a site visit and the Council's Tree Officer be requested to be in attendance at the site visit.
- b) Officers be advised that the Committee wholeheartedly supports action aimed at improving the way in which planning presentations are undertaken at meetings of the Committee.

548 Planning application - MC/15/1595 - 1 Parsonage Lane, Strood, Rochester ME2 4HP

Discussion:

The Head of Planning outlined the planning application and suggested that condition 6 be amended to limit the use of the assisted living care facility to one person.

Decision:

Approved with conditions 1 – 5 and condition 6 amended as follows:

6. The building hereby approved shall be used only as an assisted care facility for one person and used only in association with the use of the main dwelling and shall not be privately let and shall not benefit from a separate address point or sold off as a separate dwelling unit in its own right.

Reason: To ensure that the development does not prejudice conditions of amenity.

549 Planning application - MC/16/4423 - 208b Maidstone Road, Rochester, Kent ME1 3LP

Discussion:

The Head of Planning outlined the planning application.

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Decision:

Refused on the ground set out in the report.

Chairman

Date:

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