

Medway Council
Meeting of Planning Committee
Wednesday, 11 April 2018
6.30pm to 8.50pm
Record of the meeting

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: Laura Caiels, Legal Advisor
Councillor Jane Chitty
Michael Edwards, Acting Head of Integrated Transport
Dave Harris, Head of Planning
Mark Lawson, Environmental Services Manager
Councillor Vince Maple
Hayley White, Planner
Ellen Wright, Democratic Services Officer

898 Apologies for absence

There were no apologies for absence.

899 Record of meeting

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

The Chairman drew attention to the supplementary agenda advice sheet which set out the conditions and refusal grounds agreed by the Head of Planning in consultation with the Chairman and Planning Spokespersons for two planning applications considered by the Committee on 14 March 2018:

Planning application – MC/174131 – Land adjacent South View, Sharnal Street, High Halstow, Rochester Kent ME3 8QR

Approved with the following conditions:

1. Approval of the details of the appearance, layout and scale of the dwelling house, and the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

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Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory.

2. Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990.

3. The development to which this permission relates must be begun no later than the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

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

Drawing numbers: 1611/SSHH/01, 1611/SSHH/02 and 1611/SSHH/A4 received 29 November 2017.

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

5. No development shall take place until a Construction 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 construction working including delivery/collection times from the site; 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 before commencement of development to avoid any irreversible detrimental impact on surrounding residential amenities and in accordance with Policy BNE2 of the Medway Local Plan 2003.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order with or without

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modification) no development shall be carried out within Classes A, B, C, D, and E of Part 1 of Schedule 2 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 BNE2 of the Medway Local Plan 2003.

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

Refused on the following ground:

- 1 The proposed change of use from A3 to A3/A5, in particular to the A5 takeaway use would result in the concentration of similar uses and would be unacceptable in respect of environmental impact in terms of noise and general disturbance on neighbouring occupiers and, on highway safety as a result of vehicle movement and need for additional parking that would be associated with a hot food takeaway use. The proposal would be contrary to Policies BNE2, R18, T1 and T13 of the Medway Local Plan, 2003.

900 Urgent matters by reason of special circumstances

There were none.

901 Chairman's announcements

On behalf of the Committee, the Chairman welcomed Councillor Bowler back to the Committee after a period of ill health. In addition, she welcomed Hayley White, Planner to her first meeting of the Committee.

902 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other Significant Interests

There were none

Other interests

The Chairman advised the Committee that as she had addressed the Committee as Ward Councillor on planning application MC/17/3484 – Hempstead Valley Shopping Centre, Hempstead Valley Drive, Hempstead, Gillingham at its meeting on 14 February 2018, she would withdraw from chairing the meeting and take no part in the discussion or determination of the

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planning application. In the absence of the Chairman, the Vice Chairman took the chair for this particular planning application.

903 Planning application - MC/17/3484 - Hempstead Valley Shopping Centre, Hempstead Valley Drive, Hempstead, Gillingham

Discussion:

The Vice Chairman chaired the meeting for this planning application.

The Head of Planning outlined the planning application and reminded the Committee that this application had been considered by the Committee on 14 February 2018 when it had been deferred for further consideration on matters of amenity and highways.

The Head of Planning reported upon the outcome of further discussions with the applicant arising from Members' concerns and advised that the applicant had investigated the possible relocation of the new car park deck but considered that this was not feasible. The applicant considered that the impact upon residents was negligible having regard to the distance of the car park deck from residential properties and the proposed landscaping scheme which would screen the deck.

The Head of Planning drew attention to the supplementary agenda advice sheet and suggested that if the Committee was minded to approve the application, new conditions 26 and 27 be approved. In addition, he drew attention to a number of representations received since despatch of the agenda objecting to this application, details of which were appended to the supplementary agenda advice sheet.

The Committee discussed the application and noted the distance of the car park deck from residential properties in Kingsdown Close and Tamarind Close.

It was suggested that, if approved, when considering the landscaping scheme under proposed condition 22, the applicant should be required to provide semi-mature trees and trees that are evergreen so that the deck remains screened for the full year.

Decision:

Approved with conditions 1 – 25 as set out in the report for the reasons stated in the report, new conditions 26 and 27 as set out below and officers note that as part of the landscaping scheme referred to at condition 22, the trees used to screen the car park deck be semi mature and evergreen:

26. Prior to any works above ground floor slab level on either the units or the new car park deck hereby approved, whichever is the former, details of a mechanism to procure a detailed assessment of the Sharstead Way/Hoath Way roundabout plus the wider highway network serving the centre and to investigate future design improvements shall be submitted

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to and approved in writing by the Local Planning Authority. The approved mechanism shall set out measures that will contribute towards the implementation of the design improvements. The details shall also set out a programme for the detailed assessment to be undertaken.

Reason: To ensure the development is acceptable with regard to the Highway Network and in accordance with Policy T1 of the Medway Local Plan 2003.

27. Prior to first use of the deck car park, a plan showing a parking guidance system that displays the number of spaces available within the car park shall be submitted to and approved in writing by the Local Planning Authority. The approved signage shall be implemented in accordance with the approved details prior to first use and maintained in a working order thereafter.

Reason: To allow drivers to see available spaces to increase traffic flow and prevent queues forming in accordance with policies BNE2 and T13 of the Medway Local Plan 2003.

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

Discussion:

The Head of Planning reminded the Committee that this planning application had originally been due to be considered by the Committee on 14 March 2018, but had been deferred in order to clarify the involvement (if any) of a Councillor. He confirmed that the applicant had since advised that he had spoken to the Councillor concerned at a business lunch but that the Councillor had no interest in the applicant's company, had no financial interest in the site and, if approved, the plots would be advertised for sale on the open market.

The Head of Planning then outlined the planning application in detail.

Arising from discussions, it was suggested that the wording of proposed conditions 19 and 20 be reconsidered and tightened and that the minimum period that the plot(s) be marketed to self/custom builders be extended from 12 months to 24 months.

Decision:

Approved subject to:

- a) The submission of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure:
 - i) £223.58 per new dwelling towards Designated Habitats Mitigation.
 - ii) A commitment to make the development plots available only as self-build plots.

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- b) Conditions 1 – 18 and 21 as set out in the report for the reasons stated in the report and the Head of Planning be granted delegated powers to reconsider and amend if necessary the wording of conditions 19 and 20 noting that the period of time by which the plot(s) be marketed to self/custom builders in condition 19 should be extended from 12 months to 24 months.

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

Discussion:

The Head of Planning reminded the Committee that this planning application had been submitted for consideration on 14 March 2018 but that the application had been deferred for further consideration, mainly concerning car parking issues.

The Head of Planning suggested that should the Committee be minded to approve the planning application, proposed condition 2 be amended and a new condition 17 be approved, as detailed in the supplementary agenda advice sheet. In addition, proposed condition 10 required deletion as it was a duplicate of condition 8. He also advised that since despatch of the agenda, the agent had provided further details in response to the issues raised concerning highways and these had been appended to the supplementary agenda advice sheet.

The Committee discussed the application and expressed the view that the deferral of this application on 14 March 2018 had been useful so as to obtain the additional information requested.

A Member suggested that, if approved, an additional condition be imposed concerning management of litter on the site along similar lines where drive through take-aways were located.

Decision:

Approved subject to:

- a) Section 106 Agreement under the terms of the Town and Country Planning Act 1990 to secure the following developer's contributions:
 - i) Secure £1000 for an initiative at Vale Pre School and/or Horsted Infants and Juniors. These initiatives could include nutritional resources for the school, community food growing and commissioned physical activities.
 - ii) Payment of £54,528.08 toward planting and maintenance of new trees in the locality in place of the trees to be removed on the public highway.

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- b) Conditions 1, 3 – 9, 11 – 16 as set out in the report for the reasons stated in the report and condition 2 amended and new conditions 10 and 17 as set out below:

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 Rev A, 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

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

10. Prior to the commencement of the use of the drive-thru restaurant hereby approved, a scheme for the provision of appropriate litter containers and the litter management of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved prior to the first use of the drive-thru restaurant and thereafter carried out in accordance with the approved scheme to the satisfaction of the Local Planning Authority.

Reason: To ensure that litter resulting from the use of the site does not become a source of nuisance for neighbouring residents or detrimental to the amenity of the area, having regard to Policy BNE2 of the Local Plan.

17. Prior to the bringing into use of any of the retail units hereby approved a scheme for providing a detection system on the retail park access to trigger the proposed new Toucan crossing, when there are extensive queues that are not moving, shall be submitted to and approved in writing by the Local Planning Authority. The approved detection system shall be installed prior to the bringing into use of any part of the built development hereby approved and shall thereafter be retained.

Reason: To ensure the consistent operation of the roundabout and to ensure the relative free flow of traffic from the retail park.

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

Discussion:

The Head of Planning reminded the Committee that this planning application had been submitted for consideration on 14 March 2018 when consideration

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had been deferred to enable further information to be obtained on viability issues.

The Head of Planning referred to a recent planning presentation at which the viability issues had been explained in detail and Members had had an opportunity to ask questions of the Council's Independent Viability Assessor.

The Committee discussed the application and Members acknowledged that the deferral had been beneficial so as to enable the Committee to have a full explanation as to the particular constraints relevant to this particular site. The view was expressed that should this planning application be approved, this should not be treated as a precedent for permitting a lower level of affordable housing than 25% at other development sites.

Decision:

Approved subject to:

- a) A Section 106 agreement being entered into to secure the following:
 - i) 10% Affordable Housing on site: equating to 13 dwellings for affordable rent.
 - ii) A contribution towards Nursery School provision in Walderslade pupil place area of £92,102.40.
 - iii) A contribution towards Primary School provision in Walderslade pupil place area of £222,496.89.
 - iv) A contribution towards Secondary School provision at Victory and/or Holcolme £195,825.07.
 - v) Pedestrian safety and accessibility Improvement in the vicinity of site £ 30,000.00.
 - vi) Waste and recycling To provide brown bins to each property for the collection of food and garden waste £20,362.64.
 - vii) Street End Road Allotments to improve the allotments in situation £6,500.00.
 - viii) Youth Service £7,713.00.
 - ix) Bird Contribution of £29,288.98.

Total contribution of £604,288.98

- b) Conditions 1 – 26 as set out in the report for the reasons stated in the report.

907 Planning application - MC/17/4424 - Stoke Road Business Centre, Stoke Road, Hoo St Werburgh, Rochester ME3 9BP

Discussion:

The Head of Planning outlined the planning application in detail and advised the Committee that the supplementary agenda advice sheet should have included a number of minor changes to the proposed conditions for this

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planning application. He therefore suggested that if the Committee was minded to approve the planning application, he be granted delegated authority to make minor changes to the supplementary agenda advice sheet.

He outlined the planning application in detail and advised the Committee that although this site was outside the village boundary of Hoo St Werburgh, the site was considered to be sufficiently close to local services so as to be accessible by means other than use of a car. He advised that as the Council could not demonstrate a 5 year housing land supply, in line with the National Planning Policy Framework, it was appropriate for the Committee to have regard to the issue of sustainability and the three dimensions of environmental, social and economic considerations.

He also drew attention the proposed Section 106 which had been negotiated with the applicant and it was recognised that through the various heads of agreement, a substantial level of funding would be provided for facilities in Hoo St Werburgh as a result of the development.

The Head of Planning also advised upon receipt of representations from Kent County Council Ecology and Natural England confirming that they had no objection to the submitted Phase 1 ecology report and wintering bird survey

The Committee discussed the application and Members expressed their appreciation to the Head of Planning for the level of funds negotiated through the proposed Section 106 agreement. However, some Members expressed concern as to the increased pressure that the development would place on the infrastructure in and around Hoo St Werburgh. In particular, they raised issues concerning the limited availability of parking in the village, the lack of available GP facilities in Hoo, the impact on the single road in and out of the village, potential pressure on neighbouring land and the pressure that this development would place on The Hundred of Hoo Academy.

Decision:

Approved subject to:

- a) The applicants entering into agreement under Section 106 of the Town and Country Planning Act to ensure:
 - i. Secure a minimum of 25% affordable housing.
 - ii. £118,110.00 (£590.55 per dwelling) toward highways improvements at the A228 Peninsular Way (junction with Main Road, Hoo).
 - iii. £14,400 toward improvement to pedestrian infrastructure for safer routes to schools based upon the rate of £72 per dwelling.
 - iv. £183,040.00 towards Nursery provision.

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- v. £449,280.00 towards primary education.
- vi. £246,034.29 towards secondary education.
- vii. £31,088.00 toward waste and recycling (£155.44 per dwelling).
- viii. £93,590.00 towards local GP services.
- ix. £39,028.50 toward Community Facilities within the Hoo Parish area (new community centre).
- x. £24,990.00 toward the Great Lines Heritage Park (£51 per person – 2.45 persons per home on average)
(Great Lines Heritage contribution to be redistributed to benefit more local public facilities).
- xi. £7,934.80 toward patch resurfacing/new wearing course for RS96 and RS111.
- xii. £44,716.00 toward Habitats Regulations (mitigation against Wintering Birds – at £223.58 per dwelling).
- xiii. £1,200,322.50 towards new community facilities including new sports complex, new village community centre and/or the provision of 2 new country parks in the wider Hoo St Werburgh area.

Total Contribution £2,452,544 (£12,262.72 per house) plus 25% affordable housing.

- b) Conditions 1 – 22 as set out in the report for the reasons stated in the report and the Head of Planning be granted delegated authority to make minor changes to the conditions as appropriate.

908 Planning application - MC/17/2956 - 178 and Land North of Brompton Farm Road, Strood, Rochester ME2 3RE

Discussion:

The Head of Planning outlined the planning application in detail and explained that this planning application was different to that referred to at MC/17/4424 in that it involved a proposal to build on green belt land.

He referred to the National Planning Policy Framework (NPPF) and stressed that as the site was located on green belt land, the central test would be whether there were very special circumstances to justify the grant of planning permission. He referred to the relevant paragraphs of the National Planning Policy Framework which set out the following five purposes which a Green Belt served:

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1. To check the unrestricted sprawl of large built-up areas;
2. To prevent neighbouring towns from merging into one another;
3. To assist in safeguarding the countryside from encroachment;
4. To preserve the setting and special character of historic towns; and
5. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

It was considered that the development proposed would be harmful by being contrary to points 1, 3 and 5 of paragraph 80 of the NPPF.

The Head of Planning informed the Committee that the applicant had advised that they were of the opinion that there were special circumstances to justify the granting of planning permission for this development as the applicant was proposing to make 50% of the proposed dwellings affordable housing.

With the agreement of the Committee, Councillor Chitty addressed the Committee on this planning application as Ward Councillor and set out her objections to the proposed development on the basis that this land was designated as Green Belt land to prevent the urban sprawl and to provide a buffer zone. She urged the Committee to refuse the planning application.

The Committee discussed the application having regard to the applicants offer to provide 50% of the dwellings as affordable housing. Whilst it was acknowledged that the applicants had attempted to strengthen the buffer zone, the proposed development still encroached onto Green Belt land and it was considered that an application of this nature should not be considered outside the context of the Medway Local Plan process.

The Committee also had full regard to the provisions of the NPPF and the restrictions placed upon development on Green Belt land.

A Member suggested that should the application be refused and then proceed to appeal, any proposed Section 106 agreement that may be negotiated at a later date include provision for Abbey Court School.

Decision:

Refused on the refusal grounds 1 – 3 as set out in the report.

909 Planning application - MC/17/3970 - 46 Gravesend Road, Strood, Rochester ME2 3PJ

Discussion:

The Planner outlined the planning application in detail and informed the Committee that a petition containing 22 signatures had been received objecting to this planning application with regard to the right of access to the site. In addition, four further letters of objection had been received expressing concern regarding the loss of parking. Other issues raised related to civil matters.

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With the agreement of the Committee, Councillor Chitty addressed the Committee on this application as Ward Councillor and outlined the concerns of local residents. She advised that although she was a resident of Broomhill Road, she did not live close to the application site and was not affected by the planning application but was addressing the Committee on behalf of those residents that were affected.

She referred to the planning history for this site and advised that the proposed detached building had a large footprint and was considered to be backland development and would create a dangerous precedent for the provision of extensions or buildings in gardens of those properties near the application site. She pointed out that the track was narrow and there was no clear sight line when exiting the access track.

She also informed the Committee that the individual that owned the track leading to the application site had not given the applicant permission to use the track for access to the property in Gravesend Road.

The Head of Planning advised the Committee that ownership of such rear access tracks and the rights to use such access tracks was not a planning consideration.

The Committee discussed the application having regard to the advice from the Head of Planning insofar as to what would be allowed under permitted development rights

Decision:

Approved with conditions 1 – 4 as set out in the report for the reasons stated in the report.

910 Planning application - MC/18/0126 - Willow Haven, 37 Grain Road, Wigmore, Gillingham ME8 0NB

Discussion:

The Planner outlined the planning application in detail.

The Committee discussed the application and whilst appreciating the wish of the applicant to extend their property to accommodate an increased number of family members, expressed concern that the proposed extension by virtue of its size would be detrimental to the character and appearance of the existing dwelling.

Decision:

Refused on the following ground:

1. As a result of the linked design of the four dormers to each side, the proposal would dominate the roof slope resulting in a development that

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would be detrimental to the character and appearance of the existing dwelling contrary to Policy BNE1 of the Medway Local Plan 2003.

911 Planning application - MC/18/0497 - 43 James Road, Cuxton, Rochester ME2 1DJ

Discussion:

The Planner outlined the planning application in detail.

The Committee discussed the planning application.

Decision:

Approved with conditions 1 – 4 as set out in the report for the reasons stated in the report.

912 Exclusion of the press and public

The Committee agreed to ask the press and public to leave the meeting because the following item contained sensitive information relating to current legal proceedings. The information was considered to be exempt under paragraph 6 of part 1 of Schedule 12A of the Local Government Act 1972.

913 Section 215 Enforcement

Discussion:

The Environmental Services Manager reported upon the action taken by the Environmental Enforcement Team on Section 215 issues for the period October 2017 – March 2018.

A number of Members thanked the Environmental Services Officer for work undertaken in their Wards by the Environmental Enforcement Team.

Decision:

The report was noted.

Chairman

Date:

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Ellen Wright, Democratic Services Officer

Telephone: 01634 332012

Email: democratic.services@medway.gov.uk