

Medway Council
Meeting of Planning Committee
Wednesday, 24 July 2019
6.30pm to 9.35pm

Record of the meeting

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

Present: Councillors: Barrett, Bhutia, Bowler, Mrs Diane Chambers (Chairman), Curry, Etheridge, Sylvia Griffin, Hubbard, McDonald, Potter, Chrissy Stamp and Thorne

Substitutes: Councillors:
Gulvin (Substitute for Tranter)
Adeoye (Substitute for Lloyd)
Rupert Turpin (Substitute for Buckwell)

In Attendance: Laura Caiels, Legal Advisor
Kemi Erifevieme, Planning Manager
Dave Harris, Head of Planning
Paul Ives, Senior Planner
Robert Neave, Principal Transport Planner
Stephen Platt, Democratic Services Officer

167 Apologies for absence

Apologies for absence were received from Councillors Buckwell, Lloyd and Tranter.

168 Record of meeting

The record of the meeting held on 26 June 2019 was agreed and signed by the Chairman as correct.

169 Urgent matters by reason of special circumstances

There were none.

170 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

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Other significant interests (OSIs)

There were none.

Other interests

Councillor Sylvia Griffin referred to planning application MC/19/1022 – 142 Snodhurst Avenue, Horsted, Chatham and informed the Committee that although she had met the applicant, she had not expressed a view so would remain as part of the Committee and would take part in the determination of this planning application.

Councillor Rupert Turpin referred to planning application MC/19/1022 – 142 Snodhurst Avenue, Horsted, Chatham and informed the Committee that as he wished to address the Committee as Ward Councillor, he would remove himself from the Committee and take no part in the determination of this planning application.

171 Planning application - MC/19/0038 - Bardell Terrace, Rochester, Kent ME1 1NG

Discussion:

The Head of Planning outlined the planning application in detail and referred to the supplementary agenda advice sheet which contained amended conditions 2, 4, 5, 6, 7, 10, 11, 12 and 14 and also additional representations received from a Ward Councillor, Councillor Tranter, and the City of Rochester Society. He also corrected the breakdown of the number of dwellings and car parking spaces stated in the report as follows:

- Parcels 3, 4 and 5 would contain 44 on-site parking spaces and 8 relocated spaces, totalling 52 spaces.
- Parcel 7 would contain 55 flats with a mix of 33 one bedroom flats and 22 two bedroom flats.
- In total there would be 331 residential units and 258 car parking spaces and 8 relocated spaces.

The Head of Planning advised that the proposal had been subject to extensive redesign following consideration of consultation responses. The overall height of the development had been reduced with the removal of a 15 storey tower element and the redistribution of accommodation throughout the site. This had reduced the overbearing appearance on the adjacent buildings. It had also helped reduce the impact of the development on the street scene including the historic townscape of the Star Hill to Sun Pier Conservation Area and the Grade II Listed former County Court Building.

Pedestrian connectivity across Corporation Street, from Rochester towards Chatham, had also been improved as this had been a key driver in discussions with the applicant.

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Addressing the scheme's viability, the Head of Planning informed the Committee that the Council's viability advisor had considered the Viability Assessments submitted by the applicant and had concluded that the scheme was unable to provide 25% developer contribution towards affordable housing. However, it was proposed that affordable housing equating to approximately 10% be provided through provision in Parcel 1.

The Head of Planning concluded that the current proposal represented a high quality residential and commercial development that would substantially contribute to the urban regeneration of Corporation Street and provide a key link between historic Rochester and Chatham.

The Committee discussed the application and clarification was given in respect the energy efficiency of the scheme. A Member asked if the carbon footprint of the development, and how it could be offset, could be measured. Members generally welcomed the improved, revised proposals and considered that they would improve the vibrancy of the city centre and relieve the pressure to develop green field sites. There was disappointment that the full 25% developer contribution for affordable housing could not be achieved. The Head of Planning assured the Committee that the Council's viability advisor had critically reviewed the Viability Assessments.

Decision:

Approved subject to:

- a) Further archaeological work being undertaken and submitted and the Head of Planning being granted delegated authority to secure any mitigation measures by condition or additional Section 106 obligation if necessary following the submission of the further archaeological work.
- b) The applicant entering into an Agreement under Section 106 of the Town and Country Planning Act to secure:
 - i) Parcel 1 to be 100% affordable housing.
 - ii) A contribution of £79,310.91 towards bird disturbance mitigation measures.
 - iii) Travel plan.
 - iv) Provision of car club or equivalent financial contribution.
 - v) S278 agreement to cover off-site highways works, namely:
 - a. The Star Hill Junction works as shown on drawing number 43370_5501_023 (within the submitted Transport Assessment).

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- b. The Star Hill roundabout works as shown on drawing number 43370_5501_020 (within the submitted Transport Assessment).
- c) Conditions 1, 3, 8, 9, 13 and 15 – 33 as set out in the report for the reasons stated in the report, amended conditions 2, 4 - 7, 10 – 12 and 14, and a new condition 34, as follows:
 - 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing numbers 0506 rev P-00 and 0570 Rev P-00 received on 15 January 2019; Drawing numbers 0130 Rev P-03, 0210 Rev P-01, 0221 Rev P-03, 0222 Rev P-04, 0230 Rev P-03, 0240 Rev P-01, 0241 Rev P-01, 0300 Rev P-00, 0301a Rev P-00, 0308 Rev P-02 and 0331 Rev P-03 received on 21 May 2019; Drawing numbers 0005 Rev P-02, 0104 Rev P-00, 0201 Rev P-03, 0301 Rev P-03, 0401 Rev P-02, 0420 P-04, 0422 Rev P-04, 0423 Rev P-04 and 0430 Rev P-04 and received on 23 May 2019; Drawing numbers 0002 Rev P-04, 0101 Rev P-02, 0103 Rev P-04, 0320 Rev P-04, 0340 P-03, 0402 Rev P-02, 0411 Rev P-02, 0412 Rev P-02, 0440 Rev P-02, 0441 Rev P-02 and 0501 Rev P-02 received on 30 May 2019; drawing numbers 102 Rev P-04, 0120 Rev P-04 and 0341 Rev P-04 received on 21 June 2019; and drawing numbers 0202 Rev P-06, 0203 Rev P-05, 0208 Rev P-04, 0209 Rev P-04, 0220 Rev P-04, 0302 Rev P-05, 0303 Rev P-04, 0304 Rev P-04, 0305 Rev P-07, 0306 Rev P-04, 0307 Rev P-03 0321 Rev P-06, 0322 Rev P-06, 0342 Rev P-05, 0403 Rev P-05 0404 Rev P-04, 0421 P-04, 0502 P-03, 0503 Rev P-02, 0504 Rev P-04, 0505 Rev P-02 and 0520 Rev P-04 received on 8 July 2019 and drawing number 0140-P-03 received on 16 July 2019.

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

- 4 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation and archaeological works must not take place until conditions 5 to 8 have been complied with. If unexpected contamination is found after development has begun, 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 until condition 8 has been complied with in relation to that contamination.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 5 No development shall take place other than archaeological works until an investigation and risk assessment, in addition to any assessment

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provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 6 No development shall take place other than archaeological works until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

- 7 No development shall take place other than development required to enable the remediation process to be implemented and archaeological works until the approved remediation scheme has been carried out in accordance with its terms. 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 and water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 10 No development shall take place within a phase other than demolition, contamination investigation and remediation works, archaeological works and earthworks until an Air Quality Scheme, which demonstrates how poor air quality from road transport emissions can be mitigated by the installation of a clean air ventilation system for buildings within that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover all habitable rooms and include details of the design and installation of the clean air ventilation system and, if necessary, air purification equipment. The Air Quality Scheme shall be implemented in accordance with the approved details prior to the occupation of any part of the development to which the phase relates and shall thereafter be retained.

Reason: Required prior to commencement of development to ensure no long term detrimental harm to conditions of amenity in accordance with Policies BNE2 and BNE24 of the Medway Local Plan 2003.

- 11 No development shall take place other than demolition, contamination investigation and remediation works, archaeological works and earthworks until an Air Quality Assessment and an Emissions Mitigation Assessment has been submitted to and approved in writing by the Local Planning Authority. The Air Quality Assessment shall include an assessment of air quality at the application site and details of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of this development. The Emissions Mitigation Assessment should include a damage cost assessment that uses the DEFRA emissions factor toolkit and should include details of mitigation to be included in the development which will reduce the emissions from the development during construction and when in operation. The

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development shall be implemented in accordance with the approved details prior to the first occupation of any part of the land and shall thereafter be retained.

Reason: Required prior to commencement of development to ensure no long term detrimental harm to conditions of amenity in accordance with Policies BNE2 and BNE24 of the Medway Local Plan 2003.

- 12 No development including demolition works but other than contamination investigation and remediation works, archaeological works and earthworks shall take place within a phase until a Construction Environmental Management Plan (CEMP) in relation to that phase has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise and vibration affecting nearby residents; dust and air pollution control measures; pollution incident control, but mitigation measures indicated within the ecology report and site contact details in case of complaints. The construction works within that phase shall be undertaken in accordance with the approved Construction Environmental Management Plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, wildlife and habitat and with regard to Policies BNE2, BNE37 and BNE39 of the Medway Local Plan 2003.

- 14 No development shall take place other than demolition, contamination investigation and remediation works, archaeological works and earthworks until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Those details shall include (if applicable):

- i. a timetable for its implementation (including phased implementation where applicable).
- ii. appropriate operational, maintenance and access requirements for each sustainable drainage component are adequately considered.
- iii. proposed arrangements for future adoption by any public body, statutory undertaker or management company.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 165 of NPPF.

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- 34 Details of energy efficiency measures, with the Head of Planning to agree the wording with the Chairman and Opposition Spokespersons outside of the meeting.

172 Planning application - MC/19/0907 - Fenn Bell Inn, Ratcliffe Highway, St Mary Hoo, Rochester

Discussion:

The Head of Planning outlined the planning application in detail and advised the Committee that the principle of this development to extend the existing zoo had already been established through planning permission granted in 2016. The current proposal included an overflow car park; new animal enclosures; a private access; and the erection of five timber framed structures including a two bedroomed live/work unit. The removal of redundant buildings and a variation of the opening hours were also proposed.

Referring to the supplementary agenda advice sheet the Head of Planning drew attention to an additional paragraph to be added to the 'Principle' section of the report. This explained that a building originally approved as an educational building was currently being unlawfully occupied as residential accommodation. The siting of the proposed keepers lodge would regularise the living situation. An additional condition was proposed requiring the removal of the existing education centre upon occupation of the keepers lodge accommodation.

Decision:

Approved with conditions 1 – 7 as set out in the report for the reasons stated in the report and additional condition 8 as follows:

- 8 The existing education centre, currently being occupied as living accommodation shall be removed upon occupation of the keepers lodge accommodation.

Reason: To ensure the site remains for the purpose of the zoo and public house uses and in the interests of protecting the countryside character of the area in accordance with Policy BNE25 of the Local Plan 2003.

173 Planning application - MC/19/0797 - 4, 16, 20 and 22 High Street, Rainham, Gillingham

Discussion:

The Head of Planning outlined the planning application for a block of 54 retirement living apartments in detail. It was suggested that, should the Committee be minded to approve the application, conditions 2 and 16 be amended as set out in the supplementary agenda advice sheet. An additional

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condition was proposed to specify the age restrictions that would apply to occupiers of the development.

The Committee discussed the application and were advised that the access was sufficiently wide to accommodate two passing cars. Some concern was expressed about the siting of the access point close to a complex road junction.

A Member asked that the Committee be informed of where the developer contribution of £225,000 towards the provision of off-site affordable housing would be used.

Decision:

Approved subject to:

- a) The applicant entering into a Section 106 agreement to secure the following:
 - 1) A contribution of £225,000 towards the provision of off-site affordable housing.
 - 2) A contribution of £33,320.70 to support the reconfiguration of the Rainham Healthy Living Centre.
 - 3) A contribution of £23,660 to enhance facilities within the vicinity of the development - Holding Street, Cozenton Park, Rainham Recreation Ground, Berengrave Nature Reserve, Old Bloor's Lane Allotment and Great Lines Heritage Park – footpath improvements phase 2.
 - 4) A contribution of £13,230 towards public realm improvements in Rainham.
 - 5) A contribution of £11,980 towards mitigation measures in the Special Protection Areas.
- b) Conditions 1, 3-15, and 17- 25 as set out in the report for the reasons stated in the report and amended conditions 2 and 16 and additional condition 26 as follows:
 - 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing numbers: 20073RH P01, 20073RH P03/A, 20073RH P04/A, 20073RH P05, 20073RH P07, 20073RH P08, 20073RH P09, 20073RH P10, 20073RH P11 and 20073RH P20 received on 25 March 2019; and drawing number 20072RH P02D received on 30 May 2019.

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

- 16 The windows on the east elevation serving units 10 and 27 shall be fitted with obscure glass and apart from any top-hung light, that has a cill height of not less than 1.7 metres above the internal finished floor level of the room it serves, shall be non-opening. This work shall be completed prior to the first occupation of any part of the development herein approved.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 26 The development hereby permitted shall only be occupied by persons over 60 years of ages, or those of 60 years or over with a spouse or partner of at least 55 years.

Reason: To accord with the terms of the submitted application and in accordance with Policy H10 of the Medway Local Plan 2003 and Paragraph 59 of the National Planning Policy Framework 2019.

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

Discussion:

The Head of Planning outlined the planning application.

With the agreement of the Committee, Councillor Andy Stamp addressed the Committee as Ward Councillor and made the following points:

- The majority of the site was greenfield and within a Conservation Area.
- The proposal represented infill development and would be overdevelopment of the site detrimental to the residential amenity of neighbouring properties.
- Parking in Layfield Road was inadequate with cars parked partly on the pavement.
- Transport links in the area were limited and the distance to local facilities was not walkable.
- Access to and egress from Layfield Road was poor.
- The proposed access to the development was at the narrowest point.
- Emergency and refuse vehicles would have difficulty accessing the site.
- The mitigation measures outlined in the report were inadequate.

The Committee discussed the application and were generally in agreement with Councillor Stamp. It was considered that the proposal represented overdevelopment of the site which would adversely impact parking in the

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area and lead to overlooking. The loss of greenspace and proposed access point were also areas of concern.

Decision:

- a) Refused on the grounds of overdevelopment, impact on parking, poor access, loss of green space and overlooking.
- b) The Head of Planning be granted delegated authority to agree the specific wording of the refusal grounds with the Chairman and Opposition Spokesperson outside of the meeting.

175 Planning application - MC/19/0273 - Garage Block rear of 15 - 17 Doddington Road, Twydall, Gillingham

Discussion:

The Planning Manager outlined the planning application in detail and advised that, following a deferral at the last meeting of the Committee, the proposal had been revised and no longer included flats. The current proposal was for five three bedroomed houses of 2 ½ storeys with a bedroom in the loft space.

It was noted that one further representation had been received stating that the height of the town houses would invade privacy and bungalows would be preferable.

With the agreement of the Committee, Councillor Prenter addressed the Committee as Ward Councillor and made the following points:

- The revised proposals still represented overdevelopment of the site.
- The proposed dwellings would be very close to neighbouring properties and their height would be out of keeping with neighbouring properties.
- This would result in a loss of privacy and damage to visual amenity.
- Parking in the area was already an issue.

The Committee discussed the application and concern was expressed about the narrow access to the site and the proposed density. It was noted that many garage areas were no longer suitable and were being developed. However, this particular application was considered to be unacceptable.

Decision:

- a) Refused on the grounds of overdevelopment and poor access to the site.
- b) The Head of Planning be granted delegated authority to agree the specific wording of the refusal grounds with the Chairman and Opposition Spokesperson outside of the meeting.

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176 Planning application - MC/19/1070 - 126 Hempstead Road, Hempstead, Gillingham

Discussion:

The Senior Planner outlined the planning application.

It was noted that, in order to address the previously expressed concerns of the Committee, the proposed conditions included the removal of permitted development rights and the installation of obscure glazed windows.

Decision:

Approved subject to:

- a) The applicant entering into an Agreement under Section 106 of the Town and Country Planning Act to secure a contribution of £239.61 towards bird disturbance mitigation measures.
- b) Conditions 1 – 8 as set out in the report for the reasons stated in the report.

177 Planning application - MC/18/3347 - Land rear of Walnut Tree Farm, Grain Road, Lower Stoke, Rochester

Discussion:

The Planning Manager outlined the planning application in detail. It was confirmed that a proposed condition would remove permitted development rights. The Principal Transport Planner confirmed that the access points already existed.

A Member noted that one of the access points did not appear to have been used for some time.

It was requested that it be established whether the second access point, where a vehicle crossover was proposed, was a classified road and that this be reported back to the next meeting of the Committee.

Decision:

Approved with conditions 1 – 20 as set out in the report for the reasons stated in the report.

178 Planning application - MC/19/1044 - Land adjacent to Fenn House Farm, Fenn Street, St Mary Hoo, Rochester

Discussion:

The Senior Planner outlined the planning application and advised the Committee that the principle of a single dwelling on the site had already been approved. The current proposal for two semi-detached dwellings was considered to be acceptable.

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 £491.12 towards Wildlife Mitigation.
- b) Conditions 1 – 16 as set out in the report for the reasons stated in the report.

179 Planning application - MC/19/0394 - Land rear of 56 - 60 Town Road, Cliffe Woods, Rochester ME3 8JJ

Discussion:

The Planning Manger outlined the planning application and advised that it was a resubmission of a similar approved application and was considered to be acceptable.

Decision:

Approved with conditions 1 - 13 as set out in the report for the reasons stated in the report.

180 Planning application - MC/19/1022 - 142 Snodhurst Avenue, Horsted, Chatham

Discussion:

The Senior Planner outlined the planning application.

With the agreement of the Committee, Councillor Rupert Turpin addressed the Committee as Ward Councillor and made the following points in support of the application:

- The proposal was for an eco-conceptual building with eco features including a green roof, solar panels and a rain collection system.
- There were other examples of back land development on this estate.

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- The neighbour for whom overlooking might be more of an issue had not objected to the application.

The Committee discussed the application and expressed serious concerns about the proposal. Properties in the area benefitted from generous gardens and back land development of this nature should be avoided. It was requested that the Senior Tree Officer should investigate the value of the trees and if they are worthy of a protection order, and report back to the Committee.

Decision:

Refused on the grounds set out in the report.

181 Planning application - MC/19/1146 - 44 Woodlands Road, Gillingham ME7 2BQ

Discussion:

The Senior Planner outlined the planning application and drew the Committee's attention to the supplementary agenda advice sheet which amended the Planning Appraisal, Background section of the report to clarify that planning permission had recently been refused for a combined house of multiple occupation and flats on character and amenity grounds. It also clarified that a Section 106 agreement for a contribution of £245.56 towards wildlife mitigation was proposed.

Decision:

Approved subject to:

- a) The applicant entering into a Section 106 agreement to secure £245.56 towards wildlife mitigation.
- b) Conditions 1 – 8 as set out in the report for the reasons stated in the report.

182 Planning application - MC/19/1084 - 48 The Causeway, St Marys Island, Chatham

Discussion:

The Planning Manager outlined the planning application.

Decision:

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

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Chairman

Date:

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