

Medway Council
Meeting of Planning Committee
Wednesday, 10 May 2017
6.30pm to 8.35pm

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

Substitutes: Councillors:
Maple (Substitute for Griffiths)

In Attendance: Laura Caiels, Legal Advisor
Majid Harouni, Senior Planner
Dave Harris, Head of Planning
Carly Stoddart, Planning Manager Development Management
Councillor John Williams
Ellen Wright, Democratic Services Officer

940 Apologies for absence

An apology for absence was received from Councillor Griffiths.

941 Record of meeting

The record of the meeting held on 12 April 2017 was agreed and signed by the Chairman as correct.

The Committee noted that in accordance with Minute 890 (Planning application MC/16/3669 – Land off Town Road, Cliffe Woods) following a discussion between the Head of Planning, Counsel, the Chairman and the case officer, it had been agreed that no further reasons for refusal should be added to the refusal of planning permission and therefore the decision had been issued in accordance with the two reasons set out in the committee report.

In addition, the Committee noted that in accordance with Minute 896 (18 High Street, Halling) the following refusal ground had been agreed by the Head of Planning in consultation with the Chairman, Vice Chairman and Opposition spokespersons:

The proposal is located in a prominent position when approaching Halling village from the north, overlooking an area of open space and the

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war memorial and is a visual point. For this reason, a high quality design approach is required, which this proposal fails to provide. The proposed elevations fail to address this prominent location well, resulting in a building of poor design, appearance and detailing and fails to relate positively with its surroundings. The proposal would result in over-development of the site and would fail to enhance the streetscene, especially as a result of its mass, bulk and appearance and would not comply with saved Policy BNE1 of the Medway Local Plan (2003) or the design objectives set out in the National Planning Policy Framework, especially Paragraph 56 which stresses that great importance is placed on the design of the built environment and good design being a key aspect of sustainable development, that is indivisible from good planning, and contributing positively to making places better for people, which the current proposal fails to achieve.

942 Urgent matters by reason of special circumstances

There were none.

943 Chairman's announcements

The Chairman advised the Committee that planning application MC/17/0353 – 311 Station Road, Rainham had been deferred and would therefore not be considered at this meeting.

944 Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

Other interests

Councillor Bowler referring to planning application MC/16/1257 – 96 – 100 Delce Road, Rochester advised the Committee that as he used this car wash facility he would leave the room for the consideration and determination of this planning application.

Councillor Maple referred to planning application MC/16/2653 – Elmsleigh Lodge, 118 Maidstone Road, Chatham and advised the Committee that as he wished to address the Committee as Ward Councillor on this particular planning application, he would withdraw from the Committee for the determination of the planning application.

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

Discussion:

The Head of Planning outlined the planning application and reminded the Committee that this application had been submitted to the Committee on 21 September 2016 following which consideration had been deferred pending a site visit. The application had then been deferred again on 16 November 2016 to enable Officers to obtain an independent structural assessment of the condition of the wall on the basis that if the wall was not required to be removed, Officers undertake further discussions with the applicants as to the possibility of reducing the number of proposed properties to two in total on the site.

The Head of Planning advised that in response to the Council's independent structural assessment, the applicants had reaffirmed that their boundary wall had been damaged by the Council's trees and therefore the Council was responsible for the costs of such damage. The current wall could not be replaced in its current position and, the suggestion of a possible replacement wall being constructed of King Posts and timber was not acceptable owing to the costs involved. The applicants had therefore expressed a wish for their planning application to be determined on the basis that they would provide replacement tree planting within the Ward.

The Head of Planning also advised the Committee that since despatch of the agenda, one additional representation had been received objecting to the application, details of which were summarised on the supplementary agenda advice sheet.

With the agreement of the Committee, Councillor Maple addressed the Committee as Ward Councillor and thanked officers for the work undertaken on this planning application in an attempt to obtain a resolution that would be acceptable to all parties. He outlined the concerns of residents and their disappointment that the developer was not willing to consider alternative options that would enable the wall and the trees to be retained. He stated that residents accepted that the site would be developed but did not wish to see the wall or the trees removed and he urged the Committee to refuse the application.

The Committee discussed the application and, whilst disappointed that negotiations with the applicant had not provided a suitable resolution that would retain the wall and the trees, accepted that in the light of the outcome of the independent structural assessment there were no grounds upon which this planning application could be refused. However, it was suggested that proposed condition 9 be amended to include a restriction on the times that construction works take place.

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Decision:

Approved subject to:

- a) The applicant signing a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure:
 - i) £894.32 towards Wildlife Habitat Mitigation
 - ii) replacement tree planting within the Ward
- b) Conditions 1 – 8 as set out in the report for the reasons stated in the report and the Head of Planning ensure that details pursuant to condition 9 include the hours and days upon which construction is permitted to take place.

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

Discussion:

The Head of Planning outlined the planning application and advised the Committee that this application had originally been included on the agenda for the meeting on 12 April 2017 and recommended for approval but had been deferred at his request. He advised that having now assessed the application, he was not satisfied that this property was suitable for conversion to a House in Multiple Occupation (HMO). He referred to Policy H7 of the Local Plan which set out the criteria against which a dwelling would be considered suitable for possible conversion to a HMO and advised that this property did not meet this eligibility criteria. Therefore, the planning application was now being recommended for refusal. As the application had originally been intended to be determined by the Committee and the recommendation had changed, although the application could be determined under delegated powers, he considered it appropriate that the application be determined by the Committee.

The Committee discussed the application and supported the view that the proposed conversion to a HMO was not suitable at this property owing to its location and on the basis that it would provide inadequate communal facilities and a poor standard of accommodation for the prospective tenant of the basement room.

Decision:

Refused on the ground set out in the report.

947 Planning application - MC/17/0278 - The Royal Oak, 53 Cooling Road, Strood, Rochester ME2 4RP

Discussion:

The Senior Planner outlined the planning application in detail and advised upon the history of the application site and its planning history. He advised that since its closure as a public house, the original building had been granted Grade II

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Listed Building status by Historic England and had also been listed as an Asset of Community Value (ACV).

The Senior Planner outlined the ACV process and informed the Committee that this process had allowed for a 6 month period during which the local community could make a bid for the property. The applicant had subsequently received 2 bids, one from the local community and the other from a retailer, both of which had been rejected. The six month period for the submission of bids had now ceased.

The Senior Planner informed the Committee that in submitting the current planning application, the applicant had argued that the operation of a public house at this site was not viable and the loss of a public house would not be detrimental to the community as there were sufficient public houses in close proximity to the application site.

In considering the outcome of the ACV process to date and, having regard to the other facilities available locally, officers were satisfied that the loss of the Royal Oak as a Public House would not affect facilities available to the local community.

The Senior Planner outlined the basis of the application and the applicant's intention to restore the original building to its original footprint in 1903 and advised that Historic England had supported the proposal on the basis that the additional buildings on site detracted from the original building and were to be removed under the proposed planning application.

He suggested that if the Committee was minded to approve the application proposed condition 19 be deleted and a new condition 19 approved as follows:

19. The dwellings hereby permitted shall not be occupied, until the existing drop kerb along the full frontage of the application site with Cooling Road has been permanently removed and full height kerb reinstated to the satisfaction of the Local Highways Authority.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policies T1 and BNE2 of Medway Local Plan 2003.

With the agreement of the Committee, Councillor Williams addressed the Committee as Ward Councillor and reiterated the concern of the local community that, if approved, this planning application would result in the loss of a historic landmark and local community meeting place. He referred to the various sporting teams that had been in existence at this public house and the work undertaken by the Save the Royal Oak Pub Campaign Group in an attempt to save the building and its land from conversion into residential properties. The work of the Campaign Group was also supported by the Campaign for Real Ale (CAMRA).

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Councillor Williams stressed that there were a number of factors that could be considered to help the viability of the public house including extending trade to include food sales.

The Committee discussed the application in detail and noted that at a recent meeting of the Rural Liaison Committee, CAMRA had addressed the Committee on the issue of the loss of public houses across the country and, in particular, community pubs and those in rural areas.

The Committee acknowledged that the former Royal Oak Public House had significant historic significance and was therefore a historic and cultural asset within the community hence its registration as an ACV but noted that there was no requirement for the applicant to re-open the building as a public house if they did not wish to.

The Committee noted that it could only consider a planning application on planning grounds but recognised that this was the first time that the Committee had been requested to consider a planning application for a property listed as an ACV. The Committee acknowledged that there had been substantial community involvement in trying to protect the retention of the public house and therefore felt that at this stage determination of the planning application should be deferred to enable officers to obtain further information on possible ways forward for the community and the implications should the Committee refuse to grant planning permission on the basis that the property has been listed on the ACV register.

Decision:

Consideration of this application be deferred to enable officers to obtain further information on possible ways forward for the community and the implications should the Committee refuse to grant planning permission on the basis that the property has been listed on the ACV register.

948 Planning application - MC/17/0193 - The Royal Oak, 53 Cooling Road, Strood, Rochester ME2 4RP

Discussion:

The Senior Planner reported upon this application when reporting on planning application MC/17/0278 at Minute 947 above.

Furthermore, it was suggested that if the Committee was minded to approve the application, proposed conditions 4, 7, 8 and 10 required amendment, details of which we set out on the supplementary agenda advice sheet as follows:

4. No work to the listed building shall take place including demolition, until relevant plans / sections to identify and locate faux timber beams on a reflected ceiling plan or floor plan and those which are proposed for cutting to evaluate the loss of fabric

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including the extent of structural and decorative timber repairs have been submitted to and approved in writing by the Local Planning Authority. The submitted information should include a measured condition survey including drawings and a photographic record of the relevant features and extent of removal/replacement. The works shall thereafter be carried out in accordance with the approved details.

Reason: Required prior to commencement of development to ensure no irreversible detrimental harm to the heritage asset in accordance Policy BNE17 of the Medway Local Plan 2003.

7. No work to the listed building shall take place until a Schedule of Condition of the existing windows/doors and precise details of works for their repair or replacement including the oculus window have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason: Required prior to commencement of development to ensure no irreversible detrimental harm to the heritage asset in accordance Policy BNE17 of the Medway Local Plan 2003.

8. No work to the listed building shall take place until section detail drawings at a scale of 1:20 through the proposed New Terraced Façade identifying heads and cills of window openings including soffit details have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason: Required prior to commencement of development to ensure no irreversible detrimental harm to the heritage asset in accordance Policy BNE17 of the Medway Local Plan 2003.

10. No work to the listed building shall take place until a scheme of site supervision throughout the works (including name of conservation architect or other suitably qualified heritage professional) has been submitted to and approved in writing by the Local Planning Authority. The appointed Heritage Professional shall submit an implementation timetable including site visits to review and inspect each stage/phase of works.

Having regard to condition 4 of this listed building consent, the scheme works shall include:

- a) A detailed survey of the exterior and interior conditions of the building, including marked up/annotated photographs indicating implementation Method Statement(s) for the demolition works, the defective finishes, areas of work, this being all manner of fabric timber boarding, render, brickwork

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and internal finishes including, lathe and plaster, timber exposed brickwork and a Specification and Schedule of Works of the proposed repairs and restoration of the elevations of the building and internal works to each room including reinstating fireplaces where appropriate.

- b) The appointed Heritage Professional shall submit a timetable including site visits to review and inspect each stage/phase of works for approval in writing by the Local Planning Authority.

The works thereafter shall be carried out in accordance with the approved details.

Reason: Required prior to commencement of development to ensure no irreversible detrimental harm to the heritage asset in accordance Policy BNE17 of the Medway Local Plan 2003.

The Senior Planner advised the Committee that one additional representation had been received objecting to the application and a copy of this had been appended to the supplementary agenda advice sheet. He drew attention to a number of points raised by the objector referring to inaccuracies in the committee report and he responded to each point.

Decision:

In line with the decision at Minute 947 above, consideration of this application be deferred to enable officers to obtain further information on possible ways forward for the community and the implications should the Committee refuse to grant planning permission on the basis that the property has been listed on the ACV register.

949 Planning application - MC/16/1257 - 96 - 100 Delce Road, Rochester ME1 2DH

Discussion:

The Head of Planning outlined the planning application and advised the Committee that the original conditions had been approved to protect those residents living in the vicinity of the car wash.

He referred to the location of the car wash and stated that whilst the additional hour of operation in the weekday or on Saturday mornings was considered acceptable due to the other commercial operation working in the vicinity at that time and, the fact that buses were already passing the site at the hours sought for the commencement of the car wash operations, the additional hour on a Sunday and Bank Holiday period was not considered acceptable. Therefore the application was being recommended for refusal.

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Decision:

Refused on the ground set out in the report.

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

Decision:

This application was deferred from consideration at this meeting.

951 Planning application - MC/16/3980 - Rainham Methodist Church, Station Road, Rainham, Gillingham ME8 7PR

Discussion:

The Senior Planner outlined the planning application and advised the Committee that originally the applicant had sought planning permission for change of use of the premises from a church to 12 residential units. Such scheme involved substantial alterations and extensions to the building that were considered to be unsympathetic to the building making it unrecognisable as a church. However, following negotiations with the applicant, a revised application had been submitted resulting in a reduction in the number of units from 12 to 9, removing the inappropriate alterations to the appearance of the building and maintaining the buildings character and appearance.

The Committee discussed the application and a Member expressed concern that with provision of only 10 parking spaces, residents of the flats could potentially apply for residential parking permits. He therefore suggested that if the application was approved, a restriction be placed on the planning permission stating that residents of the development would not be permitted to acquire residents parking permits.

Another Member suggested that taking into account that some of the proposed flats would be 2 bedrooms, the 10 parking spaces provided within the development be allocated spaces.

It was also suggested that owing to the location of the site, the applicant be required to provide a construction management plan prior to the commencement of development.

Decision:

Approved subject to:

- a) The submission of a unilateral undertaking to secure £2012.22 (£223.58 per new dwelling) towards Designated Habitats Mitigation and a Section 106 agreement that residents of the flats will not be granted residential parking permits.

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- b) Conditions 1 – 11 as set out in the report for the reasons stated in the report and additional conditions relating to the following:
- Allocated parking.
 - The applicant shall provide in writing to the Local Planning Authority a construction management plan prior to the commencement of the development.

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

Discussion:

The Planning Manager outlined the planning application.

Decision:

Approved subject to:

- a) The applicant entering into a Section 106 agreement to secure off site highway works; and
- b) Conditions 1 – 20 as set out in the report for the reasons stated in the report.

953 Planning application - MC/17/0405 - The Railway, 113 Station Road, Rainham, Gillingham ME8 7SF

Discussion:

The Planning Manager outlined the planning application and reminded the Committee that this application had originally been considered on 10 March 2016 following which the application had been refused, and the refusal grounds were set out under the planning appraisal section of the report.

She advised the Committee that the current application was a re-submission of the previous planning application and she outlined the changes that the applicant had made to address the Committee's concerns.

She drew attention to the supplementary agenda advice sheet and suggested that if the Committee was minded to approve the application, proposed conditions 4 and 6 be amended. She confirmed that correspondence had been received from the applicant's agent confirming that the applicants were agreeable to the proposed opening hours set out in revised condition 4.

In addition, she advised the Committee that since despatch of the agenda two further letters had been received supporting the application.

Attention was also drawn to an amendment to the neighbour amenity section of the Planning Appraisal section of the report.

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The Committee discussed the application and it was suggested that the hours of operation should cease at 12 midnight on Fridays and Saturdays so as to ensure a variable closing time for licensed premises in the area. In addition, it was suggested that if possible, employees working at the premises not be granted business parking permits so as to protect the availability of on-street parking for residents.

Decision:

Approved subject to

- a) Conditions 1 – 3, 5 and 7 – 13 as set out in the report for the reasons stated in the report and conditions 4 and 6 amended as follows:
 4. The use hereby permitted shall only operate between the hours of 07:00 to 23:00 on Sundays to Thursdays inclusive and between the hours of 07:00 to 00:00 on Fridays and Saturdays and 07:00 to 02:30 on New Years Eve.
 6. No goods shall be loaded, unloaded, stored or otherwise handled, no vehicles shall arrive or depart and no deliveries or collections made outside the hours 09:00 to 19:00 Monday to Friday 08:00 to 18:00 Saturday or at any time on Sunday or Public Holidays.
- b) Delegated authority granted to the Head of Planning to include a S106 with a restrictive parking clause preventing staff obtaining business parking permits if these are available within the area.

954 Planning application - MC/17/0398 - 2a Hostier Close, Halling, Rochester ME2 1ES

Discussion:

The Planning Manager outlined the planning application and advised the Committee of a correction to the representation section of the report in that four letters of representation had been received.

Decision:

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

955 Performance Report for the period January - March 2017

Discussion:

The Head of Planning outlined performance for the period 1 January – 31 March 2017.

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Decision:

The Committee noted the report and acknowledged the substantial level of work being undertaken by the Team.

956 Report on Section 106 Agreements for the period January - March 2017 and seeking agreement to a reduction in the deadline for Section 106 expenditure

Discussion:

The Committee received a report setting out the level of Section 106 funding received during the period January – March 2017.

In addition, the Head of Planning sought agreement to a reduction in the deadline for the expenditure of Section 106 contributions from 10 years to 5 years (unless there was a special requirement for a longer timescale).

In response to a question from a Member, the Head of Planning confirmed that the norm for other Unitary Authorities was 5 years for the expenditure of Section 106 funding.

Decision:

The Committee:

- a) Noted the level of Section 106 contributions received during January – March 2017; and
- b) Agreed that the deadline for the expenditure of Section 106 contributions be reduced from 10 years to 5 years (unless there was a special requirement for a longer timescale).

Chairman

Date:

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