

Medway Council
Meeting of Planning Committee
Wednesday, 15 January 2020
6.30pm to 9.17pm

Record of the meeting

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

Present: Councillors: Adeoye, Barrett, Bhutia, Bowler, Buckwell, Mrs Diane Chambers (Chairman), Curry, Etheridge, Sylvia Griffin, Hubbard, McDonald, Potter, Thorne and Tranter (Vice-Chairman)

Substitutes: Councillors:
Maple (Substitute for Chrissy Stamp)

In Attendance: Kemi Erifevieme, Planning Manager
Dave Harris, Head of Planning
Joanna Horne, Planning Solicitor
Robert Neave, Principal Transport Planner
Councillor Wendy Purdy
Ellen Wright, Democratic Services Officer

544 Apologies for absence

An apology for absence was received from Councillor Chrissy Stamp.

545 Record of meeting

The record of the meeting held on 18 December 2019 was agreed and signed by the Chairman as correct.

In respect of the following planning application, the Committee noted that under delegated authority, the Head of Planning had agreed the following refusal ground with the Chairman, Vice Chairman and Opposition Spokesperson:

Planning application MC/19/2708 – Medway Rugby Football Club, Priestfields, Rochester

The proposal to extend the opening hours results in a harm to the amenities of the surrounding residents in terms of noise and disturbance from both the clubhouse itself and from people and vehicles leaving the premises particularly during the early hours of the morning. The proposal is contrary to Policy BNE2 of the Medway Local Plan 2003 and paragraph 127f of the National Planning Policy Framework 2019.

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546 Urgent matters by reason of special circumstances

There were none.

547 Chairman's announcements

The Chairman advised that planning application MC/19/1875 – Land North of Medway Road, Gillingham ME7 1NY had been withdrawn from consideration at this meeting.

548 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

Councillor Potter declared interests in planning applications MC/19/2530 – Land at Westmoor Farm (North) Moor Street, Rainham, Gillingham and planning application MC/19/3008 – Holcombe Grammar School, Holcombe, 103 Maidstone Road, Chatham on the basis that he is the Portfolio Holder for Education and Schools and he left the meeting for consideration and determination of these applications.

Councillor Potter also declared an interest in planning application MC/19/2404 – The Avenue Tennis Club, Glebe Road, Gillingham on the basis that he belongs to the same Association as the applicant and he left the meeting for consideration and determination of the application.

Councillor Barrett advised that he had an interest in planning application MC/19/2404 – The Avenue Tennis Club, Glebe Road, Gillingham and he left the meeting for consideration and determination of the application.

The Chairman, Councillor Mrs Diane Chambers declared an interest in planning application MC/19/2404 – The Avenue Tennis Club, Glebe Road, Gillingham on the basis that she belongs to the same Association as the applicant and she left the meeting for consideration and determination of the application. In the absence of the Chairman, the Vice Chairman chaired the meeting for this planning application.

Other interests

Councillor Etheridge referred to planning applications MC/19/2697 – 100 Jarrett Avenue, Wainscott, Rochester and planning application MC/19/2364 – Land adjacent to Kaler House, George Summers Close, Medway City Estate, Rochester and advised that although he is a member of the Frindsbury Extra Parish Council he had not discussed the applications and therefore would stay and participate in the determination of both applications.

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Councillor Maple referred to planning application MC/19/3008 – Holcombe Grammar School, Holcombe, 103 Maidstone Road, Chatham and advised the Committee that as he wished to address the Committee as Ward Councillor he would withdraw from the Committee for the determination of the application.

549 Planning application - MC/19/2530 - Land at Westmoor Farm (North) Moor Street, Rainham, Gillingham

Discussion:

The Head of Planning outlined the planning application in detail and suggested that should the Committee be minded to approve the application, proposed conditions 2, 4, 12 and 23 be amended as set out on the supplementary agenda advice sheet.

He also drew attention to a pamphlet supplied by the applicant on the proposed new mixed secondary school, a copy of which was appended to the supplementary agenda advice sheet.

The Head of Planning informed the Committee that the Department for Education had recognised a need for new schools to serve existing residents in Rainham and Strood and therefore it was appropriate for consideration to be given to the current application now and not delay until the Local Plan process.

He advised the Committee of the extensive work that had been undertaken to identify a suitable site for a new school in Rainham and the site proposed was the site that was considered to have the least impact.

In particular, he referred to the impact upon the highway and advised upon the work that had been undertaken to identify new bus routes to serve the locations from which pupils would be travelling. He stressed that as this was a secondary school, a high proportion of pupils would walk or cycle to school and this would likely reduce the impact upon vehicular use of the highway. In addition, there were a number of highway improvements proposed to alleviate congestion in surrounding roads and junctions.

The Principal Transport Planner outlined the proposed bus routes in detail.

The Committee noted that subject to planning approval, it was hoped that the new school would be open as an Academy to accept pupils in September 2021.

The Committee discussed the application having regard to the following issues:

- Pedestrian crossing facilities.
- The proposed drop off area for parents and the need for enforcement of traffic regulation orders to control indiscriminate parking by parents on the highway when dropping off their children.
- Use of the car park by pupils who own cars.

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- The landscape scheme and, in particular, the desire for provision of trees rather than shrubs.
- Possible provision of car parking permits for access to the school car park for those pupils who live furthest from the school via the school's Car Park Management Plan.
- The possible inclusion of an additional bus route to cover those pupils travelling to the school from Swale.
- The need for bus routes to be maintained in perpetuity.
- The operating hours of the school and the impact that this can have on the highway during peak hours.
- The need for the school to work with the community and the possible introduction of quarterly meetings with residents.
- Future aims for the school to be carbon neutral.
- The cladding materials to be used on the school buildings.

The Head of Planning responded to questions and advised that a number of the issues raised could be addressed through the School's Travel Plan and though an informative. The issue of external materials was covered by proposed condition 6.

The Principal Transport Planner confirmed that the proposed bus routes would be delivered by the Academy and would be continually evolving and adjusted having regard to each new September intake at the school.

Decision:

a) Approved with conditions 1, 3, 5 – 11, 13 – 22 and 24 – 26 as set out in the report for the reasons stated in the report and conditions 2, 4, 12 and 23 amended as follows:

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

Drawing numbers FS0751-ALA-00-ZZ-DR-L-0002 Rev P05, FS0751-ALA-00-ZZ-DR-L-0004 Rev P02, FS0751-ALA-00-ZZDR-L-0005 Rev P02, FS0751-ALA-00-ZZ-DR-L-0006 Rev P02, FS0751-ALA-00-ZZ-DR-L-0007 Rev P02, FS0751-ALA-00-ZZ-DR-L-0012 Rev P01 and 4185-004-101 Rev P5 received on 24 September 2019; and FS0751-CPM-01-GF-DR-A-2000 P07, FS0751-CPM-01-01-DR-A-2001 P08, FS0751-CPM-01-02-DR-A-2002 P7, FS0751-CPM-01-RL-DR-A-2003 P05, FS0751-CPM-01-EL-DR-A-2004 P10, FS0751-CPM-01-ELDR-A-2005 P09 and FS0751-CPM-01-SX-DR-A-2006 P06 received on 11 November 2019 and 09/01/2020.

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

4. The specification of plant equipment and façade materials will be in accordance with the recommendations of the approved Noise Impact

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Assessment reference 0043201 (dated 17 September 2019). These elements shall be completed before first use of the school and shall thereafter be maintained in accordance with the approved Noise Impact Assessment.

Reason: Required before the first use of the development in order to minimise the impact of the noise on the amenities of user of the school in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 12 Prior to the first use of the school herein approved, details of the following biodiversity enhancement measures shall be submitted to and approved in writing by the Local Planning Authority:
 - i. Bat roost and maternity boxes to be incorporated within the fabric of the south side of the building.
 - ii. Bird boxes for sparrows and swifts to be incorporated within the fabric of the building.
 - iii. Log piles to be kept along the north west part of the school ground.

The biodiversity enhancement measures shall be implemented in accordance with the approved details prior to the first use of the school and retained thereafter.

Reason: To enhance the ecology and biodiversity of the area in accordance with Policy BNE37 of the Medway Local Plan 2003.

23. 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 school herein approved shall be used for education and community uses as approved pursuant to condition 22 only and shall not be used for any other purposes, including any other use that would fall within Use Classes D1 or D2 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to those classes in any statutory instrument revoking and re-enacting that order with or without modification) and no change of use 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 the amenities of the local residents and highway safety and in accordance with Policies BNE2 and T1 of the Medway Local Plan 2003.

- b) In light of the tight timescale involved in this project, the Head of Planning be granted delegated authority to agree in consultation with the Chairman, Vice Chairman and Opposition Spokesperson further conditions and/or informatives as appropriate covering the following

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issues and provide a future update to the Committee on the school's travel plan and climate change:

1. An additional condition re climate change measures.
2. The additional condition and details to be submitted pursuant to the landscape condition 14 should maximise additional tree planting.
3. The details pursuant to Condition 21 should look at securing an additional bus service for children coming from the Sittingbourne direction and also making sure the bus service is secured in perpetuity.

550 Planning application - MC/19/2404 - Avenue Tennis Club, Glebe Road, Gillingham, Medway

Discussion:

In the absence of the Chairman, the Vice Chairman chaired the meeting for this planning application.

The Planning Manager outlined the planning application in detail along with the planning history for the site and in particular referred to the dismissal of an appeal against refusal of planning application MC/18/3114.

The Planning Manager informed the Committee of the changes that had been made to the proposed development under the current application to address the concerns of the Planning Inspector with particular reference to the widening of the access and provision of a pedestrian footpath to the site, the reduction in number of proposed dwellings from 8 to 7, the reduction in the height of the proposed dwellings to be two-storey to alleviate overlooking and the revised layout of the site.

The Planning Manager advised that following re-consultation on the revised plans, 18 further letters of objection (including two from one household) had been received and a summary of the objections were set out on the supplementary agenda advice sheet. In addition, Natural England had drawn attention to previous comments and advised that the proposed amendments to the original application would be unlikely to have significantly different impacts on the natural environment compared to the original proposal.

With the agreement of the Committee Councillor Purdy addressed the Committee as Ward Councillor and outlined the following summarised concerns:

- The proposed dwellings would constitute overlooking into the gardens of adjoining properties.
- The proposed gardens of the new dwellings will be small.
- The existing footprint of two existing houses will be destroyed to make way for access to this site.

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- Access into and out of the site will be difficult owing to parked vehicles in Second Avenue.
- Lorries and large vehicles will not be able to access the site from Second Avenue during construction.
- This area is prone to flooding and no mention has been made of drainage or sewage.
- The development dismissed at appeal has only been reduced by one dwelling.
- The applicant has caused additional distress for residents by telling them that Planning officers had helped him with the application and therefore it is likely to be approved.

With the agreement of the Committee and, in the absence of Councillor Chrissy Stamp through illness, the Head of Planning read out a statement provided by Councillor Stamp setting out additional objections as Ward Councillor summarised as follows:

- The application constitutes back-land development as it involves part-demolition of an existing residential property with inadequate access and egress from the site and is in breach of Policy H9 of the Local Plan.
- The proposed development constitutes an over-development of the site, is cramped and overbearing and the garden sizes are very small.
- The development will cause overlooking to the properties on Second Avenue and Glebe Road. This is in breach of Policy BNE2 of the Local Plan. Furthermore, plot 6 runs down the side of the garden of one of these houses and this will cause loss of daylight.
- There is inadequate parking provision. On street parking in Second Avenue and the surrounding area is already at a premium and this development will exacerbate the problem as 4 bedroom family homes are likely to result in more than 2 vehicles per property.
- Second Avenue is an increasingly busy residential street and is used as a 'rat-run'. Cars are parked on both sides of the road, leaving a single lane thoroughfare for vehicles despite it being a two-way street.
- There is poor visibility for vehicles turning into and out of the existing junctions with Keeley Mews, Portree Mews, Ashburn Mews and Glebe Road. The new access to the proposed development will have no clear sight lines into Second Avenue. This will also make it extremely difficult for the emergency services (particularly the fire service) and refuse collection lorries to access the development. It is also unclear whether the access will be wide enough for 2 way traffic. If it is only wide enough to comfortably accommodate one vehicle width, vehicles may have to reverse back onto Second Avenue.
- The proposed development will result in the unacceptable loss of trees and green space which will be detrimental to both the visual amenity of the area and to local wildlife and the application does not provide sufficient reassurance that the necessary ecological and reptile surveys have been conducted.

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- Plot 1 is even more visible to residents on Second Avenue under the revised application as the trees which were in the original plan are no longer in the revised plan.
- The application states that the “side extension” of number 26 is to be knocked down so a footpath can be provided but this is not an extension but part of the original property.

The Committee discussed the planning application having regard to the previous application submitted under MC/18/3114, the reasons why this application was dismissed at appeal, the revisions to the proposed development to address the concerns of the Planning Inspector and the concerns outlined by the Ward Councillors.

The Committee expressed support for the concerns raised by Ward Councillors but with regard to parking, the Principal Transport Planner informed the Committee that the proposed development met the Council’s Parking Standards and Road Safety officers had not raised concerns about the road safety resulting from this planning application.

It was suggested that the Committee consider undertaking a site visit to view the site and the potential impact upon adjoining residential properties but this was not supported by the Committee.

In considering the comment by the Ward Councillor that the applicant had given the impression to local residents that the application would be approved due to help he had received from Planning officers, the Head of Planning was requested to discuss this with the Council’s legal officers and taken any action necessary to ensure that developers understand that any assistance and advice they receive from Council officers is impartial and does not guarantee that a planning application would be successful.

Decision:

- a) Refused on the following grounds:
 1. The revised application has not gone far enough to address the concerns outlined for planning application MC/18/3114 insofar as they relate to:
 - i) Cramped/overdevelopment of the site
 - ii) Overlooking of adjoining residential properties
 - iii) Impact on amenity
 - iv) Out of character for the area.
- b) The Head of Planning be granted delegated authority to approve the wording of the refusal grounds with the Vice Chairman and Opposition Spokesperson outside of the meeting.

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551 Planning application - MC/19/1746 - Land East of Oakhurst Close, Walderslade, Kent ME5 9AN

Discussion:

The Planning Manager outlined the planning application in detail along with the planning history of the site.

The Committee noted that this application had been referred to the Committee at the request of a Councillor but that he was not in attendance to speak on the application nor had any planning reasons been provided to support the referral request. The Head of Planning advised the Committee that he would remind all Councillors that when asking for an application to be referred to the Committee for determination, such request should be in writing and provide planning reasons for the request.

Decision:

Refused on the ground set out in the report.

552 Planning application - MC/19/2626 - Unit 1-2 Medway Distribution Centre, Courteney Road, Rainham

Discussion:

The Committee was reminded that this application had been considered on 18 December 2019 following which the application had been deferred with a request that it be re-submitted to this meeting with suggested conditions should the application be approved.

A letter from TBH Real Estate Investment offering clarification on the lease of the premises was appended to the supplementary agenda advice sheet.

Decision:

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

553 Planning application - MC/19/2697 - 100 Jarrett Avenue, Wainscott, Rochester, Kent

Discussion:

The Planning Manager outlined the planning application in detail and the planning history for this property.

The Committee noted that this was a part retrospective application for the amended construction of a dormer window to the rear of the property to facilitate additional living accommodation in the roof space.

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The Planning Manager explained the application and the changes that had been made since 2017, but was unable to show the Committee the difference between the approved application under MC/18/2010 and the current application. For this reason, the Committee decided to defer the application so all plans could be available for the Committee to view.

Decision:

Consideration of this application be deferred to enable the Committee to have sight of the plans relating to planning application MC/18/2010.

554 Planning application - MC/19/1875 - Land North of Medway Road, Gillingham, Medway ME7 1NY

Decision:

The Committee noted that this application had been withdrawn from consideration at this meeting.

555 Planning application - MC/19/2364 - Land adjacent to Kaler House, George Summers Close, Medway City Estate, Rochester

Discussion:

The Planning Manager outlined the planning application in detail and referred to the planning history for this site.

She referred to the supplementary agenda advice sheet and confirmed that the letter of objection regarding the loss of the footpath and concerns regarding use of the site had been withdrawn following a meeting between the objector and the applicant. A letter retracting the objection was appended to the supplementary agenda advice sheet.

In response to questions, the Planning Manager advised that existing businesses would be relocating to the new units.

Decision:

Approved subject to:

- a) The applicant entering into a Section 106 agreement to secure a contribution of £7,500 towards improvements to the roundabout at the junction of Anthony's Way and Berwick Way (A289).
- b) Conditions 1 – 15 as set out in the report for the reasons stated in the report.
- c) The Head of Planning be granted delegated authority to add a further condition requiring that a parking management plan to efficiently manage the car parking spaces be in place before occupation.

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556 Planning application - MC/19/3008 - Holcombe Grammar School, Holcombe, 103 Maidstone Road, Chatham

Discussion:

The Head of Planning outlined the planning application to vary conditions 3 (hours of use) and 4 (floodlight times) on planning permission MC/17/1949 so as to enable use of the pitch and floodlights on Sundays between 09.00 and 18.00 hours.

He advised the Committee that as no formal noise complaints had been received concerning use of the pitch and floodlighting, it was being recommended that should the Committee be minded to approve the variation application, this be for a temporary 12 month period.

However, he drew attention to the number of objections received to the variation application and advised that one additional representation had been received from the Chair of the Park Crescent Residents Association objecting to the proposed temporary use on Sundays, details of which were set out on the supplementary agenda advice sheet.

With the agreement of the Committee, Councillor Maple addressed the Committee and raised the following concerns:

- Whilst the school has regular meetings with local residents, the school wished to increase revenue and was therefore proposing use of the pitch on Sundays which was not supported by local residents.
- When use of the pitch was originally approved, the Council had excluded use on Sundays so as to give residents a day free from noise and floodlighting.
- Whilst the Head of Planning has stated that the Council has not received any formal complaints of noise, both the school and Ward Councillors have received complaints from residents and the school has been unable to resolve these issues in a number of cases.
- Even new residents to the area have objected to Sunday use as whilst they accepted 6 day use when moving into the area, they thought they would have one day of peace and quiet.
- The school needs to build a better relationship with local residents before any increased use of the facility on Sundays might be considered acceptable.

The Committee discussed the application having regard to the objection letters and the concerns expressed by the Ward Councillor.

The Committee noted that with the introduction of all weather surfaces in schools as opposed to grassed pitches and, due to the pressure upon schools to increase revenue, it was becoming increasingly popular for schools to want to maximise use of all weather pitches but this needed to be balanced against the expectation of local residents to have peace and quiet on Sundays.

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Members noted that the school has regular meetings with residents and suggested that the school continue to work with residents to try to resolve existing concerns regarding use of the pitch.

Decision:

Refused on the following ground:

The proposal to extend the use of the pitch and floodlights to 09.00 – 18.00 hours on Sundays will result in harm to the amenities of the surrounding residents in terms of noise and disturbance from use of the pitch and floodlighting. The proposal is therefore contrary to Policy BNE2 of the Medway Local Plan 2003 and paragraph 127f of the National Planning Policy Framework 2019.

Chairman

Date:

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