

Medway Council
Meeting of Planning Committee
Wednesday, 20 March 2019
6.30pm to 10.30pm

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

In Attendance: Michael Edwards, Head of Integrated Transport
Kemi Erifevieme, Planning Manager
Dave Harris, Head of Planning
Joanna Horne, Planning Solicitor
Councillor Vince Maple
Councillor John Williams
Ellen Wright, Democratic Services Officer

912 Apologies for absence

There were none.

913 Record of meeting

The record of the meeting held on 13 February 2019 was agreed and signed by the Chairman as correct.

The Committee noted that the wording of the refusal grounds and conditions of the following applications had been agreed with the Chairman and Opposition Spokesperson outside of the meeting:

Minute 797 - Planning application – MC/18/3114 – Avenue Tennis Club, Glebe Road, Gillingham

Refused on the following grounds:

1. The proposed development by reason of its design, layout, scale, restricted access and poor relationship to surrounding neighbouring occupiers results in a cramped form of development that would have a negative adverse impact on the character and appearance of the area. The three-storey town houses would result in increased levels of overlooking that would have a detrimental impact on the amenity of the neighbouring occupiers. The proposal as such would result in

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overdevelopment of this backland site and would not result in a clear improvement of the local area. The proposal is therefore contrary to Policies H4, H9, BNE1 and BNE2 of the Medway Local Plan, and paragraphs 124 and 127 of the NPPF.

2. Without evidence to the contrary, the applicant has not provided sufficient evidence to demonstrate the safety and suitability of the proposed access to adequately serve the proposed development without any detrimental impact on the highway (Second Avenue). Therefore, the proposal would be contrary to Policies T1 and T2 of the Medway Local Plan 2003 and paragraph 109 of the NPPF.

Minute 798 - Planning application – MC/18/3662 – Land off Curtis Way, Rochester

The wording of Condition 12 was agreed as follows:

12. Coach access to and from the coach park hereby approved shall only be allowed between the hours of 07:00 hours and 20:00 hours every day of the week.

Reason: To protect the living conditions of adjacent residents in accordance with saved policy BNE2 of the Medway Local Plan 2003.

Minute 802 - Planning application – MC/18/3061 – 126 Hempstead Road, Gillingham

Refused on the following ground:

1. The proposal by virtue of its contrived design, scale, massing and relationship with neighbouring properties, represents an overdevelopment of the site, out of character with the street scene, poor relationship to neighbouring properties and would be detrimental to the amenities of neighbouring residents, particularly of 124 Hempstead Road. The proposal is therefore contrary to policies BN1 and BNE2 of the Medway Local Plan 2003 and paragraphs 124 and 127 of the NPPF 2018.

914 Urgent matters by reason of special circumstances

There were none.

915 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

Councillor Griffiths declared a disclosable pecuniary interest because he is Deputy Chairman of Medway Community Healthcare (MCH) and left the meeting for the consideration and determination of planning application

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MC/18/2961 – Land West of Town Road, Cliffe Woods Rochester because Members wished to discuss the individual heads of agreement which formed the proposed Section 106 agreement for this planning application.

Other significant interests (OSIs)

Councillor Gulvin declared an interest in planning applications MC/18/3659 – Chatham Waterfront, Globe Lane Car Park, Globe Lane, Chatham and MC/19/0008 – Britton Farm Car Park, Jeffrey Street, Gillingham on the basis that he is a Director of Medway Development Company Ltd and this company was the applicant for both developments. Councillor Gulvin left the room for the discussion and determination of both planning applications.

Other interests

Councillor Potter referred to planning applications MC/18/3442 – Berengrave Nursery, Berengrave Lane, Rainham, Gillingham and MC/18/3168 – Land at 143 Berengrave Lane, Rainham, Gillingham and advised the Committee that as he had declared that he was opposed to large scale developments in the Rainham area, he wished to address the Committee as Ward Councillor on both planning applications and therefore would not take part in the determination of either application

916 Planning application - MC/18/3659 - Chatham Waterfront, Globe Lane Car Park, Globe Lane, Chatham

Discussion:

The Head of Planning outlined the planning application in detail and referred to the model displayed at the meeting. He suggested that if the Committee was minded to approve the application, proposed condition 2 be amended as set out on the supplementary agenda advice sheet.

He drew attention to amended plans for the tallest building, Building C, which removed the upper two floors and one 3 bedroomed duplex apartment, thus reducing the height by approximately 5 metres. It was also proposed to change the materials of Building C from light brick to a darker brick to reduce its prominence in long views.

The development would now provide 175 residential apartments instead of 176 and Block C would be 10 storeys high instead of 12 storeys. Therefore, any reference within the report to the number of apartments and the number of storeys in Block C would require amendment and all reference to the three bedroom apartment required deletion.

The Head of Planning informed the Committee that since despatch of the agenda, the applicant had written to address concerns raised by Historic England, details of which were set out in the supplementary agenda advice sheet along with the response from Historic England.

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As a result of the change to the height and form of Block C, the planning appraisal required amendment, details of which were also set out on the supplementary agenda advice sheet.

The Head of Planning also drew attention to a correction on page 38 of the agenda in that the reference under Building D required amendment from 17 storeys to 7.

The Head of Planning referred to the open space that would be provided as part of the development, discussions with Southern Water concerning possible visual improvements to the Pumping Station and the proposed car club comprising 10 cars. He confirmed that 100% of this development would be private accommodation but that the development of this site would provide funding to secure affordable housing at another location in Medway.

The Committee discussed the application and concern was expressed that despite this being a waterfront development, access to the water did not form part of the development.

Members also noted that although the development would be located in the Town Centre and would offer good access to public transport links, use of the bus service would only be attractive if the cost of bus journeys was not prohibitive.

A Member requested that the proposed Section 106 funding for education be directed towards those nurseries and schools in or close to River Ward. In response, the Head of Planning confirmed that funding for nursery places and primary schools would be directed to schools close to the development but that this may not be the case for secondary school places.

Decision:

Approved subject to:

- a) The applicant entering into an agreement under Section 106 of the Town and Country Planning Act to secure:
 - i) Provision of affordable rented accommodation off site at Britton Farm.
 - ii) A contribution of £180,000 towards education and the provision of nursery, primary and secondary school places.
 - iii) A contribution of £25,000 towards heritage and museums to improve maintenance access around the Old Brook Pumping Station.
 - iv) A contribution of £15,000 towards sports facilities for replacement of flooring at Medway Park leisure centre.

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- v) A contribution of £76,500 for the NHS to support the purchase of equipment and infrastructure for a new Healthy Living Centre in the Chatham Central locality.
 - vi) A contribution of £42,171.36 towards bird disturbance mitigation measures.
 - vii) Provision of a car club and access to car rental services for new residents and existing ones.
 - viii) A restriction on permit parking for residents of this development.
- b) Conditions 1, and 3 - 34 as set out in the report for the reasons stated in the report and condition 2 amended as follows:

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

Drawing numbers 18.027-001; 18.027-002 P01; 18.027-003 P03; 18.027-004 P02; 18.027-010 P01; 18.027-011 P01; 18.027-020 P00; 18.027-021 P00; 18.027-022 P00; 18.027-025 P00; 18.027-026 P00; 18.027-030 P00; 18.027-031 P00; 18.027-032 P01; 18.027-035 P01; 18.027-036 P01; 18.027-040 P00; 18.027-041 P00; 18.027-042 P00; 18.027-043 P00; 18.027-044 P01; 18.027-046 P01; 18.027-047 P01; 18.027-048 P01; 18.027-049 P01; 18.027-050 P01; 18.027-060 P00; 18.027-061 P00; 18.027-062 P00; 18.027-065 P00; 18.027-066 P00; 18.027-070 P02; 18.027-071 P02; 18.027-072 P02; 18.027-073 P02; 18.027-075 P02; 18.027-076 P02; ExA_1830_101 Rev A; ExA_1830_102 Rev A; ExA_1830_110 Rev A.

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

917 Planning application - MC/19/0008 - Britton Farm Car Park, Jeffrey Street, Gillingham

Discussion:

The Head of Planning outlined the planning application in detail and informed the Committee that since despatch of the agenda, one further letter of representation had been received, details of which were summarised on the supplementary agenda advice sheet.

The Committee was informed that this application was linked to planning application MC/18/3659 at Chatham Waterfront in that part of the Section 106 agreement for that development would provide 44 affordable units on this application site which was the maximum number of units that could be provided on the site.

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Whilst it was noted that the total number of affordable housing units resulting from the two developments fell short of the 25% affordable housing provision, it was stressed that funding from the Chatham Waterfront development was also required to provide for improvements to the public open space at that site and therefore the reduced level of affordable housing was considered acceptable on this occasion.

The Committee noted that proposed Condition 4 required landscaping works at this site and part of this would seek the provision of landscaping on the frontage of the site so as to soften its appearance.

Decision:

Approved subject to:

- a) The applicant/owner entering into an agreement under Section 106 of the Town and Country Planning Act to secure:
 - i) A contribution of £11,501.28 towards bird disturbance mitigation measures
 - ii) A restriction on permit parking for residents of this development.
 - iii) Delivery of 100% affordable housing
- b) Conditions 1 – 14 as set out in the report for the reasons stated in the report.

918 Planning application - MC/18/3446 - Manor Farm Quarry, Parsonage Lane, Strood, Rochester

Discussion:

The Head of Planning reminded the Committee that this application had been considered by the Committee on 13 February 2019, following which it had been deferred for further information on matters relating to wheel washing operations on the site and the impact of the extended operational hours on the rush hour traffic flow in Anthony's Way and the two roundabouts close to the access/exit road to the site.

The Committee was advised that the applicant had submitted additional information detailing the loads received into the site between 3 June 2018 to Christmas 2018 and then from 7 January 2019 to 15 February 2019. This data showed that on average 10 lorries a week travelled during the afternoon peak period (2 lorries a day). The Principal Transport Planner was therefore of the opinion that this reinforced his initial conclusion that the additional traffic in the afternoon would not result in a severe or significant impact on the highway network flow or safety and was therefore acceptable.

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The Committee was also informed that mud deposits on the road and the effectiveness of wheel washing on site, were issues enforced by the Environment Agency. The Environment Agency had advised that they would work with the operator to compel improvements if existing procedures proved inadequate and the Head of Planning agreed to circulate to all Members the contact information as to where complaints should be directed on this issue.

The Committee discussed the application and, whilst noting the number of vehicle movements supplied by the applicant, expressed the view that permission should be granted for a temporary 12 month period, with the applicant being requested to supply detailed vehicle movement logs so that the situation can be monitored and potentially extended at a later date if operating satisfactorily.

Decision:

- a) Temporary permission for a 12 month period be approved with conditions 1 – 26 as set out in the report for the reasons stated in the report.
- b) The applicant be requested to supply regular vehicle movement logs to the Local Planning Authority.
- c) The Head of Planning register a complaint with the Environment Agency concerning mud deposits on the road from this site and the effectiveness of wheel washing facilities on the site.

919 Planning application - MC/18/2961 - Land West of Town Road, Cliffe Woods, Rochester

Discussion:

The Head of Planning outlined the planning application in detail and suggested that if the Committee was minded to approve the application, a number of changes be made to the proposed Section 106 agreement and planning appraisal and condition 32, details of which were set out on the supplementary agenda advice sheet.

In addition, he advised the Committee that since despatch of the agenda, Kelly Tolhurst MP had objected to the application, details of which were also summarised on the supplementary agenda advice sheet.

The planning appraisal section of the report also required amendment on page 107 of the agenda to delete reference to '2.5 storey' as all dwellings were proposed to be 1 or 2 storey only.

The Head of Planning outlined the planning history of another nearby site which was currently the subject of judicial review. He stated that application MC/18/2961 addressed the issue of sustainability as the proposal included provision of an office and nursery as part of the development. The applicants

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had also offered to fund the extension of the bus service for a 5 year period to commence upon first occupation. A new footway would be provided along Town Road with a puffin crossing to facilitate access from the development site to the recreation ground, other services in the village and the nearby bus stop. The existing speed warning sign would also be relocated further away from the village so as to slow traffic prior to reaching the village.

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

- The development will result in the loss of agricultural land.
- The development will lead to increased traffic congestion on the B2000 and air pollution.
- The village has narrow roads and extra traffic will exacerbate existing problems in generating more traffic movements through the village and add to congestion in Wainscott and on the Four Elms Hill roundabout.
- There are already difficulties in getting GP appointments in the village and there are problems in recruiting GP's.
- Concerns relating to flooding and potential water shortages.

The Committee discussed the application having regard to the concerns raised by the Ward Councillor and a number of changes were suggested relating to the proposed Section 106 heads of agreement, including the possibility of investigating the introduction of a 20mph speed restriction on Town Road in the vicinity of the village.

The Head of Planning and Head of Integrated Transport responded to these suggested concerns.

In response to discussions relating to potential flooding, the Head of Planning confirmed that this was covered by conditions 10, 12 and 13.

The Head of Planning also advised that the applicant was proposing enhanced landscaping to mark the boundary of the site.

Decision:

Approved subject to:

- a) A Section 106 Agreement under the terms of the Town and Country Planning Act 1990 being entered into to secure the following developer's contributions:
 - i) A minimum of 25% (equal to 23) affordable dwelling houses.
 - ii) A contribution of £114,497.48 towards nursery school provision for one or more of Cliffe Woods Primary and/or St Helens at Cliffe.

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- iii) A contribution of £281,839.79 towards Cliffe Woods Primary and/or St Helens at Cliffe.
- iv) A contribution of £156,189.40 towards secondary school provision at either Hundred of Hoo Academy, a new Free School in the area and/or Strood Academy.
- v) A contribution of £21,857.36 towards improvements to Cliffe Woods Community Centre.
- vi) A contribution of £7,030.64 towards the provision of Youth Services to offer support for young people to access computer training for skill improvements which is vital to the youth community personal and social development and mental health ring fenced for the provision of Youth Services provided in Strood.
- vii) A contribution of £56,768.60 towards support for the reconfiguration and equipping of premises that provide community health services, where possible enhancing the Walter Brice Centre subject to discussions with Medway Community Healthcare.
- viii) A contribution of £4,200 towards offsetting the increase footfall impact on the Public Rights of Way RS42 which is a popular path to the east of Cliffe Woods.
- ix) A contribution of £14,384.20 towards Waste and recycling to provide household containers for the collection of Recycling – use once bags and 240ltr wheeled brown bins to each property for the collection of food and garden waste.
- x) A contribution of £229,055.16 investment to improve open space facilities within the vicinity of the development including:

Cliffe Woods Recreation Ground, improve allotment provision in Cliffe Woods and improving sports provision in the area as well as Great Lines Heritage Park to enhance open space facilities.
- xi) A contribution of £132,660.00 for a period of 5 years (equal to £26,532.00/annum) to improve the frequency of bus service no. 133 with such improvements being closely monitored and such funding only being released on an annual basis upon proof that the service is being provided.
- xii) A contribution of £8,500.00 toward bus shelter improvement at Cliffe Woods in View Road (Chatham bound).
- xiii) A contribution of £22,053.32 towards bird mitigation measures.

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- xiv) A contribution of £5,000 to meet the cost of a traffic survey to assess whether a 20mph speed limit is required in Town Road near the village.
- b) Conditions 1 – 31 and 33 and 34 as set out in the report for the reasons stated in the report and Condition 32 amended as follows:
 - 32. Prior to first occupation of any part of the site, the speed limit sign on the B2000 shall be relocated as shown on drawing H-03 Rev P3 under the terms of S278 of the Highways Act.

Reason: In the interest of highway safety and in compliance with Policy T1 of the local plan.

920 Planning application - MC/18/0288 - Allhallows Golf Course, Avery Way, Allhallows, Rochester

Discussion:

The Head of Planning outlined the planning application in detail and suggested that if the Committee was minded to approve the application, a further head of agreement be added to the proposed Section 106 agreement to increase sustainable forms of transport for Allhallows.

The Committee discussed the application and in noting that the residential accommodation was for persons over the age of 50, questioned how this would apply for a couple where one was aged over 50 and the other aged under 50. In response, the Head of Planning suggested that the conditions be amended to state that the primary person should be over the age of 50 years.

In addition, the Head of Planning stated that the 106 contributions for community health services should be directed towards health facilities serving the village of Allhallows.

Decision:

Approved subject to:

- a) The applicants entering into an agreement under Section 106 of the Town and Country Planning Act to ensure:
 - i) Securing a minimum of 25% affordable housing equating to 20 dwellings. In this instance, the Council's housing section has sought commuted sum of £226,561.00 to facilitate affordable housing provision to be provided elsewhere in Medway.
 - ii) A contribution of £13,677.66 toward waste and recycling.

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- iii) A contribution of £49,981.66 towards the reconfiguration and equipping of premises that provide community health services serving the village of Allhallows.
 - iv) A contribution of £127,719.25 towards outdoor Open space and Cross Park
 - v) A contribution of £8444.00 toward mitigation against the footfall that will occur on the adjacent PROW RS12, RS10, RS9, RS8 and RS4 footpaths as a result of the development.
 - vi) A contribution of £19,408.41 toward Habitats Regulations (mitigation against Wintering Birds).
 - vii) A contribution of £317,750.00 towards new community facilities including a new village community centre and associated car parking at Cross Park
 - viii) A contribution of 13,053.15 towards the improvement of local library facilities.
 - ix) A contribution of £43,197 to increase sustainable forms of transport to Allhallows.
- b) Conditions 1 – 22 and 24 as set out in the report for the reasons stated in the report and a new condition 23 as follows:
23. The primary person occupying any of the Park Homes hereby permitted shall not be under 50 years of age.

921 Planning application - MC/18 3442 - Berengrave Nursery, Berengrave Lane, Rainham, Gillingham

Discussion:

The Head of Planning outlined the planning application in detail and referred to the proposal section of the report which had been set out on the supplementary agenda advice sheet.

In addition, he referred to a petition submitted by Ward Councillors in Rainham, objecting to large scale developments in Rainham owing to the lack of infrastructure to support such developments.

With the agreement of the Committee, Councillor Potter addressed the Committee as Ward Councillor and in doing so stated that whilst outline planning permission had been granted for development of this site, he and his former Ward colleague had submitted a petition containing over 1000 signatures objecting to further large scale development in Rainham owing to the lack of improvements to the infrastructure needed to support such developments e.g. GP surgeries and school places. He also expressed concern

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that the level of development in Rainham was changing the character of the area beyond recognition.

In response to this particular planning application, he outlined the following concerns:

- 121 residential properties was an overdevelopment of the site.
- There should not be an access between the new estate and the bridleway.
- There should be a clear tree frontage and suitable landscaping and green planting on the North and East of the site to mark the edge of the town.
- The application appears to be different to that originally described at the outline stage.

The Head of Planning advised the Committee that landscaping was an issue that had been agreed at the outline planning application stage but he confirmed that the provision of tree planting was included within the proposed conditions.

Decision:

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

922 Planning application - MC/18/3168 - Land at 143 Berengrave Lane, Rainham, Gillingham

Discussion:

The Head of Planning outlined the planning application in detail and suggested that if the Committee was minded to approve the planning application, proposed condition 7 be amended to insert conditions 8 – 10 in line three and insert condition 11 in the penultimate line. In addition, he suggested that an additional condition 26 be added to remove permitted development rights for change of use from Class C3 to C4.

He advised that as part of this development the applicant would provide a pedestrian crossing and a footway extension.

He also referred to a petition which had been submitted by Ward Councillors in Rainham, objecting to large scale developments in Rainham owing to the lack of infrastructure to support such developments.

With the agreement of the Committee, Councillor Potter addressed the Committee as Ward Councillor and set out the following concerns:

- Had this application site been part of a private garden it would have been regarded as backland development and likely refused.

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- The proposed development is out of character with the area and a more modest development with a smaller number of homes and larger curtilage and gardens would be considered more suitable.
- When the former nursery operated on this site, it had a low level usage and therefore was not a suitable comparison for assessing traffic movements.
- There is no objection to the development of this site, but the current application is for too many properties.

The Committee discussed the application and concern was expressed as to the narrow access into and out of the site which was also bounded by neighbouring properties.

Overall, whilst there was no objection to the development of this site in principle, the Committee considered that the current application was seeking too many houses on the site and it would be preferable for a revised scheme to be submitted with a smaller number of proposed properties, particularly taking into account the character of the surrounding area and the fact that the site is on the rural boundary.

Decision:

Consideration of this application was deferred pending further discussions with the applicant as to the possibility of reducing the number of properties in the proposed scheme having regard to the surrounding character of the area.

923 Planning application - MC/18/3093 - The Queens Head, 390 Maidstone Road, Rainham, Gillingham

Discussion:

The Planning Manager outlined the planning application in detail.

The Committee discussed the application and expressed concern that this application appeared to be retrospective as the works had already been undertaken.

The Planning Manager advised the Committee that when the application had been submitted, the works had not commenced, but officers had not attended the site recently and therefore she could not confirm whether the works had been undertaken.

The Committee discussed the principle of approving a retrospective planning application and the precedent that this could set. In response, the Head of Planning informed the Committee that officers would always advise applicants that they should not begin works until they had received planning permission and that if they chose to ignore this advice, they did so at their own risk.

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It was confirmed that the number of parking spaces were due to be increased from 29 to 33 as part of the development and therefore officers would check that the correct number of spaces had been provided.

Decision:

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

924 Planning application - MC/18/3352 - 249 London Road, Rainham, Gillingham

Discussion:

The Planning Manager outlined the planning application in detail and advised that since despatch of the agenda additional plans had been received from the applicant. Therefore, if the Committee was minded to approve the application, proposed condition 2 required amendment, details of which were set out on the supplementary agenda advice sheet.

In addition, she advised that one additional representation had been received from Medway Council's Adults Commissioning raising no objection to the loss of the former care home.

The Committee discussed the application and the Chairman informed the Committee that she had asked for this application to be referred to the Committee for determination as she was concerned as to the precedent should this property be converted into residential dwellings.

The Committee discussed the application and considered that the proposal constituted an overdevelopment of the site by virtue of the number of proposed flats and the proposed level of parking did not meet the Council's parking standards. It was considered that with an insufficient level of parking being provided on site, this would have a detrimental impact for on-street parking in nearby roads where parking was already at a premium.

Decision:

a) Refused on the following grounds:

1. The proposal constitutes an overdevelopment of the site by virtue of the number of proposed flats.
2. There is an insufficient level of parking provision available on site which will have a detrimental effect upon the amenities of nearby local residents.

b) The Head of Planning be granted delegated authority to approve the final wording of the refusal grounds in consultation with the Chairman, Vice Chairman and Opposition Spokesperson.

925 Planning application - MC/18/3461 - Coronation Bungalow, Cooling Street, Cliffe Rochester

Discussion:

The Planning Manager outlined the planning application in detail.

The Committee discussed the planning application and expressed concern that the proposal involved the loss of two bungalows and their replacement with 4 two bedroomed dwellinghouses.

The Committee was mindful of the fact that dwellings in the vicinity of the application site were predominantly bungalows and considered that the provision of semi detached houses would be an overdevelopment of the site and out of character with the street scene.

Decision:

- a) Refused on the following ground:

The proposed development constitutes and overdevelopment of the site which is inappropriate and out of character with the street scene.

- b) The Head of Planning be granted delegated authority to approved the final wording of the refusal ground in consultation with the Chairman, Vice Chairman and Opposition Spokesperson.

926 Planning application - MC/18/3652 - 36 Kingswood Road, Gillingham ME7 1DZ

Discussion:

The Planning Manager outlined the planning application in detail and advised the Committee that since despatch of the agenda, revised plans had been received from the applicant and therefore should the Committee be minded to approve the planning application, proposed condition 2 required amendment, details of which were set out on the supplementary agenda advice sheet.

The Committee discussed the application and Members expressed concern that this property was already bounded by a Hostel on one side and an HMO on the other side and considered that to grant approval for a further HMO would be a step too far in changing the character of a residential street. In addition, whilst it was noted that the residents of this property would not be permitted to have perking permits, it was possible that tenants may own vehicles and would then park vehicles in streets just outside of the Controlled Parking Zone to the detriment of other local residents.

It was considered that this application being located in a residential road comprising single family properties did not meet the requirements of Policy H7.

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Decision:

- a) Refused on the following grounds:
 - 1. The proposal constitutes an overdevelopment of a single family house which will be out of keeping with the character of the area and is contrary to Policy H7 of the Local Plan.
 - 2. The proposal could significantly affect the amenities of neighbouring properties.
- b) The Head of Planning be granted delegated authority to approve the final wording of the refusal grounds in consultation with the Chairman, Vice Chairman and Opposition Spokesperson.

927 Planning application - MC/18/3599 - 486 Lower Rainham Road, Rainham, Gillingham

Discussion:

The Planning Manager outlined the planning application in detail and suggested that should the Committee be minded to approve the application, an additional condition 5 be approved, details of which were set out on the supplementary agenda advice sheet.

The Committee discussed the application and whilst sympathetic to the applicant's reasons for wishing to relocate office staff, in the light of pressure to provide housing in Medway, it was not considered that a residential property suitable for a family home should be granted permission for a change of use from residential to office.

Members noted that the site was located in a residential area supported by a public house and a restaurant and whilst 5 parking spaces would be available on site for use by office staff, it was proposed that 6 members of staff would be working at the office. There was no additional on-street parking available for staff or for clients or deliveries. It was therefore considered that to change the use of this house to an office could have a detrimental effect on the amenity of neighbours.

The Committee also noted that there was not a shortage of office accommodation in Rainham.

Decision:

- a) Refused on the following ground:
 - The proposal is contrary to Policy H2 of the Local Plan 2003 in that it would result in a loss of existing residential accommodation where the applicant has failed to demonstrate that the existing building is

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unsuitable for continued residential use or would provide facilities of significant benefit to the immediate local community.

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

928 Planning application - MC/18/3610 - 294 Hempstead Road, Hempstead, Gillingham

Discussion:

The Planning Manager outlined the planning application in detail and informed the Committee that the site had outline planning permission for the demolition of the existing car sales garage and workshop and the construction of 3 detached dwellings with associated off road parking.

The Committee discussed the application and Members considered that the provision of 3 x 4 bedroomed houses was an overdevelopment of the site.

The Planning Manager advised the Committee that from the information available it was not possible to confirm the size of the 3 properties approved at the outline stage.

Decision:

Approved with conditions 1 – 14 as set out in the report for the reasons stated in the report.

929 Planning application - MC/18/3624 - 49 Wainscott Road, Wainscott, Rochester

Discussion:

The Planning Manager outlined the planning application in detail.

With the agreement of the Committee, Councillor Williams addressed the Committee as Ward Councillor and outlined the following concerns of Frindsbury Extra Parish Council:

- Whilst there was no objection to the change of use of the shop in principle, the conversion to 3 flats was considered an overdevelopment of the site and the internal arrangements were unsatisfactory.
- Access into and out of the site is unsatisfactory particularly if the flats are occupied by individuals who own more than one vehicle.

Decision:

It was agreed that prior approval was not required subject to:

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- a) The applicant entering into a Section 106 agreement for £718.83 towards Wildlife Mitigation.
- b) Conditions 1 and 2 as set out in the report for the reasons stated in the report.

930 Report on Appeal Decisions 1 October to 31 December 2018

Discussion:

The Committee received a report setting out appeal decisions for the period 1 October – 31 December 2018 for information.

Decision:

The Committee noted the report.

931 Exclusion of the press and public

Decision:

The Committee agreed to exclude the press and public from the meeting during consideration of agenda item 21 (Enforcement Report regarding a site in Medway) because consideration of this matter 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 20 (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.

932 Enforcement report regarding a site in Medway

Discussion:

The Committee received a detailed report outlining the background to an enforcement issue concerning a site in Medway.

Full details of the planning history for the site, relevant saved local plan policies and the enforcement history of the site were set out in the report.

The Committee was advised of the various alternatives which were available to the committee and the risks involved. The report also set out the public sector equality duty and the financial and legal implications of taking further enforcement action.

Decision:

- a) In the light of the factors set out within the report, the Committee is of the opinion that in the absence of further action by the Council it is unlikely that there will be compliance with the requirements of the outstanding

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Enforcement Notice and therefore authority be given for direct action to secure compliance with the enforcement notice.

- b) In reaching the decision at a) above, the Committee is satisfied that consideration has been given to the owner and occupiers' rights to peaceful enjoyment of their property. However, it has noted that those rights are not absolute and the wider impact of the unauthorised residential occupation and operational development of the site is in breach of planning control and has to be taken into account.
- c) The Committee has noted that whilst there are other planning enforcement options, none will have the direct effect of ending the continuing unauthorised development quickly.
- d) Whilst the Committee has taken into account that there is a financial risk that not all of the cost will be recoverable, weighed against the cost of alternatives e.g. legal costs and further prosecutions, the Committee considers that this is a risk worth taking.

Chairman

Date:

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