

**Medway Council**  
**Planning Committee**  
**Wednesday, 24 June 2020**  
**6.30pm to 9.13pm**

**Record of the meeting**

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

**Present:** Councillors: Adeoye, Barrett, Bhutia, Bowler,  
Mrs Diane Chambers (Chairman), Hubbard, McDonald, Potter,  
Thorne and Tranter (Vice-Chairman)

**In Attendance:** Councillor Rodney Chambers, OBE  
Kemi Erifevieme, Planning Manager  
Dave Harris, Head of Planning  
Robert Neave, Principal Transport Planner  
Vicky Nutley, Assistant Head of Legal Services  
Councillor Ron Sands  
Ellen Wright, Democratic Services Officer

**59 Apologies for absence**

Apologies for absence were received from Councillors Buckwell, Curry, Etheridge, Sylvia Griffin and Chrissy Stamp.

**60 Record of meeting**

The record of the meeting held on 27 May 2020 was agreed and signed by the Chairman as correct.

In response to a query from a Member concerning objections he raised as Ward Councillor on planning application MC/20/0753 – Plots 69 and 70 Bakersfield Land at Station Road, Rainham, the Chairman stated that she was satisfied that the record of the meeting accurately reflected the issues that were raised during the meeting including the objections provided by the Ward Councillor.

The Chairman drew attention to the supplementary agenda advice sheet and informed the Committee of the following change to the allocation of Section 106 funding for planning application MC/18/1796 considered by the Committee on 29 April 2020:

**Planning application MC/18/1796 – Land South of Lower Rainham Road Rainham Gillingham (Woolleys Orchard)** - The report originally indicated that £124,644.10 would be directed to Thames Avenue Surgery but the CCG had since confirmed that this would be allocated to the Rainham Healthy Living Centre.

**61 Urgent matters by reason of special circumstances**

There were none.

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

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

There were none.

Other interests

There were none.

**63 Planning application - MC/20/0028 - Land South of Multi Storey Car Park, Hempstead Valley Shopping Centre, Hempstead Valley Drive, Hempstead**

**Discussion:**

The Head of Planning outlined the planning application in detail and explained the changes that were proposed at the shopping centre site to accommodate the provision of a drive-thru restaurant. This included removal of two small car parking areas and the closure of one of the access roads into the centre.

The Committee discussed the application and in response to questions, the Head of Planning confirmed that as there would also be provision of a sit down restaurant, those parking spaces provided at the restaurant site would be for sole use by restaurant customers.

Members expressed concern that the provision of a drive-thru restaurant at this site could result in a conflict of use with queuing vehicles blocking access for others wishing to access the shopping centre.

In addition, whilst it was noted that the applicant had offered to put in place a Litter Management Plan which would involve litter picking for a 100m radius of the restaurant site, concern was expressed that being a drive-thru, it was likely that customers would purchase their food and then drive away from the site to nearby beauty spots and then potentially dispose of their litter. It was therefore generally considered that a 100m radius litter pick was insufficient.

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The Committee had regard to the origins of the Hempstead Valley Shopping Centre, which had been designed to provide a high quality development in a residential area and the setting of the Centre was considered important when considering any future development of the site. In particular, the provision of suitable landscaping was considered essential to protect local residents from the impact of any developments at the Centre.

In recent years a number of developments including restaurant facilities had been introduced at the site following the closure of the Food Court within the Shopping Centre but the provision of a drive-thru restaurant on this site was considered to be a departure from the original design principles of the Centre and would likely create conflict for users of both facilities.

It was also noted that the proposed drive-thru would be open for longer hours than the Shopping Centre, thus encouraging increased traffic generation and use of the site late into the evening and this was considered to be detrimental to the residential area. It was also possible that use of the site could generate anti-social behaviour in the evenings.

Some Members also expressed concern that there were already a number of drive-thru restaurants in near proximity to this site and therefore a further drive-thru facility was not needed.

The Principal Transport Planner responded to concerns regarding the likely increase in vehicular movements, should the application be approved and advised that the Traffic Engineers were satisfied that the proposed facility would not create conflict of use for vehicles using the site.

The Head of Planning advised that should the Committee be minded to approve the application, the proposed condition relating to Litter Management could be strengthened.

### **Decision:**

- a) Refused on the following grounds:
  1. The provision of a drive-thru restaurant is not in keeping with the design principles of the Hempstead Valley Shopping Centre as a whole.
  2. The provision of a drive-thru restaurant is likely to result in traffic congestion at the entrance of the facility and potential conflict for users of the site.
  3. The provision of a drive-thru restaurant at this location will have a negative impact upon the amenity of local residents as a result of potential littering of the surrounding area.
- b) The Head of Planning was granted delegated authority to agree the specific wording of the refusal grounds with the Chairman, Vice Chairman and Opposition Spokesperson outside of the meeting.

**64 Planning application - MC/20/1064 - 51 Shepherds Gate, Hempstead, Gillingham**

**Discussion:**

The Planning Manager outlined the planning application in detail and explained the relationship of the proposed development to the neighbouring properties.

With the agreement of the Committee, Councillor Rodney Chambers OBE addressed the Committee as Ward Councillor and outlined the following concerns:

- The boundary between no. 51 and no. 52 was at an angle tapering off towards the rear bringing the properties closer together at the rear of no. 52. As the properties sat at an angle, the 2m gap at the front of no. 51 almost disappeared at the back of the proposed extension. To demolish the existing garage and replace it with a two storey extension would therefore have a significant effect on the amenities of both no.s 52 and 53 Shepherds Gate.
- Whilst No. 51 Shepherds Gate was a house, no.s 52 and 53 were retirement bungalows and do not have front gardens. Therefore, the residents of no.s 52 and 53 were reliant on their rear gardens for enjoyment of outside space.

The Committee discussed the application having regard to the plans and aerial views displayed as part of the presentation.

The Planning Manager explained the application and its relationship to the neighbouring property and, in particular, the daylight and sunlight assessments that had been undertaken and she advised that officers were satisfied that there would be no reduction in either daylight or sunlight for the neighbouring property at no. 52 Shepherds Gate.

Members expressed concern that the proposed extension would bring the property to the boundary and would be overbearing and impact upon the amenity of the residents of no. 52 even though there would be no overshadowing.

In addition, it was considered that the application was out of character with the street scene as all other properties in Shepherds Gate had a good level of separation between them.

**Decision:**

a) Refused on the following ground:

1. The design of the proposed extension will be overbearing on the neighbouring property at no. 52 Shepherds Gate and will have a detrimental impact upon the residents' enjoyment of their property.

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- b) The Head of Planning was granted delegated authority to agree the specific wording of the refusal ground with the Chairman, Vice Chairman and Opposition Spokesperson.

### **65 Planning application - MC/18/1871 - Land at Port Victoria Road, Isle of Grain, Rochester**

#### **Discussion:**

The Head of Planning outlined the planning application in detail and referring to the supplementary agenda advice sheet, suggested that if the Committee was minded to approve the application those elements of the proposed legal agreement, listed as (ii) (iii) and (iv) in the committee report, required deletion.

In addition, he advised that since despatch of the agenda, an additional representation had been received from Councillor Sands as Ward Councillor and this had been set out in full on the supplementary agenda advice sheet. However, Councillor Sands had requested to address the Committee direct.

He also reported changes to the committee report under the planning appraisal, relating to planning balance and climate change and efficiency. Full details of the changes were also set out on the supplementary agenda advice sheet.

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

- The application contained a number of inconsistencies as highlighted by St James Isle of Grain Parish Council and if approved would have a detrimental impact upon the Thames Estuary and Marshes and Medway Estuary and Marshes Special Protection Areas and Ramsars and would damage features for which the Medway Estuary and Marshes Site of Special Scientific Interest was protected.
- The application would also have a detrimental impact upon Grain Fort Battery. This was a scheduled monument and the last built example of this type of gun tower and was therefore a historic heritage site which should be protected for future generations.

The Committee discussed the application and, in doing so, had regard to the requirement for the Council to have a 5 year land supply for housing, the current condition and use of the application site and the need to balance these factors against the impact that the development could have upon an important heritage asset.

#### **Decision:**

- a) Refused on the following ground:

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1. On balance the impact on the heritage asset at Grain Fort Battery and its surrounding area is considered to outweigh the requirement to provide additional housing at this site.
- b) The Head of Planning was granted delegated authority to approve the specific wording of the refusal grounds with the Chairman, Vice Chairman and Opposition Spokesperson.

### **66 Planning application - MC/20/0533 - 2 - 4 Canterbury Street, Gillingham ME7 5TS**

#### **Discussion:**

The Planning Manager outlined the planning application in detail.

The Committee discussed the planning application and concern was expressed that this application related to the provision of a further House in Multiple Occupation (HMO) in Gillingham South Ward.

Some Members expressed concern as to the increasing number of properties being converted into HMO's in both Gillingham South and Gillingham North Wards.

It was noted that as the property was located close to Gillingham Town Centre, on a bus route and within walking distance to the railway station and local amenities, the applicant had not been required to provide the usual one parking space per unit and this was cause for concern as on street parking was considered to be at a premium in the vicinity of the application site.

Concern was also expressed that due to its proximity to Gillingham Town Centre, the loss of commercial space as part of the conversion of the property to an HMO would be detrimental to the revitalisation and regeneration of the surrounding area.

During deliberation, the Committee also had regard to the plans and photographs displayed as part of the presentation and concern was expressed as to the amenity for future occupiers of the property with regard to the outlook at the rear of the property, the basement communal area, and the poor provision of amenity area for occupiers of the HMO.

It was generally considered that the application constituted an over development of the site and that it would be preferable for the ground floor to be retained as commercial or retail space with a reduced level of residential accommodation on other floors, but not at the scale proposed.

#### **Decision:**

- a) Refused on the following grounds:

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1. The proposed development constitutes an overdevelopment of the building resulting in poor living standards and amenity for the future residents.
  2. The loss of a commercial unit at this location would have a detrimental impact upon the retail centre of Gillingham.
- b) The Head of Planning was granted delegated authority to approve the specific wording of the refusal grounds with the Chairman, Vice Chairman and Opposition Spokesperson.

### **67 Planning application - MC/20/0841 - Land between North Bank and Conway/Haylands to South West of Sunnyside, Station Road, Cliffe, Rochester**

#### **Discussion:**

The Planning Manager outlined the planning application in detail.

In response to a question, she confirmed that the dog training area had been operated informally and did not have the benefit of planning permission and subject to the current application being approved, the proposed conditions required this use to cease and for the land to be amenity land for the dwelling house.

#### **Decision:**

Approved with conditions 1 – 14 as set out in the report for the reasons stated in the report.

### **68 Planning application - MC/19/3161 - The Westcourt Arms, 172 Canterbury Street, Gillingham**

#### **Discussion:**

The Head of Planning outlined the planning application in detail.

In response to questions, he confirmed that part of the ground floor would be retained as a public house.

The Committee discussed the application and in response to questions about parking, he confirmed that he was satisfied that the proposed conditions were sufficient to address the concerns raised.

In addition, the Head of Planning confirmed that the garden would be for the benefit of residents of the flats and would not be used by patrons of the public house.

In response to questions, the Head of Planning agreed to consult Ward Councillors on the Parking Management Plan.

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### Decision:

Approved with conditions 1 – 11 as set out in the report for the reasons stated in the report.

**Chairman**

**Date:**

**Ellen Wright, Democratic Services Officer**

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