

**Medway Council**  
**Meeting of Planning Committee**  
**Wednesday, 15 March 2017**  
**6.35pm to 7.53pm**

**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), Etheridge, Gilry, Griffiths, Hicks (Vice-Chairman), McDonald, Pendergast, Potter, Royle, Tejan and Wicks
- In Attendance:** Tom Ashley, Planning Consultant  
Councillor Rodney Chambers, OBE  
Dave Harris, Head of Planning  
Councillor Vince Maple  
Vicky Nutley, Planning and Licensing Lawyer  
Carly Stoddart, Planning Manager Development Management  
Ellen Wright, Democratic Services Officer

**824 Apologies for absence**

There were none.

**825 Record of meeting**

The record of the meeting held on 15 February 2017 was agreed and signed by the Chairman as correct.

Attention was drawn to the supplementary agenda advice sheet and the Committee noted that the wording of the refusal ground for planning application MC/16/4857 – 146 Hempstead Road, Hempstead, Gillingham had been agreed with the Vice Chairman and Planning spokes outside of the meeting as follows:

1. The proposed take away by virtue of the additional comings and goings of traffic and the frequency, where most are either likely to park to the front of the premises immediately opposite residential properties or increase the number of vehicle movements into and out of the rear car park which is not only adjacent to residential properties but which has a constrained access, will result in unacceptable harm and disturbance to the amenities of residents in the immediate vicinity of the site. The proposal is therefore contrary to the provisions of Policy BNE2 of the Medway Local Plan 2003.

## Planning Committee, 15 March 2017

### 826 Urgent matters by reason of special circumstances

There were none.

### 827 Chairman's announcements

The Chairman announced that planning application MC/16/0365 – Medway Filling Station had been withdrawn from the agenda and therefore would not be considered at this meeting.

### 828 Declarations of disclosable pecuniary interests and other interests

#### Disclosable pecuniary interests

There were none.

#### Other interests

Councillor Pendergast declared an interest in planning application MC/16/3737 – Medway Microlights, Stoke Airfield, Burrows Lane, Stoke, Rochester on the basis that the applicant was known to him and he left the meeting for the consideration and determination of this planning application.

### 829 Planning application - MC/16/1924 - Chatham Waterfront, Medway Street, Chatham ME4 4HA

#### **Discussion:**

The Planning Consultant outlined the planning application and reminded the Committee that this application had initially been referred to Committee on 18 January 2017 following which it had been determined that consideration of the application be deferred for further consideration by officers on the financial viability of providing affordable housing within the proposed development.

It was confirmed that as a result of these discussions, the applicant had agreed to a contribution of £655,000 towards affordable housing to be provided off site.

The Committee discussed the application noting that this application was an outline application and a Member suggested that if, at a future date, there was a new application which sought to provide an increased number of units or to reduce the available car parking provision, it be noted that the Committee would be seeking overage relating to the increased value.

The Head of Planning suggested that if the Committee was minded to approve the application, the proposed Section 106 be amended so that the level of funds for bird mitigation be set at £223.58 per dwelling.

## Planning Committee, 15 March 2017

### Decision:

Approved subject to:

- a) Cabinet only agreeing a land disposal sale of the land subject to a Section 106 obligation being entered into to secure the following
  - (i) a contribution of £655,000.00 towards affordable housing to be provided off site.
  - (ii) a contribution of £218,919.75 towards public open space improvements in the vicinity of the site.
  - (ii) a contribution of £28,744.25 towards improvements to the Great Lines Heritage Park
  - (iv) a contribution of £319,696.00 (only applied to 2 Bed Units) towards improvements to local schools likely to be impacted by the development
  - (v) a contribution of £8,280.00 towards sustainable travel improvements
  - (vi) a contribution of £23,000.00 towards local training
  - (vii) a contribution of £39,641.65 towards community facilities improvements in the local area
  - (viii) a contribution of £28,175.00 towards public realm improvements in Chatham Centre
  - (ix) a contribution of £53,814.25 towards public health improvements in facilities likely to be impacted by the development
  - (x) a contribution of £17,875.60 towards waste and recycling
  - (xi) a contribution of £25,415.00 towards sports and leisure improvements in the area likely to be impacted by the development
  - (xii) a contribution of £116,953.00 towards air quality mitigation
  - (xiii) a contribution of £223.58 per dwelling towards bird disturbance mitigation agreement to meet the Monitoring Officer's costs.
- b) Conditions 1 – 25 as set out in the report for the reasons stated in the report.

### **830 Planning application - MC/14/2914 - Rochester Airport, Maidstone Road, Chatham ME5 9SD**

#### Discussion:

The Head of Planning outlined the planning application and referred to the planning history for this application site.

He drew attention to page 61 of the agenda which set out information relating to the previous planning application considered by the Committee on 4 February 2015 and he outlined the differences between that particular planning application and the planning application now placed before the Committee for consideration.

## Planning Committee, 15 March 2017

The Committee therefore noted that the current planning application related to the erection of two hangars, erection of new hangar for the Medway Aircraft Preservation Society, erection of fencing and gates, formation of associated car parking areas, fuel tank enclosure, ancillary works and provision of a memorial garden.

Many of the existing temporary buildings and structures immediately to the north of Hangar 3, including those that currently housed the Medway Aircraft Preservation Society (MAPS) were to be demolished, with the exception of the control tower building and two portacabins housing the airport office and Skytrek office.

The applicant also intended to refurbish elements of the exteriors of Hangars 3 and 4, including new doors and replacement cladding to Hangar 3. However, such works did not require planning permission.

The Head of Planning confirmed that the following elements which had been included in the planning application considered on 4 February 2015 had been removed from the current planning application but were anticipated to be the subject of a separate planning application at a future date:

- The formation of a tarmac paved runway, which would replace the existing 830 metre long grass track runway 02R/20L;
- The formation of grass covered bund, with a maximum height of 1.5 metres running along a more or less north/south axis to the west of the proposed hard paved runway;
- A new control tower;
- A 'hub building' to provide office and administrative facilities for the airport and a café; and
- The relocation of the airport's two helipads.

Due to the significant change in the scope of the current planning application, an assessment had been undertaken as to whether an Environmental Impact Assessment would be required and it was confirmed that this would not be required for the current proposals. This assessment had been appended to the report at Appendix A.

The Head of Planning drew attention to the supplementary agenda advice sheet and suggested that if the Committee was minded to approve the application, proposed condition 10 be amended.

In addition, he drew attention to one additional representation which had been received since despatch of the agenda, details of which were appended to the supplementary agenda advice sheet.

The Committee discussed the planning application noting that should the Committee be minded to approve this application, such decision would not create a precedent for any future planning application to be approved as each application was considered on its individual merits.

## Planning Committee, 15 March 2017

### Decision:

Approved subject to conditions 1 – 9 and 11 – 19 as set out in the report for the reasons stated in the report and condition 10 amended as follows:

10. No development above foundation level shall take place until a detailed external lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed as approved and no other external lighting shall be placed on site without the prior consent of the Local Planning Authority.

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 Policies BNE1 and BNE5 of the Medway Local Plan 2003.

### **831 Planning application - MC/16/4833 - 66 Birch Grove, Hempstead, Gillingham ME7 3RB**

#### Discussion:

The Head of Planning reminded the Committee that this planning application had been considered on 15 February 2017 following which consideration had been deferred for further negotiations.

He then outlined the planning application and advised the Committee that the current application attempted to overcome the reasons for refusal of planning application MC/16/2593.

The Head of Planning advised the Committee that this application differed from the previous application as follows:

- The single storey front extension had been reduced in size;
- The two storey side extension had been reduced to a single storey; and
- The first floor part of the two storey rear extension had been reduced in depth from approx. 2m to 1.8m.

The application had been amended further after comments raised by the Planning Committee on 15 February 2017 and the applicant had now reduced the projection of the first floor to approximately 1.3m and reduced the roof pitch of the ground floor extension by 2 degrees.

#### Decision:

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

**832 Planning application - MC/16/4682 - 91 - 93 Bryant Road, Strood, Rochester ME2 3ES**

**Discussion:**

The Planning Manager Development Management outlined the planning application and reminded the Committee that this application had been considered by the Committee on 15 February 2017 following which consideration had been deferred due to the applicants having to submit a revised plan to clarify the impact of the extension on the shared/common boundary with the neighbouring property to the west and to permit sufficient time for the applicants to serve notice on the owners of that property.

She confirmed that a revised plan had now been received and notice had been served and therefore if the Committee was minded to approve this planning application, proposed condition 2 be amended to reflect the new plan, the reasons for proposed condition 4 be amended and a new condition 5 be approved.

The Planning Manager Development Management also drew attention to three additional representations received since despatch of the agenda objecting to the planning application, details of which were set out in the supplementary agenda advice sheet.

**Decision:**

Approved subject to:

- a) The applicants entering a Section 106 agreement to secure £223.58 towards wildlife mitigation;
- b) Conditions 1 and 3 as set out in the report for the reasons stated in the report and conditions 2 and 4 amended and new condition 5 as follows:
  2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing numbers DT/03/15 A and DT/04/15 A received 12 December 2016 and drawing number DT/02/15 B received 17 February 2017.
  4. Prior to the commencement of the development hereby permitted, an acoustic assessment shall be undertaken to determine the impact of noise from adjoining commercial noise sources carried out in accordance with BS4142 2014: Method for rating and assessing industrial and commercial sound. The results of the assessment and details of a scheme of acoustic protection shall be submitted and approved in writing by the Local Planning Authority. The scheme must demonstrate that the internal noise levels within the residential units will conform to the indoor ambient noise levels for dwellings identified by BS8233 2014:

## Planning Committee, 15 March 2017

Guidance on Sound Insulation and Noise Reduction for Buildings. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Required prior to commencement of development to ensure acoustic mitigation can be incorporated into the design to ensure no detrimental impact on the amenity of the future occupiers of the development in accordance with Policy BNE2 of the Medway Local Plan 2003.

5. Prior to the occupation of 93 Bryant Road as a single household dwelling as approved, the existing outbuilding to the rear of 93 Bryant Road, Strood shall be demolished and the resultant rubble removed from site.

Reason: In order to meet the objectives of Policy BNE2 of the Medway Local Plan 2003 in terms of the impact of the building on the amenity of future residents of 93 Bryant Road, Strood.

### **833 Planning application - MC16/3737 - Medway Microlights, Stoke Airfield, Burrows Lane, Stoke, Rochester ME3 9RN**

#### **Discussion:**

The Head of Planning outlined the planning application and advised the Committee that should it be minded to approve the application, proposed condition 1 required amendment, details of which were set out on the supplementary agenda advice sheet.

He also drew attention to a change to the planning appraisal section of the report, details of which were also reported on the supplementary agenda advice sheet.

The Head of Planning referred to proposed condition 3 and advised the Committee that provision of a 3 bedroomed house at this location would not be considered acceptable on planning grounds if the property was not occupied by an individual who was solely or mainly working, or associated with by way of ownership of the Medway Microlight business.

#### **Decision:**

Approved with conditions 2 and 3 as set out in the report for the reasons stated in the report and condition 1 revised as follows:

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

## **Planning Committee, 15 March 2017**

Drawing number 03-13.010.0819 received on 14 September 2016; drawing number 04-13.010.0819 received on 24 February 2017, 01-13.010 and 02-13.010 received on 10 March 2017.

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

### **834 Planning application - MC/16/5177 - Flanders Farm, Ratcliffe Highway, Hoo St Werburgh, Rochester ME3 8QE**

#### **Discussion:**

The Head of Planning outlined the planning application and advised the Committee as to why the applicant was seeking the removal of condition 17 of planning permission MC/14/3063 relating to the retention of buildings, hardstanding and access.

The Committee discussed the application having regard to why condition 17 had been imposed as part of the planning permission for planning application MC/14/3063, so as to ensure that the buildings were tied to agricultural use and that if such use ceased, they should be removed. The Committee was clear that it would not have granted planning permission in the first place without the condition as it would have resulted in a building of such size, scale and of an industrial nature that would have been harmful to the open agricultural nature of the area within an area of local landscape importance. The condition ensured the link and thereby association with agriculture and such use of adjacent land. The view was expressed that the condition had been applied for good reason and therefore should not be removed.

#### **Decision:**

- a) The request for the removal of Condition 17 of planning permission MC/14/3063 be refused on the basis that when granting planning permission, the Committee wished the use of the buildings to be for agricultural use only.
- b) The Head of Planning be granted delegated authority to approved the specific wording of the refusal ground with the Chairman, Vice Chairman and Opposition Spokes.

### **835 Planning application - MC/16/0365 - Medway Filling Station, 71 Rochester Road, Cuxton, Rochester ME2 1AE**

#### **Decision:**

The Committee noted that this application had been removed from the agenda.



**836 Planning application - MC/16/4951 - 352 High Street, Rochester ME1 1DJ**

**Discussion:**

The Planning Manager Development Management outlined the planning application and the reasons why the application had been recommended for refusal.

She advised that since despatch of the agenda five further letters of representation had been received, details of which were summarised on the supplementary agenda advice sheet.

The Committee discussed the application noting that the location of the proposed micro pub and café was in a section of the High Street that had previously been the location of several public houses some of which had now closed and included a number of similar uses such as restaurants and takeaways. The Committee noted that the applicant was not proposing to stage amplified music, nor was he proposing to have late night opening and therefore it was considered that the business was unlikely to have a detrimental impact upon the area. Furthermore, the Committee noted that the premises had been vacant since 2013 and therefore this application would bring this property back into use.

A Member suggested that the removal of the smoking area from the backyard of the premises would assist in alleviating some of the residents' concerns.

**Decision:**

Approved subject to the removal of the smoking shelter at the rear of the premises and the Head of Planning be granted delegated authority to approve conditions with the Chairman, Vice Chairman and Opposition Spokes outside of the meeting.

**837 Planning application - MC/16/5140 - Land adjacent to 1 Parsonage Cottages, The Street, Upper Stoke, Rochester, Kent**

**Discussion:**

The Planning Manager Development Management outlined the planning application and suggested that if the Committee was minded to approved the application, proposed conditions 4, 7, and 8 be amended along with the reasons for conditions 9, 10 and 11.

She drew attention to amendments to the access and parking and trees element of the planning appraisal, details of which were set out of the supplementary agenda advice sheet.

She also advised the Committee that this application was being recommended for approval subject to a Section 106 agreement relating to bird mitigation.

## Planning Committee, 15 March 2017

### Decision:

Approved subject to:

- a) The applicant entering into a Section 106 agreement for £223.58 per dwelling for Bird Mitigation.
- b) Conditions 1 – 3, 5, 6 and 12 as set out in the report for the reasons stated in the report and conditions 4, 7, 8, 9, 10 and 11 amended as follows:

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

Drawing No. 01.2 Rev A and the site location plan only on drawing number 15/PARS.1/P01 rev E received on 13 March 2017.

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

- 7 The plans and particulars submitted pursuant to condition 1 above shall include details of how the development will enhance biodiversity.

Reason: To enhance biodiversity in accordance with Paragraph 109 of the NPPF.

- 8 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 9 to 12 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 5 has been complied with in relation to that contamination.

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.

- 9 A desk top study, investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by

## Planning Committee, 15 March 2017

competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: Required prior to commencement of development to avoid any irreversible detrimental impact on human health and water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 10 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: Required prior to commencement of development to avoid any irreversible detrimental impact on human health and water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

## Planning Committee, 15 March 2017

- 11 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

Reason: Required prior to commencement of development to avoid any irreversible detrimental impact on human health and water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

### **838 Planning application - MC/17/0133 - 9 Osprey Avenue, Darland, Gillingham ME7 3AD**

#### **Discussion:**

The Planning Manager Development Management outlined the planning application.

In considering this application, a Member suggested that officers give consideration to the possible introduction of a revised mechanism for determining whether minor applications that relate to developments such as household extensions, need to be referred to Committee for determination, if necessary involving prior consultation with the Chairman, Vice Chairman and Opposition Spokes on such applications.

#### **Decision:**

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

**Chairman**

**Date:**

**Planning Committee, 15 March 2017**

**Ellen Wright, Democratic Services Officer**

Telephone: 01634 332012

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