

Medway Council
Meeting of Planning Committee
Wednesday, 12 April 2017
6.30pm to 8.20pm

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, Tranter and Wicks

Substitutes: Councillors:
Franklin (Substitute for Tejan)

In Attendance: Chris Butler, Senior Planner
Laura Caiels, Legal Advisor
Michael Edwards, Acting Head of Integrated Transport
Kemi Erifevieme, Planning Manager
Dave Harris, Head of Planning
Councillor John Williams
Ellen Wright, Democratic Services Officer

885 Apologies for absence

An apology for absence was received from Councillor Tejan.

886 Record of meeting

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

The Committee noted that in accordance with Minutes 834 and 836, the Head of Planning had agreed the following refusal grounds and conditions with the Chairman, Vice Chairman and opposition spokespersons outside of the meeting for the following planning applications:

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

Reason for refusal:

The application site was formerly open agricultural land and lies within an Area of Local Landscape Importance, where new buildings, particularly of such size, scale and of an industrial nature, would not normally be allowed. The construction of the building concerned was

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only allowed on the basis of its link and relationship to the agricultural use of surrounding land and the agricultural use (for fruit) of other land in the applicants ownership and control. On that basis the LPA would not support the retention of the building should its link with the agricultural use of adjacent land not remain as this would result in an industrial use in the open countryside, within an Area of Local Landscape Importance which would as a result be harmful to the important character of the area as well as being harmful to the visual amenities of nearby residents. The removal of the condition would be contrary to the aims and objectives of Policies BNE1, BNE2, BNE25, and BNE34 of the Medway Local Plan 2003 and paragraph 109 of the NPPF 2012.

Minute 836 - MC/16/4951- 352 High Street, Rochester ME1 1DJ

Conditions imposed on planning approval:

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

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

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

Proposed waste storage area drawing received 9 December 2016; the site plan, block plan, proposed floor plan and floor plan showing proposed toilets received 11 January 2017.

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

3. The use hereby permitted shall only operate between the hours of 10:00 to 23:30 Mondays to Saturdays inclusive and between the hours of 10:00 to 22:30 on Sundays and Public Holidays.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

4. Prior to the first use of the building as a café and micropub, a scheme of acoustic protection shall be submitted to and approved in writing by the Local Planning Authority. The scheme must demonstrate that the internal noise levels within neighbouring residential units will conform to the indoor ambient noise levels for dwellings identified by BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. Air borne sound insulation testing details may also be submitted to address this as part of any mitigation case proposed. All works which form part of the approved scheme shall be completed

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before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

5. Prior to the first use of the building as a café and micropub, an acoustic assessment shall be undertaken to determine the impact of noise arising from air conditioning units and/or chiller plant. The noise rating level (L_{Ar,Tr}) of the air conditioning units shall be at least 10dB below the background noise level (L_{A90,T}) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. The results of the assessment and details of any mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved measures have been implemented in accordance with the approved details and thereafter be maintained.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

6. No amplified noise, music or sound, or the use of a television shall take place at any time in connection with the use hereby permitted.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

7. Notwithstanding the submitted details and prior to the first use of the building as a café and micropub, details of the refuse storage arrangements, including provision for the storage of recyclable materials and empty casks, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the refuse storage arrangements have been implemented in accordance with the approved details and the refuse storage arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

8. Deliveries shall only be made to the front of the property in the High Street.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

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9. The rear access and the associated area shall only be used by staff for the storage of and/or removal of refuse and for no other purpose. The rear access shall remain accessible to the public at all other times unless needed in the event of an emergency.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

887 Urgent matters by reason of special circumstances

There were none.

888 Chairman's announcements

The Chairman advised the Committee that planning application MC/16/4508 – 60 Linden Road, Gillingham had been deferred and would therefore not be considered at this meeting.

889 Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

Other interests

There were none.

890 Planning application - MC/16/3669 - Land off Town Road, Cliffe Woods

Discussion:

The Senior Planner outlined the planning application in detail and advised the Committee that this application was for outline planning permission with some matters reserved (appearance, landscaping, layout and scale).

The Senior Planner explained in detail the reasons why the application was being recommended for refusal as set out in the report.

With the agreement of the Committee, Councillor Williams addressed the Committee as Ward Councillor and outlined the concerns of local residents should this application be approved, details of which are summarised as follows:

- The development would result in the loss of 10.9 acres of agricultural land resulting in a loss of food production.
- Concerns regarding sewage and foul water drainage.

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- The provision of 225 residential dwellings would place pressure on the local GP surgery where patients already wait 3 weeks for a GP appointment and where there is already a problem in recruiting GP's.
- The development will place pressure on local primary schools that are already oversubscribed and whilst one primary school is due for expansion, such expansion would be insufficient to cope with additional pressures arising from the provision of 225 new houses.
- Cliffe Woods is a rural location and has a limited bus service during the day and no bus service during the evening and therefore residents are reliant on using private cars for transport. This proposed development will result in increased congestion on the B2000. This road already has a high volume of traffic including HGV's and the width of the road is very narrow.
- Increased traffic from the proposed development will place additional pressures on local roads and the Wainscott roundabout.

The Committee discussed the application in detail noting the concerns expressed by the local Ward Councillor and the level of objection received in response to this planning application.

In particular, concern was expressed that:

- Surface water from this site would run off onto neighbouring land.
- There is a rising water table in this area.
- The proposed site is located outside the village boundary/envelope.
- Whilst there is recognition that there is a need to make available land for housing, an application of this nature should be considered within the context of the Local Plan and not piecemeal so that the Local Plan is able to determine the most sustainable location for a development of this size.
- This site is agricultural land and therefore not suited for residential development.
- The application as submitted states that up to 25% affordable housing will be supplied as part of the development and, if this application was to be considered for approval, it should aim to provide 'at least' 25% affordable housing.
- The road access to and from the application site is inadequate to serve a development of this size.
- The local primary school and GP surgery would have insufficient capacity to cope with the additional pressures that an additional 225 houses will bring to the area.

The Committee referred to the two refusal grounds set out in the report and considered that based on the concerns raised by the Committee and the local Ward Councillor, if the application was to be refused, it was possible that there were additional grounds for refusal that were relevant. The Head of Planning suggested that if the Committee was minded to refuse the application based on the two refusal grounds within the report, the Committee could grant him delegated authority to include any further refusal grounds which may be

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considered appropriate based on the Committee's concerns in consultation with the Chairman, Vice Chairman, oppositions spokespersons and Counsel acting on behalf of the Council for this case.

Decision:

Refused on grounds 1 and 2 as set out in the report and the Head of Planning be granted delegated authority to add further refusal grounds if appropriate in consultation with the Chairman, Vice Chairman, opposition spokespersons and Counsel acting on behalf of the Council on this matter having regard to the concerns outlined by the Committee.

891 Planning application - MC/17/0353 - 311 Station Road, Rainham, Gillingham ME8 7PU

Discussion:

The Head of Planning outlined the planning application and suggested that if the Committee was minded to approve the application, proposed condition 13 be amended as follows:

13. Prior to the first occupation of any flat on site, details of an external lighting scheme for the site (including the parking area) shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall incorporate the recommendations set out within the preliminary ecological appraisal received on 30 January 2017. The approved lighting scheme shall be implemented prior to first occupation of any of the flats and shall thereafter be maintained. No other external lighting shall be installed on site without the prior consent of the Local Planning Authority.

The Committee discussed the application and a Member expressed the view that a development comprising houses as opposed to flats would be preferable at this location. In addition, he expressed concern that the proposed dimensions of the rooms within the proposed flats were only just in accordance with Medway's approved Housing Standards.

He referred to the proposed balconies and advised the Committee that the topography of the site would result in users of the balconies being able to look into the windows and gardens of those properties in Ellison Way.

He also referred to the level of proposed parking within the development and stated that whilst the location of the application site was close to Rainham Town Centre, parking within the proximity of the site was at a premium and therefore, on-street parking from the proposed development should be discouraged.

Another Member expressed concern that if all parking spaces were full, drivers would have to reverse out of the development into Station Road and he

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suggested that if the application was to be approved, those parking spaces within the development should be allocated to specific flats.

In the light of these concerns, it was suggested that the application be deferred to enable officers to discuss with the applicant the possibility of amending the planning application to address these issues.

Decision:

Consideration of this application be deferred to enable officers to discuss the Committee's concerns with the applicant.

892 Planning application - MC/16/2376 - 10 The Ridgeway, Chatham ME4 6PD

Discussion:

The Head of Planning outlined the planning application in detail.

Decision:

Approved subject to:

- a) The applicants entering into a Section 106 agreement to secure £223.58 towards bird mitigation
- b) Conditions 1 – 9 as set out in the report for the reasons stated in the report.

893 Planning application - MC/16/4528 - Land to the rear of 58 Boxley Road, Walderslade, Chatham ME5 9LJ

Discussion:

The Planning Manager outlined the planning application in detail.

Decision:

Approved with conditions 1 – 13 as set out in the report for the reasons stated in the report.

894 Planning application - MC/16/4531 - 64 Boxley Road, Walderslade, Chatham ME5 9LJ

Discussion:

The Planning Manager outlined the planning application in detail.

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Decision:

Approved with conditions 1 – 12 as set out in the report for the reasons stated in the report.

895 Planning application - MC/16/4508 - 60 Linden Road, Gillingham ME7 2PH

Decision:

The Committee noted that consideration of this planning application was deferred.

896 Planning application - MC/16/5062 - 18 High Street, Halling, Rochester ME2 1BX

Discussion:

The Senior Planner outlined the planning application in detail.

The Committee discussed the application and expressed the view that this application constituted an overdevelopment of this site and that owing to the prominent location of the building when approaching Halling Village, the proposed development would have a detrimental impact on the bulk and massing of this site.

In addition, the Committee expressed concern that the provision of 5 self contained flats would have a detrimental impact to on- street parking as, although the proposal had been considered by officers in the light of a car free development, in reality Halling was not served by a regular and frequent bus service it was therefore likely that occupiers of the flats would own vehicles and therefore require parking spaces.

Decision:

- a) Refused on grounds of overdevelopment of the site and bulk and massing of the site which will be detrimental having regard to the prominent location of this site when entering Halling Village
- b) The Head of Planning be granted delegated authority to approve the specific wording of the refusal ground outside of the meeting with the Chairman, Vice Chairman and opposition spokespersons.

897 Planning application - MC/16/5035 - Land opposite McDonalds, Commercial Road, Strood ME2 2AD

Discussion:

The Planning Manager outlined the planning application in detail.

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On the basis that this application was being recommended for approval for a temporary period of 3 years, the Head of Planning suggested that if the Committee was minded to approve the application, proposed condition 1 be deleted and condition 3 be renumbered 1, condition 2 remain unchanged and proposed conditions 4 and 5 be renumbered 3 and 4.

In addition, it was suggested that proposed condition 5 (to be re-numbered 4) be amended to state that nothing shall be stored above the storage containers.

The Committee discussed the application and expressed concern that the siting of storage containers at this location in Strood did not fit with the Council's plans for the regeneration of this area and would be unsightly. This could deter potential developers who were being encouraged to invest in regeneration of the area.

In addition, a Member questioned the need for this facility in Strood as he referred to another storage container site located in Strood which he believed to be 80% vacant.

A Member also referred to the palisade fencing around the site and the Head of Planning agreed to investigate this and whether any enforcement action was required.

Decision:

Refused on the following ground:

The proposed change of use and siting of up to 46 containers for B8 (storage) use would, by reason of the nature of the use, their siting and appearance result in an unsatisfactory use of the land that would compromise the ability of the land being brought forward for redevelopment. The proposed development would not be appropriate to the character, appearance and functioning of this section of Strood Town Centre and would fail to meet the objectives of the Strood Masterplan and Policy BNE1 of the Local Plan.

898 Planning application - MC/17/0282 - High Birch, Upper Bush Road, Cuxton, Rochester ME2 1HQ

Discussion:

The Planning Manager outlined the planning application in detail.

The Committee discussed the application noting the historic value of the application site. The Committee considered that any conversion of the existing garage into a holiday let must be undertaken using materials that were sympathetic to the existing building. It was suggested that if the application was to be approved by the Committee, proposed condition 3 be amended to require that the proposed materials be submitted to and approved in writing by the Local Planning Authority.

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Decision:

Approved with conditions 1 – 2 and 4 – 9 as set out in the report for the reasons stated in the report and condition 3 amended as set out below:

3. The proposed materials (including the fenestration details) to be used on the building shall be submitted to and approved in writing by the Local Planning Authority and thereafter maintained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of the appearance of the site and visual amenity in the locality, in accordance with Policy BNE1, BNE12, BNE14 and BNE17 of the Local Plan and paragraph 56 of the National Planning Policy Framework.

899 Planning application - MC/17/0065 - 37 Brendon Avenue, Walderslade, Chatham ME5 8JG

Discussion:

The Head of Planning outlined the planning application in detail and referred to the planning history for this site and, in particular, the decisions of the Planning Inspector relating to planning application MC/15/2202.

Decision:

Approved subject to:

- a) The applicant entering into a Section 106 agreement to secure a contribution of £223.58 towards bird disturbance mitigation measures within Special Protection Areas
- b) Conditions 1 – 4 as set out in the report for the reasons stated in the report.

900 Planning application - MC/17/0028 - Slough Fort, Avery Way, Allhallows, Rochester ME3 8JG

Discussion:

The Planning Manager 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.

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901 Planning application - MC/15/4129 - Land adjacent 2 and 4 Laburnum Road, Strood

Discussion:

The Senior Planner advised the Committee of a correction to the background section of the report in that this application had originally been reported to the Committee in May 2016 and not March as stated in the report. He advised that at that time, the Committee had approved the application subject to the applicant entering into a Section 106 agreement, details of which were set out in the report. He advised the Committee that since May 2016, despite repeated attempts to secure the Section 106 legal agreement, the applicant had failed to enter the agreement. The planning application had therefore been re-submitted to the Committee for consideration and was now recommended for refusal.

Decision:

Refused for the ground set out in the report.

Chairman

Date:

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