

Medway Council
Meeting of Planning Committee
Wednesday, 24 October 2018
6.30pm to 9.20pm

Record of the meeting

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

Present: Councillors: Bhutia, Bowler, Mrs Diane Chambers (Chairman), Etheridge, Gilry, Griffiths, Pendergast, Potter, Tejan, Tranter and Royle

Substitutes: Councillors:
Griffin (Substitute for Wicks)
Price (Substitute for McDonald)
Purdy (Substitute for Gulvin)
Williams (Substitute for Hicks)

In Attendance: Councillor David Brake
Councillor Pat Cooper
Dave Harris, Head of Planning
Robert Neave, Principal Transport Planner
Vicky Nutley, Assistant Head of Legal Services
Stephen Platt, Democratic Services Officer
Carly Stoddart, Planning Manager
Tom Stubbs, Senior Planner
Councillor David Wildey
Ellen Wright, Democratic Services Officer

461 Apologies for absence

Apologies for absence were received from the Vice Chairman, Councillor Hicks and Councillors Gulvin, McDonald and Wicks.

462 Record of meeting

The record of the meeting held on 26 September 2018 was agreed and signed by the Chairman as correct.

463 Urgent matters by reason of special circumstances

There were none.

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464 Chairman's announcements

The Chairman advised that the following planning applications had been withdrawn from the agenda:

Planning application MC/18/1745 – Land adjacent to Fenn House Farm, Fenn Street, St Mary Hoo, Rochester - Deferred at the request of the Head of Planning

Planning application MC/18/2171 – Beechcroft, Capstone Road, Lordwood Chatham – Deferred due to the submission of revised drawings

The Chairman also requested that those Members who wished to speak at Ward Councillor restrict their speeches to 5 minutes owing to the number of items on the agenda for consideration at this meeting.

465 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

Councillor Tejan referred to planning application MC/18/1522 – Dickens World, Leviathan Way, Chatham Maritime, Chatham and stated that as he is a Trustee of the Chatham Maritime Trust he would leave the meeting for the consideration and determination of this planning application.

Councillor Tranter referred to planning application MC/18/2348 – Corporation Street, Rochester and stated that as he had been involved in discussions on this planning application he would leave the meeting for the consideration and determination of the planning application.

Ellen Wright, Democratic Services Officer declared an interest in planning application MC/17/3455 – 89 Ingram Road, Gillingham on the basis that she lives in close proximity to the application site and she left the meeting for the consideration and determination of the planning application. In her absence Steve Platt, Democratic Services Officer took minutes.

Other interests

Councillor Price referred to planning application MC/17/3455 – 89 Ingram Road, Gillingham and advised the Committee that as he had addressed the Committee as Ward Councillor when this planning application had previously been considered on 1 August 2018, he would withdraw from the meeting and take no part in the consideration and determination of this planning application.

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Councillor Purdy referred to planning application MC/18/2593 – 9 Osprey Avenue, Darland, Gillingham and informed the Committee that as she wished to address the Committee on this planning application as Ward Councillor, she would not take part in the determination of this planning application.

The Head of Planning referred to planning application MC/17/3455 – 89 Ingram Road, Gillingham and advised the Committee that as a friend had objected to this planning application he had had no involvement in the processing of the application.

466 Planning application - MC/17/3455 - 89 Ingram Road, Gillingham, Kent

Discussion:

The Planner Manager outlined the planning application and reminded the Committee that this planning application had been considered by the Committee on 1 August 2018 following which the application had been deferred for further discussions with the applicant on parking issues and to obtain more survey information from the applicant.

The Committee was advised that, following a meeting with the applicant to discuss Member's concerns, the applicant had asked for the application to be determined as it stands.

With the agreement of the Committee, Councillor Cooper addressed the Committee as Ward Councillor and made the following points:

- Councillor Price had fully outlined residents' concerns when he spoke as Ward Councillor at the meeting of the Committee held on 1 August 2018. These concerns included loss of light and overlooking due to the height and size of the proposed apartment blocks and also increased noise disturbance.
- Ward Councillors had received further representations about the effect of the development on the archaeological remains in the proximity of St Mary Magdalene Church.
- Councillor Cooper questioned when the parking survey was done as the results seemed to bear little relation to the parking situation in this part of Gillingham North Ward.
- Church Path had been identified as having available parking spaces but it was small road leading to Saxon Way Primary School and this generated considerable traffic.
- There were many weddings at St Mary Magdalene Church which needed to be catered for in respect of parking.
- A resident had complained to Councillor Cooper about cars parked on the pavement in Ingram Road which had meant that mobility scooter users could only pass them by using the road.
- Increased traffic, close to the pedestrian crossing and school entrance, would exacerbate the current traffic and parking problems

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The Committee discussed the report and a Member sought clarification on the width of the proposed access road to the development as refuse lorries and fire service vehicles required a width of 3.5 metres. He suggested that no parking should be permitted on this road. Officers advised that the width would be between 3.4 metres and 4.1 metres. The Member also highlighted the need for agreed storage arrangements to be adhered to, should the application be approved, as this had not always been the case at other developments.

Some Members shared the concerns of residents. They considered that the proposed apartment blocks would be too large and insensitive and would represent overdevelopment of the site that would change the nature of an attractive and vulnerable part of Gillingham.

Other Members of the Committee considered that the proposals were acceptable as the principle of development on the site had been established and the proposed apartment blocks would be an improvement on the current buildings which had little character. The view was expressed that the proposed parking provision was acceptable as there would be one space per unit. However, a Member pointed out that some occupiers would have more than one car.

Noting that this was a brownfield site, a number of Members considered that there were no planning reasons to refuse the application that the Council could expect to successfully defend on appeal.

Decision:

Approved subject to:

- a) the applicant entering into a Section 106 agreement to secure:
 - 1) A contribution of £10,294.90 towards improvements to Railway Street surgery.
 - 2) A contribution of £4,243.20 for nursery education towards improvements at Saxon Way Primary School
 - 3) A contribution of £12,729.60 for primary education towards improvements at Saxon Way Primary School
 - 4) A contribution of £12,199.20 for secondary education towards improvements at Chatham Girls Grammar School
 - 5) A contribution of £4,066.40 for sixth form education towards improvements at Chatham Girls Grammar School
 - 6) A contribution of £37,397.01 towards improvements to Queen Elizabeth Fields and/or Hillyfields Community Park.

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- 7) A contribution of £4,918.76 towards bird mitigation is the North Kent Special Protection Areas.
- b) Conditions 1 – 19 as set out in the report for the reasons stated in the report.

467 Planning application - MC/18/0705 - Land at Brickfields, Darland Farm, Pear Tree Lane, Hempstead

Discussion:

The Head of Planning reminded the Committee that this application had been considered on 29 August 2018 following which it had been agreed to defer the application pending further clarification on the requirement for the provision of a footpath from the development to Hempstead.

He explained that when the outline planning application had been considered in December 2016, the Committee's decision to approve the application had included the requirement to provide a pedestrian footway linking the proposed development to Hempstead.

The Head of Planning explained the circumstances as to why the signed Section 106 agreement had omitted the inclusion of the requirement for the applicant to provide this footpath and he apologised for this oversight. He advised that since the original determination of the outline planning application, the site had been sold and the new owners had complied with the signed Section 106 agreement but had been unaware of the Committee's request for the provision of a footpath. Following discussions with the applicant's agent it had been confirmed that such a footpath could not be delivered by the new applicant as they did not own the land on which the footpath would be provided.

The Head of Planning gave an assurance that measures had now been put in place to ensure that similar issues did not arise in the future and that if the requirements of a Section 106 could not be achieved, this would trigger a report back to the Committee for consideration.

The Committee was advised of the location of the site and its proximity to Hempstead along with other footpaths that exist from the site.

The Committee discussed the application noting the report of the Head of Planning.

A Member referred to the Section 106 contribution for the provision of off-site affordable housing, and sought information as to the location of this provision. The Head of Planning advised that he would provide this information to the Committee outside of the meeting.

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Decision:

Approved with conditions 1 and 2 as set out in the report for the reasons stated in the report.

468 Planning application - MC/18/2348 - Corporation Street, Rochester, Medway

Discussion:

The Senior Planner outlined the planning application in detail and suggested that if the Committee was minded to approve the application, proposed condition 3 be amended, detail of which was set out on the supplementary agenda advice sheet.

The Committee discussed the application and the proposed location of the coach parking bays. A number of Members expressed concern as to the visual impact of coaches being parked on this side of Corporation Street where historic buildings were located.

Decision:

Approved with conditions 1 – 2 as set out in the report for the reasons stated in the report and condition 3 amended as follows:

- 3 Notwithstanding the submitted plans no development shall take place until full details of both hard and soft landscape works; details of proposed coach parking bay locations and swept path analysis to assess its impact on the landscaping; and a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: Required prior to commencement of development to ensure a satisfactory external appearance and provision for landscaping to mitigate the appearance of the development in accordance with Policies BNE1, BNE14, BNE18 and BNE20 of the Medway Local Plan 2003.

469 Planning application - MC/18/2228 - Capstone House, Capstone Road, Lordswood, Chatham

Discussion:

The Senior Planner outlined the planning application in detail.

He advised the Committee of an amendment to the appraisal section of the report, detail of which was set out on the supplementary agenda advice sheet.

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The Committee discussed the application having regard to the rural location of the application site and the fact that Capstone Road is a narrow country lane.

The Head of Planning referred to the National Planning Policy Framework and advised the Committee that as the Council does not have a 5 year housing land supply that policies that seek to control the supply of housing should be seen as out of date and a presumption in favour of sustainable development should apply. He advised that consideration should be given to the economic, social and environmental objectives of sustainable development as well as the traditional definition of sustainability in terms of proximity to services.

Members expressed concern that the construction of a 4 bedroomed detached dwelling in this rural part of Medway could create a precedent for other similar developments in this location. It was also considered that the property would be out of character with the surrounding area and would result in an increase in traffic movements in a narrow country lane which would have implications for highway safety.

Decision:

- a) Refused on the following grounds:
 1. The application site is located in an unsustainable location.
 2. The proposed development would be out of character with the area and could create a precedent for similar developments in this rural area
 3. If replicated along this narrow country lane, this would have a harmful impact on safety and amenity.

- b) The Head of Planning be granted delegated authority to agree the final wording of the refusal grounds in consultation with the Chairman and Opposition Spokespersons.

470 Planning application - MC/18/2504 - 12 Kirkdale Close, Lordswood, Chatham, Medway

Discussion:

The Planning Manager outlined the planning application in detail and suggested that if the Committee was minded to approve the application, an additional condition be approved, detail of which was set out on the supplementary agenda advice sheet.

In addition, she advised that since despatch of the agenda, the applicant had written addressing concerns raised in letters of representation regarding covenants and to highlight that planning permission had previously been granted for a 4 bedroomed bungalow with attached double garage on this site.

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With the agreement of the Committee, Councillor Wildey addressed the Committee as Ward Councillor and outlined the concerns of local residents as follows:

- The proposal would constitute an overdevelopment of the site
- The development would result in a loss of green open space
- The development of a 4 bedroomed dwelling would result in a loss of privacy to no. 5 Kirkdale Close and loss of daylight to no. 2 Kirkdale Close
- The development would have a detrimental effect upon highway safety in the locality of the application site and use of a nearby footpath

Councillor Wildey suggested that the Committee undertake a site visit to view the location and its relationship with other houses in Kirkdale Close.

The Committee discussed the application and the points raised by the Ward Councillor and referred to the potential loss of trees as a result of the development. The Planning Manager confirmed that there was one tree within the application site that would not be affected by the proposed development.

The Planning Manager reminded the Committee that the application site already had outline planning permission for the construction of a 4 bedroomed bungalow with attached double garage approved in July 2003 and therefore the principle of development of the site had already been established. She outlined the factors to be considered for the current application which solely related to scale and overlooking.

The Planning Manager also confirmed that the footpath referred to by the Ward Councillor would not be affected by the proposed development.

Decision:

Approved with conditions 1 – 6 as set out in the report for the reasons stated in the report and condition 7 as set out below:

7. No obstruction of sight, including any boundary treatment, more than 0.9m above carriageway level shall be permitted forward of the elevation fronting Kirkdale Close.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy T1 of the Medway Local Plan 2003.

471 Planning application - MC/18/1855 - 151 Bells Lane, Hoo St Werburgh, Rochester, Medway

Discussion:

The Principal Transport Manager outlined the planning application in detail.

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The Committee was reminded that this application had been considered by the Committee on 29 August 2018, following which the application had been deferred owing to concerns regarding the design/overdevelopment of the scheme and poor homeowner amenity. Since the deferral, the applicant had undertaken a minor amendment to the scheme to provide additional roof lights to the front elevation serving kitchen/dining areas.

The Committee discussed the application and Members expressed the view that the proposed development, comprising three 4 bedroomed dwellings was an overdevelopment of the site and that a development of two semi-detached houses would be a preferred development for this constricted site. Despite the provision of the additional roof lights, it was also considered that there would be a poor amenity for the occupiers of the middle property sandwiched between the other two properties.

Decision:

- a) Refused on the following grounds:
 - 1. The application constitutes an overdevelopment of the site and is out of character with the immediate surroundings
 - 2. Concern as to the visual impact of the parking of vehicles at the front of the properties and the need for vehicles to be reversed out onto Bells Lane
 - 3. Poor internal amenity for prospective occupiers due to cramped nature of the accommodation.
- b) The Head of Planning be granted delegated authority to agree the final wording of the refusal grounds with the Chairman and Oppositions Spokespersons outside of the meeting.

472 Planning application - MC/18/1522 - Former Dickens World, Leviathan Way, Chatham Maritime, Chatham

Discussion:

The Head of Planning outlined the planning application in detail and suggested that if the Committee was minded to approve the application, an additional condition no. 6 be approved as set out on the supplementary agenda advice sheet.

He further advised the Committee that since despatch of the agenda one further letter of representation had been received from British Gymnastics, detail of which was set out on the supplementary agenda advice sheet.

The Head of Planning outlined the historic use of the application site. He advised that the site had been vacant since the closure of Dickens World. Due the central location of the site and, as the application related to a scheme providing a floor space totalling more than 2,500sqm, a sequential test and

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leisure impact assessment had been submitted by the applicant in accordance with the National Planning Policy Framework.

He advised that the submitted assessment confirmed the unavailability of suitable buildings within or on the edge of the town centre for the proposed D2 uses. Taking this into account, the sequential test had been satisfied.

In addition, the proposal was for 'new entertainment venue' uses that were not currently represented within the local area and could therefore tap into a large part of the population that currently do not make use of any such facilities. This could assist in capturing expenditure leakage outside of Medway thus strengthening the local economy.

The Head of Planning was satisfied that the proposed D2 uses were unlikely to adversely affect the vitality and viability of Chatham Town Centre.

The Committee discussed the application and whilst supporting the proposal to bring this vacant premises back into use, requested that an additional condition be imposed requiring the provision of disabled toilet facilities and a baby changing room.

A Member referred to the new proposed condition 6 relating to car parking and suggested that the applicant be encouraged to use dynamic car park signage.

Decision:

Approved with conditions 1- 5 as set out in the report for the reasons stated in the report and new conditions 6 and 7 as set out below:

6. The development hereby permitted shall not be occupied until details of measures to encourage customer use of the multi-storey car park adjacent the development have been submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure that the development does not prejudice conditions of amenity and highway safety in accordance with Policy T1 of the Medway Local Plan 2003.

7. Prior to the occupation and first use of the development herein approved, toilets for disabled users, baby changing and feeding areas shall be provided and thereafter retained.

Reason: In the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

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473 Planning application - MC/18/1745 - Land adjacent to Fenn House Farm, Fenn Street, St Mary Hoo, Rochester

Decision:

The Committee noted that this application had been withdrawn at the request of the Head of Planning.

474 Planning application - MC/18/2088 - 32 Love Lane, Rochester Medway ME1 1JD

Discussion:

The Principal Transport Manager outlined the planning application in detail.

The Committee discussed the planning application and concern was expressed that other similar applications in the locality of the application site had been refused. It was therefore suggested that consideration of the application be deferred to enable further investigation to be undertaken into these other applications so as to ensure a consistent approach.

Decision:

Consideration of the application was deferred to enable officers to investigate the outcome of other similar applications in the locality of the application site so as to ensure a consistent approach.

475 Planning application - MC/18/2171 - Beechcroft, Capstone Road, Lordswood, Chatham

Decision:

Consideration of this application was deferred due to the submission of revised drawings.

476 Planning application - MC/18/2481 - 44 Station Road, Cliffe, Rochester, Medway

Discussion:

The Principal Transport Manager outlined the planning application in detail and advised the Committee that since despatch of the agenda two further letters of representation had been received objecting to the application on the grounds of the proposal being out of character and having poor access.

The Committee discussed the planning application.

Decision:

Approved subject to:

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- a) The completion of a unilateral undertaking to secure a contribution of £239.61 (per dwelling) towards appropriate mitigation measures related to bird disturbance within Special Protection Areas.
- b) Conditions – 1 – 6 as set out in the report for the reasons stated in the report.

477 Planning application - MC/18/2530 - 371 - 373 Walderslade Road, Walderslade, Chatham, Medway

Discussion:

The Senior Planner outlined the planning application in detail and informed the Committee that this application related to the variation of condition 4 on planning permission MC/18/0976 to change the hours of use of the premises to permit longer opening hours.

With the agreement of the Committee, Councillor Brake addressed the Committee on this planning application on behalf of residents as follows:

- Whilst residents had originally had reservations concerning the opening of a fast food take-away at this location, on the basis that the applicant had agreed to provide funding via a Section 106 head of agreement for education on healthy eating and had agreed to restrict opening hours to those of similar establishments in the locality, residents considered that their concerns relating to late night noise from late opening had been taken care of and therefore had not submitted objections to the original application.
- Residents are concerned that having obtained planning permission, the applicant was now seeking to vary the originally approved opening hours.
- There are a number of fast food outlets in Walderslade and on the Davis Estate that all close at 11pm or 11.30pm. Therefore, to permit this fast food outlet to remain open for extended hours would be out of keeping with other similar establishments in the area.
- The application site is located in a residential area and there are residential flats immediately above the shop premises. Although the applicant has submitted a Noise Management Plan, this refers largely to the behaviour of staff working at the premises and not those visiting the premises.

On the basis of the above, he asked that the Committee refuse the variation application.

Then Committee discussed the application and expressed concern as to the impact that the extended hours of use could have upon the amenity of nearby residents taking into account that the premises was located in a predominantly residential area and had residential flats located immediately above the fast food establishment.

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The Committee discussed various ways forward including the possible grant of temporary permission for extended hours for 12 months or approving the extended hours but with a restriction that the extended hours only relate to home deliveries and that the premises be closed to the public based on the hours currently approved. However, on being put to the vote, neither suggestion was supported.

Decision:

Refused on the following ground:

1. The proposal for extended hours at this premises is likely to result in noise and disturbance late in the night having regard to its close proximity to residential properties in the surrounding area.

478 Planning application - MC/18/2593 - 9 Osprey Avenue, Darland, Gillingham, Medway

Discussion:

The Principal Transport Manager outlined the planning application in detail and advised the Committee that this application was part retrospective as the works had already begun on site.

With the agreement of the Committee Councillor Purdy addressed the Committee as Ward Councillor and outlined resident's concerns as follows:

- This building was originally intended to be a garden shed but a toilet and shower had since been installed.
- Provision of the building had resulted in the loss of trees and was located close to the road.
- The building resulted in a loss of privacy, was too large and had ruined a pretty garden.
- There was concern that the building would not remain as an outbuilding.

The Committee discussed the application and noted that proposed condition 3 would prevent the outbuilding being used for habitable accommodation.

Decision:

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

479 Planning application - MC/18/2032 - Sure Start Centre, Burnt Oak Primary School, Richmond Road, Gillingham

Discussion:

The Principal Transport Manager outlined the planning application in detail.

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A Member referred to the planning application and questioned whether the proposed new access would prevent residents from parking on the road outside school hours. He advised that this area was a Controlled Parking Zone and on-street parking was at a premium.

Decision:

Consideration of this application was deferred pending clarification concerning the potential loss of on-street car parking.

480 Planning application - MC/18/2358 - 3 Larchcroft, Walderslade, Chatham, Medway

Discussion:

The Planning Manager outlined the planning application in detail and informed the Committee that this application was part retrospective.

She informed the Committee that since despatch of the agenda, one further letter of representation had been received raising concerns regarding the impact on the ability to sell a property. She advised that this was not a material planning consideration.

Decision:

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

481 Planning application - MC/18/1328 - Land at Ranscombe Farm, Sundridge Hill, Cuxton, Rochester

Discussion:

The Head of Planning outlined the planning application in detail.

The Committee discussed the application noting the importance of this valuable open space. However, it was recognised that there was currently limited parking available on site and very limited opportunity to park at other locations in the vicinity of the site. Therefore, the increase in parking facilities was welcomed.

Decision:

Approved with conditions 1 – 5 as set out in the report for the reasons stated in the report.

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Chairman

Date:

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