

Medway Council
Meeting of Planning Committee
Wednesday, 16 January 2019
6.30pm to 7.45pm

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, Pendergast, Potter, Royle, Tejan and Wicks

In Attendance: Martin Aust, Viability Consultant
Dave Harris, Head of Planning
Madeline Mead, Derelict Buildings Officer
Robert Neave, Principal Transport Planner
Vicky Nutley, Assistant Head of Legal Services
Councillor Julie Shaw
Carly Stoddart, Planning Manager
Councillor Rupert Turpin
Ellen Wright, Democratic Services Officer

698 Apologies for absence

An apology for absence was received from Councillor Tranter.

699 Record of meeting

The record of the meeting held on 19 December 2019 was agreed and signed by the Chairman as correct.

Referring to Minute 651 (Planning application – MC/18/2505 – Rochester Airport, Maidstone Road, Chatham) the Committee noted that a copy of the Design Manual for Roads and Bridges (DMRB) compliant risk assessment had been made available to Members.

It was reported that the holding objection from Highways England was still in place.

700 Urgent matters by reason of special circumstances

There were none.

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701 Chairman's Announcements

The Chairman advised the Committee that planning application MC/18/2871 – 73 Holcombe Road, Rochester ME1 2HX had been withdrawn from consideration at this meeting at the request of the Planning Manager.

702 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

There were none.

Other interests

There were none.

703 Planning application - MC/18/1555 - Former Redvers Centre, Glencoe Road, Chatham

Discussion:

The Head of Planning outlined the planning application in detail and reminded the Committee that planning permission had previously been granted for residential development comprising 8 houses and 16 apartments at this site.

He advised that the Redvers Centre had now been demolished and the site had been sold. The new owners of the site had submitted a revised planning application for the construction of 6 x three bedroomed houses and 6 x one bedroomed and 12 x two bedroomed apartments.

He advised that the Planning Agent had written to all Members of the Planning Committee to address issues raised on the committee report and a copy of the letter had been appended to the supplementary agenda advice sheet.

The Head of Planning informed the Committee that officers were recommending that the current planning application be refused and he referred to the two grounds for refusal and suggested that the Committee consider each separately. He then outlined the basis for refusing the application on the ground that the proposed layout provided a street scene which would be dominated by car parking for the flats and would not result in an improvement to the local environment.

Martin Aust, Viability Consultant, then advised upon the proposed ground for refusing the planning application relating to financial viability. He outlined the background to the financial discussions that had taken place with the

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applicant's Viability Adviser and advised upon the areas of disagreement between the two parties. He informed the Committee that the difference between the applicant's contention that the scheme was not viable and the Council's independent assessment was based solely upon the development period and subsequent calculation of development interest as advised by the applicant's Viability Adviser. The difference of approach in the calculation of this assumption alone still rendered the project viable with policy compliant Section 106 contributions being made. The applicant's adviser had confirmed acceptance of the Benchmark Land Value whilst noting it departed from the reality of an acquisition price necessary in the market.

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

- The impact on parking.
- The closeness of the development to neighbours and Glencoe Junior School.
- The lack of agreed Section 106 contributions having regard to the impact this development would have upon the local community.

Councillor Shaw requested that the Committee either defer the planning application to enable further discussions to take place with the applicant on the Section 106 contributions or refuse the application.

The Committee discussed the application and whilst there was a general consensus that the revised application did not have a detrimental effect upon the street scene and therefore proposed refusal ground 1 was not supported, Members felt strongly that the applicant's argument against paying the requested Section 106 contributions was not acceptable.

The Committee debated whether to refuse the planning application on proposed refusal ground 2 as set out within the report or whether to defer determination of the planning application to enable further discussions to take place with the applicant.

Martin Aust, Viability Consultant informed the Committee that to date, his discussions had only involved the applicant's viability consultant and therefore he was unable to advise as to whether the applicant would be prepared to reconsider the issue of Section 106 contributions.

Decision:

Whilst the Committee is minded to support the design of the revised planning application, the Committee is strongly of the view that the full policy compliant Section 106 contributions should be payable for the scheme to proceed. Therefore, it was agreed that determination of the planning application be deferred for further negotiation with the applicant on the Section 106 contributions with a view to the application being resubmitted to the Committee at its next meeting on 13 February 2019.

704 Planning application - MC/18/3007 - 20 Pattens Lane, Rochester ME1 2QT

Discussion:

The Head of Planning outlined the planning application in detail and apologised for the proposed conditions having been omitted from the committee report.

He advised that should the Committee be minded to approve the planning application, proposed conditions 1 – 3 were set out on the supplementary agenda advice sheet. He also informed the Committee that since despatch of the agenda, the planning agent had provided information as to the level of qualification which would be required for those staff working at the residential children's home.

The Head of Planning informed the Committee that whilst the proposed use would be more suitable for location in a detached property, it was possible for the property at 20 Pattens Lane to house up to six unrelated individuals without the need for planning permission.

He informed the Committee that in recognition that the adjoining neighbours had previously encountered difficulties when this property was used as a hostel, it was proposed that if the Committee was minded to approve the application, such approval be for a period of 2 years to assess whether there was any impact upon the neighbours.

He further advised that the property would be licenced by Ofsted not the Council but that owners of the property would be tied into their Management Plan.

With the agreement of the Committee, Councillor Turpin addressed the Committee as Ward Councillor and outlined the following concerns:

- He had been involved in issues at this property for a number of years and, being a semi-detached property, the adjoining neighbours had suffered on-going problems with anti-social behaviour culminating in an assault on the neighbour which had ended with the perpetrator receiving a custodial sentence.
- The neighbours are now concerned that should the property be converted into a residential children's home, they will once again suffer disturbance and anti-social behaviour problems.
- Whilst it is appreciated that children's homes were required, such facilities were more suitably located in large detached properties with adequate indoor and outdoor space.
- There is concern that the provision of a residential children's home at this site could create a precedent and result in a cluster of similar uses in the locality.

The Committee discussed the application and whilst noting the need for provision of residential children's homes, Members agreed with the Head of

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Planning and the Ward Councillor that a use of this nature would be more suited to a large detached property with garden space where it would be less likely that the occupants would create a disturbance to adjoining neighbours.

Members were mindful of the experiences of the adjoining neighbours as outlined in the report and by the Ward Councillor and were also mindful that the property lacked suitable areas for 1:1 discussions with young people who would be living at the property other than in their bedroom or in a small communal TV room.

The Committee was also mindful of the concerns of Kent Police as set out in the report.

Members noted that a property could change from a use class C3 to use class C4 without the need for planning permission but that the current application was for a change from use class C3 to use Class C2 owing to the level of care that would be required and thus planning permission was required.

Decision:

- a) Refused on the following grounds:
 - 1. The proposed use is not suitable for a semi-detached property owing to the potential impact on the amenities of the adjoining neighbours.
 - 2. The property does not provide sufficient internal space to meet the needs of the future occupants and is therefore harmful to their amenity.
- b) The Head of Planning be granted delegated authority to approve the specific wording of the refusal grounds with the Chairman and opposition spokespersons.

705 Planning application - MC/18/2871 - 73 Holcombe Road, Rochester ME1 2HX

Decision:

It was noted that this planning application had been deferred from consideration at this meeting at the request of the Head of Planning.

706 Planning application - MC/18/3025 - 80 Cuxton Road, Strood, Rochester

Discussion:

The Planning Manager outlined the planning application in detail.

The Committee discussed the application noting that the proposed conditions required that the annexe only be occupied ancillary to the main dwelling and not occupied as a separate dwelling.

Decision:

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

707 Planning application - MC/18/3165 - 61 Lingley Drive, Wainscott, Rochester

Discussion:

The Planning Manager outlined the planning application in detail and informed the Committee of a correction to the proposal description within the report in that it should state 'Formation of a hip to gable with dormer to rear and construction of a single storey extension to rear'.

The Committee discussed the application and expressed the view that the proposal constituted an overdevelopment of the property due to the number of extensions and mix of architectural styles and that the size and siting of the dormer window would be dominant and therefore harmful to the appearance of the existing property and the visual amenities of the occupiers of neighbouring properties.

Decision:

- a) Refused on the following grounds:
 - 1. Overdevelopment of the property due to the number of extensions and the mix of architectural styles.
 - 2. The size and siting of the dormer window would result in a dominant and contrived form of development that is harmful to the appearance of the existing property and the visual amenities of the occupiers of neighbouring properties.
- b) The Head of Planning be granted delegated power to agree the specific wording of the refusal grounds with the Chairman and opposition spokespersons.

708 Exclusion of the press and public

Decision:

The Committee agreed to exclude the press and public from the meeting during consideration of agenda items 11 (Enforcement Report), 12 (Derelict Buildings Report) and 13 (Section 215 Enforcement) because consideration of these matters in public would disclose information falling within paragraph 6 of Part 1 of Schedule 12A to the Local Government Act 1972 as specified in agenda item 10 (Exclusion of Press and Public) and, in all the circumstances of the case, the Committee considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

709 Enforcement Proceedings

Discussion:

The Committee received a report setting out enforcement action for the period 1 January – 30 June 2018.

Decision:

The Committee noted the report.

710 Derelict Buildings: July - October 2018

Discussion:

The Committee received a report setting out action taken on derelict buildings for the period July – October 2018.

Decision:

The Committee noted the report and expressed their appreciation to the Derelict Buildings Officer for the work undertaken on derelict buildings.

711 Section 215 Enforcement

Discussion:

The Committee received a report setting out action taken on Section 215 enforcement for the period 1 April – 30 September 2018.

Decision:

The Committee noted the report.

Chairman

Date:

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