

**Medway Council**  
**Meeting of Planning Committee**  
**Wednesday, 20 December 2017**  
**6.30pm to 8.15pm**

**Record of the meeting**

**Subject to approval as an accurate record at the next meeting of this committee**

**Present:** Councillors: Bhutia, Carr, Mrs Diane Chambers (Chairman), Etheridge, Gilry, Griffiths, Hicks (Vice-Chairman), Pendergast, Potter, Royle, Tejan, Tranter and Wicks

**Substitutes:** Councillors:  
Maple (Substitute for Bowler)

**In Attendance:** Laura Caiels, Legal Advisor  
Dylan Campbell, Planner  
Councillor Sam Craven  
Dave Harris, Head of Planning  
Councillor Wendy Purdy  
Ellen Wright, Democratic Services Officer

**602 Apologies for absence**

An apology for absence was received from Councillor Bowler.

The Chairman advised the Committee that Councillor Bowler had been unable to attend this meeting as he was unwell. The Committee requested that their best wishes be extended to Councillor Bowler for a speedy recovery.

**603 Record of meeting**

The record of the meeting held on 22 November 2017 was agreed and signed by the Chairman as correct.

**604 Chairman's announcements**

The Chairman drew the Committee's attention to the draft decision notice for planning application MC/17/2333 (Rochester Riverside, Rochester ME1 1NH) appended to the supplementary agenda advice sheet. She reminded the Committee that when considering this planning application on 25 October 2017, the Committee had requested sight of the proposed final conditions. The Head of Planning advised that the Section 106 agreement was due to be signed shortly which would allow the planning permission to be issued and advised that there may still be a few minor tweaks to conditions, but broadly they were

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finalised as submitted. Members were requested to notify the Head of Planning of any comments on the conditions by 22 December 2017.

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

There were none.

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

#### Disclosable pecuniary interests

There were none.

#### Other interests

Councillor Etheridge referred to planning application MC/17/3738 (100 Jarrett Avenue, Wainscott, Rochester) and advised the Committee that as the applicant was known to him he would withdraw from the meeting for consideration and determination of this application.

The Head of Planning referred to planning application MC/17/2272 (Fleet House, Upnor Road, Upnor, Rochester) and advised the Committee that two of the objectors were close friends. However, he confirmed that he had not been involved in the processing of the application. He stated that it had not been his intention to present this application but the case officer was currently away from the office on sick leave.

### **607 Planning application - MC/17/2272 - Fleet House, Upnor Road, Upnor, Rochester ME2 4UP**

#### **Discussion:**

The Head of Planning outlined the planning application.

A Member referred to a comment from an objector that should the application be approved, construction traffic should access the site from Upnor Road only and not Galleon Way as this road was considered unsuitable for lorries. He suggested that if the Committee was minded to approve the planning application, this be included as a further condition.

#### **Decision:**

Approved subject to:

- a) A Section 106 agreement to secure £1,565.06 payment for bird mitigation measures for Natural England.
- b) Conditions 1 – 4 and conditions 6 – 15 as set out in the report for the reasons stated in the report and condition 5 amended as follows:

5. No development shall take place until a Construction/Demolition Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of demolition and construction work including delivery/collection times from the site with construction vehicles only accessing the site from Upnor Road and not Galleon Way; measures to prevent vehicles from idling when not in use/waiting; measures to control noise affecting nearby residents; parking plan for any associated vehicles; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan.

Reason: Required prior to commencement of development to ensure no detrimental impact on the amenities of local residents during the construction period in accordance with Policy BNE2 of the Medway Local Plan 2003

**608 Planning application - MC/17/2542 - The Old Archdeaconry, The Precinct, Rochester ME1 1SX**

**Discussion:**

The Head of Planning outlined the planning application in detail and advised the Committee that having assessed the amended plans, Historic England had advised that it no longer had concerns about the proposed development and advised that it was encouraged to see that the majority of its concerns had been incorporated into the amended scheme. Historic England was therefore satisfied that the proposal was an appropriate way forward to conserve the building.

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

The Committee discussed the application and noted that although there was very limited parking within the proposed scheme, the application site was well served by local car parks and public transport.

In response to a suggestion that bat boxes be provided in the area, the Head of Planning confirmed that an ecology report had shown that there were no bats present within the application site and therefore there was no requirement for bat boxes to be provided.

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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 habitats mitigation of £2,906.28.
  - b) Conditions 1 and 3 – 12 as set out in the report for the reasons stated in the report and condition 2 amended as follows:
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

APA-133 P-01B, APA-133 P-02, APA-133 P-03C, APA-133 P-04B, APA-133 P-05A, APA-133 P-06A, APA-133 P-07, APA-133 P-08C, APA-133 P-09B, APA-133 P-10, APA-133 P-11B, APA-133 P-12A, APA-133 P-13, APA-133 P-14, APA-133 P-15, APA-133 P- D-01A, APA-133 P- D-02, APA-133 P- D-03, APA-133 P- D-04, APA-133 P- D-05, APA-133 P-GR.01 C, APA-133 P-GR.02 A, APA-133 P-GR.03 A, APA-133 P-GR.04 A, APA-133 P-GR.05 B, APA-133 P-GR.06, APA-133 P-GR.07 B, APA-133 Dem-01 A, APA-133 Dem-02 and Outline Schedule of Work dated July 2017 Received 19/07/17, 29/08/17, 20/09/17, 21/09/17 and 25/09/17.

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

### **609 Planning application - MC/17/2543 - The Old Archdeaconry, The Precinct, Rochester ME1 1SX**

### Discussion:

The Head of Planning outlined the planning application and suggested that if the Committee was minded to approve the application, proposed condition 2 be amended as set out on the supplementary agenda advice sheet.

### Decision:

Approved with conditions 1 and 3 – 5 as set out in the report for the reasons stated in the report and condition 2 amended as follows:

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

APA-133 P-01B, APA-133 P-02, APA-133 P-03C, APA-133 P-04B, APA-133 P-05A, APA-133 P-06A, APA-133 P-07, APA-133 P-08C, APA-133 P-09B, APA-133 P-10, APA-133 P-11B, APA-133 P-12A, APA-133 P-13, APA-133 P-14, APA-133 P-15, APA-133 P- D-01A, APA-133 P- D-02, APA-133 P- D-03, APA-133 P- D-04, APA-133 P- D-05, APA-133 P-GR.01 C, APA-133 P-GR.02 A, APA-133 P-GR.03 A, APA-133 P-GR.04 A, APA-133 P-GR.05 B, APA-133 P-

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GR.06, APA-133 P-GR.07 B, APA-133 Dem-01 A, APA-133 Dem-02 and Outline Schedule of Work dated July 2017 Received 19/07/17, 29/08/17, 20/09/17, 21/09/17 and 25/09/17.

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

### **610 Planning application - MC/17/2951 - 3 Nore Close, Darland, Gillingham ME7 3DG**

#### **Discussion:**

The Head of Planning outlined the planning application in detail and referring to the supplementary agenda advice sheet suggested that if the Committee was minded to approve the application a new condition 4 be approved to require details of surfacing and drainage of the proposed front car parking area, including any landscaping and boundary treatment to be submitted to and approved in writing to the Local Planning Authority.

In addition, he advised upon an amendment to the proposal section of the report, an addition to the background section of the report and a correction to the residential amenity section of the report details of which were also set out on the supplementary agenda advice sheet.

He further advised that since despatch of the agenda one further letter of objection had been received reiterating concerns already set out within the report.

The Head of Planning advised the Committee that a previous application for development of this property had been refused in June 2017 and changes had since been made to the application now placed before the Committee.

The Committee discussed the application and concern was expressed that should the application be approved, this would be the only property with a front extension which would result in it being out of character with the surrounding properties in Nore Close. A Member suggested that there was potential for a greater impact on the neighbouring property but was satisfied that there was a level of precedent for front extensions to properties in the area.

Another Member, whilst not having a particular concern about the front extension, expressed concern that the side extension and dormers resulted in overdevelopment of the site.

#### **Decision:**

- a) Refused on the grounds that the proposed extension at the side of the property would result in overdevelopment of the site and have an impact on the street scene and be detrimental to the property at No. 4 Nore Close by virtue of the design and scale of the proposed development.

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- b) The Head of Planning be granted delegated authority to approve the final wording of the refusal ground with the Chairman, Vice Chairman and Opposition Spokesperson outside of the meeting.

**NOTE – See Minute No. 615 below**

### **611 Planning application - MC/17/3559 - 44 Downsview, Wayfield, Chatham ME5 0AL**

#### **Discussion:**

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

With the agreement of the Committee, Councillor Craven spoke on the application as Ward Councillor and outlined the reasons for the application. She explained that the provision of a conservatory on the front of the property would increase light to the existing front room which was currently very dark. She explained that the applicant had a growing family and could not afford to move house. There had not been any objections to the application from the neighbours and therefore she urged the committee to support the application.

The Committee discussed the application and whilst noting the reasons for the application, expressed concern that should the application be approved, this could set a precedent should similar applications be received at a future date.

#### **Decision:**

Refused on the ground set out in the report.

### **612 Planning application - MC/17/3738 - 100 Jarrett Avenue, Wainscott, Rochester ME2 4NG**

#### **Discussion:**

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

The Committee discussed the application noting that this was an application for retrospective planning permission.

#### **Decision:**

Refused on the ground set out in the report.

**613 Planning application - MC/17/3784 - 89 Cooling Avenue, Strood, Rochester ME2 4RS**

**Discussion:**

The Head of Planning outlined the planning application and informed the Committee that whilst this application had been recommended by the Case Officer for approval, having assessed the application he was of the opinion that it had not been demonstrated why the existing house was not suitable for continued use for single household occupation. He therefore considered that the proposed application was contrary to Policy H6 of the Medway Local Plan.

The Committee discussed the application and supported the view that this property was suitable for a single household and considered that the extension into the roof of the property did not provide justification for the property to be divided into flats.

**Decision:**

Refused on the following ground:

The proposed conversion of the property to flats would result in the loss of a single dwelling household in an area which is predominantly characterised by single household occupation. Without evidence to the contrary, it has not been demonstrated that the existing house is not of a size that is suitable for continued use as a single household occupation. The proposal to provide a 1 bedroom flat on the ground floor with a 3 bed flat spread over the first and second floors constitutes an overdevelopment of this family house. The proposal is therefore contrary to Policy H6 of the Medway Local Plan.

**614 Planning application - MC/17/2695 - 183 Maidstone Road, Chatham ME4 6JG**

**Discussion:**

The Head of Planning outlined the planning application in detail and confirmed that whilst the property had scaffolding erected, this was not a retrospective planning application.

He also advised the Committee that since despatch of the agenda one further letter of objection had been received re-iterating concerns already summarised in the report.

The Committee discussed the application noting that this section of Maidstone Road, Chatham had a variety of individual styles of houses.

**Decision:**

Approved with conditions 1 – 6 as set out in the report for the reasons stated in the report.

**615 Planning application- MC/17/2951 - 3 Nore Close, Darland, Gillingham ME7 3DG**

**Discussion:**

The Committee further referred to planning application MC/17/2951 – 3 Nore Close, Darland, Gillingham considered at minute 610 above.

Concern was expressed that at the conclusion of determining the above planning application, it had come to light via a member of the public that the adjacent neighbour to the application site was a Councillor who had been sitting in the public gallery during the consideration and determination of the application.

Whilst there was no indication that the committee had acted improperly in the determination of the application, Members recognised that it was not unreasonable for the public to perceive that the presence of the Councillor may have influenced some Members when determining the planning application.

A number of Members gave an assurance that they had determined the planning application on planning grounds and were not aware that a Councillor's residence adjoined the application site. It was also noted that the vote to refuse the planning application had been cross party. However, the Committee accepted that there was a need for there to be transparency and therefore requested that the decision notice for this planning application not be issued and the matter be referred to the Council's Monitoring Officer as to the way forward.

**Decision:**

It was agreed that the decision notice for planning application MC/17/2951 – 3 Nore Close, Darland, Gillingham not be issued and the matter be referred to the Council's Monitoring Officer as to the way forward in the light of the concerns raised.

**616 Report on Appeal Decisions for the period 1 July - 30 September 2017**

**Discussion:**

The Committee received a report setting out appeal decisions for the period July – September 2017.

The Head of Planning confirmed that he would respond direct to Ward Councillors on the current position at Harewood, Matts Hill Road, Hartlip.

**Decision:**

The Committee noted the report.



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**Chairman**

**Date:**

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