

Medway Council
Meeting of Planning Committee
Wednesday, 21 November 2018
6.30pm to 8.53pm

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, Griffiths, Hicks (Vice-Chairman), McDonald, Potter, Royle, Tejan, Tranter and Wicks

In Attendance: Laura Caiels, Legal Advisor
Kemi Erifevieme, Planning Manager
Dave Harris, Head of Planning
Robert Neave, Principal Transport Planner
Ellen Wright, Democratic Services Officer

528 Apologies for absence

Apologies for absence were received from Councillors Gilry and Pendergast.

529 Record of meeting

The record of the meeting held on 24 October 2018 was agreed and signed by the Chairman as correct.

The Committee noted that the wording of the refusal grounds for the following planning applications had been agreed with the Chairman outside of the meeting:

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

Reason for refusal:

1. The proposed dwelling would be outside of the urban area and within the Capstone Valley Area of Local Landscape Importance. The site is also identified within the Medway Landscape Character Assessment 2011 as being within the Darland Banks character area comprising chalk grasslands with narrow ridges and dry valleys creating a prominent distinct valley. The character of the area is of a narrow rural road with sporadic development but with a distinct rural countryside feel. Whilst it is recognised that the Council cannot demonstrate a 5 year housing land supply and therefore the presumption in favour of sustainable development applies, the Local Planning Authority does not consider

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that the proposal represents sustainable development for the following reasons:

- The economic and social benefits of 1 house are limited.
- The environmental harm to the character of this rural area through an additional dwelling and the increased urbanisation, together with the precedent for further harmful development if allowed, would outweigh any limited social and economic benefits.
- The site is not within close walking distance of any services and therefore would result in the need for a requirement for car use and is not therefore in a sustainable location.
- A dwelling in this location would not therefore support any rural community uses.
- The proposal does not promote any exceptional design merit nor would it in anyway enhance its immediate setting.
- The proposal would result in a new vehicular access onto this narrow rural road where there are no footpaths and visibility is restricted in places. The proposal would therefore increase potential hazards for both vehicular and pedestrian traffic.

The proposal would therefore be harmful to the character of this important area of Local Landscape importance recognised in the Medway Landscape Character Assessment for its important rural landscape quality and would introduce potential harm to pedestrian and vehicular safety. The proposal is not considered to be sustainable development and is therefore contrary to policies BNE1, BNE25, BNE34 T2 of The Medway Local Plan; the principles set out in the Medway Landscape Character Assessment 2011 and paragraphs 11, and 77-79 of the NPPF 2018.

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

Reasons for refusal:

1. The development would result in a cramped and visually imposing form of development that would be out of character with the surrounding streetscene and detrimental to visual amenities of the area contrary to paragraphs 124 and 127 of the NPPF and Policies BNE1 and H4 of the Medway Local Plan 2003.
2. Due to the design, the proposed properties would provide a poor level of occupier amenity in terms of daylight when located within the kitchen/dining area and therefore the proposal does not comply with paragraph 127f of the NPPF and Policy BNE2 of the Medway Local Plan 2003.

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

Reason for refusal:

1. The change of the hours of operation to 11:00 to 00:00 Sunday to Thursday and 11:00 to 01:00 Friday and Saturday would have the potential to lead to an unacceptable impact upon neighbouring amenities of the neighbouring residents, especially to the flats above, through increased noise and disturbance caused in the late evening/early hours of the morning by patrons of the takeaway. The development is contrary to Policy BNE2 of the Medway Local Plan 2003 and Paragraph 127(f) of the NPPF.

530 Urgent matters by reason of special circumstances

There were none.

531 Chairman's Announcements

The Chairman informed the Committee that planning application MC/17/4357 – Greatfield Lodge, Darnley Road, Strood, Rochester had been withdrawn from consideration at this meeting.

532 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

There were none.

Other interests

Councillor Carr advised the Committee that as a result of his declared position on overdevelopment in Rainham, he would take no part in the determination of planning application MC/18/2328 – Land at Otterham Quay Lane, Rainham, Kent. However he wished to address the Committee as Ward Councillor on this planning application.

Councillor Potter advised the Committee that as a result of his declared position on overdevelopment in Rainham, he would take no part in the determination of planning application MC/18/2328 – Land at Otterham Quay Lane, Rainham, Kent. However he wished to address the Committee as Ward Councillor on this planning application.

533 Planning application - MC/18/2309 - Land adjacent Rochester Train Station, Corporation Street, Rochester, Medway

Discussion:

The Head of Planning outlined the planning application in detail and suggested that if the Committee was minded to approve the planning application, there were proposed amendments to the Section 106 agreement and conditions, details of which were set out on the supplementary agenda advice sheet.

In addition, he reported receipt of additional letters of representation received since despatch of the agenda, copies of which were appended to the supplementary agenda advice sheet.

The Head of Planning informed the Committee that the proposed development would be a car-free development but confirmed that parking spaces would be available for disabled persons. This would be the first car-free development in Medway. It was considered that this particular site was suitable for a car free development as it was in a sustainable location being close to the centre of Rochester, had public transport links in close proximity and commercial units located on the ground floor which would likely include a convenience store.

The proposed development would also include six lockable individual cycle storage units.

The Committee discussed the application and in particular, those schools which would benefit from the educational element of the Section 106 agreement.

There was some concern that despite being promoted as a car free development, it was possible that some occupiers of the properties in the development may own a vehicle or choose to own a vehicle at a future date and would then seek to park their vehicle in other residential streets in Rochester where on-street parking was available. It was suggested that if this became a problem, it may be necessary to review Controlled Parking Zones in some areas of Rochester.

The Head of Planning advised that as part of the development, there would be a Car Club, which would enable cars to be available to occupiers of the properties for occasional use.

Arising from discussion, it was suggested that proposed condition 9 be strengthened to state that the disabled parking bays are to be solely used by disabled residents and not for visitors to the residential units unless they were also disabled.

A Member referred to the comments received from Kent Police and in response, the Head of Planning confirmed that if approved, the planning permission would include an informative encouraging the applicant to liaise with Kent Police.

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A Member also suggested that an additional condition be imposed to cover the management of waste collection.

In response to questions as to the allocation of educational contributions, the Head of Planning informed the Committee that he would report back to Members on this Section 106 head of agreement before the Section 106 was signed.

Decision:

Approved subject to:

- a) The applicant/owner entering into an agreement under Section 106 of the Town and Country Planning Act to secure:
 - Contribution of £400,000 towards provision of affordable rented accommodation off site.
 - Contribution of £159,342.72 towards open space facilities within the vicinity of the development including The Vines and/or Eagle Court Open Space and/or Eastgate House Gardens as well as Medway's Metropolitan park - Great Lines Heritage Park (towards repair, maintenance and inspections of bridges).
 - Contribution of £42,473.71 towards education and the provision of school places.
 - Contribution of £17,779 towards heritage and museums to improve interpretation at Rochester Castle.
 - Contribution of £4,890.88 towards youth services for detached work at the Rochester Castle park grounds for young people to have fitness sessions as part of our universal offer for young people in the Rochester community.
 - Contribution of £37,640.05 for the NHS towards reconfiguration and update of infrastructure in the Rochester Healthy Living Centre to support the delivery of primary care and community health services.
 - Contribution of £1,335.04 towards bird disturbance mitigation measures.
 - Provision of car club and access to car rental services for new residents and existing ones.
 - Restriction on permit parking for residents of this development.
- b) Conditions 1, 3 – 6, 11 – 22 and conditions 2, 7, 8, 9, 10 amended as follows and additional conditions 23 – 25 as set out below:

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

Drawing numbers 6522-LOC, 6522-PL01, 6522-PL02, 6522-PL03, 6522-PL04 Rev E, 6522-PL05 Rev F, 6522-PL06 Rev K, 6522-PL07 Rev G, 6522-PL08 Rev G, 6522-PL09 Rev F, 6522-PL10 Rev F, 6522-PL11 Rev G, 6522-PL12 Rev F, 6522-PL20 Rev C, 6522-PL21 Rev D, 6522-PL22 Rev E, 6522-PL23 Rev E, 6522-PL24 Rev B, 6522-PL25 Rev D, 6522-PL26 Rev A, 6522-PL27, 6522-PL28 Rev C, 6522-PL40, 6522-PL50.

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

7. No commercial goods shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site outside the hours 06:00 to 21:00 Monday to Sunday including Bank Holidays.

Reason: To safeguard conditions amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

8. The commercial use hereby permitted shall only operate between the hours of 06:00 to 23:00 Monday to Sunday including Bank Holidays.

Reason: To safeguard conditions amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

9. No part of the development shall be occupied until a Parking Management Plan (including cycle parking) has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how the car parking and cycle parking spaces within the development are to be managed and preserved for use by future residents and their visitors with particular reference to disabled residents and any visitors who would ordinarily be entitled to a visitor parking space. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained.

Reason: To ensure satisfactory off-street parking in accordance with Policy T13 of the Medway Local Plan 2003.

10. No dwelling shall be occupied until the cycle parking provision (including the six individual lockers) shown on the approved ground floor plans have been fully implemented. All such cycle storage shall thereafter be retained.

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Reason: To ensure the provision and permanent retention of bicycle spaces in accordance with Policy T4 of the Medway Local Plan 2003.

23. No development shall take place until an Air Quality Emissions Mitigation Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance (April 2016), and shall specify the measures that will be implemented as part of the development to mitigate the air quality impacts identified in the approved Addendum Technical Note, reference A3241/AQ/TW, dated 24 September 2018. The total monetary value of the mitigation to be provided shall be demonstrated to be equivalent to, or greater than, the total damage cost values calculated as part of the approved Addendum Technical Note. The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.

Reason: To protect (and where possible enhance) air quality in the immediate area.

24. Not to construct to Practical Completion any dwelling until the Council has approved the Car Club Scheme. The approved Car Club Scheme shall be implemented prior to occupation and shall include a minimum of two cars to be delivered prior to occupation of 50% of the dwellings within the scheme, information on the location of the car club parking spaces and any discounts to be provided to residents including at least one year's free membership to the car club and 25 miles free driving credit. The Car Club scheme shall also include information on how the use of the Car Club will be monitored including the submission of annual monitoring reports for two years. If these monitoring reports indicate the need for further Car Club vehicles then the Developer will fund the provision of a maximum of two additional vehicles.

Reason: To ensure that prospective residents have access to available cars if required.

25. A Condition on Waste Management with the specific wording to be agreed outside of the meeting.

534 Planning application - MC/18/2328 - Land at Otterham Quay Lane, Rainham, Kent

Discussion:

The Head of Planning outlined the planning application in detail and informed the Committee that since despatch of the agenda, the agent had requested that details, including the company name of the agent and the applicant be added to

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the report and this information was therefore set out on the supplementary agenda advice sheet.

He reminded the Committee that this application was for reserved matters as the principle of providing a development of up to 300 dwellings at this site had been approved at the outline application stage.

The Head of Planning outlined the types of properties to be provided within the development and the phasing of the open space and landscaped areas.

With the agreement of the Committee, Councillors Carr and Potter addressed the Committee as Ward Councillors and drew attention to the following concerns:

- This development is unsustainable and will impact on the highway and result in a loss of open space in Rainham.
- Works at the junction at the top of Otterham Quay Lane should be undertaken before the dwellings are occupied.
- Concerns that the court parking will not be used and residents will park outside their own properties.
- There should be additional conditions covering an Environmental and Waste Management Plan.
- Concern as to the air quality in Rainham as a result of the development.

In response to Ward Councillors' concerns about Waste Management, a Member sought an assurance that the proposed development complied with the Council's Waste Management Policy for new developments and he suggested that this should be a standard condition on all future planning applications for new developments.

In response to the points raised, the Head of Planning advised that the proposed conditions were that applied to the outline planning permission. However, if the Committee was minded to approve the reserved matters application and, if there was not a condition covering Waste Management, he be granted delegated authority to add this additional condition.

He also advised that the issue of air quality had been considered at the outline application stage and it was considered that the inclusion of landscaping and trees within the development would help with air quality along with proposed condition 6 which included provision of electric charging points.

In response to the Ward Councillors' concerns that the court parking would not be used, the Head of Planning advised that the parking courts were intended for use by residents living in the flats within the development.

In response to concerns as to the requirement for works to be undertaken at the Mierscourt Road junction, the Head of Planning advised that Section 106 funding for these works had been approved from both this scheme and from another nearby development. He did not have information to hand as to the

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likely timescales for these works but would provide this information outside of the meeting.

A Member sought clarification as to the split of affordable housing and the Head of Planning advised that this would be 60% affordable housing and 40% shared ownership.

Decision:

Approved with conditions 1 – 7 as set out in the report for the reasons stated in the report and an additional condition to cover Waste Management to be added by the Head of Planning under delegated powers if required.

535 Planning application - MC/17/4357 - Greatfield Lodge, Darnley Road, Strood, Rochester

Decision:

The Committee noted that this application had been withdrawn from the agenda.

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

Discussion:

The Principal Transport Planner reminded the Committee that this application had been deferred by the Committee on 24 October 2018 pending further information as to the outcome of other developments in the area.

He referred to the information contained within report which set out the refusal grounds for applications at Satis Court, Love Lane and No. 4 Love Lane. Both had been on parking and highway safety grounds.

A Member sought information as to whether it was possible to convert a garage to habitable living accommodation and it was confirmed that this was possible if the original planning permission did not specify that the garage should be retained as such.

The Principal Transport Planner informed the Committee that the only element of the planning application that required planning permission was the two balconies.

In response to concerns that this property could be converted to a House in Multiple Occupation at a future date, the Head of Planning confirmed that it was possible to include an additional condition stating that the property must be retained as a single dwelling.

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Decision:

Approved with conditions 1 – 3 as set out in the report for the reasons stated in the report and the following additional condition:

4. Condition to remove permitted development rights to ensure the dwelling remained as single family accommodation with the specific wording of this condition being agreed outside of the meeting.

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

Discussion:

The Principal Transport Planner outlined the planning application and reminded the Committee that this application had been considered by the Committee on 24 October 2018 but had been deferred pending clarification concerning the potential loss of on-street parking spaces.

He drew attention to the supplementary agenda advice sheet and confirmed that surveys of Cornwall Road in the evenings had shown that there was sufficient on-street parking provision available in Cornwall Road during the evenings.

He confirmed that parking would not be permitted across the access when the school was closed owing to the requirement for emergency access.

Decision:

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

538 Planning application - MC/18/2432 - 4A Cozenton Close, Rainham, Gillingham, Medway

Discussion:

The Planning Manager outlined the planning application in detail.

In response to questions, the Planning Manager confirmed that the proposed conditions restricted use of the extensions so that they could only be used in conjunction with the main dwelling house.

Decision:

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

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539 Planning application - MC/18/2514 - 128 - 130 Delce Road, Rochester Medway ME1 2DT

Discussion:

The Planning Manager outlined the planning application and advised the Committee that since despatch of the agenda, one additional letter of support had been received, details of which were set out on the supplementary agenda advice sheet.

Decision:

Refused on the following ground:

1. The proposal would result in harm to the living conditions of occupiers of 132a Delce Road by virtue of the close proximity of the proposed extract ducting flue to the rear bedroom window of 132a Delce Road. The flue would appear as a dominant and unattractive feature within the outlook from that bedroom window and its operation would result in noise disturbance to occupiers of the rear bedroom. The proposal is contrary to saved policies BNE2 and R18 of the Medway Local Plan 2003 and Paragraph 127 of the National Planning Policy Framework 2018.

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

Discussion:

The Head of Planning outlined the planning application and reminded the Committee that when this application had previously been considered in 2014 it had been refused although there had been some sympathy with the need to tidy this site.

He referred to National Planning Policy Framework and advised the Committee that as the Council does not have a 5 year housing land supply, policies that sought 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.

He advised the Committee that although this proposed development was just outside of the main village, there was a public house and a garage close by and therefore it was considered that the provision of one house on this site was sustainable.

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Decision:

Approved subject to:

- a) The completion of a SAMMs agreement under Section 106 of the Town and Country Planning Act 1990 to secure £239.61 per new dwelling towards Designated Habitats Mitigation.
- b) Conditions 1- 14 as set out the report for the reasons stated in the report.

541 Planning application - MC/18/2791 - 8 Church Street, Hoo St Werburgh, Rochester, Medway

Discussion:

The Planning Manager outlined the planning application.

Decision:

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

542 Planning application - MC/18/2795 - Gillingham Golf Club, Woodlands Road, Gillingham, Medway

Discussion:

The Planning Manager outlined the planning application.

Decision:

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

543 Performance Monitoring for the period 1 July - 30 September 2018

Discussion:

The Committee received a report setting out the current position concerning planning performance and the Local Plan.

Decision:

The Committee noted the report.

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544 Appeal Decisions for the period 1 April - 30 September 2018

Discussion:

The Committee received a report setting out appeal decisions for the period 1 April – 30 September 2018.

Decision:

The Committee noted the report.

Chairman

Date:

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