

**Medway Council**  
**Meeting of Planning Committee**  
**Wednesday, 9 May 2018**  
**6.30pm to 10.12pm**

**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, Potter, Royle, Tejan, Tranter and Wicks

**In Attendance:** Councillor David Brake  
Councillor Pat Cooper  
Michael Edwards, Head of Transport and Parking  
Kemi Erifevieme, Planning Manager  
Dave Harris, Head of Planning  
Paul Ives, Senior Planner  
Vicky Nutley, Assistant Head of Legal Services  
Councillor Alex Paterson  
Stephen Platt, Democratic Services Officer  
Councillor Julie Shaw  
Tom Stubbs, Senior Planner

**971 Apologies for absence**

An apology for absence was received from Councillor Pendergast.

**972 Record of meeting**

The record of the meeting held on 11 April 2018 was agreed and signed by the Chairman as correct.

The Chairman drew attention to Minute 904 - MC/17/3571 - Land West of Merryboys Farm House, Cooling Common, Cliffe Woods and it was noted that condition 19 of the planning permission had been amended by the Head of Planning under delegated powers as follows:

19. The plot(s) must be marketed to self/custom builders for a minimum period of 24 months from the commencement of development on the plot(s), after which time evidence of this should be provided to the satisfaction of the Local Planning Authority before any consideration by the land owner/developer is given to revert to open market sale/to be developed by

## Planning Committee, 9 May 2018

the land owner/developer. This evidence would be required in any subsequent full planning applications to the Local Planning Authority.

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

There were none.

### **974 Declarations of Disclosable Pecuniary Interests and Other Significant Interests**

#### Disclosable pecuniary interests

There were none.

#### Other significant interests

Councillor Bowler informed the Committee that, as the applicant for planning application MC/17/2603 – 100 Lower Rainham Road, Rainham, Gillingham was a close friend, he would leave the meeting for the consideration and determination of this planning application.

#### Other interests

Councillor Tejan advised the Committee that, as he wished to address the Committee as Ward Councillor on planning application MC/18/0365 – 26 Sallow Close, St Marys Island, Chatham, he would withdraw from the Committee and take no part in the determination of this planning application.

Councillor Etheridge referred to planning application MC/18/0811 – 49 Wainscott Road, Wainscott, Rochester, and advised that, although he was a member of the Frindsbury Extra Parish Council, he had not been present at the Parish Council meeting that had discussed this application.

Councillor Potter informed the Committee that, as he had visited schools in the Thinking Schools Academy Trust and had discussed this application, he would withdraw from the Committee and take no part in the determination of this planning application.

### **975 Planning application - MC/18/0247 - Land At White House Farm, Stoke Road, Hoo St Werburgh, Rochester**

#### **Discussion:**

The Head of Planning outlined the planning application in detail and advised that, at this stage, the only aspect of the application submitted for consideration by the Committee was that of vehicular access. It was proposed that the access point would be located on the north side of Stoke Road, approximately 550m west of the Ropers Lane roundabout.

## Planning Committee, 9 May 2018

The Head of Planning said that an indicative plan had been submitted with the planning application to illustrate a layout for 65 dwellings on the site. He advised that the site area/density was 2.79 hectares and not 22.79 hectares as stated in the report.

The Head of Planning suggested that, should the Committee be minded to approve the planning application, the contribution towards new community facilities in the proposed Section 106 Agreement be amended, as detailed in the supplementary agenda advice sheet.

The Committee discussed the application and a Member suggested that, if outline planning permission was granted, consideration of reserved matters should include adequate parking and road layouts to allow the free flow of traffic. The Head of Planning suggested that the reserved matters be referred to the Planning Committee for determination.

### Decision:

1. Approved subject to:

- a) The applicants entering into an agreement under Section 106 of the Town and Country Planning Act to ensure:
  - i) Secure a minimum of 25% affordable housing equating to 16 dwellings.
  - ii) £59,488.00 towards Nursery provision
  - iii) £146,016.00 towards primary education
  - iv) £147,506.00 towards secondary education
  - v) £38,870.00 towards Sixth Form
  - vi) £10,103.6 toward waste and recycling (J155.44 per dwelling)
  - vii) £30,416.75 towards Hoo St. Werburgh Practice
  - viii) £37,105.25 towards Heritage and museums improvement of facilities in the Sergeant's Mess building at Upnor Castle.
  - ix) £123,737.26 towards Open space
  - x) £8,121.75 toward the Great Lines Heritage Park (J51 per person – 2.45 persons per home on average)  
(Great Lines Heritage contribution to be redistributed to benefit more local public facilities in agreement with the Parish Council)
  - xi) £3,020.40 towards improvement and new wearing course for PROW RS111 and RS96

## Planning Committee, 9 May 2018

- xii) £30,000.00 towards measures to reduce vehicle speeds on Stoke Road
  - xiii) £202, 925.84 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.
  - xiv) £15,574.61 toward Habitats Regulations (mitigation against Wintering Birds – at £239.61 per dwelling)
- b) Conditions 1 to 26 as set out in the report for the reasons stated in the report.
2. That the reserved matters be reported to the Planning Committee for determination.

### **976 Planning application - MC/18/0805 - Rose Cottage, 326 Hempstead Road, Hempstead, Gillingham**

#### **Discussion:**

The Senior Planner outlined the planning application in detail and advised the Committee that the application was a resubmission of a similar scheme approved on 23 November 2017. The revised scheme proposed to utilise the roof space as accommodation for both properties, a two storey house and a bungalow, using rooflight windows.

The Committee's attention was drawn to the supplementary advice sheet which detailed amended proposed conditions 2, 7 and 8 and a new condition 10. In addition, the Senior Planner advised that, since the despatch of the agenda, two additional representations had been received raising objections and these were included on the supplementary advice sheet.

The Committee discussed the application and expressed concern about the increased number of bedrooms for both proposed dwellings, from four to six, which was considered to be an overdevelopment of the site. The potential for an increased number of occupiers and vehicles and the detrimental impact on the amenity of residents at 328 Hempstead Road were considered to be unacceptable.

#### **Decision:**

- a) Refused on the following ground:

The proposal would be an overdevelopment of the site by virtue of the increased number of bedrooms at each dwelling which would result in an increased number of occupants and vehicles, and tandem parking, leading to detrimental residential amenity for occupiers of neighbouring properties.

## Planning Committee, 9 May 2018

- b) The Head of Planning be granted delegated authority to approve the wording of the refusal ground in consultation with the Chairman.

### **977 Planning application - MC/18/0365 - 26 Sallow Close, St Marys Island, Chatham ME4 3HG**

#### **Discussion:**

The Planning Manager outlined the application in detail which was a resubmission of a previously refused scheme. The current application sought to reduce and alter the layout of the first floor balcony area. However, officers were of the view that the proposed balcony would introduce a platform which would offer elevated views into the neighbouring property and the proposal would therefore have a detrimental impact on the neighbouring occupiers.

With the agreement of the Committee, Councillor Tejan addressed the Committee as Ward Councillor. With regards to the reasons for refusal recommended by officers, he pointed out that letters in support of the proposal had been submitted by the occupiers of neighbouring properties and also Chatham Maritime Trust. As the property already had a juliet balcony, a level of overlooking already existed and it would be difficult to find a property on St Marys Island that was not overlooked.

The Committee discussed the application and Members acknowledged the points put forward by Councillor Tejan. However, some Members remained concerned that, if approved, the proposal would set a precedent. The proposed balcony would provide a seating area for occupiers which would increase the level of overlooking for current and future occupiers of neighbouring properties.

#### **Decision:**

Refused on the refusal ground set out in the report.

### **978 Planning application - MC/17/2603 - 100 Lower Rainham Road, Rainham, Gillingham ME7 2XS**

#### **Discussion:**

The Head of Planning outlined the application in detail and advised the Committee that officers were of the view that the proposal fell outside of the planning unit and was not, therefore, ancillary to the main dwelling. By virtue of its self contained nature, location, separateness and independent accessibility, the proposal represented a new self contained dwelling rather than a granny annexe. As a new dwelling the proposal failed to meet the terms of the National Planning Policy Framework and Medway Local Plan 2003 policies, including floor space, parking and bird mitigation.

With the agreement of the Committee, Councillor Cooper addressed the Committee as Ward Councillor. Councillor Cooper advised the Committee that

## Planning Committee, 9 May 2018

the annexe would provide accommodation for an elderly resident and her carer. The proposed location of the annexe was due to the presence of septic tanks on the land which could not be built over. Water and electricity to the annexe would be provided from the main dwelling.

The Committee discussed the application and, whilst supporting the general need for annexe accommodation, Members considered that, in this instance, the location of the proposed dwelling was too far from the main dwelling to be associated or reliant on it.

### **Decision:**

Refused on refusal grounds 1 – 5 as set out in the report.

### **979 Planning application - MC/18/0811 - 49 Wainscott Road, Wainscott, Rochester ME2 4LA**

### **Discussion:**

The Senior Planner outlined the application in detail and identified the main issues to be the loss of a shop facility; the impact on amenity; and highway safety. He drew attention to the supplementary agenda advice sheet which amended proposed condition 2 and proposed an additional condition 10. He also advised that condition 6 should be amended to refer to A3 and A5 use. Three additional representations were also detailed on the supplementary agenda advice sheet, two objecting to the proposal, including one from Councillor Williams, Ward Councillor, and one in support of the proposal.

Arising from the discussion, it was suggested that the application be refused due to parking issues; the narrowness of the road; the proximity of the site to a school and the potential for the extraction flue to cause disturbance to neighbouring properties.

### **Decision:**

a) Refused on the following grounds:

The proposal for a takeaway so close to a school is inappropriate and would also result in inconsiderate parking in an area where on-street parking was at a premium. In addition, the installation of an extraction flue would have a detrimental impact on neighbouring properties.

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

## Planning Committee, 9 May 2018

### **980 Planning application - MC/17/4068 - Land Between 5 and 11 Tennyson Avenue, Rochester ME3 8JF**

#### **Discussion:**

The Senior Planner presented the outline application in detail. It was noted that all matters were reserved for the construction of a pair of semi-detached houses with associated parking and indicative plans had been submitted to illustrate the layout. It was therefore suggested that, should the Committee be minded to approve the application, proposed condition 4 in the report be amended accordingly.

The Committee discussed the application and a Member expressed concern about the tandem layout of proposed parking area.

#### **Decision:**

Approved with conditions 1 – 3 and 5 – 8, as set out in the report, and condition 4 amended as follows, for the reasons stated in the report:

#### Condition 4:

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

Drawing numbers: 01 and 02 received 24 November 2017.

### **981 Planning application - MC/17/4128 - 78 & 80-86 John Street, Rochester ME1 1YW**

#### **Discussion:**

The Head of Planning outlined the planning application in detail and advised the Committee that there was an extant planning permission for 78 John Street. Planning permission for 80 to 86 John Street had been refused in 2008. The current application was considered by officers to be acceptable in terms of its design and impact on the street scene.

With reference to the proposal to provide only three car parking spaces, the Head of Planning noted that the Planning Inspector had not considered this to be an issue at a previous appeal.

The Committee discussed the application and questioned the proposed Section 106 agreement which sought a contribution towards improvements to the Castle Medical Practice, Halling. It was considered more appropriate for this funding to go to the Delce and Thorndike Medical Practices. In addition, a Member suggested that the proposed contribution towards The Vines, Jackson's Fields and/or Churchfields, should instead be split between Jackson's Fields and Copperfields.

## Planning Committee, 9 May 2018

### Decision:

Approved subject to:

- a) The applicant/owner entering into an agreement under Section 106 of the Town and Country Planning Act to secure:
  - i) Contribution of £1788.64 towards Designated Habitats Mitigation.
  - ii) Contribution of £9133.60 towards the improvement of street furniture in the grounds of Rochester Castle.
  - iii) Contribution of £7487.20 towards improvements to the Delce Medical Practice and/or the Thorndike Medical Practice.
  - iv) Contribution of £1999.20 towards the repair of wooden step risers at Great Lines Heritage Park.
  - v) Contribution of £18496.00 towards Jackson's Fields and/or Copperfields.
- b) Conditions 1 - 7 as set out in the report for the reasons stated in the report.

### **982 Planning application - MC/18/0312 - 1 Fourwents Road, Hoo St Werburgh, Rochester ME3 9JX**

### Discussion:

The Senior Planner outlined the planning application in detail and advised that, since the despatch of the agenda, four additional representations had been received and these were set out in the supplementary agenda advice sheet. In addition, the applicant's agent had provided photographic observation of parking availability at peak times on the road.

The Committee discussed the planning application with particular reference to potential parking issues.

### Decision:

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



## Planning Committee, 9 May 2018

### 983 Planning application - MC/17/1949 - Chatham Grammar School for Boys, Holcombe, 103 Maidstone Road, Chatham

#### Discussion:

The Senior Planner outlined the report which detailed the proposal to refurbish tennis courts into a 3G Artificial Turf Pitch with new fencing, floodlighting, associated access pathways and storage container.

With the agreement of the Committee, Councillor Shaw addressed the Committee on this planning application as Ward Councillor and expressed the concerns of residents of Park Crescent regarding the potential for increased noise, traffic and lighting. She suggested that, if the Committee was minded to approve the application, the site should not be used on Sundays for a period of six months to enable an assessment of the effect of the proposals. Councillor Shaw also suggested that representatives of the school meet with residents on a quarterly basis.

The Committee discussed that application having regard to residents' concerns and Councillor Shaw's suggestions. Members suggested that the proposed use should not include Sundays and that conditions should include the agreement of light spill plans.

#### Decision:

a) Approved subject to conditions 1, 2, and 5 – 7 as set out in the report for the reasons stated in the report and conditions 3 and 4 amended as set out below, with the final wording to be agreed by the Head of Planning in consultation with the Chairman:

3. The use hereby permitted shall only operate between the hours of 09:00 to 21:00 Mondays to Fridays inclusive and between the hours of 09:00 to 18:00 on Saturdays and bank holidays and shall not operate on Sundays.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

4. The outdoor floodlights shall not be used after 21:00 Mondays to Fridays (inclusive) and 18:00 on Saturdays and bank holidays and shall not be used on Sundays. There shall be no changes to these times or the type, design or lux levels of the outdoor floodlights. Light spill plans to be agreed by the Local Planning Authority.

Reason: To protect neighbouring amenities in accordance with Policy BNE2 of the Medway Local Plan 2003.

b) An informative to be added that the applicant is encouraged to make contact with the local residents' association to arrange quarterly meetings.

**984 Planning application - MC/18/0548 - 8 Abbots Close, Rochester ME1 3AZ**

**Discussion:**

The Planning Manager outlined the planning application and stressed that any planning consent would not override the existing covenant restriction.

With the agreement of the Committee, Councillor Paterson addressed the Committee on this planning application as Ward Councillor and expressed residents' concerns regarding access to the site. He suggested that a site visit be undertaken by the Committee prior to determination of the application. Councillor Paterson also pointed out that, contrary to the report, no. 8 Abbots Close was not the only dwelling in the road on a half acre plot.

The Committee discussed the planning application and noted that access was not a planning consideration. Members had regard for the particular character and layout of Abbots Close and expressed concern that the proposal would set a precedent that would be detrimental to the area. The proposal was considered to be inappropriate and would represent an overdevelopment that would undermine the character of the area.

**Decision:**

- a) Refused on the following ground:
  - 1. The application would result in unacceptable backland development and would be an overdevelopment of the area that would harm the character of the area by reducing the amount of green space between the properties.
- b) The Head of Planning be granted delegated authority to approve the wording of the refusal ground outside of the meeting with the Chairman.

**985 Planning application - MC/18/0207 - Tara, 419 Walderslade Road, Walderslade, Chatham**

**Discussion:**

The Senior Planner outlined the planning application in detail and drew the Committee's attention to the proposed parking provision of 14 spaces which was the maximum permitted under the standards.

With the agreement of the Committee, Councillor Brake addressed the Committee on this planning application as Ward Councillor and expressed residents' concerns, particularly regarding parking. He questioned the comment in the applicants' design and access statement that additional parking was available in Walderslade village and expressed concern that shopkeepers in the village had not been consulted. He suggested that the Committee might benefit from a site visit to assess the situation.

## Planning Committee, 9 May 2018

The Committee discussed the application and the different parking standards for residential and other developments was noted. The clear need for care home accommodation was acknowledged and the level of parking provision was considered to be acceptable.

### **Decision:**

Approved subject to:

- a) The completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure £14974.40 towards improvements to Reach Waldersalde.
- b) Conditions 1 – 6 as set out in the report for the reasons stated in the report.

### **986 Planning application - MC/18/0074 - Land At North Sea Terminal (Triangle Land), Salt Lane, Cliffe, Kent ME3 7SX**

#### **Discussion:**

The Planning Manger outlined the planning application in detail.

The Committee discussed the application and sought clarification on whether there would be any additional HGV movements above those already permitted, and if so, how many.

#### **Decision:**

Consideration of this application be deferred pending further investigation by the Head of Planning into the number of HGV movements.

### **987 Performance Report: 1 January - 31 March 2018**

#### **Discussion:**

The Committee received a report setting out information on performance and the work undertaken on the Medway Local Plan for the period 1 January – 31 March 2018.

#### **Decision:**

The Committee noted the report.

## Planning Committee, 9 May 2018

### 988 Report on Appeal Decisions: 1 January to 31 March 2018

#### Discussion:

The Committee received a report setting out appeal decisions for the period 1 January – 31 March 2018.

#### Decision:

The Committee noted the report.

### 989 Report on Section 106 Agreements: January to March 2018

#### Discussion:

The Committee received a report setting out Section 106 funding received between the period January – March 2018.

#### Decision:

The Committee noted the report.

**Chairman**

**Date:**

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