

**Medway Council**  
**Meeting of Planning Committee**  
**Wednesday, 30 August 2017**  
**6.35pm to 10.10pm**

**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, Griffiths, Hicks (Vice-Chairman), McDonald, Pendergast, Potter, Royle, Tejan and Wicks
- Substitutes:** Councillors:  
Gulvin (Substitute for Tranter)  
Purdy (Substitute for Etheridge)
- In Attendance:** Chris Butler, Senior Planner  
Laura Caiels, Legal Advisor  
Karen Cronin, Senior Planner  
Michael Edwards, Acting Head of Integrated Transport  
Martin Hall, Greenspace and Skills Programme Manager  
Dave Harris, Head of Planning  
Carly Stoddart, Planning Manager Development Management  
Ellen Wright, Democratic Services Officer

**250 Apologies for absence**

Apologies for absence were received from Councillors Etheridge and Tranter.

**251 Record of meeting**

The record of the meeting held on 2 August 2017 was agreed and signed by the Chairman as correct.

The Chairman drew attention to the supplementary agenda advice sheet and the following updated information:

Minute 205 – Planning application MC/16/4781 – 133 Watling Street, Strood Rochester ME2 3JJ – The following refusal grounds had been agreed with the Chairman:

- 1 As a result of the restricted width of the frontage, a vehicle is unlikely to be able to enter and exit the site in a forward gear without several manoeuvres which would likely result in movement of vehicles along the public footpath that would in turn compromise the safety of highway users contrary to Policies T2 and T3 of the Medway Local Plan 2003.

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- 2 By virtue of the removal of the soft landscaped verges and their replacement with hardstanding, the proposal would result in the hardening of the street scene and therefore a harsh form of development, which would be unsympathetic and harmful to the appearance of the street scene contrary to paragraph 56 of the NPPF and Policy BNE1 of the Medway Local Plan 2003.

### **252 Urgent matters by reason of special circumstances**

There were none.

### **253 Chairman's Announcements**

The Chairman advised the Committee that this would be last meeting attended by Chris Butler – Senior Planner before he left Medway Council to take up a job with another local authority at the end of September. On behalf of the Committee she expressed her appreciation to Chris for his work in the Planning Team and wished him well in his new job.

### **254 Declarations of disclosable pecuniary interests and other interests**

#### Disclosable pecuniary interests

There were none.

#### Other interests

Councillor Gulvin referred to item 20 on the agenda (Report on Section 106 agreements April – June 2017) and advised the Committee that he was a Governor at Oaklands School which was to be the recipient of Section 106 funding. He advised that he intended to speak on this item.

Councillor Pendergast referred to planning application MC/17/1714 – Medway Microlights, Stoke Airfield, Burrows Lane, Middle Stoke, Rochester and advised the Committee that he would leave the meeting for the consideration and determination of this planning application on the basis that the applicants were known to him.

Councillor Royle referred to planning application MC/17/1989 – 32 Silverspot Close Rainham, Gillingham and advised the Committee that as he wished to speak on this planning application as Ward Councillor he would stand down as a Committee Member for the determination of this planning application.

Councillor Tejan referred to planning applications MC/17/0930 and MC/17/0971 – Machine Shop 8, Chatham Docks and advised the Committee that he was Company Secretary for South Maritime Limited (SOUTHCO). He also advised that as he wished to speak on these planning applications as Ward Councillor he would stand down as a Committee Member for the determination of these planning applications.

**255 North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Project Update**

**Discussion:**

The Greenspace and Skills Programme Manager reported upon the progress of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) and set out how the tariff was being implemented by local authorities in North Kent to mitigate the impacts of new development on the Special Protection Areas (SPA)/Ramsar sites.

He advised upon the various mitigation measures that were being funded the income received from bird mitigation tariffs which included:

- A North Kent Coast Dog Project
- Wardening/Visitor Engagement
- New access infrastructure and enhancements to existing sites
- Codes of Conduct
- Improvements to interpretation and signage
- Working with local clubs, groups and volunteers
- Creating refuges and 'quiet areas'
- Enforcement and monitoring.

He stressed that the North Kent SAMMS was concerned with the disturbance and protection of wintering birds as opposed to breeding birds.

The North Kent SAMMS Project Board had now been established and, in addition to Medway Council, included Canterbury, Swale, Gravesham and Kent County Councils in addition to a number of other Groups. Both Dartford Council and Ebbsfleet Development Corporation had yet to formally join the Board.

He advised the Committee that at the last meeting of the Board, it had been agreed to use the brand name 'Bird Aware North Kent' for SAMMS projects.

**Decision:**

The Committee noted the update on the SAMMS project.

**256 Planning application - MC/16/1084 - Plot 1 Anthony's Way, Medway City Estate, Rochester ME2 4NS**

**Discussion:**

The Senior Planner outlined the planning application in detail and reminded the Committee of the planning history for the application site.

He outlined the basis of the current planning application and drew attention to a revision to the proposal section of the report relating to the floorspace provision. He advised that this change was partly due to the combination of units 5 and 6

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in the main building into a single unit. Details of the revised gross internal floorspace figures were set out on the supplementary agenda advice sheet.

In addition, he advised that the application would include 305 car parking spaces as opposed to 324 as set out within the report.

The Senior Planner advised the Committee that this planning application differed to that previously approved in 2010 in that it did not include a park and ride facility and was for a retail park for a range of different retailers as opposed to one retail provider.

He drew attention to the additional representations received from the applicant (Location 3 Properties); their Planning Agent; William Gallagher, a planning consultancy acting on behalf of both the Chatham Town Centre Forum and Ellandi LLP (Owners of the Pentagon Centre); and a business operator in Chatham, copies of which were either appended to or set out within the supplementary agenda advice sheet. Also set out on the advice sheet was the officer's response where appropriate.

The Senior Planner also referred to the independent advice received by the Council from a Retail Planning Consultant as to the significant adverse impact that this proposed development would have upon the vitality and viability of Chatham, Strood and Gillingham Town Centres. In addition, he referred to Counsel's advice on the fallback position as set out on pages 53 – 54 of the report.

The Committee discussed the planning application having regard to the advice from the Retail Planning Consultant and the concerns as to the impact that this development would have upon Chatham, Strood and Gillingham Town Centres.

During discussion, Members commented that the location of a retail park at this site would likely be attractive to those living on the Peninsula and in Strood, expressed concern that the freeholders of Hempstead Valley Shopping Centre had submitted objections to the planning application when that particular Shopping Centre had recently undergone a large extension and expressed the view that that the merits of a planning application of this nature would be more appropriately considered at a later stage in the context of the Local Plan process.

### **Decision:**

Refused on the grounds set out in the report.

### **257 Planning application - MC/17/1192 - Yeoman House, Princes Street, Rochester ME1 2LW**

### **Discussion:**

The Planning Manager outlined the planning application in detail and suggested that if the Committee was minded to approve the planning application, an

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additional condition 17 be approved, details of which were set out on the supplementary agenda advice sheet.

The Committee discussed the application and it was noted that the Ward Councillors for Rochester East Ward were supportive of the planning application particularly as MHS Homes had confirmed that the current tenants of Yeoman House would be offered first refusal on being rehoused within the new development.

A Member drew attention to one of the objections which had referred to the existence of Japanese Knotweed on the application site. The Head of Planning advised that the removal of Japanese Knotweed was covered under other legislation, but if the Committee was minded to approve the application, it could include an informative drawing the applicant's attention to the fact that there may potentially be Japanese Knotweed on site and that there is a legal requirement to remove this from the site.

The Committee noted that the new properties would only be available for persons over the age of 55 years both in the sheltered development and the shared ownership scheme.

### **Decision:**

Approved subject to:

- a) The applicant entering into a Section 106 agreement to secure the following contributions:
  - 1) A contribution of £31,606.40 towards improvements at Jackson's Recreation Ground or Watts Meadow;
  - 2) A contribution of £3,420.54 towards improvements to the kitchen facilities at the neighbouring Parish Centre.
  - 3) A contribution £14,974 towards the running of the Minor Illness Clinic in Rochester, currently to be sited at Rochester HLC open to all Rochester patients for minor illnesses
  - 4) A contribution of £7,154.56 (£223.58 per unit) towards appropriate mitigation measures within Special Protection Areas; and
- b) Conditions 1 – 16 as set out in the report for the reasons stated in the report and new condition 17 as follows:
  17. Prior to the occupation of the building herein approved, details of screening to be provided to the rooftop amenity area shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be retained thereafter.

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Reason: To protect the amenity of nearby residents in accordance with Policy BNE2 of the Medway Local Plan 2003.

- c) The inclusion of an informative requiring drawing the applicant's attention to the fact that there may be Japanese Knotweed on site and that if correct, there is a legal requirement to have this removed from the site.

### **258 Planning application - MC/17/1250 - Chatham Quayside (Formerly Colonial House), Quayside, Chatham ME4 4YY**

#### **Discussion:**

The Senior Planner outlined the planning application in detail and drew attention to an amendment to the description of the development as set out on the supplementary agenda advice sheet. He confirmed that the application was for 200 units which was a reduction on that originally proposed.

He suggested that if the Committee was minded to approve the application, proposed conditions 1 and 2 be amended as set out on the supplementary agenda advice sheet.

He also drew attention to additional representations received from the applicant, the Environment Agency, Kent County Council Ecological Advice Service and Southern Water since despatch of the agenda, details of which were summarised on the supplementary agenda advice sheet along with officer's response where appropriate.

The Committee discussed the application and expressed disappointment concerning the design and scale of the apartments on the basin edge.

Whilst it was noted that the level of parking provision within the development met the Council's approved parking standards, concern was expressed that the closed design of the garages may lead to them being utilised for storage thus resulting in cars being parked elsewhere within the development. It was therefore suggested that if the Committee was minded to approve the application, an additional condition be imposed requiring the applicants to submit to the Local Planning Authority a Parking Management Strategy.

#### **Decision:**

Approved subject to condition 3 as set out in the report for the reasons stated in the report, conditions 1 and 2 amended as set out below and new condition 4 as follows:

1. Under the heading 18th July 2017 amend drawing number 4179 PL 1000 revision F to read Drawing number 4179 PL 1000 revision L.

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In addition, add:

- the following drawing numbers under the heading 18 July 2017: Drawing number(s): 4179 PI 7105-02 Rev D' 4179 PI 4200-02 Rev G; and 4179 PI 7204-02 Rev B; and  
- the following additional plans and documents received on 25 August 2017: Drawing Numbers: 01-586-100 Rev F; 01-586-101 Rev E; 01-586-102 Rev F; 01-586-103 Rev E; 01-586-104 Rev E; 01-586-201 Rev D; 01-586-202 Rev E; and 01-586-300 Rev C; Documents 'Design Code (Document Reference 4179 PL 0011 – Issue 5 (dated 18/08/2017)); Planting Strategy (Drawing references 01-586-301 Rev C - 01-586-307 Rev C (Inclusive)); Hardworks Strategy (Document Reference: 01-586-502); The L.E.A.P. (Locally Equipped Area of Play) Strategy (Document Reference: 01-586-600 Rev B); and The Landscape Implementation and Management Plan (Document Reference: 01-586-700 Rev B).

2. Prior to construction proceeding above damp proof course level for any phase or sub-phase of the development, a design code for that phase or sub-phase of the development, which shall accord with the Design Code received by the Council on the 18 August, 2017, shall be submitted to and approved in writing by Local Planning Authority. The design code will accord with the principles established in the design guide submitted to the LPA with the reserved matters application and will be prepared in accordance with a content of components to be agreed in writing with the Local Planning Authority. Following the written approval of the design code by the Local Planning Authority, the development shall only be undertaken in accordance with that design code.

Reason: Specific design details, such as materials to be used, are vague. Therefore design details are required to ensure the satisfactory design and quality of the development. Such details are required to ensure compliance with paragraph 56 of the National Planning Policy Framework and saved Policies H4 and BNE1 of the Medway Local Plan 2003.

4. Prior to the first occupation of any part of the development, hereby approved, a Car Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Car Parking Management Plan shall include: details of the management arrangements for communal parking areas within the site; the allocation of spaces to individual dwellings within the development, including the apartments; the provision of unallocated parking spaces for use by visitors; and the means by which use of the car parking spaces by non-residents will be controlled. The approved plan shall thereafter be implemented prior to first occupation of the development and maintained thereafter.

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Reason: To ensure that the car parking provision operates efficiently and effectively and is retained for use solely by residents and their visitors, in the interests of residential amenity and to accord with Policy BNE2 of the Medway Local Plan 2003.

### **259 Planning application - MC/16/4229 - Land North of Peninsula Way, Main Road, Chattenden, Rochester Kent**

#### **Discussion:**

The Senior Planner outlined the planning application and suggested that if the Committee was minded to approve the application, a new condition 3 be imposed as set out on the supplementary agenda advice sheet.

She advised that since despatch of the agenda Councillor Freshwater had emailed comments upon the application and a copy of his email had been appended to the supplementary agenda advice sheet along with officer's response.

The Committee discussed the application, in particular, the materials to be used for the half boarded properties. The Senior Planner confirmed that the application listed timber as the material to be used for cladding the half boarded properties and Members expressed concern that timber cladding can weather and look untidy if not regularly maintained. It was therefore suggested that an alternative material should be used.

#### **Decision:**

Approved with conditions 1 – 2 as set out in the report for the reasons stated in the report and new conditions 3 and 4 as follows:

3. No development shall take place until details of surface water drainage storage with supporting evidence have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained thereafter.

Reason: To ensure that the attenuation requirements for surface water drainage are appropriate for the lifetime of the development.

4. The applicant be required to provide details of the materials to be used for the half boarded properties to the Local Planning Authority for approval.



**260 Planning application - MC/17/1342 - 104A, B and C Poplar Road, Strood, Rochester ME2 2NS**

**Discussion:**

The Planning Manager outlined the planning application in detail.

The Committee discussed the planning application and expressed concern that without provision of off road parking such development would result in conflict for demand for on street parking in an area where on street parking was already in heavy demand.

It was suggested that the application be deferred to enable the applicant to undertake a parking survey and to investigate possible provision of off street parking.

**Decision:**

Consideration of this application be deferred to enable the applicant to undertake a parking survey and investigate possible provision of off street parking.

**261 Planning application - MC/17/0930 - Machine Shop 8, Chatham Docks**

**Discussion:**

The Head of Planning outlined the planning application in detail and drew attention to representations received since despatch of the agenda from the applicant and objectors, details of which were summarised on the supplementary agenda advice sheet. He advised that the applicants had confirmed that they were hopeful that the bulk of the space within the structure would be occupied by a climbing centre. As climbing was anticipated to be an event at the next Olympics, the applicants were hopeful of securing one of the first Olympic style climbing walls in the UK.

He provided the Committee with background information on the application site and confirmed that it had not been intended that the skeletal frame of the machine shop would remain uncovered indefinitely. However, over the years very few options had been put forward for use of the site having regard to the requirement to protect the frame and find a use that would enable the frame to be viewed. He stressed that sections of the frame were now beginning to deteriorate and therefore it was imperative that if a use could be found that would enable to structure to be covered but still viewed, then this was to be welcomed.

He advised upon the materials that would be used to cover the frame and advised that these would be similar to those used at Dockside Outlet and the Odeon Cinema. The building would include a further cover internally over the new external frame that would enable the existing listed frame to be clearly viewed internally.

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He drew attention to the comments of Historic England as set out within the report and advised that Historic England was supportive of the planning application as it would afford a level of protection to the Machine Shop skeletal frame.

With the agreement of the Committee, Councillor Tejan spoke on this application as Ward Councillor and, on behalf of residents from J6 expressed concern that the proposal to enclose the skeletal frame would result in loss of view, light trespass from light emission from the building and increased noise disturbance. He expressed concern that the applicants were aware of the residents' concerns but had failed to engage with residents to discuss these issues. He advised that residents understood that the site needed to be developed but considered that the development and use had to be right for the area. He suggested that if the Committee was minded to approve the application, before doing so, Members undertake a site visit so as to view the proximity of the application site to the residential properties at J6.

The Committee discussed the Ward Councillor's request for a site visit and did not support such a request as it was considered that the location of the site was well known and it was possible to view the proximity of the site to J6 from the photographs displayed at the meeting.

The Committee discussed the application having regard to residents' concerns and the proposed conditions set out within the report as they related to control of lighting, noise and parking. The Committee noted that the application site was located in an area of mixed development and that it was always intended that the Machine Shop skeletal frame would be clad once a suitable use for the structure could be identified.

### **Decision:**

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

## **262 Planning application - MC/17/0971 - Machine Shop 8, Chatham Docks**

### **Discussion:**

The Head of Planning outlined the planning application in detail under planning application MC/17/0930 above.

### **Decision:**

Approved with conditions 1 – 9 as set out in the report for the reasons stated in the report.

**263 Planning application - MC/17/1714 - Medway Microlights, Stoke Airfield, Burrows Lane, Middle Stoke, Rochester ME3 9RN**

**Discussion:**

The Head of Planning explained the background to the request for the removal of condition 3 on planning application MC/16/3737 which restricted the occupancy of the dwelling approved under such planning permission in order that the residential aspect remained affiliated to the Medway Microlight site.

He confirmed that the applicant had confirmed that if condition 3 was removed, the existing mobile home would be removed from the site.

He reported that the applicants had advised that the occupation of the property had been independent from the Medway Microlights business since it had been completed and that this had been ongoing for more than 4 years and was therefore immune from enforcement. The applicants also considered that occupation of the residential accommodation was offset by the removal of the mobile unit that had been in place for a period exceeding 10 years.

The Head of Planning explained that given this explanation, the imposition of the restricted residential condition was questionable. He therefore suggested that the Committee allow for the removal of this condition but in re-issuing the planning consent, place an additional new condition that removes permitted development rights for the property and restricts any structures being erected within the residential curtilage so as to ensure that the residential accommodation could not expand without the prior permission of the Local Planning Authority and also that the countryside location in which the property sits remains as open as possible with no outbuildings.

Members discussed the application having regard to planning permission MC/16/3737 and the reasons why the original condition had been imposed and the new information supplied by the Head of Planning.

**Decision:**

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

**264 Planning application - MC/17/1227 - 89 Brambletree Crescent, Borstal, Rochester ME1 3LQ**

**Discussion:**

The Head of Planning outlined the planning application in detail and suggested that if the Committee was minded to approve the application, new conditions 4 and 5 be approved as set out on the supplementary agenda advice sheet.

The Committee discussed the application and it was suggested that an additional condition be imposed removing permitted development rights.

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### Decision:

Approved with conditions 1 – 3 as set out in the report for the reasons stated in the report, new conditions 4 – 6 as follows:

4. Prior to the commencement of development, details of existing and proposed site levels (clearly detailing the height of the proposed slab level for the garden studio) and proposed boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and the approved boundary treatment completed prior to the studio first being brought into use.

Reason: No such information and detailing has been provided and in the interests of the amenities of the area and neighbours.

5. The garden studio shall be constructed in brickwork to match the existing house or in accordance with materials that have first been approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) no further extensions or outbuildings shall be carried out under Schedule 2, Part 1, Class A or Schedule 2, Part 1, Class E of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policies BNE1 and BNE 2 of the Medway Local Plan 2003.

### **265 Planning application - MC/17/1989 - 32 Silverspot Close, Rainham, Gillingham ME8 8JS**

#### Discussion:

The Planning Manager outlined the planning application in detail and the reasons why the application was being recommended for refusal.

With the agreement of the Committee, Councillor Royle spoke on this application as Ward Councillor and advised the Committee that Silverspot Close was made up of a mixture of semi-detached and terraced residential properties. He stated that the applicant had three children under the age of 7 and wished to expand their home to provide for their growing family. He

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referred to two nearby properties which had similar extensions and requested that the Committee approve this planning application.

The Committee noted the Ward Councillor's request but considered the size, scale and siting of the proposed extension would result in unacceptable infilling between No. 32 and No. 33 Silverspot Close and would be overbearing on the occupiers of No. 33 having regard to the difference in land levels.

### **Decision:**

Refused on the grounds set out in the report.

### **266 Planning application - MC/17/2131 - 1A and 1B Merlin Way, Gillingham ME7 4JN**

#### **Discussion:**

The Planning Manager outlined the planning application in detail and drew attention to additional correspondence received from the applicant since despatch of the agenda, details of which was set out on the supplementary agenda advice sheet.

#### **Decision:**

Approved with condition 1 as set out in the report for the reasons stated in the report.

### **267 Planning Enforcement Policy 2017**

#### **Discussion:**

The Committee was reminded that the Council had adopted its Council Plan for the period 2016/17 to 2020/21 and received a report setting out proposals to update the existing Planning Enforcement Policy dated 2007.

#### **Decision:**

The Planning Enforcement Policy 2017 as set out at Appendix A be noted and Council be recommended to approve the Policy.

### **268 Performance Monitoring - 1 April - 30 June 2017**

#### **Decision:**

Consideration of this report be deferred until 27 September 2017.

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**269 Report on Appeal Decisions 1 April - 30 June 2017**

**Decision:**

Consideration of this report be deferred until 27 September 2017.

**270 Report on Section 106 Agreements April - June 2017**

**Decision:**

Consideration of this report be deferred until 27 September 2017.

**Chairman**

**Date:**

**Ellen Wright, Democratic Services Officer**

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