

**Medway Council**  
**Meeting of Planning Committee**  
**Wednesday, 6 June 2018**  
**6.30pm to 9.10pm**

**Record of the meeting**

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

**Present:** Councillors: Bhutia, Bowler, Carr, Etheridge, Gilry, Griffiths, McDonald, Potter, Royle, Tejan, Tranter and Wicks

**Substitutes:** Councillors:  
Gulvin (Substitute for Mrs Diane Chambers)  
Williams (Substitute for Hicks)

**In Attendance:** Laura Caiels, Legal Advisor  
Dylan Campbell, Planner  
Michael Edwards, Acting Integrated Transport Manager  
Dave Harris, Head of Planning  
Councillor Steve Iles  
Councillor Alan Jarrett  
Councillor Vince Maple  
Councillor Wendy Purdy  
Carly Stoddart, Planning Manager  
Councillor David Wildey  
Ellen Wright, Democratic Services Officer

**36 Election of Chairman and Vice Chairman for this meeting**

**Decision:**

In the absence of the Chairman and Vice Chairman, Councillor Royle was elected as Chairman for this meeting and Councillor Carr was elected as Vice Chairman for this meeting. Councillor Carr advised the Committee that he would be declaring an interest and leaving the meeting for two planning applications and the Committee agreed that for those particular applications, Councillor Etheridge would act as Vice Chairman.

**37 Apologies for absence**

Apologies for absence were received from the Chairman, Councillors Mrs Diane Chambers, the Vice Chairman, Councillor Hicks and Councillor Pendergast.

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### 38 Record of meeting and record of meeting of Joint Meeting of Committees

The record of the meeting held on 9 May 2018 and the record of the Joint Meeting of Committees held on 16 May 2018 were agreed and signed by the Chairman as correct.

The Chairman referred to the supplementary agenda advice sheet and drew attention to the following planning applications which had been considered by the Committee on 9 May 2018 and where the Head of Planning had agreed reasons for refusal with the Chairman outside of the meeting in line with the Committee's wishes:

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

Refusal ground:

1. The proposal represents an overdevelopment of the site by introducing first floor accommodation within the roof space of the proposed property to the rear of the site resulting in a form of development out of character with the area. The proposal would also increase the likely number of people living at the property and thereby the number of private cars to the property, which in turn would have an unacceptable impact on the amenity of residents of the existing property adjacent to the proposed access by virtue of the intensification of the use of the access which would be further exacerbated by the scheme proposal for tandem parking and thereby the need for additional vehicle movements and disturbance. The proposal is therefore contrary to the provisions of policies BNE 1, BNE2, and H4(ii) of the Medway Local Plan 2003 and paragraphs 53, 56 and 58 of the NPPF 2012.

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

Refusal grounds:

1. The proposed A5, take away, part of the proposed use of the premises would be unacceptable to local amenity for the following reasons:
  - The take away will be in a location too close to a local primary school and is likely to contribute to childhood obesity issues and would thus be contrary to the Council's aspirations for healthy eating set out in the Council's guidance note on Hot Food Take Aways in Medway.
  - The proposal would require the installation of a new flue to deal with cooking odours which would be sited very close to neighbouring residential properties and even with the best possible extraction equipment this will still result in cooking odours detrimental to the amenity of residents of the neighbouring properties

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- The property is sited in a location with high demand for on street parking and the proposed A5 use by its very nature would result in indiscriminate and poor parking to the detriment of the amenities of residents living and parking in the area.

The proposal is therefore contrary to Policy BNE2 of the Medway Local Plan 2003.

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

Refusal ground:

1. The proposal represents an unacceptable form of backland development that would be out of keeping with, and set an undesirable precedent, that would undermine the established pattern of development on Abbots Close while also being too close to the strong green frontage to Borstal Road, and would as such be harmful to the character of the local area. The proposal would be contrary to Policies H4(ii), H9, S4 and BNE1 of the Medway Local Plan and the objectives of Paragraphs 53, 56 and 58 of the National Planning Policy Framework 2012.

The Head of Planning then referred to planning application MC/18/0074 – Land at North Sea Terminal (Triangle Land), Salt Land, Cliffe Kent ME3 7SX and reminded the Committee that at its meeting on 9 May 2018, a decision on this application had been deferred due to clarification over HGV movement and apparent conflict between condition 13 and the officers report. Condition 13 as worded appeared to allow an additional 40 HGV movements while the report confirmed that the overall HGV movements for Bretts as a whole would not be increased by the proposal. The applicants had subsequently confirmed that the report (and Members understanding) was correct. The Head of Planning advised that the planning application should have been considered under delegated powers but had been reported to Committee in error and therefore he had sought confirmation from every Committee member that they were happy for an approval to be granted under delegated powers subject to the wording of a condition corrected as set out below. No objections were received from any Committee member to this suggestion and therefore a delegated approval had since been granted:

13. No more than 40 movements of heavy goods vehicles per day shall be made to and from the plant hereby approved, but such that, when added to the overall HGV movements to and from the rest of the site, all HGV movements shall remain within the existing permitted limits of 110 per day (factories 1, 2 and 3: ME/88/722, ME91/0757, ME/95/0415 and MC2000/1400) and there shall be no increase in the overall HGV movements without any variation first being agreed in writing by the Local Planning Authority. Prior to the plant hereby permitted being brought into use details of the arrangements for monitoring of heavy goods vehicle movements to and from the site shall be submitted to and approved in writing by the Local Planning Authority.

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Reason: to ensure that the development does not prejudice conditions of amenity and highway safety in accordance with Policy BNE2 of the Medway Local Plan 2003.

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

There were none.

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

#### Disclosable pecuniary interests

There were none.

#### Other significant interests (OSIs)

Councillor Carr left room for the consideration and determination of planning application MC/17/4057 – 1 Old Road, Chatham on the basis that he knew the vendor of this property.

Councillor Carr also left the room for the consideration and determination of planning application MC/17/4324 – 79 Holmside, Gillingham ME7 4BG on the basis that he knew the applicant.

Councillor Potter left the room for the consideration and determination of planning application MC/18/0412 - 1 Pepys Way, Strood, Rochester ME2 3LH on the basis that his grandmother lives close to the property and he had discussed the application with both her and a Ward Councillor.

Councillor Williams left the room for the consideration and determination of planning application MC/18/0556 – Gibraltar Farm, Ham Lane, Hempstead, Gillingham on the basis that he has dealings with the applicant in his day job.

#### Other interests

Councillor Tranter referred to planning applications MC18/0817 and MC/18/0818 both relating to Restoration House, 17 – 19 Crow Lane, Rochester ME1 1RF and advised the Committee that he had spoken to both the applicant and the neighbour concerning boundary issues. However, he advised the Committee that he had not formally expressed an opinion on either of the planning applications and therefore he would remain and take part in the consideration and determination of both planning applications

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### 41 Planning application - MC/18/0556 - Gibraltar Farm, Ham Lane, Hempstead, Gillingham

#### Discussion:

The Head of Planning outlined the planning application in detail and reminded the Committee that an application for 450 dwellings at this site had been considered by the Planning Committee on 16 December 2015 and, at that time the Committee had determined that the application be refused. However, the applicant had appealed this decision and, following a Public Inquiry, the decision of the Committee had been overturned by the Secretary of State on 6 March 2017 following a recommendation by the Planning Inspector. Details of the reasons for the Secretary of State's decision to allow the appeal and grant planning permission was set out within the report.

The Head of Planning informed the Committee that upon receipt of the appeal decision, Officers had met with Counsel to assess the potential of judicially reviewing the appeal decision but it had been decided that there were no grounds on which the decision could be challenged. The advice of a second Counsel had supported this view.

The Committee was advised that the current application related to means of access with details relating to appearance, landscape, layout and scale all being reserved for future consideration.

The Head of Planning therefore advised the Committee that in the light of the above, in his opinion, there were no planning grounds upon which the Committee could refuse this planning application. To refuse the current planning application would likely result in a further appeal and a public inquiry and should the Council lose again, it would be required to pay significant costs. In the meantime, the applicants could progress a reserved matters planning application based on the planning permission held under MC/14/2395.

With the agreement of the Committee, Councillors Jarrett and Wildey, who had submitted a further letter of objection, details of which were set out on the supplementary agenda advice sheet, spoke on this planning application as Ward Councillors and expressed the following concerns:

- Should the application be approved, the proposed Section 106 funding for the Great Lines Heritage Park should be redirected to Capstone Farm Country Park.
- The proposed development will cause harm to the vista from Hempstead to Lordswood and will destroy an area of locally valued landscape.
- The development will be harmful to the health and well-being of residents living in the area.
- There is no Section 106 contribution towards the highway network to take account of the impact that the development will have upon the highway network.
- The buffer zone of 15m is inadequate taking into account that the buffer zone recommended at Lodge Hill had been 200m.

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- The applicant does not have access to the land.
- The application is premature in advance of consideration of consultation on the Medway Local Plan.
- Recent rainfall has adversely affected verges in Ham Lane which would be a road providing emergency access to and from the application site. In addition, this road frequently has abandoned vehicles in it and fallen trees across it and this would hamper emergency vehicles getting to and from the application site.
- To develop fields will result in flooding.
- Capstone valley is essential as a green space and for air quality.

The Committee discussed the planning application in detail noting the concerns expressed by Ward Councillors.

The Committee was mindful of its previous decision to refuse this planning application but that this decision had been overturned at appeal by both a Planning Inspector and the Secretary of State. Therefore, although the Committee remained unsupportive of development of this site, it considered that it had no alternative but to approve the application based on the fact that the principle had already been established through the appeal process.

The Head of Planning referred to the width of the proposed buffer zone and explained that at Lodge Hill, the 200m buffer zone had been recommended in recognition of the need to protect ground nesting birds from cats. However, this did not apply in the case of this particular application and therefore the Planning Inspector had set a 15m buffer zone.

In response to the request by Ward Councillors for the funding towards Great Lines Heritage Park to be re-directed towards Capstone Farm Country Park, the Head of Planning advised that if this was supported by the Committee as the applicants had already agreed this funding, he was of the opinion that they would not object to a change to the site which would benefit from the contribution.

### **Decision:**

Approved subject to

- a) The applicants entering into agreement under Section 106 of the Town and Country Planning Act to ensure:
  - i. a minimum of 25% affordable housing equating to 112 dwellings.
  - ii. £411,840.00 towards Nursery provision
  - iii. £1,010,880.00 towards primary education
  - iv. £1,022,580.00 towards secondary education
  - v. £269,100.00 towards Sixth Form

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- vi. £73,514.08 toward waste and recycling
  - vii. £305,760.04 towards Open space (sports, allotment and park improvement)
  - viii. £56,227.5 towards the Capstone Farm Country Park (£51 per person – 2.45 persons per home on average)
  - ix. £35,653.00 towards improvement and new wearing course for PROW R24, RC25 and RC29
  - x. £212,133.32 towards public transport (measures to improve evening service, Sunday service and diversion).
  - xi. £221,312.60 toward the improvement of local doctor surgeries.
  - xii. £108,374.50 (£239.61 per dwelling plus £550 monitoring costs toward Habitats Regulations (mitigation against Wintering Birds)
  - xiii. £64,655.88 towards community facilities.
- b) Conditions 1 -30 as set out in the report for the reasons stated in the report.

### **42 Planning application - MC/18/0817 - Restoration House 17 - 19 Crow Lane, Rochester ME1 1RF**

#### **Discussion:**

The Head of Planning outlined the planning application in detail.

He explained the reason why the application was retrospective and reminded the Committee that that this site had been the subject of a site visit by Committee Members. He referred to the history of this site and drew to the Committee's attention comments from Historic England and Kent Archaeology on pages 50 and 51 of the agenda.

The Committee discussed the application and referring to the history of the site acknowledged the work that had been undertaken by the applicant to restore the property and to repair and reconstruct the listed boundary wall and the remaining section of a Tudor wall.

The Committee also acknowledged the historic importance of Restoration House, the quality of the workmanship and the in-depth research undertaken by the applicants so as to ensure that works at the site were sympathetic to the age of the property.

A Member sought clarification as to the boundary ownership for that part of the wall that had yet to be completed. In response, the Head of Planning advised

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that the applicants believed the boundary to be in their ownership and it was hoped that this could be resolved amicably. However, if not then the applicants could come forward with an alternative solution or decide to leave the wall as it is.

### **Decision:**

Approved with conditions 1 – 3 as set out in the report for the reasons stated in the report.

### **43 Planning application - MC/18/0818 - Restoration House, 17 - 19 Crow Lane, Rochester ME1 1RF**

### **Discussion:**

The Head of Planning outlined the planning application in detail.

### **Decision:**

Subject to no new issues being raised by any of the responses from the outstanding consultations with historical societies, the Head of Planning be granted delegated authority to approve the planning application subject to conditions 1 – 3 as set out in the report for the reasons stated in the report.

### **44 Planning application - MC/17/4057 - 1 Old Road, Chatham ME4 6BJ**

### **Discussion:**

The Planning Manager outlined the planning application in detail.

With the agreement of the Committee, Councillor Maple spoke on this planning application as Ward Councillor and raised the following issues:

- Condition 19 refers to the provision of a Parking Management Plan and he questioned how this will be managed.
- Whether there could be dialogue with relevant Ward Councillors on:
  - the proposed Section 106 funding for improvements at Victoria Gardens and/or Perry Street and/or Chalk Pit Open Space.
  - the proposed Section 106 funding for Primary education on the basis that there are several other infant schools located closer to the application site than those listed in the report.
  - the proposed Section 106 funding for Secondary education on the basis that there are other secondary schools located closer to the application site than those listed in the report, although it was acknowledged that this was not as pressing as the funding for infant education.
- Concerns as to security for other properties surrounding the application site.



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- The start and finish times of the construction work should ideally be regulated with a later start time and early finish, having regard to the location of the site being on a busy heavily trafficked junction.

In response, the Planning Manager advised that it was possible to add an informative to any planning permission that there be liaison with Ward Councillors concerning construction start and finish times.

The Head of Planning advised that if the Committee was minded to approve the planning application, if the Committee was prepared to agree the level of financial contributions set out in the proposed Section 106 agreement, the location of the areas and schools to benefit could be subject to discussion with relevant Ward Councillors. However, he stressed that there may be specific reasons why particular schools had been named as beneficiaries of the Section 106 funding.

A Member sought clarification concerning the management of the parking areas set aside for residents of the development and the taxi rank and the Planning Manager confirmed that this would be addressed at the Reserved Matters stage.

### **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. £14,960.00 on improvements at locations to be agreed in consultation with local Ward Councillors.
  - ii. £3,498.60 towards the repair and maintenance of footpaths adjacent to Chatham Naval Memorial.
  - iii. £6,551.30 towards improvements to Bryant Street Surgery Chatham.
  - iv. £15,641.60 towards Nursery (£1,996.80) and Primary (£5,990.40) Secondary (£7,654.40) with the primary/infant/secondary schools to benefit being agreed in consultation with relevant Ward Councillors.
  - v. £3,130.12 towards strategic measures in respect of the coastal North Kent Special Protection Area.
  - vi. Meeting the Council's costs.
- b) Conditions 1 – 19 as set out in the report for the reasons stated in the report.
- c) The inclusion of informatives concerning:
  1. Ensuring boundaries around the site provide security to existing residents.
  2. To ensure the Construction Environmental Management Plan (CEMP) is drafted in liaison with Ward Councillors.

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3. The Reserved Matters Application address maintenance of parking area.

### 45 Planning application - MC/17/2645 - Unit 5, Block T, Pier Road, Gillingham

#### Discussion:

The Head of Planning outlined the planning application in detail and explained the reasons why the applicant was requesting a variation to conditions 5 and 8 of planning permission MC/14/0649. In addition, he drew attention to an amendment to the planning appraisal section of the report as set out on the supplementary agenda advice sheet.

He advised that should the Committee be minded to approve the application, the Local Planning Authority would receive advance notice on the dates upon which the premises was to be open until 5am as such occasions would be tied in with certain sporting events e.g. 'The Superbowl'. He also advised the Committee that the Premises Licence was a separate issue.

A Member expressed concern that the hours requested, even if only for 10 occasions through the year was excessive and he drew attention to problems of noise and anti social behaviour already experienced by residents from this particular bar. He drew attention to the fact that this bar was not located on a student campus but in a residential area with an extra care facility in close proximity. Even if the management of the premises were able to exercise control over patrons inside the facility, those patrons wishing to smoke were required to go out the front of the premises and this would cause a noise disturbance should the premises be permitted to open until 5am.

The Committee discussed the application in detail having regard to the location of the premises and it was suggested that with the extension of hours from 23.00 to 24.00 every day of the week, no new patrons should be permitted to gain entry for the additional hour.

Another Member suggested that should the Committee be minded to approve the application, such approval should be temporary for 12 months to enable the Council to assess the impact of the extended hours.

Concerning access to the premises, the Head of Planning drew attention to the requirement for entry after 23.00 to be restricted to students (carrying a KentOne or NUS identification) and their guests only. In addition, details of CCTV and measures to monitor and control behaviour inside and outside of the premises would be required to be submitted to the Local Planning Authority within 3 months of the date of any planning permission.

#### Decision:

Approved with conditions 1 - 3 and 5 – 7 as set out in the report for the reasons stated in the report and condition 4 amended as follows:

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- 4 For 1 year from the date of this permission, the use shall operate between the hours of 07:00 to 24:00 every day of the week save for no more than 10 days in each academic year where the premises has permission to operate between 07:00 to 05:00. During normal operating hours no new customers shall enter the premises after 23:00. Where the premises is operating later than 24:00, entry will be restricted as per condition 7. The Local Planning Authority shall be notified in writing in advance of those dates on which the use shall operate later than 24:00. At the end of 1 year from the date of this permission, the approved hours shall revert to those set out in condition 5 of Planning permission MC/14/0649.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

### **46 Planning application - MC/17/4324 - 79 Holmside, Gillingham ME7 4BG**

#### **Discussion:**

The Planner outlined the planning application in detail and advised that since despatch of the agenda, one further letter of objection had been received, details of which were set out on the supplementary agenda advice sheet.

A Member referred to the requirement that when hardsurfacing is supplied to provide parking outside properties, the materials used should be permeable so as to avoid flooding.

The Planner confirmed that there was a soakaway between properties numbered 79 and 77 and that condition 3 required details and samples of materials to be supplied to the Local Planning Authority.

#### **Decision:**

Approved with conditions 1 – 3 as set out in the report for the reasons stated in the report.

### **47 Planning application - MC/18/0051 - 33 Nelson Road, Gillingham ME7 4LR**

#### **Discussion:**

The Planning Manager outlined the planning application in detail.

A Member suggested that if the Committee is minded to approve the planning application, an additional condition be imposed requiring the vehicle crossover to comply with the Council's guidance.

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### Decision:

Approved with conditions 1 – 4 as set out in the report for the reasons stated in the report and additional condition 5 as set out below:

5. The width of vehicle crossover to comply with Council guidance.

### 48 Planning application - MC/18/0412 - 1 Pepys Way, Strood, Rochester ME2 3LH

### Discussion:

The Planning Manager outlined the planning application in detail.

With the agreement of the Committee, Councillor Steve Iles spoke on this planning application as Ward Councillor and expressed the following concerns:

- Whilst there was no objection to the change of use of this premises, it would be out of character to convert a single property into three dwellings and in particular, the excavation to basement level.
- The proposed development constitutes overdevelopment and will provide a poor amenity for the future occupiers of the properties.
- The development would be overbearing on the neighbour at No. 3 and result in a loss of light.
- The proposed development is of poor design.
- The proposed development does not meet the Council's parking standards as the applicant does not have permission to use the access road and therefore proposed condition 5 cannot be enforced.
- The land on which the property is sited is subject to potential subsidence as it is located next to a pit and therefore should the application be approved, an informative should be added drawing this to the applicants attention.

The Committee discussed the planning application noting the concerns raised by the Ward Councillor. The Planning Manager advised that a number of the issues raised would be covered by Building Regulations.

### Decision:

Approved subject to:

- a) The applicant entering into a Section 106 agreement to secure a contribution of £239.61 (£239.61 per unit) towards appropriate mitigation measures within Special Protection Areas.
- b) Conditions 1 – 5 as set out in the report for the reasons stated in the report.

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**49 Planning application - MC/18/0433 - 1 Ashby Close, Halling, Rochester ME2 1DF**

**Discussion:**

The Planner outlined the planning application in detail.

**Decision:**

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

**50 Planning application - MC/18/0579 - 20 Albury Close, Lordswood, Chatham ME5 8UW**

**Discussion:**

The Planner outlined the planning application.

**Decision:**

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

**51 Planning application - MC/18/0673 - 85 Clandon Road, Lordswood, Chatham ME5 8UN**

**Discussion:**

The Planning Manager outlined the planning application.

**Decision:**

Approved with conditions 1 – 8 as set out in the report for the reasons stated in the report

**Chairman**

**Date:**

**Ellen Wright, Democratic Services Officer**

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