

**Medway Council**  
**Meeting of Planning Committee**  
**Wednesday, 17 January 2018**  
**6.30pm to 8.55pm**

**Record of the meeting**

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

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

**In Attendance:** Councillor Jane Chitty  
Kemi Erifevieme, Planning Manager  
Michael Edwards, Acting Head of Integrated Transport  
Dave Harris, Head of Planning  
Paul Ives, Senior Planner  
Vicky Nutley, Planning and Licensing Lawyer  
Ellen Wright, Democratic Services Officer

**647 Apologies for absence**

There were none.

**648 Record of meeting**

The record of the meeting held on 20 December 2017 was agreed and signed by the Chairman as correct.

**649 Urgent matters by reason of special circumstances**

There were none.

**650 Chairman's Announcements**

The Chairman drew attention to planning application MC/17/2951 (3 Nore Close, Darland, Gillingham) which had been placed on the agenda for this meeting for reconsideration. She advised that such reconsideration would be subject to the Committee deciding to rescind its previous decision at its meeting on 20 December 2017.

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### 651 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

#### Disclosable pecuniary interests

There were none.

#### Other interests

Councillor Carr referred to planning application MC/17/2951 – 3 Nore Close, Darland, Gillingham and informed the Committee that although he knew the Councillor involved as a friend and colleague, he was not aware of her views when this planning application had previously been considered. Therefore, whilst he would declare a personal interest, he would reserve his right to remain as part of the Committee and take part in the determination of the planning application.

Councillor Etheridge referred to planning application MC/17/2951 – 3 Nore Close, Darland, Gillingham and advised the Committee that although he knew the Councillor involved he was not aware of any reason why he should withdraw from the meeting as he did not have a disclosable pecuniary interest or other significant interest. Therefore he would remain for the consideration and determination of this planning application.

Councillor Royle referred to planning application MC/17/2951 – 3 Nore Close, Darland, Gillingham and advised the Committee that as he knew where the Councillor involved resided he would withdraw from the meeting for the consideration and determination of this planning application.

Councillor Tejan referred to planning application MC/17/4048 – Formby Terrace, Halling, Rochester and advised the Committee that as his Ward Councillor colleague was one of the parties involved with the applicants, he would withdraw from the meeting for the consideration and determination of this planning application.

Councillor Wicks referred to planning application MC/17/2951 – 3 Nore Close, Darland, Gillingham and advised the Committee that as he had a personal interest, he would withdraw from the meeting for the consideration and determination of this planning application.

Councillor Wicks also referred to planning application MC/17/2872 – Former NHS Walk-In-Centre, Canterbury Street, Gillingham and advised the Committee that he would withdraw from the meeting for consideration and determination of this planning application on the basis that he is a Member of the Upper Gillingham Conservative Club which adjoined the application site.

The Head of Planning referred to planning application MC/17/2305 – Land rear of 6 Margetts Place and 12 Brissenden Close Upnor, Rochester and advised the Committee that two close friends had objected to the planning application. He advised the Committee that he had not had any involvement in the

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processing of the application or spoken to anyone about the application and he had only become aware that his friends had submitted representations upon checking comments received on the application.

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

#### **Discussion:**

The Committee was reminded that at its meeting on 20 December 2017, consideration had been given to this planning application and it had been determined that the application be refused.

At the meeting, after the vote had taken place, a member of the public had raised a concern 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 had given 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 the way forward.

As a result, the Monitoring Officer, Chairman of the Planning Committee and Head of Planning had reviewed the matter and agreed that it was appropriate to report the application back to the Committee for re-consideration.

The Committee was advised that in the meantime, no action had been taken to implement the original decision of the Committee from 20 December 2017. The Committee was advised that in law, a resolution passed at one meeting may be rescinded at a subsequent meeting provided there were no practical obstacles.

The Committee was advised that before it was able to reconsider the planning application, it must first rescind the decision that it took on 20 December 2017 and then reconsider the application afresh.

Members were reminded that they should take appropriate action if they considered that they had a disclosable pecuniary interest or other significant interest in the matter. Any Member with a pecuniary or other significant interest should disclose this and leave the room taking no part in the discussion or vote

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on the matter. In addition, any Member who considered that they were biased or had pre-determined the matter should also not take part in consideration of this application.

A Member expressed concern that although some Councillors may know the Councillor involved, they had not been aware of her opinion on this planning application when it had been considered on 20 December 2017 and therefore questioned why the Committee's decision at that time could not stand.

In response, the Planning and Licensing Lawyer advised that as the identity of the adjoining neighbour had only become apparent after the vote had been taken on 20 December 2017, there was no concern as to how the decision had been reached. She recognised that Members of the Committee may naturally be predisposed to reach the same decision that they reached when the application was first considered. However, additional information was available to be reported at this meeting which would enable the Committee to consider the application afresh. She stated that if any Member felt strongly that they would be unable to consider the application afresh, then they would be deemed to have pre-determined the application and should therefore leave the meeting.

### **Decision:**

That the decision of the Planning Committee on 20 December 2017 on planning application MC/17/2951, 3 Nore Close, Darland be rescinded to enable the Committee to consider the application afresh for the reasons stated.

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### **Discussion:**

The Head of Planning then outlined the planning application and drew attention to the supplementary agenda advice sheet suggesting that if the Committee was minded to approve the application, proposed condition 2 required amendment to substitute drawing 205-002 Rev 07 for Rev 06.

The Head of Planning outlined the planning application in detail and displayed new photographs of the street scene and properties with extensions in Nore Close and Leyton Avenue. In addition, he advised the Committee that since the original consideration of the application on 20 December 2017, a revised plan had been received and he outlined the changes which had been made. The Head of Planning also advised that he had held discussions with the applicant concerning other possible amendments to the proposed development but confirmed that the applicant had declined to make such alterations and he explained the reasons why the applicant had reached this decision.

The Committee discussed the planning application in detail noting the revisions reported by the Head of Planning.

Members thanked the Officers for providing the additional photographs as they considered that this had provided a clearer view of the properties in Nore Close than previously displayed.

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Some Members expressed concern that although other properties in Nore Close had extensions, this particular proposed development was very prominent and bulky and would have a dominating effect upon the property located at No. 4 Nore Close and was therefore an overdevelopment of the site. Other Members considered the application to be acceptable, although recognised that the dimensions of the extension would provide a very limited access from the front to the rear of the property.

The Head of Planning clarified that the proposal, if approved would result in the conversion to provide 5 bedrooms.

### **Decision:**

Refused on the following ground:

1. 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.

### **653 Planning application - MC/17/4048 - Formby Terrace, Halling, Rochester ME2 1AP**

### **Discussion:**

The Head of Planning outlined the planning application in detail and suggested that if the Committee was minded to approve the application, proposed condition 4 be amended and a new condition 5 be approved.

In addition, he advised that since despatch of the agenda, Halling Parish Council had submitted comments upon the application but had neither objected to nor supported the application, details of which were set out on the supplementary agenda advice sheet.

The Committee discussed the application and in response to comments concerning access, the Head of Planning confirmed that the ownership of the access strip of land was not a planning consideration.

### **Decision:**

Approved with conditions 1 – 3 as set out in the report for the reasons stated in the report and condition 4 amended and new condition 5 as follows:

4. Prior to the vehicle parking area being brought into use a lighting scheme for the parking area shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme implemented. Thereafter the approved lighting shall be maintained.

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Reason: To safeguard conditions of amenity within the scheme of development permitted in accordance with Policy BNE2 of the Medway Local Plan 2003.

5. Prior to the car parking area being brought into use, vision splays of 2.0 metres x 2.0 metres shall be provided on both sides of the vehicular access points and no obstruction of sight more than 0.6 metres above carriageway level shall be permitted within the splays thereafter.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy T2.

### **654 Planning application - MC/17/3944 - Frindsbury Car Wash, Frindsbury Hill, Wainscott, Rochester ME2 4JR**

#### **Discussion:**

The Senior Planner outlined the planning application in detail and explained that this application related to the variation of condition 2 of planning permission MC/15/1016 to enable an additional area to be used for the valeting and drying of vehicles.

He referred to a number of concerns regarding the operation of this car wash facility which had been drawn to officers attention by local residents and advised the Committee that this variation application would provide an opportunity for the Committee to review all existing conditions attached to the previous planning permission. Therefore, if the Committee was minded to approve the application, revised conditions 1 – 8 were proposed as set out on the supplementary agenda advice sheet.

He also advised the Committee that since despatch of the agenda a further two letters of objection had been received, details of which were summarised on the supplementary agenda advice sheet.

He confirmed that the application did not involve any increase in hours of use of the facility.

With the agreement of the Committee, Councillor Chitty spoke on this application as Ward Councillor and expressed concern that the applicants continued to breach the original conditions attached to planning permission MC/15/1016 and this was a source of distress to those residents living in close proximity to the car wash facility. She advised that residents did not oppose the existence of a car wash facility at this site but had concerns about the way in which this particular facility was being operated. Such concerns included the queueing of vehicles on the road whilst waiting to access the site, the increased use of vacuum cleaners which generated a noise disturbance, the disposal of water into the public drain in Vicarage Road and the belief that the premises were being used for residential purposes during the evening. There was also

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concern regarding the use of the facility on a Sunday when residents considered that they should be entitled to have peace and quiet.

The Committee discussed the application and the Head of Planning reminded Members that this particular planning application only related to a variation of condition 2 of planning permission MC/15/1016. However, if the variation was to be approved, this would enable the Committee to review and tighten other conditions to address a number of the issues raised by residents e.g. the storage of tyres when the premises was closed at night.

The Senior Planner advised the Committee that Environmental Protection Officers had attended the site and confirmed that the noise levels of machinery being used were within acceptable limits.

With regard to the operation of the car wash facility on a Sunday, it was noted that the principle of seven day per week trading had already been found acceptable by the Planning Inspectorate.

A Member suggested that should this application be approved, an informative be added stating that the use of this car wash facility will be monitored by officers and enforcement action taken if there and any breaches of conditions.

### **Decision:**

Approved with conditions 1 – 8 as set out below and the inclusion of an informative stating that the use of this car wash facility will be monitored by officers and enforcement action taken if there is a breach of conditions:

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

Drawing 3024/2 Rev D received 15 January 2018 and email received dated 11 January 2018.

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

2. The washing and valeting of vehicles shall only take place within the site area as defined by the red outline shown on the site plan received on 13 November 2017 and Drawing 3024/2 Rev D received on 15 January 2018.

Reason: In order to limit the spread of the use over the site in the interests of the amenities of neighbours and with regard to Policy BNE2 of the Medway Local Plan 2003.

3. Outside of the operating hours defined in Condition 7 hereunder, tyre storage shall only be undertaken within the Tyre Shop area and Tyre Store as shown on Drawing 3024/2 Rev D received on 15 January 2018.

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Reason: In the interests of visual amenity of neighbours and with regard to Policy BNE1 of the Medway Local Plan 2003.

4. The type and number of pressure washers shall not exceed two in use at any one time on site in accordance with the details approved under reference MC/15/2220 dated 26 October 2017. The additional pressure washer outlet/apparatus shall only be used as a replacement for either of the two pressure washers hereby approved and no additional equipment used for this process shall be used on site thereafter.

Reason: In the interests of the amenities of neighbours and with regard to Policy BNE2 of the Medway Local Plan 2003.

5. The valeting part of the development shall be served by a single vacuum unit only and the noise rating level ( $L_{A,T}$ ) of that unit shall be maintained so as to not exceed the levels predicted in the noise assessment reference 171203/1 dated 19 December 2017. All measurements shall be defined and derived in accordance with BS4142: 2014.

Reason: In the interests of the amenities of neighbours and with regard to Policy BNE2 of the Medway Local Plan 2003.

6. Within one month of planning permission being granted, full details of surface water collection and disposal from the site to an appropriate waste disposal site shall be submitted to and approved in writing by the Local Planning Authority. The approved means of disposal shall be implemented immediately after written approval and thereafter maintained.

Reason: In the interests of preventing contamination of the public sewer with waste water from the car wash and with regard to paragraphs 7, 17, 109, 110 and 120 of the National Planning Policy Framework 2012 and Policy BNE23 of the Medway Local Plan 2003.

7. The use shall only operate between the hours of 08.00 to 18.00 Mondays to Saturdays and between 10.00 to 17.00 on Sundays only. The use is not permitted on public holidays.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

8. The acoustic screens previously approved under reference MC/15/2220 dated 26 October 2015 and shown on drawing 3024/2 Rev D shall be retained in accordance with the approved details. On cessation of the use, the screens shall be removed.

Reason: In the interests of residential amenity and to accord with Policy BNE2 of the Medway Local Plan 2003.



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### **655 Planning application - MC/17/4027 - The Evening Star, 128 Church Street, Cliffe, Rochester ME3 7PY**

#### **Discussion:**

The Head of Planning outlined the planning application in detail and advised that this was a revised application from that previously submitted under MC/17/2015.

He outlined the changes to the planning application which included the removal of the micro pub making the whole development residential use. Other changes included removal of an external staircase, the reduction in size of the proposed extension to the rear and amendments to the layout of the proposed parking area.

The Committee discussed the report and Members expressed concern that they continued to have doubts as to the ease of use of the car parking area and the sight lines for drivers when exiting the car park.

The Acting Head of Integrated Transport advised that although the parking area was limited in size, he was satisfied that it could accommodate 11 vehicles and he had no issues with the sight lines for drivers exiting the site as the proposed development would be located in a street with low speed levels and traffic calming.

#### **Decision:**

Approved subject to:

- a) The applicant entering into a legal agreement under the terms of Section 106 of the Town and Country Planning Act 1990 to secure:
  - i) Contribution towards bird disturbance mitigation of £894.32
- b) Conditions 1 – 8 as set out in the report for the reasons stated in the report.

### **656 Planning application - MC/17/3756 - Land adjacent no. 37 Dagmar Road, Luton, Chatham ME4 5HB**

#### **Discussion:**

The Head of Planning outlined the planning application in detail and suggested that should the Committee be minded to approve the application, proposed conditions 10 and 11 be amended as set out on the supplementary agenda advice sheet.

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### Decision:

Approved subject to:

- a) The submission of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure £223.58 per new dwelling towards Designated Habitats Mitigation.
- b) Conditions 1 – 9 as set out in the report for the reasons stated in the report and conditions 10 and 11 amended as follows:
  10. The construction works shall be carried out at all times in accordance with the Construction Environmental Management Plan (CEMP) dated January 2018 as submitted with the application, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenities and highway safety and in compliance with Policies BNE1 and T1 of the Medway Local Plan 2003.
  11. No development shall take place until a Reptile Mitigation and Conservation Strategy, including a timetable, has been submitted to and approved in writing by the Local Planning Authority. The mitigation and conservation measures shall be implemented in accordance with the approved details and programme.

Reason: In the interests of protection of protected species and in compliance with BNE37 and BNE39 of the Medway Local Plan 2003.

### **657 Planning application - MC/17/2305 - Land rear of 6 Margetts Place and 12 Brissenden Close, Upnor, Rochester ME2 4XD**

### Discussion:

The Senior Planner outline the planning application in detail and suggested that if the Committee was minded to approve the application, proposed condition 2 be amended, details of which were set out on the supplementary agenda advice sheet.

He further advised the Committee of a correction to the report under the details of representations received in that the wording 'a further 8 letters of representation' should be replaced with 'a further 13 letters of representation (two from one household)'. However, he also confirmed that all grounds for objection had been set out within the committee report.

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### Decision:

Approved with conditions 1 and 3 – 8 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:

Drawing numbers 016-002/013 Rev E received 3 October 2017; 016-002 014 Rev G and 016-002 015 Rev G received 22 December 2017 and Living Roof Specification received 28 November 2017.

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

### **658 Planning application - MC/17/3760 - Mockbeggar Farm, Town Road, Cliffe Woods, Rochester ME3 8EU**

#### Discussion:

The Planning Manager outlined the planning application in detail and explained that this was a retrospective application for change of use to provide for the stationing and storage of 63 caravans for agricultural workers. She explained that the applicant had previously had planning permission for up to 58 caravans but such permission had expired in August 2017. Therefore, the current application was to increase the number of caravans on site by an extra 5.

The Planning Manager explained the way in which the caravans were located on site and screened not only within the site but so that they could not be viewed from outside of the site.

She confirmed that the proposed conditions mirrored those previously granted and drew attention to proposed conditions 4 and 5 relating to occupancy of the site.

The Committee discussed the application and expressed concern as to the complexity of the occupancy schedule set out in proposed condition 4 and considered that this would be very difficult to enforce.

In response, the Planning Manager advised that there was an overall limit on the total occupancy level of 324 persons at any one time.

The Committee acknowledged that the site had been operating for many years and was a valuable supplier of food products across the Country and had not been the subject of any complaints. However, the Committee requested that the wording of proposed condition 4 be reconsidered so as to be clearer.

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### Decision:

Approved subject to:

- a) The applicant entering into a legal agreement under the terms of Section 106 of the Town and Country Planning Act 1990 to secure:
  - i) A contribution towards bird disturbance mitigation of £1,117.90
- b) Conditions 1- 3 and 5 – 9 as set out in the report for the reasons stated in the report and the Head of Planning be granted delegated authority to approve the wording of condition 4 with the Chairman, Vice Chairman and Opposition Spokespersons outside of the meeting in line with the Committee's request.

### **659 Planning application - MC/17/3788 - Land rear of 106, 108, 110, 112 and 114 and adjacent 98 Pilgrims Road, Upper Halling, Rochester ME2 1HP**

#### Discussion:

The Planning Manager outlined the planning application in detail and explained that this was a retrospective planning application for the construction of an access road.

She explained the current ownership of the access road and that the applicant was in the process of purchasing the land.

#### Decision:

Approved with the condition outlined in the report for the reason stated.

### **660 Planning application - MC/17/2872 - Former NHS Walk-in-Centre, Canterbury Street, Gillingham ME7 5LF**

#### Discussion:

The Planning Manager outlined the planning application and explained that this was an outline application with some matters reserved (appearance, landscaping, layout and scale) for the construction of up to 13 dwellings with associated parking and landscaping.

She explained that the Committee was being requested to consider the access into the site which showed access from the private road off Canterbury Street and the configuration of a parking court for 15 spaces. Whilst matters of appearance, landscaping, layout and scale were reserved for future consideration, an illustrative layout plan had been supplied showing how the 13 dwellings would be located.

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She advised that officers had informed the applicant of a preference for the development to have a frontage onto Canterbury Street in line with other properties in this street.

It was suggested that if the Committee was minded to approve the application, the proposed Section 106 agreement be amended as set out on the supplementary agenda advice sheet and an additional condition 12 be approved preventing future occupiers of the development from being permitted to obtain on-street car parking permits.

The Committee discussed this application with particular regard to the ownership and use of the current access road, the lack of Section 106 funding for educational use, the fact that the scheme does not meet the Council's parking standards and the potential effect upon on-street parking in the vicinity of the application site. A Member also referred to the lack of information concerning bin or cycle storage but it was noted that such details would be submitted at a later stage.

A Member also referred to the possible development of a factory site close to this location and suggested that it would be helpful for both sites to be considered together.

### **Decision:**

In the light of the lack of funding for educational purposes for education within the proposed Section 106 agreement, consideration of this application be deferred to enable officers to undertake further investigations and report back to the next meeting.

### **661 Planning application - MC/17/3333 - Court Lodge, Riggall Court, Bush Road, Cuxton, Rochester ME2 1HB**

#### **Discussion:**

The Senior Planner outlined the planning application and advised the Committee of a correction to the representation section of the report in that 10 letters of representation had been received, not 11.

#### **Decision:**

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

### **662 Report on Section 106 agreements for July to December 2017**

#### **Discussion:**

The Committee received a report setting out Section 106 funding received between the period July – December 2017.

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The Chairman sought further information on progress with application no. MC/12/1791 (former cement works Halling known as St Andrews Park) and requested that the Acting Head of Integrated Transport provide her and the Ward Councillors with an update.

### **Decision:**

The Committee noted the report and that the Acting Head of Integrated Transport will provide the Chairman and Ward Councillors with an update on progress at former cement works Halling known as St Andrews Park.

**Chairman**

**Date:**

**Ellen Wright, Democratic Services Officer**

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