

Medway Council
Meeting of Planning Committee
Wednesday, 14 March 2018
6.30pm to 9.55pm

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), McDonald, Pendergast, Potter, Tejan, Tranter and Wicks

Substitutes: Councillors:
Johnson (Substitute for Bowler)

In Attendance: Dylan Campbell, Planner
Michael Edwards, Acting Head of Integrated Transport
Kemi Erifevieme, Planning Manager
Councillor Roy Freshwater
Dave Harris, Head of Planning
Vicky Nutley, Planning and Licensing Lawyer
Councillor Tristan Osborne
Ellen Wright, Democratic Services Officer

835 Apologies for absence

Apologies for absence were received from Councillors Bowler and Royle.

836 Record of meeting

The record of the meeting held on 14 February 2018 was agreed and signed by the Chairman as correct.

Attention was drawn to planning application MC/17/1270 – Land East of Formby Road, Halling, Rochester and it was confirmed that the Chairman and Committee spokespersons agreed the wording of the refusal ground as set out in the minutes.

837 Urgent matters by reason of special circumstances

There were none.

838 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests

There were none

Other Interests

Councillor Carr informed the Committee that, as he knew the applicant for planning application MC/18/0220 – Bloors Place, 542 Lower Rainham Road, Rainham, Gillingham, he would leave the meeting for the consideration and determination of this planning application.

Councillor Gilry referred to planning application MC/17/4243 – 59 Twydall Lane, Twydall, Gillingham and advised the Committee that, as she had held discussions with the applicant, she would withdraw from the meeting for the consideration and determination of this planning application.

Councillor Griffiths advised the Committee that, as he wished to address the Committee as Ward Councillor on planning application MC/17/4243 – 59 Twydall Lane, Twydall, Gillingham, he would withdraw from the Committee and take no part in the determination of this planning application.

Councillor Potter referred to planning application MC/17/3863 – Halling Primary School, Howlsmere Close, Halling, Rochester and advised the Committee that, as Portfolio Holder for Educational Attainment and Improvement, he would leave the meeting for the consideration and determination of this planning application.

Councillors Bhutia, Etheridge, Potter, Tranter and Wicks referred to planning application MC/17/3572 – Land West of Merryboys Farm House, Cooling Common, Cliffe Woods and advised the Committee that they would withdraw from the meeting for the consideration and determination of this planning application as it was possible that they knew an individual who was involved with the application.

Councillor Tejan referred to planning application MC/17/3572 – Land West of Merryboys Farm House, Cooling Common, Cliffe Woods and advised the Committee that he would withdraw from the meeting for the consideration and determination of this planning application as it was possible that a Ward Colleague may be involved with the application.

839 Planning application - MC/17/3687 - Berengrave Nursery, Berengrave Lane, Rainham, Gillingham ME8 7NL

Discussion:

The Head of Planning outlined the planning application in detail and reminded the Committee that consideration of this application had been deferred at the meeting on 14 February 2018 to enable consideration to be given to an additional Section 106 contribution towards consideration of ways to improve the highway capacity at the junction at the A2/Birling Avenue and/or A2 Bloors Lane junctions.

Since 14 February 2018, the applicants had agreed to pay an additional contribution of £15,000 towards the design of possible highway improvements.

Attention was drawn to the supplementary agenda advice sheet correcting the total Section 106 contributions to £998,972.21 on page 48 of the agenda which included £60,876.40 towards the 6th form at Rainham Mark Grammar School and £15,000 towards improvements to the highway capacity and the junction of the A2/Birling Avenue.

The Committee discussed the planning application.

Decision:

Approved subject to:

- a) A Section 106 Agreement under the terms of the Town and Country Planning Act 1990 to secure the following developer's contributions:
- i) 25% Affordable Housing on site: equating to 30 dwellings. To comprise 18 units (60%) rented and (12Units) 40% shared ownership.
 - ii) Nursery School Riverside Primary School and/or St Thomas of Canterbury Expansion £91,769.60
 - iii) Primary School Riverside Primary School and/or St Thomas of Canterbury Expansion £226,886.40
 - iv) Secondary School Rainham Mark Grammar School £229,034.00
 - v) Sixth Form Rainham Mark Grammar School £60,876.40
 - vi) NHS (Thames Ave Surgery) £56,621.95
 - vii) Green space £99,322.08
 - viii) Public Right of Way - improvement GB5 and GB6 £6,230.00
 - ix) Youth Provision £7,070.00
 - x) Waste and recycling £13,989.60
 - xi) Birds Disturbance Mitigation £27,053.18
 - xii) Great Lines Heritage Park £15,119.00
 - xiii) To improve sustainable transport infrastructure £45,000.00
 - xiv) To provide off site ecological improvements £105,000.00
 - xv) The development shall provide a Green Infrastructure Scheme that should comprise LEAP play area with a minimum ground

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area of at least 400m² and green amenity area of no less than 1.4 hectares.

xvi)	£15k towards design improvements to improve highway capacity at A2/Birling Ave and/or A2/Bloors Lane junctions	£15,000.00
	Total contributions	£998,972.21

- b) Conditions 1 – 29 as set out in the report for the reasons stated in the report.

840 Planning application - MC/17/2767 - Chatham Golf Centre, Street End Road, Wayfield, Chatham ME5 0BG

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 23 be deleted as it replicated proposed condition 11. He also suggested that proposed condition 26 be amended to read as follows:

26. Within 3 months from the date of the commencement of the development hereby permitted details of an external lighting scheme for the site comprising street lighting, lighting arrangement for the car park courts areas, including its height, position, external appearance, any shielding, light intensity and spillage (such as light contour or lux level plans showing the existing and proposed levels), together with a report to demonstrate its effect on nearby residential properties and how this effect has been minimised shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed prior to the first occupation of the dwelling houses associated with each car parking court area and shall thereafter be retained.

Proposed conditions 24, 25 and 26 would then be re-numbered 23, 24 and 25 to reflect the deleted condition.

The Head of Planning drew attention to the proposed Section 106 agreement and explained that although there was not originally an intention for there to be a Section 106 agreement for this proposed development, following negotiations with all parties, the developer had agreed to a reduction in profit and both the landowner and the Council had agreed to a reduction in the sale price of the land. As a result it had been possible to reach agreement on a number of Section 106 contributions. Due to viability issues on this site, the development would not provide affordable housing numbers in compliance with Policy H3 of the Local Plan but would provide up to 10% which equated to 13 dwelling units. In compliance with a request from the Council's housing section, all 13 units would be rented accommodation.

With the agreement of the Committee Councillor Osborne addressed this Committee as Ward Councillor and informed the Committee that he was supportive of the application for the following reasons:

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- The site was a brownfield site and had ceased to operate as a commercial golf course.
- There is a need for housing to be provided in Medway and there was demand for housing in the local community.
- Discussions on this planning application had taken place at 2 PACT meetings and he had canvassed views of local residents on the proposed application.
- He was pleased to see the proposed Section 106 contributions and in particular contributions for local schools.
- The level of affordable housing was considered low but was acceptable if this meant that the site could be developed.
- The retention of the shrubbery and tree line was supported.
- Parking concerns appeared to have been addressed.

The Committee discussed the application and a view was expressed that as this site had previously been a golf course, it was a greenfield site as opposed to a brownfield site.

Concern was expressed as to the level of proposed affordable housing and the precedent that could be set should the Council permit a developer to provide a level of affordable housing lower than 25%. This was the required level to comply with Policy H3 of the Local Plan. It was considered that unless there was significant evidence that the developer was required to meet extraordinary costs e.g. to remove contamination, there was no justification for a development of this nature proceeding with less than 25% affordable housing provision.

The Head of Planning advised the Committee that as part of their application, the applicant had supplied a viability statement which had been scrutinised by an external Consultant appointed by the Local Planning Authority. The Council's Consultant had advised that a scheme delivering affordable housing at 10% (13 affordable rented flats for rent) and reduced contributions of £575,000 generated a residual land value equivalent to 100% of the Benchmark Land Value. This was the minimum level of land value that could be considered to be economically viable as required by the National Planning Policy Framework.

The Head of Planning explained the consequences should the Committee decide to refuse the planning application and if the applicant decided to go to appeal.

Decision:

Consideration of the application be deferred to enable Officers to obtain further advice upon the viability of the land on the basis that the Committee wished to see an increased level of affordable housing provision.

841 Planning application - MC/17/4259 - Unit D, Horsted Retail Park, Maidstone Road, Chatham ME5 9SQ

Discussion:

The Head of Planning outlined the planning application in detail and suggested that if the Committee was minded to approve the application, the proposed Section 106 be amended to read:

- i) Payment of £54,528.08 towards planting and maintenance of new trees in the locality in place of trees to be removed on the highway

In addition, proposed condition 2 was amended to read:

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

V13620-SK02 Rev H, 13620-170 Rev A, 13620-171 Rev A, 13620-172 Rev B, 13620-173 Rev A, 13620-174 Rev B, 13620-175, 13620-176 Rev A, 13620-177 Rev A, 13620-178 Rev A, 13620-179 Rev A, 13620-180 Rev A received 11/12/17 and 29/01/18.

He also advised the Committee that the applicant had emailed Members of the Committee a leaflet about the proposed application and a copy of this was appended to the supplementary agenda advice sheet.

The Head of Planning further drew attention to a number of amendments to the Planning Appraisal Section of the report, details of which were set out on the supplementary agenda advice sheet.

The Head of Planning advised the Committee that, in the light of the announcement that ToysRUs had gone into administration and the resultant closure of the store at this location, it was possible that at a future date this store could be sub-divided without the requirement of planning permission. He confirmed that the traffic flow assessment had been carried out on the floor space of units at this site.

The Committee discussed the application and concern was expressed that whilst the traffic flow assessment may have been undertaken on the floor space, the level of parking provision related to actual usage and the potential division of the ToysRUs unit into two units at a future date could result in increased usage of the existing car park and overspill onto other car parking areas.

A Member also expressed concern as to the impact on the highway of the current planning application and the possible future subdivision of the ToysRUs store.

Decision:

Consideration of this application be deferred to enable Officers to give further consideration to measures to mitigate the impact of the development of this site and to get further information in relation to the car park demand associated with the proposed stores reflecting the possibility of the existing ToysRUs being subdivided into two units.

842 Planning application - MC/17/4243 - 59 Twydall Lane, Twydall, Gillingham ME8 6JE

Discussion:

The Planner outlined the planning application in detail and advised the Committee that since despatch of the agenda, a copy of a letter addressed to the Committee had been received from Councillor Howard as Ward Councillor in support of the application, a copy of which had been appended to the supplementary agenda advice sheet.

In addition, he advised that 17 further letters had been received in support of the application.

With the agreement of the Committee, Councillor Griffiths addressed the Committee as Ward Councillor in support of the application and raised the following points:

- Although a retrospective planning application, the Committee should consider the application and decide whether it was detrimental to the neighbouring properties, the street scene or set an unwanted precedent.
- Although the roofline is considered to be high, the principal impact is at the rear of the property and therefore the impact on the street scene is less than it would be had it been at the front of the property.
- Although the frontage of the property is untidy, this should not affect the consideration of the planning application and the applicant could be required to tidy the land through enforcement.

The Committee discussed the application and whilst a number of Members considered that the development was acceptable, others considered the development to be bulky and dominant, particularly when viewed from the rear gardens of the application site and the surrounding neighbouring properties.

Decision:

Refused on the ground set out in the report.

843 Planning application - MC/17/3572 - Land West of Merryboys Farm House, Cooling Common, Cliffe Woods

Discussion:

Prior to outlining the planning application, the Head of Planning explained to the Committee that it had come to his attention that a Member of the Council may have an involvement in this particular planning application as he had visited the Planning Office and discussed the planning application with him. Although the planning application did not include any indication that the Member of the Council was involved, not did the Member of the Council have the applicant's company listed on his declaration of disclosable pecuniary interests, in the light of his possible involvement Councillors Bhutia, Etheridge, Potter, Tejan, Tranter and Wicks declared interests and left the meeting.

Prior to considering the application, a Member suggested that as it could not be established at this meeting whether or not the Councillor concerned had any involvement in this planning application, it would be appropriate for consideration of this application to be deferred until such time that further information was available.

Decision:

Consideration of this application be deferred pending further investigation by the Head of Planning.

844 Planning application - MC/17/4131 - Land adjacent South View, Sharnal Street, High Halstow, Rochester Kent ME3 8QR

Discussion:

The Planning Manager outlined the planning application in detail and suggested that if the Committee was minded to refuse the planning application, a revised reason for refusal was recommended as set out below:

The proposed development by reason of the creation of an additional residential curtilage and the erection of a dwelling in this location would result in an unsustainable form of development in the countryside, a distance away from services and facilities, where future occupants would be heavily reliant on the private car. It has not been sufficiently demonstrated that the proposal would enhance or maintain the vitality of the rural area in meeting the set principles for sustainable development, and the adverse environmental impact would outweigh its modest economic and social benefit. The proposal would conflict with Paragraphs 7 and 55 of the National Planning Policy Framework, and Policies BNE1, and BNE25 (i) of the Medway Local Plan 2003.

With the agreement of the Committee, Councillor Freshwater addressed the Committee on this planning application as Ward Councillor and raised the following points:

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- The land is derelict and too large for the neighbour to upkeep and therefore he wishes to provide a home for someone in the community.
- The concerns relating to sustainability and reliance on car borne travel is no different for this proposed dwelling as opposed to any other housing development on the Hoo Peninsula as they are all served by the same bus service.
- The proposed house will be located 100 yards from a local garage that includes a store that sells a wide range of products to meet the needs of the homes in this locality.
- The provision of one house on this section of land will have minimal impact on those in the locality.

The Committee discussed the application and noted that the application site was situated between two existing houses and could be considered as infill in a ribbon development.

The Head of Planning advised the Committee that each planning application was required to be considered on its individual merits having regard to the particular site. He noted that this proposed development was located very close to a local store and requested that the Committee give consideration as to whether the provision of one dwelling as infill was sufficient to change the character of the area.

Decision:

Approved subject to conditions and the Head of Planning being granted delegated authority to approve the conditions with the Chairman and Planning Spokespersons outside of the meeting.

845 Planning application - MC/17/4320 - Garages adjacent to 186 Laburnum Road, Strood, Kent ME2 2LD

Discussion:

The Planning Manager outlined the planning application in detail.

Decision:

Approved subject to:

- a) The completion of a Unilateral Undertaking to secure £1,341.48 (£223.58 per dwelling) towards Designated Habitats Mitigation.
- b) Conditions 1 – 7 as set in the report for the reasons set out in the report.

846 Planning application - MC/17/4383 - 158 Canterbury Street, Gillingham ME7 5UB

Discussion:

The Planning Manager outlined the planning application in detail and advised the Committee that since despatch of the agenda, a letter had been received objecting to the planning application, details of which were set out on the supplementary agenda advice sheet.

The Committee discussed the application and a number of Members expressed concern that there were already a number of takeaway establishments in Canterbury Street and the nearby High Street and that to approve the current application would result in an overconcentration of A3/A5 uses in the area. In addition, the provision of a takeaway at this location would exacerbate existing pressure for on-street parking. It was pointed out that customers collecting takeaway orders often parked spontaneously on double yellow lines which would create a particular issue at this location owing to the narrowness of the road, potential obscuring of sightlines from the slight bend in the road and the fact that this road is a bus route. It was also pointed out that the property was located on a route regularly used by school children on route to and from local schools.

Concern was also expressed regarding the potential noise disturbance to adjoining neighbours from the use of the rear garden as a smoking area, potential litter resulting from a take-away at this location and the dispersal of customers late at night.

A Member also expressed concern as to the potential disturbance to neighbouring properties from deliveries to the proposed restaurant/take-away and the likelihood that staff working at the premises would also add to the existing parking pressures in the locality of the premises.

The Planning Manager advised the Committee that if the application was approved, it was possible to include an additional condition that the rear garden not be used as an extension to the restaurant.

Decision:

- a) Refused on the following grounds:
 - 1. The application is contrary to Policy R18 in that it will result in an over-concentration of takeaways in the Canterbury Street area and the application site is located in close proximity to local schools.
 - 2. The application will have a direct impact on neighbours of adjoining properties through indiscriminate parking and disturbance late at night.

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- b) The Head of Planning be granted delegated authority to approve the wording of the refusal grounds outside of the meeting with the Chairman and Planning Spokespersons.

847 Planning application - MC/17/3949 - 133 Luton Road, Luton, Chatham ME4 5AE

Discussion:

The Planning Manager outlined the planning application in detail and suggested that if the Committee was minded to approve the application, a proposed Section 106 agreement also be approved, details of which were set out in the supplementary agenda advice sheet.

In addition, she advised that since despatch of the agenda, one further letter of representation had been received objecting to the application on grounds already set out in the report.

The Committee discussed the application and a number of Members expressed concern regarding the layout of the proposed flats. The Head of Planning advised that a number of the concerns raised were Building Control issues.

It was suggested that if approved, an additional condition be imposed requiring the retention of the front wall so as to avoid its removal to provide a parking space.

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 towards Designated Habitats Mitigation.
- b) Conditions 1 – 3 as set out in the report for the reasons stated in the report and an additional condition 4 as follows:
 - 4. The front garden wall of the property fronting onto Luton Road be retained.

Reason: To protect the character of the street scene and to stop the front area being used for car parking.

848 Planning application - MC/17/3863 - Halling Primary School, Howlsmere Close, Halling, Rochester ME2 1ER

Discussion:

The Planning Manager outlined the planning application in detail.

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Decision:

Approved with conditions 1 – 7 as set out in the report for the reasons stated in the report.

849 Planning application - MC/18/0220 - Bloors Place, 542 Lower Rainham Road, Rainham, Gillingham ME8 7TP

Discussion:

The Head of Planning outlined the planning application and drew attention to a revised recommendation on the supplementary agenda advice sheet. In addition he suggested that if the Committee was minded to approve the application a new condition 3 be approved also set out on the supplementary agenda advice sheet.

Decision:

- a) The Head of Planning be granted delegated authority to issue a decision in line with Committee's resolution to approve the application, once the consultation period ended on 26 March 2018 (as a new site notice had to be displayed), subject to any representation received not raising issues not already considered within the report.
- b) Such approval be subject to conditions 1 and 2 as set out in the report for the reasons stated in the report and condition 3 as set out below:
 3. Prior to its installation on site the following additional details/plans shall be submitted to and approved in writing by the Local Planning Authority:
 - Elevation of 1:20 to show the setting out of the stone for the window (WG04) and how this meets with the proposed infilling of the door for window

The development shall be implemented in accordance with the approved details and shall thereafter be retained.

Reason: To ensure that the architectural and historical character of the listed building is maintained, in accordance with Policies BNE1 and BNE17 of the Medway Local Plan 2003.

850 Report on Appeal Decisions for the period 1 October - 31 December 2017

Discussion:

The Committee received a report setting out appeal decisions for the period 1 October – 31 December 2017.

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Decision:

The Committee noted the report.

Chairman

Date:

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