

**Medway Council**  
**Meeting of Planning Committee**  
**Wednesday, 18 September 2019**  
**6.30pm to 9.05pm**

**Record of the meeting**

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

- Present:** Councillors: Barrett, Bhutia, Bowler, Buckwell, Etheridge, Sylvia Griffin, Hubbard, McDonald, Potter, Thorne and Tranter (Vice-Chairman, in the Chair)
- Substitutes:** Councillors:  
Adeoye (Substitute for Lloyd)  
Gulvin (Substitute for Mrs Diane Chambers)  
Howcroft-Scott (Substitute for Curry)  
Johnson (Substitute for Chrissy Stamp)
- In Attendance:** Doug Coleman, Senior Planner  
Kemi Erifevieme, Planning Manager  
Dave Harris, Head of Planning  
Joanna Horne, Planning Solicitor  
Robert Neave, Principal Transport Planner  
Stephen Platt, Democratic Services Officer

**289 Apologies for absence**

Apologies for absence were received from Councillors Mrs Diane Chambers, Curry, Lloyd and Chrissy Stamp.

**290 Record of meeting**

The record of the meeting held on 21 August 2019 was agreed and signed by the Chairman as correct.

The Head of Planning referred to the supplementary advice sheet with regard to previous minutes of the Committee.

**Minute 92 - Planning application MC/18/3160 – Land off Lower Rainham Road**

At the Planning Committee meeting held on 26 June 2019, Members had resolved to grant planning permission subject to the following:

Prior to issuing the decision notice, the Local Planning Authority shall carry out consultation with the occupiers of the properties along the southern side

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of Lower Rainham Road (between the application site and junction of Station Road with Lower Rainham Road) to establish whether they support the on-site car parking provision that condition 24 will provide and the parking restriction that the proposed Traffic Regulation Order (TRO) will impose. Should the response of the occupiers of these properties be negative towards the provision of on-site parking and the TRO, the Head of Planning be granted delegated authority to seek the monetary value equal to cost associated with the delivering of the on-site parking and TRO in order to carry out highway design capacity improvement in immediate area. Any monetary equivalent will be secured as part of the Section 106 Agreement.

On 31 July 2019 consultation letters were sent to 32 properties.

Twelve written responses were received. The occupiers of 8 properties objected to the proposition of providing off road car parking and the use of TRO to limit on street parking and made the following comments:

- Some properties have more than one car and the proposed provision would not be adequate.
- Current on street parking acts as a traffic calming measure and the removal of vehicles from the road could potentially encourage speeding in this section of the Lower Rainham Road.
- The proposed TRO will stop friends, visitors and delivery vehicles including trade's vehicles from park on the road.
- The occupier of 754 also states that 11 properties are without off road parking and therefore at least 11 off road car parking spaces would be needed. Furthermore, how people with electric cars would be able to charge their vehicles.

The occupiers of 4 properties agreed to the proposition of providing off road parking and the occupiers of 3 properties also agreed with the proposal to use TRO to restrict on street parking.

Having regard to the representations received, the Committee agreed that provision of off road parking and the use of TRO restricting on street parking at certain times such as peak times, would significantly assist with enhancing traffic flow and allow residents and visitors/deliveries the opportunity to park on street outside the restricted times. Furthermore, this proposal would significantly improve the current level of on street car parking provision for the residents of the 32 properties surveyed as a whole.

The Committee agreed that the Head of Planning would discuss the parking proposals with Ward Councillors and be given delegated authority to implement the outcome.

### **Minute 171 - Planning application – MC/19/0038 – Bardell Terrace**

At the Planning Committee meeting of 24 July 2019, the Committee had resolved to approve a planning application subject to a Section 106

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agreement. Despite the viability assessment the applicants had agreed to deliver plot 1 as 100% affordable housing and the Head of Planning had confirmed that delivery would be policy compliant, i.e. a 60:40 split in relation to affordable rent and shared ownership. Since the meeting the applicants had approached the registered housing providers and none would take the block with the 60:40 split stating that it must either be 100% shared ownership or 100% affordable rent. In addition the registered providers had advised that the affordable rent would only be acceptable with the aid of Homes England grant which could only be secured for non S106 delivery.

On the basis that the delivery of affordable housing was secured/agreed despite the viability assessment, the Committee agreed that the affordable housing on plot 1 be secured as 100% shared ownership via the S106 agreement.

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

The wording of new condition (condition 4) had been agreed by the Head of Planning under delegated powers, in consultation with the Chairman and opposition spokesperson.

- 4 Within 3 months of the first use, a noise report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates how noise from dog barking is mitigated. The approved mitigation shall thereafter be retained.

Reason: To ensure no harmful impact in terms of residential amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

### **291 Urgent matters by reason of special circumstances**

There were none.

### **292 Declarations of Disclosable Pecuniary Interests and Other Significant Interests**

#### Disclosable pecuniary interests

There were none.

#### Other significant interests (OSIs)

Councillor Johnson declared an interest in planning application MC/19/1017 – 31 – 35 Balmoral Road, Gillingham on the basis that he had commented on this application and he left the meeting for the consideration and determination of the planning application.

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### Other interests

Councillor Bhutia referred to planning application MC/19/1450 – 37 Redwing Road, Princes Park, 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 consideration and determination of the application.

Councillor Hubbard referred to planning application MC/19/0485 – Anchorians Sports Club, Darland Avenue, Gillingham and informed the Committee that although his workplace was close by, he had not expressed a view so would remain and take part in the consideration and determination of this planning application.

During consideration of planning application MC/19/0485 – Anchorians Sports Club, Darland Avenue, Gillingham, Councillor Gulvin informed the Committee that he was a member of the Procurement Board which had discussed this proposal so he would not vote on the matter.

### **293 Planning application - MC/18/1666 - 4A Luton Road, Luton, Chatham**

#### **Discussion:**

The Head of Planning outlined the planning application and advised that the proposed figure in Recommendation A should be preceded by £ rather than J. He reminded Members that this application had previously been considered by the Planning Committee on 21 August 2019, when Members had raised concerns regarding the design of the ground floor windows to the front elevation in relation to the amount of daylight that would reach the lounge/diner of the basement flat. The applicant had submitted amended plans which showed a more sympathetic design to the ground floor windows. The basement flat had been reduced in depth and a plant room would now be located in the building at basement level.

A Member expressed concern about the basement flat and was assured that the floor area complied with national standards for gross internal floor area.

#### **Decision:**

Approved subject to:

- a) The completion of a SAMMs Mitigation Contribution Agreement to secure payment of £1677.27 towards designated mitigation.
- b) Conditions 1 – 5 as set out in the report for the reasons stated in the report.

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

**Discussion:**

The Head of Planning referred to the updated information set out in the supplementary agenda advice sheet and explained that the application had been approved by the Planning Committee on 29 May 2019 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 neighbouring nightclub.

The applicant had subsequently written to the Council stating that the clause relating to the smoking shelter was not necessary or justified. The reasons given were that the smoking shelter was approximately 45m from the proposed building and that the owner of the nightclub had asked for the shelter to be moved only if it was a concern for future residents. The Head of Planning therefore advised that the Committee should only consider whether or not it was acceptable to still grant permission without the clause relating to the smoking shelter.

In response to a question from a Member concerning the possible future relocation of the smoking shelter, the Head of Planning suggested that he could write to the owner of the nightclub stating that the Council would be concerned about any relocation of the smoking shelter closer to the application site and would wish to be consulted.

**Decision:**

Approved subject to:

- a) The applicant entering into a Section 106 agreement to secure:
  - A contribution of £6,170.50 to purchase equipment and infrastructure for a new Healthy Living Centre in the central Chatham locality;
  - 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;
  - A contribution of £24,897.301 towards improvements to Town Hall Gardens and/or The Paddock/and or Victoria Gardens as well as Great Lines Heritage Park (footpaths Phase 2);
  - A contribution of £2,396.10 towards Strategic Mitigation measures in the Special Protection Areas.
- b) Conditions 1 – 18 as set out in the report for the reasons stated in the report.

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- c) The Head of Planning to write to the owner of the nightclub stating that the Council would be concerned about any relocation of the smoking shelter closer to the application site and would wish to be consulted.

### **295 Planning application - MC/19/1017 - 31 - 35 Balmoral Road, Gillingham ME7 4QB**

#### **Discussion:**

The Planning Manager outlined the planning application, setting out in detail the proposal for a change of use from a solicitor's office to residential use together with the construction of a three-storey extension. She stated that, on balance, officers considered the proposal to be acceptable with the loss of office space being outweighed by the benefit of additional housing.

The Committee discussed the application and some Members expressed the view that the design proposals were contrived and aimed to fit as many dwellings as possible on to the site. It was noted that one of the proposed flats was 4 square metres below the national standards for gross internal floor area. Concerns were also raised about the lack of parking and the outside amenity space.

Other Members took a contrary view, highlighting the need for the Council to meet its housing targets and the need to accept more urban development.

#### **Decision:**

- a) Refused on the grounds of overdevelopment; contrived design; cramped, inadequate outside space; and parking.
- b) The Head of Planning be granted delegated authority to approve the specific wording of the refusal grounds in consultation with the Chairman and Opposition spokesperson.

### **296 Planning application - MC/19/1301 - The Good Intent, 3 John Street, Rochester**

#### **Discussion:**

The Senior Planner outlined the planning application and drew Members' attention to an additional representation that had been received from Councillor Murray, Ward Councillor, and was set out in the supplementary agenda advice sheet.

The supplementary agenda advice sheet also contained an additional planning appraisal in respect of highways. The applicant had submitted a parking stress report which demonstrated that there was spare capacity in the surrounding roads, ranging from 24 spare spaces at 7:00pm to 35 spaces at midnight.

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The Committee discussed the application and from their local knowledge, some Members questioned the conclusions of the parking stress report, highlighting the lack of available parking spaces in the area. Members regarded the public house as a good community facility but acknowledged the landlady's comments regarding its viability. A Member questioned whether there was sufficient space to accommodate the number of dwellings that were proposed.

### **Decision:**

Approved subject to conditions 1-15 as set out in the report for the reasons stated in the report.

### **297 Planning application - MC/19/1171 - 26 - 36 Ivy Street, Rainham, Gillingham**

### **Discussion:**

The Head of Planning outlined the planning application and, referring to the supplementary agenda advice sheet, drew Members' attention to the contents of one additional letter of objection and two additional letters of support.

The Committee discussed the application and, in response to questions raised by a Member, advised that the addition of gates to the footpath and sustainable drainage would be covered by proposed conditions 3 and 14 respectively.

A Member raised the issue of parking, noting that there was high parking stress in the area. The Head of Planning advised that Members may wish to attach an additional condition to remove the eligibility for residents' or visitors' parking permits.

### **Decision:**

Approved subject to:

- a) The applicant entering into a Section 106 agreement to secure £982.24 towards Wildlife mitigation.
- b) Conditions 1-20 as set out in the report for the reasons set out in the report and new condition 21 to remove the eligibility for residents' or visitors' parking permits.
- c) The Head of Planning be granted delegated authority to approve the wording of condition 21.

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### 298 Planning application - MC/19/1485 - 12 Cooling Road, Cliffe, Rochester

#### Discussion:

The Senior Planner outlined the planning application.

The Committee discussed the application and it was clarified that the site was within the envelope of Cliffe village.

#### Decision:

Approved subject to conditions 1-9 as set out in the report for the reasons stated in the report.

### 299 Planning application - MC/19/1717 - 107 Victoria Street, Gillingham ME7 1EL

#### Discussion:

The Head of Planning outlined the planning application and advised that an amended site plan had been received. He referred to the concerns expressed by the owners and occupiers of neighbouring properties and recommended proposed conditions 4, 5 and 6 set out in the report to address these.

The Committee discussed the application and a Member suggested an additional condition to prevent the building from being used for residential purposes.

#### Decision:

- a) Approved subject to conditions 1-7 as set out in the report for the reasons set out in the report and new condition 8 to prevent the building from being used for residential purposes.
- b) The Head of Planning be granted delegated authority to approve the wording of condition 8.

### 300 Planning application - MC/19/1450 - 37 Redwing Road, Princes Park, Chatham

#### Discussion:

The Planning Manager outlined the retrospective planning application and informed the Committee that the applicant had contacted the Council to advise that the shed had been painted in a colour to match its background.

With the agreement of the Committee, Councillor Bhutia addressed the Committee as Ward Councillor and he read out a letter from the applicant. This stated that the applicant was not aware that planning permission was required for the construction of the shed. The shed had replaced a previous one and



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was used for the storage of a motor cycle, tools and materials. The letter also stated that the applicant's neighbours had raised no objections to the shed.

Members discussed the application and it was noted that the proposal was contrary to local plan and NPPF policies. However, it was also noted that the shed was located in a corner and was not overlooked. In addition, the applicant had the support of his immediate neighbours.

### **Decision:**

- a) Approval subject to conditions.
- b) The Head of Planning be granted delegated authority to approve the specific wording of the approval and conditions in consultation with the Chairman and Opposition spokesperson.

### **301 Planning application - MC/19/0847 - Darnley House, Grain Road, Lower Stoke, Rochester**

#### **Discussion:**

The Head of Planning outlined the planning application and advised that one additional letter of objection had been received in relation to noise disturbance from the dogs, as set out in the supplementary agenda advise sheet.

The Head of Planning informed the Committee that a recent application for 13 dogs on a smaller site had been allowed on appeal. It was proposed that a condition be attached to any planning permission for Darnley House to restrict the number of dogs to 14.

The Committee discussed the application and a Member asked if a condition requiring acoustic barriers would be appropriate. The Head of Planning responded that he had recently visited the site and had not heard any dogs barking. He was of the view that there would be more barking if the dogs were pets and he informed Members of case law in respect of the number of dogs that could be kept as pets without the need for planning permission. Therefore, he did not consider that there was a need for further acoustic protection.

#### **Decision:**

Approved subject to conditions 1- 6 as set out in the report for the reasons stated in the report.

### **302 Planning application - MC/19/0485 - Anchorians Sports Club, Darland Avenue, Darland, Gillingham**

#### **Discussion:**

The Planning Manager outlined the planning application for the installation of a multi-use artificial grass pitch. With regard to neighbours' amenity, she advised

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that the application had been supported by a noise impact assessment which demonstrated that there would be a negligible and imperceptible impact on existing noise levels. With regards to light spillage, the application had been supported by a light assessment. The proposed floodlights were designed to reduce horizontal and vertical overspill. Conditions were proposed to require the submission of details of the acoustic barrier and floodlighting plan and also restricting the times of use.

Members discussed the application and in response to a question regarding the Traffic Regulation Order, it was confirmed that no amendments to it were proposed.

### **Decision:**

- a) Approved subject to conditions 1-6 as set out in the report for the reasons stated in the report.
- b) The Highways Officer to discuss parking issues with Ward Councillors.

### **303 Planning application - MC/19/1941 - Land adjacent to 3 Swingate Avenue, Cliffe, Rochester**

#### **Discussion:**

The Planning Manager outlined the planning application and advised that, as set out in the supplementary agenda advice sheet, a further letter of representation had been received following consultation on the amended proposal. In addition, Cliffe and Cliffe Woods Parish Council had confirmed that the amendments did not overcome their objection that the proposed development would be cramped and would constitute an overdevelopment of the site.

The Committee discussed the application and considered that the proposed development would be cramped and out of character.

#### **Decision:**

Refused on the following grounds:

The proposed development, by reason of its siting in the garden of No. 3 together with its plot size, would result in insufficient space around the property and a poor relationship with adjoining properties, which would fail to respect the established character of the area and would represent a cramped form of development detrimental to the street scene. As such the proposal fails to comply with the provisions set out in paragraphs 122, 124 and 127 of the National Planning Policy Framework 2018, and Policies BNE1 and H4 of the Medway Local Plan 2003.

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**Chairman**

**Date:**

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