

Medway Council
Meeting of Planning Committee
Wednesday, 24 April 2019
6.35pm to 10.42pm

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), Potter, Royle, Tejan, Tranter and Wicks

Substitutes: Councillors:
Maple (Substitute for McDonald)

In Attendance: Doug Coleman, Senior Planner
Councillor Pat Cooper
Hannah Gunner, Senior Planner
Dave Harris, Head of Planning
Robert Neave, Principal Transport Planner
Vicky Nutley, Assistant Head of Legal Services
Councillor Adam Price
Mike Sankus, Senior Tree Officer
Carly Stoddart, Planning Manager
Councillor Rupert Turpin
Ellen Wright, Democratic Services Officer

1000 Apologies for absence

An apology for absence was received from Councillor McDonald.

1001 Record of meeting

The record of the meeting held on 20 March 2019 was agreed and signed by the Chairman as correct.

The Committee noted that the wording of the refusal grounds for the following applications had been agreed with the Chairman, Vice Chairman and Opposition Spokespersons outside of the meeting:

Minute 924 – MC/18/3352 - 249 London Road, Rainham, Gillingham

Refused on the following ground:

- 1 The proposal represents an overdevelopment of the site due to the number of flats proposed and the limited onsite parking available in a

Planning Committee, 24 April 2019

location where prospective occupiers are likely to require a private vehicle. As a result the proposal is likely to lead to overspill parking on neighbouring residential roads where on street parking is already at a premium which will be to the detriment of the amenities of the occupiers of the properties in those neighbouring streets. The proposal is contrary to Policies BNE2 and T13 of the Medway Local Plan, and paragraph 127f of the NPPF.

Minute 925 – MC/18/3461 - Coronation Bungalow, Cooling Street, Cliffe, Rochester

Refused on the following ground:

- 1 Cooling Street is a hamlet with no local facilities, services or public transport and in that respect the proposal for an increase of two dwellings on site would represent an unsustainable form of development completely reliant on the use of the private car. In addition the proposal by reason of its design, layout and appearance would appear as a dominant and cramped form of development out of character with the general street scene which is characterised by small scale properties with long rear gardens. As a result, the proposal represents an overdevelopment of the land, and would have a detrimental and negative impact on the surrounding area and streetscene. The proposal would therefore be contrary to Policies BNE1 and BNE25 of the Medway Local Plan 2003 and represents an unsustainable form of development contrary to the aspirations of the NPPF 2019.

Minute 926 – MC/18/3652 - 36 Kingswood Road, Gillingham

Refused on the following ground:

- 1 The application property is a mid-terraced dwelling that is not situated in a predominantly mixed-use or commercial area and is of a size suitable for occupation by a single-family unit. The basement rooms would provide limited outlook for the future occupants which would result in an unacceptably poor standard of amenity and living accommodation that future occupiers can reasonably expect to enjoy. The proposal would also have increased and unacceptable impact on the amenities of the occupiers of neighbouring properties by virtue of increased activities and traffic to the area, to the detriment of the neighbouring occupiers and local amenity. The proposal is contrary to Policies H7 and BNE2 of the Medway Local Plan 2003, and paragraph 127f of the NPPF.

Minute 927 – MC/18/3599 - 486 Lower Rainham Road, Rainham

Refused on the following ground:

- 1 The proposed change of use of this family dwelling house would result in the loss of much needed housing in the area, which would compromise the Council's level of existing housing stock. The proposed office use in

Planning Committee, 24 April 2019

a predominantly residential area would introduce a use that would be out of character with the residential nature of the area. The proposal would therefore be contrary to Policy H2 of the Medway Local Plan 2003, and the objectives of paragraph 122 of the National Planning Policy Framework 2019.

1002 Urgent matters by reason of special circumstances

There were none.

1003 Chairman's Announcements

The Chairman reminded those Members who wished to speak as Ward Councillor that they would have up to 5 minutes to address the Committee.

The Chairman also informed the Committee that planning application MC/19/0086 – 104 A, B, C Poplar Road, Strood, Rochester had been withdrawn from the agenda.

1004 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

Councillor Gulvin referred to planning application MC/19/0123 – Former Toys R Us, Horsted Retail Park, Maidstone Road, Chatham on the basis that he is the Portfolio Holder for Resources and has responsibility for property. He advised the Committee that the Council was now the owner of the Pentagon Centre and the Pentagon Shopping Centre had objected to this planning application. Therefore Councillor Gulvin left the room for the discussion and determination of this planning application.

Councillor Gulvin also referred to planning application MC/19/0137 – Hildensfield, Matts Hill Road, Rainham, Gillingham on the basis that he is Portfolio Holder for Resources and has responsibility for travellers. He left the room for the discussion and determination of this planning application.

Councillor Maple referred to planning application MC/19/0886 – Redvers Centre, Glencoe Road, Chatham and left the meeting for the consideration and determination of this planning application on the basis that he is a Governor at one of the schools named in the proposed Section 106 agreement.

Other interests

Councillor Griffiths referred to planning application MC/19/0241 – 218 Beechings Way, Twydall, Gillingham and informed the Committee that as he

Planning Committee, 24 April 2019

wished to address the Committee on this planning application as Ward Councillor he would not take part in the determination of the application.

Councillor Maple referred to planning application MC/18/0092 – Unit 1 – 2 New Cut Industrial Centre, New Cut, Chatham and informed the Committee that as he wished to address the Committee on this planning application as Ward Councillor he would not take part in the determination of the application.

Councillor Potter referred to planning applications MC/18/1307 – Bakersfield Phase 2, Station Road, Rainham, Gillingham and MC/18/3168 – Land at 143 Berengrave Lane, Rainham and advised the Committee that as he had previously spoken on both planning applications as Ward Councillor, he would withdraw from the Committee and not take any part in the consideration or determination of these planning applications.,

Councillor Tejan referred to planning application MC/18/3164 – 272 St Margarets Banks, Rochester and informed the Committee that as he wished to address the Committee on this planning application as Ward Councillor he would not take part in the determination of the application.

1005 Planning application - MC/19/0241 - 218 Beechings Way, Twydall, Gillingham

Discussion:

The Planning Manager outlined the planning application and suggested that if the Committee was minded to support refusal of this planning application, proposed refusal ground 2 required amendment, details of which were set out on the supplementary agenda advice sheet.

The Senior Tree Officer referred to a previous scheme to provide a vehicular crossover at this site in 2012 which had been refused. He outlined the reasons why the current application for a vehicle crossover and provision of a hardstanding was considered unacceptable and, in particular, advised that following an assessment, it had been concluded that there was insufficient space to install a standard construction vehicle crossing outside 218 Beechings Way without damaging the existing mature lime tree growing on the highway verge outside the property.

He advised that the proposal had not been supported by an assessment of the impact that the construction of a vehicle crossing would have on the tree and the absence of this information was contrary to the recommendations set out in British Standards 5837:2012 Trees in relation to design, demolition and constructions – Recommendations; the Medway Council guidance document “Vehicle Crossing Guidance and Self-Assessment”; Policy 11 of the Medway Council Tree Management Policy; and Policy BNE43 of the Local Plan and Paragraph 170 of the NPPF.

He acknowledged that there were a number of existing vehicle crossovers near the application site at 193, 197, 203, 207, 210, 214 and 226 Beechings Way

Planning Committee, 24 April 2019

and advised that following a search of planning records, five did not have the benefit of planning permission and would now be immune from planning enforcement due to the passage of time. Of the two that had the benefit of planning permission, one had not been constructed in accordance with the approved plan and had been constructed closer to a tree than it should have been but was also immune from planning enforcement and the other one had been constructed in accordance with the principles set out in the version of British Standard 5837 relevant at the time.

With the agreement of the Committee, Councillor Griffiths addressed the Committee as Ward Councillor and advised that since the development of Twydall, car ownership had increased considerably and to address this issue there had been an agreement that vehicle crossovers would be permissible provided that they were not problematic and did not affect the street trees. He referred to the existing vehicle crossovers and stated that none of these had resulted in any distress to the trees and, as many of these had been constructed without the benefit of obtaining planning permission, the current applicant was being punished by following the rules.

Councillor Griffiths also advised that the footpath along Beechings Way had been widened in recent years and a cycle path added without causing detriment to the trees.

The Committee discussed the application and in response to questions, the Senior Tree Officer provided information as to the likely depth of the roots of the trees in Beechings Way.

A Member commented that the provision of vehicular crossovers alleviated the parking of cars on the grass verges which led to damage to the grass in inclement weather.

Members questioned whether it was possible for alternative materials to be used for the provision of a vehicular crossover which would not necessitate construction to the depth of 500mm. However, the Senior Tree Officer advised that construction involving excavation to a depth in excess of 200mm would be required owing to the changes in the levels and the need for the crossover to take the weight of a vehicle. Therefore such alternative surfaces would not be suitable in this instance.

He confirmed that different species of trees have differing reactions to root tolerance and whilst limes were fairly tolerant, the proposed vehicular crossover would require an excavation to a depth of 500mm right across the root protection area.

Decision:

Approved subject to conditions and the Head of Planning be granted delegated authority to approve the wording if the conditions with the Chairman and Opposition Spokesperson outside of the meeting.

Planning Committee, 24 April 2019

1006 Planning application - MC/19/0886 - Redvers Centre, Glencoe Road, Chatham

Discussion:

The Head of Planning outlined the planning application and reminded the Committee that this application had previously been considered and refused following which the applicant had commenced work on preparing an appeal.

He advised that further discussions had taken place with the applicant and, in recognition of the time delay in progressing through the appeal process and the benefits of getting on site quickly both for the applicant and the Council in terms of delivery of housing and developing the site, the applicant had agreed to provide Section 106 contributions similar to those previously agreed for MC/15/1131, details of which were set out in the report and amended on the supplementary agenda advice sheet.

He further advised that pending consideration of this application, the applicant had held off progressing the appeal further and had also agreed to an amendment to proposed condition 1 to require that work begin on site before the expiration of 18 months from the date of the planning permission. Therefore, should the Committee be minded to approve the application, proposed conditions 1 and 2 (revised plans) required amendment, details of which were set out on the supplementary agenda advice sheet.

Decision:

Approved subject to:

- a) Delegated Authority be given to the Head of Planning to complete the S106 and issue the decision after the public consultation period has ended, provided that no new issues are raised through the consultation that have not been considered by the Planning Committee and are material in the determination of the application.
- b) A Section 106 agreement being entered into to secure the following:
 - i) Education contribution totalling £9,054.36 comprising of Nursery £3,093.87 and Primary £5,960.49 to Phoenix Junior Academy or Greenvale Infants School.
 - ii) Green Spaces contribution totalling of £12,695.34 to Chalk Pit and/or Maidstone Road Sports Ground and Great Lines Heritage Park footpath phased 2.
 - iii) Community Facilities contribution totalling £1,131.90 to White Road Community Centre
 - iv) Health contribution totalling £2878.16 to Bryant Street Surgery, Kings Family Practice and The Halfway Surgery.
 - v) Waste contribution totalling £956.04 for the provision of brown bins, refuse bags and informational leaflets to all homes,

Planning Committee, 24 April 2019

- maintenance of on street waste and recycling facilities in Chatham High Street, leaflet production.
- vi) Bird's contribution totalling £5,356.92.
 - vii) In the event that the viability assessment demonstrates that the development has made or is anticipated to make a gross profit in excess of 20% to pay the Council the additional contributions to be spent in accordance with the Medway Council Developers Contribution guide, details of the division of the additional contribution will be supplied at the time that payment is made.
- c) Conditions 3 - 12 as set out in the report for the reasons stated in the report and conditions 1 and 2 amended as follows:
- 1 The development hereby permitted shall be begun before the expiration of eighteen months from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
 - 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing numbers 0231-P002 Rev E, 0231-P005 Rev E, 0231-P006 Rev E and 0231-P010 Rev C received on 3 April 2019; and drawing numbers 0231-P003 Rev D, 0231-P004 Rev D, 0231-P007 Rev D, 0231-P008 Rev D, 0231-P009 Rev D, 231-P011 Rev D, 0231-P012 Rev D, 0231-P013 Rev D and 0231-P014 Rev D, 0231-P015 Rev D and 0231-P016 Rev D received on 10 April 2019.

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

1007 Planning application - MC/19/0123 - Former Toys R Us, Horsted Retail Park, Maidstone Road, Chatham

Discussion:

The Head of Planning outlined the planning application in detail and drew attention to amendments to the planning appraisal and the conclusions and reasons for approval sections of the report, details of which were set out on the supplementary agenda advice sheet.

He confirmed that the applicant had carried out a sequential assessment which successfully demonstrated that there was no sequentially preferable site within or on the edge of Chatham town centre that was available, suitable or viable to accommodate the application proposals or a flexible interpretation of them.

Planning Committee, 24 April 2019

On the basis that the sequential test had been met, the proposed development complied with Paragraphs 86 and 87 of the National Planning Policy Framework and Policies R11, R13 and L2 of the Local Plan.

The Committee discussed the planning application.

Referring to traffic management in Horsted generally, a Member sought an update from the Head of Integrated Transport as to highway improvements relating to the Horsted gyratory.

Decision:

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

1008 Planning application - MC/18/1307 - Bakersfield Phase 2 Station Road, Rainham, Gillingham

Discussion:

The Head of Planning reminded the Committee that this application had previously been considered by the Committee on 13 February 2019 following which the Committee noted that the land along the north and north eastern parts of the site were at risk of surface water flooding. The Committee therefore considered that the drainage concerns needed to be addressed before planning permission could be granted for the full scheme. It was considered that if the drainage issues could not be easily resolved, the applicant may wish to consider submitting a revised scheme for those properties unaffected by potential flooding.

The Head of Planning advised that, in acknowledging Members concerns, the applicant had submitted a revised planning application reducing the number of dwellings from 27 to 18 and deleting the 9 houses that were to be located within the at risk flooding area.

As a result of the reduction in the number of dwellings now proposed, this part of the development would not pass the threshold of Policy H3 to provide affordable units. However, should the applicant or his successor manage to resolve the flooding issue and submit an application for the residential development of the land along the northern part of the application site, then the aggregate number of dwellings on the whole site could reach 25 or more. The applicant had acknowledged this and agreed to provide the required affordable units in the next phase of the development if and when such application was submitted and approved by the Local Planning Authority.

A reduction in the number of dwellings to 18 units would also result in lower s106 developer's contributions. However, as with the affordable housing proposals, the applicant had agreed to make pro rata developer contributions for the additional units on the land along the northern part of the site if and

Planning Committee, 24 April 2019

when such an application was submitted and approved by the Local Planning Authority.

To secure the above, it was recommended that a clawback mechanism clause be added to the legal agreement to ensure delivery of the affordable housing and developer contributions for the whole site should the applicant or his successor submit an application(s) for the development of the land along the north boundary of the site and permission for such an application(s) is granted.

The Head of Planning referred to the proposed new condition 28 set out on the supplementary agenda advice sheet and informed the Committee that this additional condition should be disregarded.

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 contribution of £16,473.60 towards nursery school provision for one or more of Riverside Primary School, St Thomas of Canterbury, Thamesview Primary, or Mierscourt Primary School. The funding will be utilised at the appropriate school from the list at the time of receipt of the contribution.
 - ii) A contribution of £40,435.20 towards primary school provision for one or more of Riverside Primary School (2 to 3 FE) and/or St Thomas of Canterbury (1 to 2FE and/or Thamesview Primary (2 to 3FE) or Mierscourt Primary School (2 to 3FE). The funding will be utilised at the appropriate school from the list at the time of receipt of the contribution.
 - iii) A contribution of £32,722.56 towards secondary school facilities in the Rainham Mark Grammar School class bases and/or a new free school in the area.
 - iv) A contribution of £ 44,815.14 to improve provision at Cozenton Park and to Great Lines Heritage Park to enhance open space facilities.
 - v) A contribution of £1,051.79 towards provision of Youth Services to offer personal and social development opportunities for young people in Rainham area.
 - vi) A contribution of £8,423.10 towards the improvement of Red Suite Rainham Healthy Living Centre.

Planning Committee, 24 April 2019

- vii) A contribution of £3,007.00 towards offsetting the increase in footfall impact on the Public Rights of Way GB8 which provides a direct link into a very popular part of the regional trail 'The Saxon Shore Way'.
 - viii) A contribution of £2,814.33 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.
 - ix) A contribution of £4,314.78 towards bird mitigation measures.
 - x) If the adjacent land initially shown for 9 dwellings comes forward for development the applicant agrees to provide 25% affordable housing as a percentage of the total development of the original site area and to make developer contributions in relation to the uplift in the number of units.
- b) Conditions 1 – 27 as set out in the report for the reasons stated in the report.

1009 Planning application - MC/18/2864 - 4, 16, 20 and 22 High Street, Rainham, Gillingham

Discussion:

The Senior Planner outlined the planning application in detail and informed the Committee that as the applicant had appealed against non-determination, the Committee was required to determine the decision that it would have made if the Local Planning Authority had been in a position to determine the application.

He referred to the supplementary agenda advice sheet and informed the Committee that a duplicate application (MC/19/0797) had been submitted and was currently under consideration. In the light of receipt of this duplicate application, it was possible that issues concerning the access and lack of a Unilateral Undertaking/Section 106 may be resolved.

The Senior Planner also advised that since despatch of the agenda, a letter had been received from the applicant's agent and was appended to the supplementary agenda advice sheet. The Planning Agent had also written to the Head of Planning and a summary of the Agent's comments and the officers response was set out on the supplementary agenda advice sheet.

Decision:

Had the Local Planning Authority been in a position to determine the application, it would have been refused on the grounds set out in the report.

Planning Committee, 24 April 2019

1010 Planning application - MC/18/0092 - Unit 1 - 2 New Cut Industrial Centre, New Cut, Chatham ME4 6AD

Discussion:

The Senior Planner outlined the planning application in detail and, in particular, referred to the constraints of this brownfield site. As a result of these constraints it was considered that there were sufficient exceptional circumstances for there not to be a requirement for any Section 106 contributions.

The Senior Planner also advised that the applicant had offered for the proposed properties to be either 100% private ownership or 100% social rented accommodation. Officers considered that a scheme providing 100% private ownership would be the preferred option.

With the agreement of the Committee, Councillor Maple addressed the Committee as an adjoining Ward Councillor as the site was immediately adjacent to his Ward. He stated that whilst the proposed scheme was probably the best that the developers could produce having regard to the constraints of the site, he considered that this site was not suitable for residential accommodation regardless of the type of tenure and would be more suitable for an entertainment or leisure use. He considered that the proposed residential units would be subject to noise disturbance and also expressed concern as to the lack of Section 106 contributions and affordable housing provision.

The Committee discussed the planning application and, in particular, the design of the development, the constraints of the site, the locality of the site and its relationship with the road and other nearby leisure uses, the lack of affordable housing and Section 106 contributions.

It was noted that the site had been vacant for some time and whilst there was a view that it would be suitable for an entertainment or leisure use, no such proposals had been forthcoming. It was also noted that this site was in close proximity to Chatham Town Centre and could therefore contribute to the economy of the town.

The Committee noted that this was a balanced planning application and whilst these residential units would not suit everyone, if they were 100% private residential accommodation, prospective purchasers could exercise a choice as to whether the accommodation suited their needs. The Head of Planning informed the Committee that the developer had worked hard to alleviate the issue of noise disturbance and the 'winter garden' element of the design was used extensively in London.

Decision:

Approved subject to:

- a) A unilateral agreement being submitted to secure SAMMS contribution and monitoring officers charge.

Planning Committee, 24 April 2019

- b) Conditions 1 – 25 as set out in the report for the reasons stated in the report.

1011 Planning application - MC/18/1557 - Rochester Riverside, Medway ME1 1NH

Discussion:

The Head of Planning outlined the application which sought the discharge of conditions 23 and 24 on planning permission MC/17/2333.

The Committee discussed the application and a Member stated that whilst he had no objection to this planning application, there was a need for an integrated approach to traffic management through Rochester.

Decision:

The conditions be discharged.

1012 Planning application - MC/18/3168 - Land at 143 Berengrave Lane, Rainham, Gillingham

Discussion:

The Head of Planning reminded the Committee that this application had been considered on 20 March 2019, following which the Committee had requested that the applicant reconsider the density and mix of the proposed dwellings.

He advised that the applicant had since revised the proposal and reduced the number of houses from 11 x 3 bed roomed houses to 9 houses comprising 6 x 3 bed units, 2 x 4 bed units and one x 5 bed unit with associated car parking, 3 visitors car parking spaces, access road and 2 car parking spaces for the occupiers of no. 143 Berengrave Lane.

Decision:

Approved subject to:

- a) The applicant entering into a Section 106 agreement for bird mitigation.
- b) Conditions 1 – 26 as set out in the report for the reasons stated in the report.

1013 Planning application - MC/18/2437 - Land West of 65 Layfield Road, Gillingham ME7 2QY

Discussion:

The Planning Manager outlined the planning application in detail.

Planning Committee, 24 April 2019

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

- Layfield Road is a narrow road and as residents have no off road parking, cars are parked on both sides of the road.
- Once a vehicle has entered the road, if a driver is faced with an oncoming vehicle it is necessary to reverse out along the road.
- Owing to the narrowness of the road, access by emergency vehicles is already limited and additional vehicles will exacerbate the problem.
- The applicant has fenced off an area previously used by residents for parking and there was no notification that this would take place.
- The development will be close to the garden of No.65 Layfield Road resulting in a loss of privacy for the occupants of No.65.
- The application will be harmful to the Conservation Area.
- Air quality will be affected by the additional traffic.
- There will be an impact on wildlife currently using the open space.

The Committee discussed the application having regard to the concerns outlined by the Ward Councillor.

In noting that Layfield Road does not have any turning point for traffic, it was suggested that should this application be approved, the applicant be required to provide a turning point to ease traffic management.

In response to a question as to who would be responsible for the maintenance of the open space, the Planning Manager confirmed that if the Committee was minded to approve the application, maintenance of the open space could be included as part of the Section 106 agreement.

In discussing the application, Members questioned the ownership of the open space and considered that this should be established before the application is determined.

Decision:

Consideration of the application be deferred to enable officers to undertake further investigations and negotiations with the applicant on the following:

- i) Ownership of the open space.
- ii) Whether the proposed scheme is able to include a turning point to alleviate problems with the additional vehicular traffic that will be generated by the proposed development.
- iii) The possible inclusion of an additional head of agreement under the Section 106 agreement for maintenance of the open space.

Planning Committee, 24 April 2019

1014 Planning application - MC/18/3164 - 272 St Margarets Banks, Rochester ME1 1HY

Discussion:

The Head of Planning outlined the planning application and advised the Committee that owing to its location in a Conservation Area, the replacement of 11 existing timber sash windows with UPVC at the front of the property would be out of character and harmful to the aesthetic attributes of the property.

He stated that whilst a number of properties in the street had UPVC windows to the rear, this was less sensitive than the windows at the frontage of the building. He also stated that there were a number of properties in St Margaret's Banks where front windows had been replaced with UPVC windows but this had likely taken place before the Article 4 direction in 2001.

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

- The use of timber for window frames may not be sustainable in the long term.
- There was only one objection to the proposal and there were 5 letters in support.
- UPVC windows are easier to maintain, are more energy efficient and noise resistant.

The Committee discussed the application having regard to the issues raised by the Ward Councillor. It was considered that a number of the issues highlighted could be overcome without the need to replace timber windows with UPVC.

Decision:

Refused on the ground set out in the report.

1015 Planning application - MC/19/0137 - Hildensfield, Matts Hill Road, Rainham, Gillingham

Discussion:

The Senior Planner outlined the planning application in detail and referred to the exempt appendix setting out the personal circumstances of the applicant and his family.

She advised the Committee that if approved, this would be a temporary planning permission up to 30 April 2022.

Decision:

Approved subject to:

Planning Committee, 24 April 2019

- a) The submission of a Unilateral Undertaking or SAMM Mitigation Contribution Agreement to secure £239.61 towards Designated Habitats Mitigation.
- b) Conditions 1 – 7 as set out in the report for the reasons stated in the report.

1016 Planning application - MC/19/0086 - 104 A, B, C Poplar Road, Strood, Rochester ME2 2NS

Decision:

It was noted that this planning application had been withdrawn from consideration at this meeting.

1017 Planning application - MC/18/3666 - 257 City Way, Rochester ME1 2TL

Discussion:

The Senior Planner outlined the planning application and suggested that if the Committee was minded to approve the application, the suggested reason for refusal No. 2 required amendment, detail of which was set out on the supplementary agenda advice sheet.

In addition, she advised that there were amendments to the planning appraisal section of the report details of which were also set out on the supplementary agenda advice sheet.

With the agreement of the Committee, Councillor Turpin addressed the Committee as Ward Councillor and he read out the contents of a letter from the applicant explaining the personal circumstances behind the reason for the planning application.

Councillor Turpin also advised the Committee that the bungalow sited next door had been purchased 8 months ago but remained vacant and therefore it was possible that the owner of that property was considering potential development opportunities.

The Committee discussed the application and whilst noting the reasons why officers had recommended that the application be refused also had regard to the personal circumstances for the planning application as outlined by the Ward Councillor.

Decision:

Approved subject to conditions and the Head of Planning be granted delegated approval to approve the conditions with the Chairman, Vice Chairman and Opposition Spokesperson outside of the meeting.

Planning Committee, 24 April 2019

1018 Planning application - MC/18/3577 - Land adjacent Blue Barn, Seymour Road, Rainham, Gillingham

Discussion:

The Planning Manager outlined the planning application in detail and drew attention to the supplementary agenda advice sheet which set out a number of changes to the proposed conditions and the planning appraisal section of the report.

The Committee discussed the application and it was suggested that the reference to 'minimum period of 5 years' be removed from proposed condition 16 (renumbered 13 as per the supplementary agenda advice sheet).

Some Members expressed a view that they would have preferred to see a lower density development with larger sized properties on this site.

Decision:

Approved subject to:

- a) The submission of a Unilateral Undertaking or SAMM Mitigation Contribution Agreement to secure £1916.88 towards Designated Habitats Mitigation.
- b) Conditions 1 and 2 as set out in the report, new conditions 3 and 4 as set out below, conditions 8 – 10 as set out in the report but re-numbered 5 – 7, amended condition 11 as set out below and renumbered as condition 8, conditions 12 – 14 as set out in the report but renumbered 9 – 11, conditions 15 and 16 as amended below but re-numbered as conditions 12 and 13 and conditions 17 – 21 as set out in the report but re-numbered 14 – 18, all for the reasons stated in the report:
 - 3 No development shall take place (other than development required to enable the remediation process to be implemented) until the approved remediation scheme contained in Letter from LEAP dated 29 March 2019 ref PL01572/planning has been carried out. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health as a

Planning Committee, 24 April 2019

result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 4 In the event that unexpected contamination is found at any time when carrying out the approved development that was not previously identified, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority. The unexpected contamination must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 3 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 5.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 8 The development shall be implemented in accordance with the approved Seymour Road Materials Schedule received on 3 April 2019.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 12 Notwithstanding the proposed landscaping details within the submitted Arboricultural Report reference GRS/TS/TCP/AIA/TPP/74/18 Rev D undertaken by GRS Arboricultural Consultant dated 25 February 2019, prior to the first occupation of any dwelling herein approved, full details of both hard and soft landscape works and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The landscaping details should provide details of a hedge, tree planting including tree lined boundaries outside of the curtilage of the dwellings and within the landscaped area indicated within drawing number 032-10 Rev B received on 26 February 2019. The development shall be implemented in accordance with the approved details and any trees or plants

Planning Committee, 24 April 2019

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: To ensure a satisfactory external appearance and provision for landscaping and ensure replacement tree planting for the removed TPO trees in accordance with Policies BNE1, BNE6, BNE25, BNE34 and BNE41 of the Medway Local Plan 2003.

- 13 Prior to the first occupation of any dwelling herein approved, a Landscape Management Plan, shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas (except for small, privately owned, domestic gardens) and arrangements for implementation. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1, BNE6, BNE24, BNE34 and BNE41 of the Medway Local Plan 2003.

1019 Planning application - MC/19/0286 - Garage Site adjacent to 1 - 7 Alfred Close and Garage Site adjacent to 72 - 75 Maida Road, Luton, Chatham

Discussion:

The Planning Manager outlined the planning application in detail and drew attention to a correction to proposed condition 11 as set out on the supplementary agenda advice sheet.

Decision:

Approved with conditions 1 – 10 and 12 - 16 as set out in the report for the reasons stated in the report and condition 11 amended as set out below:

- 11 The dwellings herein approved shall not be occupied until the areas shown on the submitted layout as vehicle parking, within Alfred Close and Maida Road, have been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to these parking spaces.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-

Planning Committee, 24 April 2019

street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

1020 Planning application - MC/19/0470 - 371 - 375 Maidstone Road, Rainham, Gillingham ME8 0HX

Discussion:

The Senior Planner outlined the planning application in detail and suggested that if the Committee was minded to approve this application, proposed condition 10 be amended as set out on the supplementary agenda advice sheet.

He also drew attention to changes to the relevant planning history and the planning appraisal sections of the report, details of which were also set out on the supplementary agenda advice sheet.

Decision:

Approved with conditions 8 – 9 as set out in the report for the reasons stated in the report and condition 10 amended as follows:

- 10 No development shall take place until an acoustic assessment has been undertaken to determine the impact of noise from transport related sources in accordance with BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. The results of the assessment and details of a scheme of acoustic protection shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAm_{ax}) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. The scheme shall include details of acoustic protection sufficient to ensure amenity/garden noise levels of not more than 55dB (LAeq,T). All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

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

1021 Planning application - MC/19/0069 - 29 Tufton Road, Rainham, Gillingham

Discussion:

The Planning Manager outlined the planning application.

Planning Committee, 24 April 2019

Decision:

Approved with conditions 1 – 9 as set out in the report for the reasons stated in the report.

1022 Planning application - MC/19/0050 - 32 Carpenters Close, Rochester ME1 2QH

Discussion:

The Senior Planner outlined the planning application and in drawing attention to the supplementary agenda advice sheet suggested that if the Committee was minded to approve this application, proposed condition 5 be amended and a new condition 13 be approved.

He also drew attention to a change to the representations section of the report which confirmed that 12 letters of objection had been received and outlining the basis of the objections and an update to the ecology section of the report, details of which were also set out on the supplementary agenda advice sheet.

The Committee discussed the application and it was generally considered that the construction of 5 dwellings on this site constituted an overdevelopment of the site and that either 3 properties or two pairs of semi-detached properties would be preferable.

It was therefore suggested that consideration of this application be deferred to enable officers to undertake further discussions with the applicant on the possibility of reducing the proposed development.

Decision:

Consideration of this application be deferred to enable officers to undertake further discussions with the applicant on the possibility of reducing the proposed development.

1023 Planning application - MC/19/0052 - 5 Shirley Avenue, Horsted, Chatham

Discussion:

The Planning Manager outlined the planning application and confirmed that the bird mitigation contribution had been secured as part of a previous application.

Decision:

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

Planning Committee, 24 April 2019

1024 Expression of appreciation

At the conclusion of the meeting, and in acknowledging that this would be the last Planning Committee prior to the Local Election, the Chairman on behalf of the Committee expressed appreciation to those officers who regularly supported the Committee in its work. In addition she expressed appreciation to those Members of the Committee who had decided to retire from the Council in 2019.

The Chairman also expressed appreciation for the work undertaken on the Committee by former Councillor David Carr who had recently passed away.

In response, the Head of Planning thanked Members of the Committee and the Chairman for their work on the Committee over the past 4 years.

Chairman

Date:

Ellen Wright, Democratic Services Officer

Telephone: 01634 332012

Email: democratic.services@medway.gov.uk