

Medway Council
Planning Committee
Wednesday, 14 October 2020
6.30pm to 8.38pm

Record of the meeting

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

Present: Councillors: Adeoye, Barrett, Bowler, Buckwell, Curry, Etheridge, Sylvia Griffin, Potter, Chrissy Stamp, Thorne and Tranter (Vice-Chairman, in the Chair)

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

334 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 Bhutia, Mrs Diane Chambers (Chairman), Hubbard and McDonald.

335 Record of meeting

The record of the meeting held on 16 September 2020 was agreed and signed by the Chairman as correct.

336 Urgent matters by reason of special circumstances

There were none.

337 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Planning Committee, 14 October 2020

Other significant interests (OSIs)

There were none.

Other interests

There were none.

338 Planning application - MC/20/1973 - Land at Port Victoria Road, Isle of Grain, Rochester

Discussion:

The Head of Planning outlined the application in detail. The application was for outline planning permission with some matters reserved (appearance and scale) for the construction of five dwellings with associated estate road, provision of 12 on site car parking spaces, new pavement along the site road frontage, on-site reptile habitat and the removal of a portacabin.

Referring to the supplementary agenda advice sheet, the Head of Planning advised that the officer recommendation in the report had been amended to delete A iii from the proposed legal agreement and amend proposed condition 19 to include a further restriction. In addition, a letter received from Bloomfields Chartered Town Planners on behalf of the applicant in support of the application had been attached to the supplementary agenda advice sheet.

The Head of Planning advised the Committee that the matters for its consideration at this outline stage comprised the access, the housing estate layout and the landscaping of the application site with details regarding the appearance and scale being reserved for future consideration. The proposal also included the removal of the cadets' building from the land to the north which was within the applicant's ownership but not within the application site.

The Head of Planning reminded Members that an earlier proposal for 6 dwelling units had been refused by the Committee for reasons of their siting within the setting of Grain Fort and obstruction of the line of fire of the Grain batteries which would adversely impact on the setting of the nearby Scheduled Monument. Since that decision, the applicant had further consulted Historic England and had revised the proposal by reducing the number of the dwelling units to 5 and locating them entirely along the site road frontage, away from the field of fire of the Scheduled Monument which was the eastern part of the site.

Historic England had agreed that the revised scheme, incorporating sensitive design changes, would further reduce harm to the monument's setting to a low level.

With the permission of the Committee, Councillor Sands addressed the Committee as a Ward Councillor. He said that six previous planning applications for this site had been refused. He considered that the reduction in

Planning Committee, 14 October 2020

the number of dwellings from six to five would not reduce the harm to this area of the Thames/Medway estuary, close to a Site of Special Scientific Interest (SSSI). The proposal for a row of five houses would obliterate the view of grain coastal path from the road and the view of Sea View meadow. If the cadet hut was removed, he questioned what would become of the firing range underneath it. The site was part of the heritage of Grain; there was an old ammunition store close by and Grain Parish Council had rescued a number of artifacts for safe keeping.

Some Members considered that the proposed scheme would not be beneficial to the village. Although the vacant land suffered from the dumping of rubbish, it was considered that this was a front line services issue rather than a planning issue. It was also noted that there were reptiles and protected species on the site. In response to concerns regarding the proposed hours of construction, the Head of Planning referred to proposed condition 17 which would require a Construction Environmental Management Plan (CEMP) to be approved by the Local Planning Authority. He advised the Committee that, although latest Government advice allowed construction between the hours of 7am and 9pm, developers had been told that they could only undertake work that was not noisy between 6pm and 9pm.

Decision:

Approved subject to:

- a) The applicant shall enter into a legal agreement with the Council to deliver the following:
 - i) the existing Army Cadets building together with associated foundation, hard standing, drainage, plumbing and wiring on land marked blue in drawing 1377-P104 Rev B shall be demolished, broken up and the resulting materials removed from the land and the land shall be kept in perpetuity as part of the landscape and wildlife habitat of the development approved under ref MC/20/1973 prior to the first occupation of any of the dwellings in the said development.
 - ii) Prior to the commencement of the development mentioned in (i) above, the applicant shall submit for approval in writing by the Local Planning Authority a restoration method statement. The method statement shall have regard to the terms and requirements of conditions no 6, 7, 9, 12, 13, 16, 21 and 23 of permission under ref MC/20/1973. In addition the method statement shall provide details of any fill materials, integration of the blue land with the designated reptile translocation and habitat land as identified by drawing mentioned in (i) above, implementation programme, long term management and maintenance of the combined land. The approved restoration method statement shall be implemented in full to the satisfaction of the Local Planning Authority prior to the occupation of any of the approved dwellings and retained as such for the lifetime of the development.

Planning Committee, 14 October 2020

- b) Conditions 1- 18 and 20 – 23 as set out in the report for the reasons stated in the report.
- c) Amended condition 19 as follows:

19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 (as amended) no development within Schedule 2, Part 1, Classes A, AA, B, C, D, E and F shall be carried out without the permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

339 Planning application - MC/20/1193 - Former Timber Merchants and land behind 13-15 Borough Road, Gillingham

Discussion:

The Head of Planning outlined the application in detail. The application was for a pair of 3-bedroom semi-detached houses and three pairs of 2-bedroom semi-detached houses with a parking area located in the middle of the site or adjacent to plot 2.

He requested that, should permission be granted, proposed conditions 2, 3, 5, 8 and 12, be amended, as set out in the supplementary agenda advice sheet. This also set out amendments to the Planning Appraisal section of the agenda report which referred to the Committee's concerns when the application had been reported to the meeting of 19 August 2020 and deferred. The applicant had submitted amended drawings to address concerns that the development was an over intensification of the site. The additional dwelling to the front of the site, and all of the bedrooms and roof lights within the roof space, had been removed. The application now reflected the scheme that had previously been approved for eight residential dwellings.

Decision:

Approved subject to:

- a) Conditions 1, 4, 6, 7, 9 -11 and 13 – 15 as set out in the report for the reasons stated in the report; and

- b) Amended conditions as follows:

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

Drawing numbers: 1013-180 Rev F, 1013-150 Rev F received on 26 May 2020; 1013-160 Rev G, 1013-170 Rev G received on 28 July 2020; 1013-60 Rev J, 1013-100 Rev I, 1013-110 Rev I received on 23

Planning Committee, 14 October 2020

September 2020; 1013-45 Rev L and 1013-40 Rev K received on 14 October 2020.

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

3. The dwellings herein approved are to be finished in through coloured polymer cream render, grey double glazed windows, doors, gutters, rain water pipes and fascias, with cream stone quoins, coping stones, stone door head, stone cill and stone door surround. The roof is to be finished with Redland 49 concrete tile in grey. The shared access to be constructed of permeable block paving using grey bricks and shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

5. No dwelling herein approved shall be occupied, until the alleyway to the rear of the properties on Napier Road and shown on drawing number 1013-40 Rev K, has been reinstated and fenced off from the development in accordance with details to be submitted and approved under condition 4.

Reason: To ensure rear access remains to the properties in Napier Road and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

8. No dwelling herein approved shall be occupied, until the rooflights have been removed from plot numbers 3, 4, 5, 6, 7 and 8, as identified on drawing number 1013-40 Rev K received 14 October 2020.

Reason: To ensure the development is not over intensified in terms of the number of future occupants, in accordance with Policy BNE2 of the Medway Local Plan 2003.

12. No dwelling herein approved shall be occupied, until a verification report has been submitted to and approved in writing by the Local Planning Authority. The verification report must be in line with the Remediation and Verification Plan by GO Contaminated Land Solutions Ref.1319-P3E-1 dated 19 March 2019.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

340 Planning application - MC/20/1115 - 24 Pier Road Gillingham ME7 1RJ

Discussion:

The Head of Planning outlined the application in detail. The application sought permission for the alterations and extensions of an existing detached dwelling house to provide a 14-bedroom student/single person shared accommodation unit (House in Multiple Occupancy).

Members noted the suggested amendments to proposed conditions 10, 15 and 16, which were included within the supplementary agenda advice sheet.

The Head of Planning drew members attention to Policy H7 of the Local Plan. This stated HMOs would be permitted if the property was in a predominantly mixed use or commercial use area; the increased traffic and activity would not be detrimental to residential amenity or the character of the area; if the property is detached and if the proposal would not detrimentally impact on the amenity of neighbours; and if the property was too large for continued single family accommodation. In response to a Member's question, the Head of Planning clarified which windows in the extended property would be obscure glazed.

Members expressed concern regarding the design of the proposed extended building and regarding the parking proposals in that the two proposed parking spaces would not serve the prospective occupiers of the property and tenants would not be permitted to own a car. Concerns were also expressed about the proposed use of the accommodation and it was considered that the proposals might be more acceptable if the accommodation was to be solely for student use as this would be controlled by the University.

The Head of Planning advised that, due to the location of the site close to amenities and on a bus route, occupiers would not require a car. The Principal Transport Officer advised that a parking survey had been undertaken by the applicants which had not identified high parking pressure within the vicinity of the application site. Also, the Council's parking standards allowed for reduced parking provision within sustainable locations.

On being put to the vote, the officer recommendation for planning approval was not agreed by the Committee.

Decision:

Refused on the following ground:

1. The conversion of a single-family dwelling house, which was of a size suitable for continued use as single family accommodation, into a HMO would result in increased activity and noise and therefore the use of the premises would be detrimental to the neighbourhood which comprised predominantly family homes. Consequently, the proposal was contrary to the relevant Local Plan policies.

Planning Committee, 14 October 2020

2. The final wording of the refusal ground be delegated to the Head of Planning in consultation with the Chairman of the Committee for this meeting.

341 Planning application - MC/20/1025 - 309 Lower Rainham Road, Rainham, Gillingham

Discussion:

The Head of Planning outlined the application in detail. The application was for outline planning permission for three detached self-build houses with all matters, except for access, reserved for future consideration.

The Head of Planning advised the Committee that, in view of the Council's shortfall in housing land supply, the Local Plan policies which sought to control housing land supply were out of date and the presumption in favour of sustainable development in the NPPF applied. Consideration needed to be given to the sustainability of the development. Paragraph 8 of the National Planning Policy Framework (NPPF) referred to three strands of sustainability, these being economic, social and environmental. On balance, officers had concluded that the scheme met the NPPF and also the need for self-build developments in line with Government strategy.

Members discussed the application in relation to the NPPF, in particular the environmental strand. Concerns were expressed about the environmental impact of the proposals on the rural landscape which was of importance locally, given the close proximity of Riverside Country Park.

On being put to the vote, the officer recommendation for planning approval was not agreed by the Committee.

Decision:

a) Refused on the following grounds:

1. The development would be harmful to the character of the countryside location of the site. Consequently, the proposal was contrary to the relevant Local Plan policies.
2. By reason of the countryside location the proposed dwellings were isolated from local services and were not in a sustainable location.
3. The application did not include a Section 106 agreement for a self-build development.

b) The final wording of the refusal be delegated to the Head of Planning in consultation with the Chairman of the Committee for this meeting.

Planning Committee, 14 October 2020

342 Planning application - MC/20/1319 - Land off 143 Berengrave Lane, Rainham, Gillingham

Discussion:

The Head of Planning outlined the application in detail. The application was for four detached dwellings with associated access, vehicle parking/garaging, refuse and cycle storage areas. The access to the site would be from the estate access road approved by the Committee under a previous application for 9 units. A Section 106 agreement had been sought as together, the two applications were for 13 units.

The Head of Planning referred to the supplementary agenda advice sheet which clarified the representations received and included a further letter of objection received from Graham Simpkin Planning Ltd on behalf of the owners of 141 Berengrave Lane.

The Committee discussed the application and expressed concern about the environmental impact of the proposals. If the application were approved, it would result in the development extending into the adjacent fields and farmland and this would impact on the amenity of others in the area. It was considered that there would be an increase in traffic which would change the character of the area. There was also concern that, if approved, the scheme could encourage additional applications for further development into the fields and farmland.

On being put to the vote, the officer recommendation for planning approval was not agreed by the Committee.

Decision:

a) Refused on the following grounds:

1. The development would constitute to an inclusion of built form into a currently rural open landscape area resulting in increased noise and it may give rise to traffic and safety issues.
2. The proposals constituted clear back land development.

b) The final wording of the refusal be delegated to the Head of Planning in consultation with the Chairman of the Committee for this meeting.

Chairman

Date:

Planning Committee, 14 October 2020

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