

Medway Council
Meeting of Planning Committee
Wednesday, 21 August 2019
6.40pm to 9.00pm

Record of the meeting

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

- Present:** Councillors: Barrett, Bhutia, Bowler, Buckwell,
Mrs Diane Chambers (Chairman), Curry, Etheridge,
Sylvia Griffin, Hubbard, McDonald, Potter, Thorne and Tranter
(Vice-Chairman)
- Substitutes:** Councillors:
Adeoye (Substitute for Lloyd)
Price (Substitute for Chrissy Stamp)
- In Attendance:** Dave Harris, Head of Planning
Robert Neave, Principal Transport Planner
Vicky Nutley, Assistant Head of Legal Services
Councillor Ron Sands
Carly Stoddart, Planning Manager
Ellen Wright, Democratic Services Officer

228 Apologies for absence

Apologies for absence were received from Councillor Lloyd and Chrissy Stamp.

229 Record of meeting

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

The Chairman referred to the supplementary agenda advice sheet and informed the Committee of the following which had been agreed by the Head of Planning under delegated powers in consultation with the Chairman and opposition spokesperson:

Minute 174 – Planning application MC/18/2437 – Land West of 65 Layfield Road, Gillingham

Refusal grounds

- 1 The proposal will result in development on land which is allocated as proposed open space, and the site currently forms part of a visual open space within an otherwise dense urban area on the southern side of Pier

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Road. The proposal will start to erode into this visual and proposed open space to the detriment of the character of the area. The application area also includes protected species and the proposal to relocate the species onto the adjacent land and allocate such land as public open space is in conflict and may lead to harm to those ecological interests, particularly as the applicant has not agreed to long term maintenance of that area. The proposal is therefore contrary to the provisions of Policies L6, BNE1, BNE37 and BNE39 of the Medway Local Plan 2003 and paragraphs 124, 127, 170 and 175 of the NPPF 2019.

- 2 The proposal will add to existing traffic and vehicle manoeuvring issues along Layfield Road, which is heavily parked on street with little provision for turning. The proposal is therefore contrary to the provisions of Policies BNE2, T1 and T2 of the Medway Local Plan 2003.
- 3 The proposal by virtue of its layout and design would result in an overdevelopment of the site that would be both out of character with the area and also result in unacceptable overlooking of adjacent residential gardens. The proposal is therefore contrary to the provisions of Policies BNE1 and BNE2 of the Medway Local Plan and paragraphs 124, and 127 of the NPPF 2019.

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

Refusal ground

The proposed development due to the backland location with restricted means of access from Doddington Road would result in a form of development that presents a poor relationship to surrounding area with poor means of access. The proposal as such would result in overdevelopment of this backland site and would not maintain the character and amenity of the area as a whole. The proposal is therefore contrary to Policy H9 of the Medway Local Plan, and paragraphs 124 and 127 of the NPPF.

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

It was confirmed that a new Tree Preservation Order had been made and came into effect on 14 August 2019.

Climate Change and Energy Efficiency

The Head of Planning referred to discussion by the Committee on 24 July 2019 concerning climate change and energy efficiency and confirmed that a section on these issues would now be included in all planning applications for one or more dwellings.

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230 Chairman's Announcements

The Chairman informed the Committee that planning application MC/19/0270 – 33 Goddington Road, Strood had been deferred from consideration at this meeting.

231 Urgent matters by reason of special circumstances

There were none.

232 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

There were none.

Other interests

Councillor Sylvia Griffin referred to planning application MC/19/0050 – 32 Carpenters Close, Rochester and informed the Committee that as she wished to address the Committee on this application as Ward Councillor, she would not take part in the determination of the application.

233 Planning application - MC/19/1300 - Land West of Elm Avenue and South of Broadwood Road, Chattenden, Rochester

Discussion:

The Head of Planning outlined the planning application and drew attention to a revised table showing the mix of housing as set out on the supplementary agenda advice sheet. He reminded the Committee that this was a reserved matters application relating to access, appearance, landscaping, layout and scale pursuant to planning permission MC/18/0620.

The Committee discussed the application.

Decision:

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

234 Planning application - MC/19/1299 - Land West of Elm Avenue and South of Broadwood Road, Chattenden, Rochester

Discussion:

The Head of Planning outlined the planning application and referred to its relationship with the development referred to at planning application MC/19/1300.

He suggested that if the Committee was minded to approve the planning application, clause xiii of the proposed Section 106 agreement be amended as set out on the supplementary agenda advice sheet.

Decision:

Approved subject to:

- a) The applicant entering into agreement under Section 106 of the Town and Country Planning Act to vary the S106 entered into with the adjacent outline application to incorporate the following additional S106 requirements for the additional 6 dwellings:
 - i) A minimum of 25% (based on a total of 69 dwellings units on the whole site, equal to 17 affordable dwelling houses) equal to 1 affordable dwelling house under the current application.
 - ii) £5,419.20 towards nursery school provision at Chattenden or Hundred of Hoo Primary School.
 - iii) £13,478.40 towards the provision of new primary school facilities at Chattenden or Hundred of Hoo Primary School towards the expansion to 2FE.
 - iv) £13,634.40 towards the provision of secondary school facilities at Chattenden or Hundred of Hoo Secondary School.
 - v) £3,588.00 towards the provision of sixth form facilities at the Hundred of Hoo Secondary School.
 - vi) £932.64 towards waste and recycling and providing bins for the dwellings.
 - vii) £2807.70 towards Hoo St. Werburgh GP Practice to increase capacity.
 - viii) £3,425.10 towards Heritage, museums improvement of facilities in the Sergeant's Mess building at Upnor Castle.
 - ix) £8017.43 towards Open space in the Hoo area. A leap is to be provided by the applicant on-site and maintained thereafter.

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- x) £749.70 toward the Great Lines Heritage Park.
- xi) £548.09 towards improvement and new wearing course for PROW RS105, RS106 and RS127.
- xii) £3,809.53 towards measures to improve pedestrian facilities at Elm and Broadwood Avenues and on the Main Road. To improve pedestrian link from the application site to Hoo School.
- xiii) £17,925.01 towards new/improved community facilities at Chattenden Community Centre.
- xiv) £1,483.30 toward Habitats Regulations.

Total £75,818.50 =£12,636.41 per dwelling

- b) Conditions 1 – 23 as set out in the report for the reasons stated in the report.

235 Planning application - MC/18/2331 - 13 - 17 Church Street, Chatham ME4 4BT

Discussion:

The Senior Planner outlined the planning application and referred to the planning history for this site.

He informed the Committee that planning permission had been granted in 2017 for the demolition of existing buildings and construction of a part five/part six storey building to accommodate retail premises on the ground floor and 21 residential flats on the upper levels. However, following the discovery of a public sewer across the site, the proposed development had been modified and split into two separate buildings. The planning application placed before the Committee was for the new scheme.

The Committee discussed the planning application and noted that the development would result in the loss of a street tree and it was suggested that the wording of the proposed Section 106 agreement be strengthened to require the replacement of a street tree at a location to be agreed.

The Committee also discussed the proposal for retail properties to be provided on the ground floor and the Senior Planner advised that this section of Chatham currently had a thriving retail offer but that if take up of the retail units was not successful, it was possible for the retail units to be converted to residential at a later stage subject to any necessary approvals.

Arising from discussions, the Committee requested that should the application be approved, the following be imposed:

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- The proposed parking condition be amended to include provision for visitors on cycles.
- An additional condition that the retail units not be converted to A5 (hot food takeaways).
- An additional condition that air conditioning units shall not be placed on the roof of the building.
- Proposed condition 21 be amended to state that residents of the development shall not be permitted to have access to residents parking permits and to require a Car Parking Management Strategy.

During discussion, a number of Members stated that this was a prominent site in Chatham and that the proposed development was uninspiring, contrived and constituted overdevelopment of the site. It was therefore considered that consideration of the application should be deferred and referred to a Design Panel for consideration.

Decision:

Consideration of the application be deferred and placed before a Design Panel for consideration.

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

Discussion:

The Senior Planner outlined the planning application in detail and reminded the Committee that this application had been considered on 29 May 2019 following which the Committee had resolved to grant planning permission subject to the applicant entering into a Section 106 agreement to secure developer contributions and to secure the removal of the smoking shelter at the adjoining nightclub.

He advised that the applicant had subsequently written to the Council advising that the clause relating to the removal of the smoking shelter was not necessary or justified and reasons why.

The Senior Planner stated that as the smoking shelter was at the front of the building and located approx. 45m from the proposed development, it was considered that the smoking shelter, in its current location would not cause any nuisance to the occupiers of the proposed development in terms of noise or smoke and in accordance with Paragraph 56 of the National Planning Policy Framework it was not considered necessary to make the development acceptable.

The Senior Planner also referred to the comments of Kent Police and advised the Committee of those issues which could be addressed through planning conditions. He stated that most of the points raised by Kent Police would be dealt with under the details to be submitted pursuant to the planning conditions and in particular proposed conditions 13 and 16. A new condition 18 was

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proposed requiring that no flat shall be occupied and the parking area shall not be brought into use until detail of controlled access gates have been submitted for approval by the Local Planning Authority. In addition, he proposed an informative advising the applicant to refer to the Police's comments when preparing to discharge conditions 13, 16 and 18.

The Committee discussed the application having regard to the comments from Kent Police.

A number of Members expressed concern that there was insufficient space within the proposed development for the parking of 6 vehicles and a lack of manoeuvring space.

It was generally considered that had this planning application been submitted at the same time as the changes to the office building at 12 New Road, it was unlikely that it would have been considered an acceptable development.

On being put to the vote, with the proposed changes to the conditions as suggested by the Senior Planner, the application was not supported.

In the light of this being a contrary decision to that of the Committee on 29 May 2019, consideration of the application was deferred.

Decision:

Consideration of this application be deferred.

237 Planning application - MC/19/0658 - Land West of Merryboys Farmhouse, Cooling Common, Cliffe Woods ME3 7TP

Discussion:

The Head of Planning outlined the planning application in detail and referring to the supplementary agenda advice sheet drew attention to suggested changes to the proposed conditions by the deletion of proposed conditions 1 and 5, renumbering conditions 2, 3, 4, 6, 7 and 8, a replacement wording for new condition 3 (formerly numbered 4) and amended wording for new condition 6 (formerly numbered 8).

Decision:

Approved subject to conditions 2, 3, 6 and 7 as set out in the report for the reasons stated subject to them being renumbered 1, 2, 4 and 5 and conditions 3 and 6 as follows:

3. The first floor windows on the northern flank elevation 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

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before the dwellinghouse hereby approved is first occupied and shall be retained thereafter.

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.

- 6 Prior to the first occupation of the dwelling herein approved, details of all external hard surfacing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to first occupation or in accordance with a timeframe agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance in accordance with Policy BNE1 of the Medway Local Plan 2003.

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

Discussion:

The Senior Planner outlined the planning application in detail and advised the Committee that this application had previously been considered by the Committee on 24 April 2019 and had been deferred to enable officers to discuss with the applicant the possibility of reducing the proposed development. The Senior Planner advised that arising from discussions, the applicant had reduced the number of properties from 5 to 4.

With the agreement of the Committee, Councillor Griffin addressed the Committee as Ward Councillor and stated that the proposed development still constituted an overdevelopment of the site. She advised that residents living in the locality of the application site did not want 4 houses built on this land as this was out of keeping with the area and she suggested that if the development was reduced from 4 to 2 properties, this would be more acceptable.

The Committee discussed the application having regard to the street scene via Google Maps. It was noted that there were sites in close proximity to the application site where there was a higher density of housing and that the applicant had offered to reduce the development from 5 to 4 properties.

Decision:

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

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

Discussion:

The Planning Manager outlined the planning application in detail and drew attention to a correction in the report in that the proposed figure stated in A) relating to a SAMMs Mitigation Contribution Agreement should be preceded by a £ sign not the letter J.

The Committee discussed the application and, in particular, referred to the layout of the proposed flats which resulted in a lack of natural daylight for residential accommodation in the basement, the exterior appearance of the building and the lack of parking provision.

Whilst it was appreciated that this area of Chatham would benefit from regeneration, the proposed development was not considered acceptable in its current format and did not provide suitable living accommodation for occupiers of the basement flat.

Decision:

Consideration of this application be deferred to enable officers to have further discussions with the applicant on the issues raised by the Committee.

240 Planning application - MC/19/1383 - Former Rochabite Hall, Queens Road, Gillingham

Discussion:

The Senior Planner outlined the planning application in detail and explained the planning history for the site.

A Member suggested that in the light of the narrowness of Queens Road and the fact that on street parking is at a premium in this part of Gillingham, an additional condition be imposed restricting the residents of the properties from obtaining residents' parking permits. It was noted that this would be addressed in the Parking Management Plan required by new condition 16.

Decision:

Approved with conditions 1- 15 as set out in the report for the reasons stated in the report and with a new condition 16 as follows:

- 16 No part of the development shall be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how the parking spaces within the development are to be provided, managed and preserved for use by future residents and their visitors to deter on-street parking. The Parking Management Plan shall

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

Reason: to ensure satisfactory off-street parking in accordance with Policy T13 of the Medway Local Plan 2003.

241 Planning application - MC/19/1474 - 24 High Street, Brompton, Gillingham

Discussion:

The Planning Manager outlined the planning application in detail and advised that since despatch of the agenda two additional letters of objection had been received reiterating concerns relating to accumulation of uses and the lack of an external dog toilet. A further nine letters had been received supporting the use of the building for dog grooming and day crèche.

The Committee discussed the application and it was suggested that an additional condition be imposed requiring a noise and acoustic assessment survey.

Decision:

- a) Approved with conditions 1 – 3 as set out in the report for the reasons stated in the report and a new condition 4 as follows:
 4. Condition requiring a noise and acoustic assessment survey.
- b) The Head of Planning be granted delegated authority to approve the wording of condition 4 in consultation with the Chairman and Opposition spokesperson.

242 Planning application - MC/19/1210 - 43 Georgian Way, Wigmore, Gillingham

Discussion:

The Planning Manager outlined the planning application in detail and suggested that if the Committee was minded to approve the application an additional condition 7 be approved as set out on the supplementary agenda advice sheet ensuring that this would be a personalised use for the applicants.

It was confirmed that the provision of an outbuilding for use as a hair salon would not affect the residential use of the residential dwelling.

The Committee discussed the application and whilst it was noted that a number of professions were suitable for home working, it was considered that this was a balanced application as a hair salon would involve regular visitors to the premises. However, the Committee noted the limitations upon the days of use and the number of clients who would be at the hair salon at any one time.

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It was suggested that if the application was approved, there should be no signage advertising the hair salon and that in the light of the concerns expressed by residents, the permission be for a temporary period of one year to enable officers to assess the impact of the provision of the hair salon.

Decision:

Approved subject to conditions 2 – 6 as set out in the report for the reasons stated in the report and condition 1 revised as follows and new conditions 7 and 8 as set out below:

1. The hairdressers use hereby permitted shall be discontinued and all fixtures and fittings associated with the use shall be removed from the building on or before 31 August 2020. The building shall thereafter only be used for purposes ancillary to the main dwellinghouse but at no point shall it be used for the purpose of residential accommodation.

Reason: To allow the Local Planning Authority an opportunity to assess the effect of the development on the amenities of the surrounding area in accordance with Policy BNE2 of the Medway Local Plan 2003.

7. Notwithstanding the provisions of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 or any regulations amending, revoking and re-enacting the Regulations with or without modification) no advertisement shall be displayed on the building or anywhere within the site.

Reason: In the interests of visual and neighbouring amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

8. The use hereby permitted shall be carried on only by Mr Keith Owen and/or Mrs Louise Owen and when the premises cease to be occupied by Mr Keith Owen and/or Mrs Louise Owen the use hereby permitted shall cease and any materials and equipment brought on to the premises in connection with the use shall be removed.

Reason: To take account of the special circumstances of the submitted application and to regulate and control any subsequent use of the premises in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

243 Planning application - MC/19/1589 - 2 Beresford Avenue, Rochester ME1 2QU

Discussion:

The Planning Manager outlined the planning application and apologised for the map highlighting 2 separate properties in error.

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Decision:

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

244 Planning application - MC/19/0270 - 33 Goddington Road, Strood, Rochester

Decision:

This application was deferred from consideration at this meeting.

245 Performance Report: 1 April 2019 to 30 June 2019

Discussion:

The Committee received a report setting out planning performance and an update on the Local Plan.

The Head of Planning informed the Committee that the conversion of offices to residential accommodation was of concern and he had lobbied all three MPs on this issue on behalf of the Council.

Decision:

The Committee noted the report.

246 Report on Appeal Decisions: 1 April to 30 June 2019

Discussion:

The Committee received a report setting out a summary of appeal decisions.

Attention was drawn to the supplementary agenda advice sheet which provided a summary of appeal decisions relating to 204 Hawthorn Road, Strood and 22 Maryland Court, Parkwood.

Decision:

The Committee noted the report.

Chairman

Date:

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Ellen Wright, Democratic Services Officer

Telephone: 01634 332012

Email: democratic.services@medway.gov.uk