

Medway Council
Planning Committee
Wednesday, 22 July 2020
6.30pm to 8.12pm

Record of the meeting

Present: Councillors: Adeoye, Bowler, Mrs Diane Chambers (Chairman), Curry, Etheridge, Sylvia Griffin, Potter, Chrissy Stamp, Thorne and Tranter (Vice-Chairman)

In Attendance: Laura Caiels, Principal Lawyer - Place Team
Dave Harris, Head of Planning
Robert Neave, Principal Transport Planner
Ellen Wright, Democratic Services Officer

109 Apologies for absence

During this period, due to the Coronavirus pandemic, it was informally agreed between the two political groups to run Medway Council meetings with a reduced number of participants. This was to reduce risk, comply with Government guidance and enable more efficient meetings. Therefore, the apologies given reflects that informal agreement of reduced participants.

Apologies for absence were received from Councillors Barrett, Buckwell, Hubbard and McDonald.

Councillor Bhutia was due to attend the meeting but was unable to connect via remote access.

110 Record of meeting

The record of the meeting held on 24 June 2020 was agreed and signed by the Chairman as correct.

The Committee was informed of the following update to planning applications considered by the Committee on 29 April 2020 and 24 June 2020:

29 April 2020

Minute 821 - Planning application MC/18/1796 - Land South of Lower Rainham Road, Rainham, Gillingham

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As agreed by Planning Committee, following discussion with the Ward Councillors the following amendments were made to the heads of S106 agreement

- iv) Green Space MUGA (Multi Use Games Area) to be provided on site and contribution of £194,179.62 towards refurbishment/repair of Splashes Leisure centre
- xiii) £192,337.66 towards off site ecological improvements at Berengrave Nature Reserve Park and/or Riverside Country Park

24 June 2020

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

With delegated authority, the Head of Planning agreed the final wording of the refusal grounds following consultation with the Chairman, Vice Chairman and Opposition Spokesperson to read as follows:

- 1 The proposed development is simplistic and generic in architectural design and by the nature of the use is likely to be subject to an array of advertisements at a later date. The siting of the building would also be within close proximity to Hempstead Valley Drive at an access point into and out of Hempstead Valley Shopping Centre. As a result of this, the proposed development would be unacceptably prominent within the street scene where development associated with the shopping centre is generally set back from the road with a significant level of soft landscaping along the road which contributes to maintaining a feeling of openness and greenery whilst you travel along Hempstead Valley Drive. This helps keep a balance between the suburban residential character and ensure that the shopping centre and its associated buildings are not the dominant feature along this road frontage. In addition, at times queues of customers for the drive through will impact negatively on access to the centre's multi storey car park and indeed may result in queueing up to Hempstead valley drive and thereby impact on traffic congestion in the area to the detriment of the free flow of traffic and the amenities of the area. The proposal is contrary to Policies BNE1, BNE2 and T1 of the Medway Local Plan 2003 and paragraphs 124 and 127 of the NPPF 2019.
- 2 Notwithstanding the litter picking strategy discussed with the applicant and generally in force within the confines of the centre itself, the LPA is concerned that a number of visitors to the drive through will take their purchases to nearby attractive areas and after eating will fly tip the resulting waste to the detriment of the amenities of the area, particularly if there are no litter bins at those particular places. The proposal is

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therefore contrary to general ambition of Policy BNE2 of the Local Plan to protect the amenities of an area.

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

With delegated authority, the Head of Planning agreed the final wording of the refusal ground following consultation with the Chairman, Vice Chairman and Opposition Spokesperson to read as follows:

- 1 The proposed development by virtue of its design, depth, height and proximity to the boundary with 52 Shepherds Gate, would be disproportionate and out of character with existing pattern of development in the area, and would be an overbearing form of development when viewed from the rear garden of 52 Shepherds Gate, detrimental to the amenity and living conditions of the occupiers of that property, contrary to Policies BNE1 and BNE2 of the Medway Local Plan 2003 and paragraphs 124 and 127f of the NPPF.

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

With delegated authority, the Head of Planning agreed the final wording of the refusal ground following consultation with the Chairman, Vice Chairman and Opposition Spokesperson to read as follows:

- 1 The proposed development by reason of its siting within the setting of Grain Fort and obstruction of the line of fire of the Grain batteries would adverse impact on the setting of the nearby Scheduled Monument. It is considered that the cumulative community benefits resulting from the development would not outweigh the identified resulting long term harm to the schedule Monument and as such the proposed development would be contrary to Policy BNE20 of the Local Plan and would not be in compliance with paragraph 196 of the NPPF.

Minute 66 - Planning application – MC/20/0533 – 2 - 4 Canterbury Street, Gillingham

With delegated authority, the Head of Planning agreed the final wording of the refusal grounds following consultation with the Chairman, Vice Chairman and Opposition Spokesperson to read as follows:

- 1 The proposed development due to the lack of provision of an active shopping frontage would result in the loss of a commercial use in the district centre that would impact negatively on the retail viability and vitality of this section of the Canterbury Street frontage of the Gillingham district centre. The proposal would therefore be contrary to Policy R12 of the Medway Local Plan 2003 and paragraph 85 of the NPPF.

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- 2 The proposal represents an overdevelopment of the site due to the amount of bedsits proposed, inadequate usable external amenity space in terms of both provision and layout to serve the prospective residents, and poor outlook to bedsits 1 to 3 within the ground floor extension where their windows face onto rear walls of properties on Gillingham High Street. The proposal is therefore contrary to the provisions of Policy BNE2 of the Medway Local Plan 2003 and paragraph 127 of the NPPF.

111 Urgent matters by reason of special circumstances

There were none.

112 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 Bowler referring to planning application MC/20/0216 – The Prince of Wales, 90 Cecil Road, Rochester informed the Committee that although he was the Ward Councillor for the application site, he had not discussed the application in public and therefore would speak and vote upon this application.

Councillor Potter referred to planning application MC/20/0804 – 21 Berengrave Lane, Rainham, Gillingham and informed the Committee that although he was the Ward Councillor for the application site, he had not discussed the application in public and therefore would speak and vote upon this application.

113 Planning application - MC/20/0216 - The Prince Of Wales, 90 Cecil Road, Rochester

Discussion:

The Head of Planning outlined the planning application in detail and suggested that if the Committee was minded to approve the application, proposed condition 7 be amended to refer to 2015 and not 2018 and that additional conditions 9 and 10 be approved, details of which were set out on the supplementary agenda advice sheet.

The Committee was informed that Councillor Murray had expressed a wish to address the Committee as Ward Councillor on this planning application but had been unable to join the meeting due to late notification of a work commitment,

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therefore with the agreement of the Committee, the Head of Planning read out the basis of her concerns which were summarised as follows:

- The application site when operating as a public house has had an unfavourable history in the immediate neighbourhood.
- The application is an overdevelopment of the site and will impact upon neighbouring properties and cause pressure for parking in a location where on street parking is in short supply, particularly due to its close location to St Peter's Primary School.

The Committee discussed the application noting that the issues raised by the Ward Councillor concerning the history of the site when operating as a public house were not relevant planning considerations.

Although it was recognised that the existing site was untidy, concern was expressed that the proposal constituted an overdevelopment of the site and would create an adverse impact for both the residents of the ground floor of the neighbouring HMO and first floor flats at 90 Cecil Road by virtue of the siting of the proposed building and the location of the proposed parking area.

During discussions, concern was also expressed as to the tandem parking at the application site, road safety and the environmental impact of the location of the parking area on neighbouring properties.

In response to questions, the Head of Planning shared images of the elevations of the property and its relationship with neighbouring properties.

Decision:

Refused on the following grounds:

1. By virtue of the siting of the proposed dwelling on the boundary of 80 Cecil Road and its size and scale in comparison to the narrow application site, the proposed dwelling would appear as an overdevelopment of the site out of character to the area contrary to Policy BNE1 of the Medway Local Plan 2003 and paragraphs 124 and 127 of the National Planning Policy Framework 2019.
2. By virtue of the siting of the building and parking area would result in a poor level of outlook to the ground floor habitable windows within the ground floor HMO and first floor flats at 90 Cecil Road contrary to Policy BNE2 of the Medway Local Plan 2003 and paragraph 127(f) of the National Planning Policy Framework 2019.

114 Planning application - MC/20/0559 - Former NHS Walk In Centre, 547-553 Canterbury Street, Gillingham ME7 5LF

Discussion:

The Head of Planning outlined the planning application in detail and drew attention to the supplementary agenda advice sheet. He informed the Committee that part vi) of the proposed Section 106 agreement and the appraisal section of the report required amendment for the education contributions.

The Committee discussed the report and in response to a suggestion that residents of the proposed flats should not be permitted to have residents parking permits, the Head of Planning confirmed that this would be addressed through the Parking Management Plan required under proposed condition 18.

Concern was expressed that the proposed development did not include any affordable housing but the Head of Planning advised that the number of proposed units was not sufficient to require the developer to provide affordable housing at this site.

In response to questions as to environmental controls, the Head of Planning drew attention to proposed conditions 2, 3, 5, 6, 8, 9 and 10 which he considered sufficiently covered the environmental factors referred to.

It was suggested that consideration be given to part of the proposed 106 contribution for open space being directed to Darland Banks. It was subsequently suggested that Ward Councillors be involved in the allocation of the open space contributions.

Decision:

Approved subject to:

- a) A Section 106 agreement being entered into to secure the following:
- i) A contribution of £61,236.00 towards improvements to open spaces within the vicinity of the site (£58,179.56) and Great Lines Heritage Park (£3,061.80) with such allocations being the subject of discussions with Ward Councillors.
 - ii) A contribution of £15,176.64 towards improvements at Balmoral Healthy Living Centre.
 - iii) A contribution of £4,153.20 towards the maintenance and improvements of local bring centres and waste education.
 - iv) A contribution of £1,879.68 towards programme delivery for young people (ages 8-19 and up to 25 for people with disabilities) in the Gillingham area.
 - v) A contribution of £4,397.76 towards community facilities within the vicinity of the site

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- vi) A contribution of £37,959.85 for Education consisting of: Nursery £9,026.05 and Primary £7,736.59 to one or more of Greenvale Infants, Phoenix Juniors, New Road Primary, St Thomas of Canterbury. £19,744.94 towards secondary provision and 1,452.26 towards sixth form provision to one or more Brompton Academy, Victory Academy, Chatham Grammar School for Girls, Robert Napier.
- vii) A contribution of £3,963.60 towards equipment and facilities at Luton Library.
- viii) A contribution of £5,893.44 towards bird disturbance mitigation.

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

115 Planning application - MC/20/0804 - 21 Berengrave Lane, Rainham, Gillingham

Discussion:

The Head of Planning outlined the planning application in detail and informed the Committee of the changes to the development at this site which had been undertaken without the benefit of planning permission.

He informed the Committee that during the construction phase of the approved development MC/17/3735 it had come to light that the development was not being constructed in accordance with approved plans and the applicants had submitted a minor material amendment application to remedy this breach which had subsequently been refused. It was considered that the development as constructed was substantially different to the scheme approved under planning reference MC/17/3735 with particular reference to the increase in the size and number of dormer's, installation of additional windows to the side elevations and roof slopes, construction of a flat roof to the two storey projection to the rear; and an increase in the number of bedrooms, proposed occupants and changes to the gross internal floor area. Therefore, this did not constitute a minor material amendment and an application for full planning permission had been required.

A further minor material amendment application had been submitted MC/19/3135 but had subsequently been withdrawn as the applicant had been advised that an application for full planning permission was required.

The current application had since been submitted to address concerns raised and included several alterations to the originally approved application to that which had been constructed on site, full details of which were set out in the report and displayed on plans at the meeting.

The Head of Planning expressed disappointment that the applicant had not discussed with officers the proposed changes prior to commencement of the works. However, he was satisfied that the applicant had mitigated concerns as far as possible and therefore the application had been recommended for approval subject to conditions.

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The Committee discussed the application and expressed concern that the development constituted an overdevelopment of the site and resulted in unnecessary overlooking of neighbouring properties. In addition, a number of the proposed flats failed to meet the Council's required living standards and Flats 7 and 8 had roof lights which were to be obscure glazed and fixed shut.

Furthermore, the Committee noted that the proposed development had now increased from 27 to 32 occupants and whilst the original approved scheme had marginally failed to meet the Council's Parking Standards, parking provision was now insufficient.

Concern was expressed that having obtained planning permission for the original development, the developers had proceeded to build a development which was vastly different to the scheme originally approved and had failed to consult the Council for advice prior to undertaking these works.

Had the revised scheme provided an improvement on the originally approved development this may have been considered acceptable but on this occasion this was not the case and therefore it was considered that the application could not be approved.

Decision:

Refused on the following grounds:

1. The proposed development, by virtue of the additional rear dormer and increase in size and bulk of the dormers to front and rear as approved under MC/17/3735, results in a contrived, bulky and unduly prominent form of development that dominates the roof slopes of the property and creates an incoherent roof design that is out of keeping with the original property and other existing developments. The cumulative impact of the dormers to front and rear along with the other elements of the development are considered detrimental to the architectural character of the property and constitute overdevelopment of the plot. The proposal is contrary to Policy BNE1 of the Local Plan and paragraphs 124 and 127 of the NPPF.
2. The installation of an additional dormer to the rear and two additional roof lights to the north facing roof slope that facilitates the third bedroom of Flat 8 enables direct overlooking into the rear private amenity space of 27 Berengrave Lane, which in turn results a loss of privacy, detrimental to the amenity of the occupiers of 27 Berengrave Lane contrary to Policy BNE2 of the Local Plan and paragraph 127f of the NPPF.

116 Performance Report : 1 January 2020 - 30 June 2020

Discussion:

The Committee received a report setting out performance for the period 1 January – 30 June 2020.

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The Head of Planning informed the Committee that due to the COVID-19 pandemic, there had been a slight decrease in the number of planning applications received through this reporting period but his Team had received many compliments from both applicants and developers for the fact that the Council was continuing to provide pre application advice and determining planning applications despite changes to working arrangements.

Whilst there had been a decrease in the number of major planning applications received, officers were continuing to work with developers to keep existing development sites operational and to provide pre application advice so that developers could be ready to submit planning applications as soon as practicable.

The Head of Planning informed the Committee that although there was external pressure for the construction and building industry to continue as a means of easing the current economic crisis due to COVID-19, he provided an assurance that only quality developments would be acceptable.

The Committee was also informed that the Rochester Riverside development had recently been awarded 2 Housing Design Awards. In receiving the awards, the developers, Countryside Developments, had acknowledged its partnership with both the agent and Medway Council as landowner.

In response to a question as to whether there had been lessons learnt from new ways of working introduced as a result of the COVID-19 pandemic, the Head of Planning informed the Committee that the use of MS Teams for meetings with developers had meant that officers were able to hold virtual meetings with developers across the country without the need for travel. In addition, applicants and agents were able to watch live streamed meetings of this Committee without the need to attend meetings.

In response to a question as to whether the COVID-19 pandemic had resulted in a delay to the Local Plan process, the Head of Planning advised that a report would be submitted to Cabinet in August 2020 with an updated timetable but he confirmed that the process had not been impacted by the pandemic as although officers had not been able to attend meetings in person, remote meetings had taken place with Parish Councils and Residents Groups.

He referred to the impending White Paper on Planning reforms and advised that once received he would undertake a presentation to Members on the potential impact for Medway.

A report on the Housing Delivery Action Plan, was also due to be submitted to Cabinet in August 2020 and it was intended that this would also be included on the agenda for the August meeting of this Committee.

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Decision:

The Committee:

- a) noted the report and the updates and responses to questions by the Head of Planning.
- b) expressed appreciation to the staff for continuing to deliver services under new working arrangements due to the COVID-19 pandemic.
- c) congratulated all staff involved in the Rochester Riverside development for the recent success in winning awards for this high quality development.

117 Report on Appeal Decisions 1 January - 30 June 2020

Discussion:

The Committee received a schedule of appeal decisions for the period 1 January – 30 June 2020.

Decision:

The Committee noted the report.

Chairman

Date:

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