

Medway Council
Meeting of Planning Committee
Wednesday, 29 May 2019
6.30pm to 9.20pm

Record of the meeting

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

- Present:** Councillors: Barrett, Bhutia, Bowler, Buckwell, Curry, Etheridge, Sylvia Griffin, Hubbard, McDonald, Potter, Chrissy Stamp, Thorne and Tranter (Vice-Chairman, in the Chair)
- Substitutes:** Councillors:
Gulvin (Substitute for Mrs Diane Chambers)
Price (Substitute for Lloyd)
- In Attendance:** Laura Caiels, Legal Advisor
Doug Coleman, Senior Planner
Kemi Erifevieme, Planning Manager
Dave Harris, Head of Planning
Councillor Vince Maple
Robert Neave, Principal Transport Planner
Councillor Gloria Opara
Councillor Habib Tejan
Ellen Wright, Democratic Services Officer

15 Apologies for absence

Apologies for absence were received from the Chairman, Councillor Mrs Diane Chambers and Councillor Lloyd. In the absence of the Chairman, the Vice-Chairman, Councillor Tranter chaired the meeting.

16 Record of meeting

The record of the meeting held on 24 April 2019 was agreed and signed by the Chairman as correct.

Attention was drawn to the following updates:

Planning Committee 21 November 2019 – Minute 533 – Planning application MC/18/2309 - Land adjacent to Rochester Train Station, Corporation Street, Rochester

Section 106 Education Contributions – The Planning Committee had not been agreeable to primary/infant contributions towards St Nicholas School in Strood and asked for consideration to be given, prior to the signing of the S106, to the

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allocation of the Education contribution towards schools in Rochester. Following discussion with the Education team and Ward Councillors in Rochester East and Rochester West it was agreed that the contribution go towards the Crest School. The S106 has therefore been drafted accordingly and subject to there being no objections would be signed on that basis.

Planning Committee 24 April 2019:

Minute 2005 – Planning application MC/19/0241 – 218 Beechings Way, Twydall, Gillingham.

The following conditions were approved in consultation with the Chairman, Vice Chairman and opposition spokesperson.

1. The development hereby permitted shall be begun before the expiration of three years 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 number 993-02 received 16 April 2019.

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

3. The proposed parking area (labelled as proposed driveway) located between the principal elevation of the dwellinghouse and the public footpath and as shown on drawing number 993-02 received 16 April 2019, shall not be brought into use until it has been formed from permeable surfacing materials or has provided with drainage arrangements within the site which shall thereafter be retained.

Reason: To manage surface water in accordance with Paragraph 103 of the NPPF.

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

The following conditions were agreed in consultation with the Chairman, Vice Chairman and opposition spokesperson.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Drawing numbers 1819-2005, 1819-2006 and 1819-2007 received on 24 December 2018 and 1819-2005 Proposed Site Block Plan received on 4 January 2019.

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

3. All materials used externally shall match those of the existing building.

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.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification), the extension herein approved shall remain in use with the rest of the house as a single family dwellinghouse falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use to C4 shall be carried out unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

17 Urgent matters by reason of special circumstances

There were none.

18 Chairman's Announcements

The Chairman welcomed all new Members to their first meeting of the Planning Committee and also extended a welcomed to those who had returned to serve on the Council.

He informed the Committee that the following applications had been deferred from consideration at this meeting:

Planning application MC/18/1666 – 4A Luton Road, Luton Chatham

Planning application MC/18/1595 – Broom Hill Reservoir, Gorse Road, Strood, Rochester

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He also reminded those Ward Councillors who wished to address the Committee that they had a time allocation of up to 5 minutes each.

19 **Declarations of Disclosable Pecuniary Interests and Other Significant Interests**

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

Councillor Bhutia declared an interest in planning application – MC/19/0215 – Land adjacent to 18 Hampshire Close, Princes Park, Chatham and advised the Committee that as he had had discussions with both the applicant and residents, he would leave the meeting for consideration and determination of this planning application.

Councillor Buckwell declared an interest in planning application MC/19/0703 – 34 The Causeway, St Mary's Island, Chatham on the basis that the applicant and those making representations were former neighbours and he left the meeting for consideration and determination of the planning application.

Councillor Griffin declared an interest in planning application MC/19/0666 – 260 Wilson Avenue, Rochester on the basis that she is the Ward Councillor for the area and she left the meeting for consideration and determination of this planning application.

Councillor Gulvin declared interests in the following planning applications and left the meeting for consideration and determination for the reasons stated:

Planning application MC/18/2406 – Whiffens Avenue Car park, Whiffens Avenue, Chatham on the basis that he is a Director of Medway Development Company

Planning application MC/18/2553 – White Road Community Centre, White Road, Chatham on the basis that he is a Director of Medway Development Company

Planning application MC/19/0825 – Former Co-operative, The Mall, High Street, Gillingham on the basis that the Council owns this property and, as Portfolio Holder for Resources, he has responsibility for property.

Other interests

Councillor Price, referring to planning application MC/19/0825 – Former Co-operative, The Mall, High Street, Gillingham clarified that although he, along with his two Ward Councillor colleagues, had asked for this application to be referred to the Committee for determination, he had not declared a view upon

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the planning application and would therefore take part in the consideration and determination of the planning application.

20 Planning application MC/19/0666 - 260 Wilson Avenue, Rochester Kent ME1 2SP

Discussion:

The Planning Manager informed the Committee that this planning application was similar to that received by the Council in 2018 (planning application MC/18/2739), which although approved subject to conditions in December 2018, was currently the subject of an ongoing judicial review challenge. She advised that in the judicial review challenge, the Claimant had obtained an injunction to prevent the Council determining the current application but this injunction had subsequently been discharged by the High Court on the Council's application. Therefore, the Council was permitted to determine this application in advance of the judicial review challenge being resolved.

The Planning Manager then outlined the planning application in detail and referred in particular to the type of housing in Wilson Avenue which provided a mixed street scene interspersed by bungalows, many of which had been extended. It was therefore considered that the application was in keeping with the street scene and appearance.

She referred to representations outlined in the committee report and advised that one further representation had been received from the resident at 262 Wilson Avenue. A copy of the letter and associated attachments had been appended to the supplementary agenda advice sheet and officers response to the points raised were also set out in the supplementary agenda advice sheet.

The Planning Manager stated that matters concerning neighbour amenity (including privacy, daylight and sunlight) and the impact on the street scene had been set out within the main committee report and the further representations concerning the impact on the neighbour's solar panels was not a material planning consideration. However, she also advised that even if the impact on the solar panels was a material planning consideration, officers remained of the view that the impact would not be unacceptable and would not be sufficient to indicate that the determination of the current planning application should not be other than in accordance with the development plan.

The Committee discussed the planning application and noted that the overall height of the existing building at no. 260 would not change and that there were other properties that had been developed along similar lines within the street scene.

It was noted that the assessment relating to overshadowing had followed that recommended in the BRE guidance.

Whilst it was suggested that consideration be given to the addition of a further condition to require the installation of oblique glass in the rear dormers, the

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Head of Planning advised that the rear dormers would serve habitable rooms and therefore it would not be appropriate to approve such condition but officers were satisfied that notwithstanding this the windows would not result in any unacceptable loss of privacy to neighbours.

The Committee also noted that an adjoining neighbour who had submitted objections to the application had already installed dormer windows at the rear of his own property.

Decision:

Approved with conditions 1 – 4 as set out in the report for the reasons stated in the report.

21 Planning application - MC/18/2406 - Whiffens Avenue Car Park, Whiffens Avenue, Chatham

Discussion:

The Head of Planning outlined the planning application in detail and informed the Committee that the proposed Section 106 agreement for this application was linked to planning application MC/18/2553 White Road Community Centre which was also due to be considered at this meeting.

He informed the Committee that one further representation had been received since despatch of the agenda, details of which were set out on the supplementary agenda advice sheet.

He outlined the design of the scheme which had been re-modelled to address the concerns of Heritage England.

Although the level of parking provision was below the Council's parking standards, this site was located close to the town centre and the bus and railway stations.

He also confirmed that all parking points would have an electric charging point and there would be provision for cycle storage on site.

It was confirmed that with the Section 106 funding for public open space, should there be any surplus once works had been undertaken at the Town Hall Gardens open space, the surplus would be re-directed to be spent in the vicinity of the White Road site.

The Committee discussed the application.

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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 20 no. 2-bedroomed affordable rented accommodation off-site at White Road Community Centre.
 - ii) Provision of 9 no. on-site shared-ownership units (2 no. x 1-bed, 7 no. x 2-bed).
 - iii) A contribution of £157,740.70 towards education and the provision of nursery, primary and secondary school places.
 - iv) A contribution of £31,947.00 towards local heritage in the form of survey work, repairs and improved visitor access to the underground sump.
 - v) A contribution of £257,687.06 towards the restoration, improvement and enhancement of the Town Hall Gardens open space.
 - vi) A contribution of £28,631.90 towards footpath improvements (phase 2) at Great Lines Heritage Park.
 - vii) A contribution of £70,960.75 for the NHS to support the purchase of equipment and infrastructure for a new Healthy Living Centre in the Chatham Central locality.
 - viii) A contribution of £30,380 towards public realm enabling work to improve the end of Military Road/Brook, creating a path at the end to the taxi rank, to facilitate the closure of the pedestrian underpass and thereby improve connectivity of the development with the town centre.
 - ix) A contribution of £19,418.90 towards waste and recycling activities related to the development.
 - x) A contribution of £3,516.00 towards signage and information for Public Rights of Way network accessed from the development site.
 - xi) A contribution of £6,000 towards the improvement of bus infrastructure at the Chatham Bus Exchange to help encourage residents to utilise the bus service.
 - xii) A contribution of £27,555.15 towards bird disturbance mitigation measures.

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- b) Conditions 1 – 32 as set out in the report for the reasons stated in the report.

22 Planning application - MC/18/2553 - White Road Community Centre, White Road, Chatham

Discussion:

The Head of Planning outlined the planning application in detail and informed the Committee that this proposed development would be on a section of open space with the school field remaining undeveloped. He advised that the application site was in poor condition and suffered from anti-social behaviour. Whilst no replacement open space was to be provided in lieu of that lost under this proposal, a new play area and equipment would be provided for the pre-school, operating out of the community centre. Furthermore, a payment of £2,484 was to be secured by way of Section 106 funding towards enhancement of the Perry Street open space.

Other benefits arising from this proposal included improved safety for users of the Community Centre and the provision of affordable housing.

With the agreement of the Committee Councillor Maple addressed the Committee as Ward Councillor and made the following comments:

- He supported the view expressed by officers that this open space site had been poorly maintained and was the subject of anti-social behaviour.
- He confirmed that residents had been fully aware of the proposed development and only two individuals had submitted objections.
- Referring to the proposed Section 106 agreement, he sought clarification as to whether the contribution of £8,788.30 for youth services referred to on page 69 of the agenda under planning application MC/18/2406 (Whiffens Avenue car Park, Whiffens Avenue, Chatham) should be included within the proposed Section 106 agreement for this planning application.
- He referred to the proposed allocation of funding for enhancement of Perry Street Open Space and suggested that this be the subject of discussion with Ward Councillors as Perry Street Open Space was not necessarily the closest open space to the application site.
- He requested that the Nursery and Greenvale Infants School be specifically named under proposed condition 6 as consultees on the Construction Management Plan.
- He suggested that the Committee may wish to consider introducing a policy that any housing development that includes more than 10 houses should require provision of electric car charging points and that this should be included at this site.
- He sought clarity on the issue of whether the land was protected by a Covenant.

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- He suggested that an informative be added to any planning permission suggesting that the developer work with Greenvale Infants School for the naming of the new road.

The Committee discussed the application and it was suggested that funding should be set aside for improvements to the open space at this site at the outset rather than wait to assess the level of surplus funding available after completion of the work at the Town Hall Gardens.

Following discussions, it was suggested that whilst the application was broadly acceptable with the proposed conditions and informative suggested by the Ward Councillor, further discussions be held with Ward Councillors and a report be re-submitted to this Committee at a later date on the application of funding for improvements to the open space at this site.

The Head of Planning advised that the proposed Section 106 contributions had been set having regard to viability assessments and the level of funding for enhancement of open spaces had been set in consultation with officers in Greenspaces. It was considered that there would be sufficient funds available to cover works at both the Town Gardens site and for the enhancement of facilities closer to this site.

Decision:

Approved subject to:

- a) The applicant entering into an agreement under Section 106 of the Town and Country Planning Act to secure:
 - i) A contribution of £3,377.20 towards waste and recycling activities related to the development.
 - ii) A contribution of £123,195.37 towards education and the provision of nursery, primary and secondary school places.
 - iii) A contribution of £1,528.40 towards youth services to support creative art sessions for young people in the local area for ages 8-19 and up to 25 for people with disabilities.
 - iv) A contribution of £4,792.20 towards bird disturbance mitigation measures.
 - v) A contribution of £12,341.00 towards the purchase of equipment and infrastructure for a new Healthy Living Centre in the Chatham Central locality.
 - vi) A contribution of £2,484.00 towards the enhancement of open space facilities at Perry Street or a site to be agreed with Ward Councillors.

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- b) The Head of Planning investigating whether the contribution of £8,788.30 for youth services referred to on page 69 of the agenda under planning application MC/18/2406 (Whiffens Avenue Car Park, Whiffens Avenue, Chatham) should be included within the proposed Section 106 agreement for this planning application, and if so, this also be included in the above Section 106 agreement.
- c) Conditions 1 – 18 as set out in the report for the reasons stated in the report, it being noted that the Head of Planning will discuss with Ward Councillors the possible inclusion of the Nursery and Greenvale Infants School being referred to in condition 6.
- d) A new condition to require that electrical car charging points be included within the development.
- e) The Section 106 funding allocated for enhancement of open space in the vicinity of this development be the subject of discussion with Ward Councillors and be reported to a future meeting of this Committee.
- f) An informative that Greenvale Infants School be invited to assist in the selection of a name for the new road for this development.
- g) The Head of Planning providing Members of the Committee with clarity concerning the covenant covering this section of land outside of the meeting.
- h) The suggestion that electric car charging points be included as a requirement for all residential developments of 10 or more houses be noted by officers for future consideration.

23 Planning application - MC/18/3209 - Land rear of 12 New Road Avenue (fronting Gundulph Road), Chatham ME4 6BB

Discussion:

The Senior Planner outlined the planning application in detail.

The Committee discussed the application and it was suggested that the wording of proposed condition 13 be strengthened to have regard to the comments of Kent Police.

The Head of Planning confirmed that proposed condition 13 could be re-worded to require that as part of the Parking Management Plan, the applicant provide information as to how the security measures could be incorporated.

A Member also suggested that the Section 106 agreement also include a requirement that the smoking shelter be removed.

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Decision:

Approved subject to:

- a) The applicant entering into a Section 106 agreement to secure:
 - i) A contribution of £6,170.50 to purchase equipment and infrastructure for a new Healthy Living Centre in the central Chatham locality.
 - ii) A contribution of £764.20 for Medway Youth Service to fund personal development courses for public speaking to help build confidence for young people in the local area.
 - iii) A contribution of £24,897.30 towards improvements to Town Hall Gardens and/or The Paddock/and or Victoria Gardens as well as Great Lines Heritage Park (footpaths Phase 2).
 - iv) A contribution of £2,396.10 towards Strategic Mitigation measures in the Special Protection Areas.
 - v) The removal of the smoking shelter at the developers expense.
- b) Conditions 1 - 12 and 14 - 17 as set out in the report for the reasons stated in the report and condition 13 re-worded to require that as part of the Parking Management Plan, the applicant provide information as to how the security measures raised by Kent Police could be incorporated. The Head of Planning was granted delegated authority to approve the wording of condition 13 in consultation with the Chairman and Opposition spokesperson outside of the meeting.

24 Planning application - MC/19/0215 - Land adjacent to 18 Hampshire Close, Princes Park, Chatham ME5 7SG

Discussion:

The Senior Planner outlined the planning application in detail and advised the Committee that since despatch of the agenda, a further four letters of objection had been received, details of which were summarised on the supplementary agenda advice sheet.

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

- The proposed development is an overdevelopment of the area and will exacerbate existing parking problems.
- Between the proposed development and the nearby open space is Heron Way which is a very busy road and will be dangerous for children to cross.
- Studies indicate that children living in Princes Park already suffer with obesity and the loss of this open space will not help children to exercise.

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- Although the report states that the open space is not used for any formal recreation and its primary purpose is visual, the open space is used in the school holidays.
- The site is designated protected open space on the Proposal Map to the Local Plan.

The Committee discussed the application and whilst there was concern as to the loss of open space to accommodate this development, it was noted that there were other areas of open space across Princes Park.

Decision:

Approved subject to:

- a) The applicant entering into a Section 106 agreement to secure a contribution of £2,156.49 towards Strategic Mitigation measures in the Special Protection Areas.
- b) Conditions 1 – 15 as set out in the report for the reasons stated in the report.

25 Planning application - MC/18/1666 - 4A Luton Road, Luton, Chatham

Decision:

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

26 Planning application - MC/18/1595 - Broom Hill Reservoir, Gorse Road, Strood, Rochester

Decision:

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

27 Planning application - MC/19/0324 - Land adjacent 506 Lower Rainham Road, Rainham, Gillingham

Discussion:

The Senior Planner outlined the planning application in detail and explained the difference between the current application and that previously approved under planning application MC/17/4334.

The Committee discussed the planning application and a number of Members expressed concern that the size of the proposed properties had increased without any further parking provision.

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The Principal Transport Planner advised the Committee that the Council's Parking Standards were in the process of being revised and as part of this review, consideration would be given to the provision of parking in rural areas and the provision of electric car charging points.

Decision:

Approved with conditions 1 – 10 as set out in the report for the reasons stated in the report.

28 Planning application - MC/19/0825 - Former Co-operative, The Mall, High Street, Gillingham

Discussion:

The Planning Manager outlined the planning application in detail.

The Committee discussed the application and a Member expressed concern that, whilst the proposed change of use would encourage increased footfall in this section of Gillingham Town Centre, as part of the proposal, 46 parking spaces in the undercroft car park would be restricted for commercial use and only available for pay and display public parking at the weekend. Whilst it was accepted that this car park had not been fully utilised since the supermarket had closed, all car parks close to Gillingham High Street were busy on Mondays and Saturdays when there was a market.

In response, the Principal Transport Planner informed the Committee that as the Council owned most of the car parks in and surrounding Gillingham Town Centre, the Council had the necessary data from ticket sales to evaluate the level of car park usage and he was satisfied that there was adequate capacity to mitigate the loss of 46 parking spaces in this car park during the week. He agreed to supply a copy of this data to the Member concerned. He also confirmed that the restricted commercial parking spaces would be available for public use at the weekend.

It was suggested that consideration be given to the inclusion of the requirement for electric car charging points in the car park and the provision of a cycle store. In response, the Planning Manager advised that this could be added into the Parking Management Plan referred to under proposed condition 4.

Decision:

Approved with conditions 1 – 3 and 5 - 8 as set out in the report for the reasons stated in the report and condition 4 to be amended to require provision of electric car charging points and a cycle store as part of the development.

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29 Planning application - MC/19/0360 - 32 The Shoreway, St Mary's Island, Chatham

Discussion:

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

With the agreement of the Committee Councillor Tejan addressed the Committee as Ward Councillor and expressed the following concerns:

- The proposed development would result in overlooking into habitable rooms of the adjoining properties creating a loss of privacy.
- To approve this application would create a precedent for other similar developments along The Shoreway.

The Committee discussed the application and noted that whilst there were covenants in place for residential properties on St Mary's Island, breaches of the covenant were not planning issues. However, the fact that the applicant had breached the removal of Permitted Development Rights was a planning issue but was not in itself a sufficient reason to refuse a planning application unless it was considered that the breach had resulted in harm. Therefore, although this application was part retrospective, the Committee was required to consider the planning application on the basis of whether it would have been approved had the application been received prior to works having commenced.

The Committee had regard to the various elements of the application and whilst there was no objection to the raised planters, it was considered that if individuals were to stand on the constructed seating area, they would be able to view directly into habitable rooms of the adjoining neighbours.

Decision:

- a) Refused on the following ground:-
 1. The construction of a permanent seating area, which could be stood on, would increase the potential for overlooking directly into private windows that would create an unacceptable level of loss of privacy.
- b) The Head of Planning be granted delegated authority to agree the specific wording of the refusal ground with the Chairman and Opposition Spokesperson outside of the meeting.

30 Planning application - MC/19/0703 - 34 The Causeway, St Mary's Island, Chatham

Discussion:

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

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She also advised that since despatch of the agenda one additional letter of representation had been received, details of which were set out on the supplementary agenda advice sheet.

With the agreement of the Committee Councillor Tejan addressed the Committee as Ward Councillor and expressed the following concerns on behalf of local residents:

- The proposed development did not involve provision of raised planters but a gravel area that could be stood on and would result in overlooking into habitable rooms of the adjoining properties creating a loss of privacy.
- To approve this application would create a precedent for other similar developments along The Causeway.

The Committee discussed the application and referring to planning application MC/19/0360, expressed the view that this application would cause similar overlooking into habitable rooms for neighbouring properties.

The Committee noted that with this application, as seating had been placed on the raised decked area it would be necessary for individuals to stand on the raised deck to access the seating area. This was not considered acceptable as it would result in an unacceptable loss of privacy.

Decision:

- a) Refused on the following ground:-
 1. The construction of the permanent raised decking with seating placed upon it would result in individuals standing on the raised deck and would increase the potential for overlooking directly into private windows that would create an unacceptable level of loss of privacy.
- b) The Head of Planning be granted delegated authority to agree the specific wording of the refusal ground with the Chairman and Opposition Spokesperson outside of the meeting.

Chairman

Date:

Ellen Wright, Democratic Services Officer

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