

**Medway Council
Planning Committee
Wednesday, 11 November 2020
6.30pm to 8.58pm**

Record of the meeting

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

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

In Attendance: Dave Harris, Head of Planning
Joanna Horne, Planning Solicitor
Councillor Vince Maple
Madeline Mead, Derelict Buildings Officer
Robert Neave, Principal Transport Planner
Councillor Ron Sands
Carly Stoddart, Planning Manager
Ellen Wright, Democratic Services Officer

388 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, Curry, Etheridge and Chrissy Stamp.

389 Record of meeting

The record of the meeting held on 14 October 2020 was agreed and signed by the Chairman as correct, it being noted that in line with the decisions of the Committee on 14 October 2020, the following refusal grounds had been approved under delegated authority by the Head of Planning in consultation with the Chairman:

Minute 340 - MC/20/1115 - 24 Pier Road, Gillingham

Refused on the following ground:

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1. The proposal will result in the loss of a property which is of a size still capable of being occupied as single family accommodation and by the virtue of the proposed number of residents and increase from a single family to a House in Multiple Occupancy will significantly increase activity and noise disturbance detrimental to the amenity of the occupiers of nearby family homes within Knight Avenue and Corporation Road which are predominantly in single occupation. Consequently the proposal is contrary to Policies H7 and BNE2 of the Medway Local Plan 2003 and paragraph 127 of the NPPF.

Minute 341 – MC/20/1025 - 309 Lower Rainham Road, Rainham

Refused on the following grounds:

1. The impact of the proposed dwellings would be harmful to the character of the area, which is considered a countryside location and consists of sporadic dwellings and open spaces. This would therefore result in the suburbanisation of an area within the countryside, contrary to Policies BNE25 and BNE34 of the Medway Local Plan 2003 and Paragraphs 70 and 127 of the National Planning Policy Framework 2019 and the advice in the Medway Landscape Character Assessment 2011 (Riverside Marshes).
2. By reason of the sites countryside location, the proposed dwellings are considered to be detached from local services and are not therefore in a sustainable location. The proposal therefore fails to meet the objectives of sustainable development and is contrary to Policy BNE25 of the Medway Local Plan 2003 and paragraph 8 of the National Planning Policy Framework 2019.
3. The application fails to address the impact of the proposal on the Special Protection Areas of the Thames Estuary and Marshes and the Medway Estuary and Marshes through either the submission of details to allow the undertaking of an Appropriate Assessment or via a contribution towards strategic mitigation measures. In the absence of such information or contribution, the proposal fails to comply with the requirement of the Conservation of Habitat and Species Regulations 2010 and is contrary to paragraphs 175 and 176 of the National Planning Policy Framework and Policy BNE35 of the Medway Local Plan 2003.
4. The application proposes three self-build dwellings and has failed to secure a commitment to make the development plots available only as self-build plots, by way of a Unilateral Undertaking.

Minute 342 – MC20/1319 - Land off 143 Berengrave Lane, Rainham

Refused on the following ground:

1. The proposed development would result in intrusion of built form into the countryside and erosion of openness detrimental to the landscape value

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of the Area of Local Landscape Importance contrary to Policies BNE25 and BNE34 of the Medway Local Plan 2003 and paragraph 170 of the NPPF; in addition the proposal would lead to higher volume of vehicular movements and correspondingly increased level of noise and general disturbance to the detriment of the amenities of the occupiers of the properties along the northern and southern sides of the access drive contrary to Policy BNE2 of the Medway Local Plan 2003 and paragraph 127(f) of the NPPF; furthermore, increase in the volume of traffic at the junction of the access drive with Berengrave Lane would be likely to impact on the free flow of traffic and highway safety contrary to the Policies T1, T2 and T12 of the Medway Local Plan 2003.

390 Urgent matters by reason of special circumstances

There were none.

391 Chairman's announcements

The Chairman advised the Committee of the sad passing of former Councillor Bill Davis who had served on the Council's Planning Committee and she commented upon his valuable contribution to the work of the Committee over many years. During the meeting, both Councillors Bowler and Maple added their support to the Chairman's comments and sent their condolences to his family. The Committee noted that a full tribute would be paid at the next Council meeting.

The Chairman also announced that planning application MC/20/0932 – St Clements House, Corporation Street, Rochester would not be considered at this meeting at the request of the applicant.

392 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.

393 Planning application - MC/20/1237 - The Hollies, Sharnal Street, High Halstow, Rochester

Discussion:

Councillor Thorne was unable to take part in the determination of this planning application due to not being present for part of the presentation as a result of a short power cut.

The Planning Manager outlined the planning application in detail and informed the Committee that whilst officers had no objections to the design of the proposed development, the site was situated in a rural location detached from local services and in an area where there were no footpaths or street lighting thus making it difficult for residents to walk to the nearest village. Therefore, occupiers of the site would be heavily reliant upon use of private vehicles.

In addition, she advised that whilst there was an area of open space within the proposed development site, this was centred around a protected oak tree (T21) which was to be retained as it had been identified as a key arboricultural feature in the revised arboricultural report dated 9 September 2020. The open space was to also provide play area space which in terms of standards was not considered to be sufficiently located away from proposed residential properties. The Planning Manager advised that on balance, this was acceptable due to the arrangement of the play equipment as a trim trail.

The Planning Manager referred to the applicant's proposed actions to reduce carbon emissions as set out on page 25 of the agenda and advised that should the Committee be minded to approve the application, an appropriate condition would be required in this respect.

The Planning Manager also drew attention to a letter received from the applicant since publication of the agenda which was appended to the supplementary agenda advice sheet which sought to address concerns set out within the report.

The Principal Transport Manager addressed concerns relating to the impact upon the highway of the proposed development referring to the Visual Splays Guidance produced by the Chartered Institution of Highways and Transportation 'Manual for Streets 2' and the Highways Agency's 'Design Manual for Roads and Bridges'.

He explained that having assessed the application site, officers were not satisfied that the visual splays to the North were sufficient for access onto a road that was narrow and heavily used by HGVs. Photographs of the access were displayed as part of the presentation.

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

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- The application site is located on a road that is recognised locally as being dangerous with frequent accidents resulting in two fatalities in recent years.
- There is little public transport serving the area and therefore future occupiers of the development will be reliant upon the use of private vehicles to access all facilities such as schools, churches, the village hall and GP services. The shop located in the garage is only suitable for top up shopping.
- If approved, it is possible that occupants of each house will own at least two vehicles and this will result in a great increase in vehicle movements which will impact air quality in the area.

The Committee discussed the application and noted the points raised by officers and the local Ward Councillor.

It was noted that there were already approximately 20 properties which had direct access onto the highway along this stretch of road and, therefore, the addition of a further 30 properties was considered a substantial increase in the number of vehicular movements onto a road that is already heavily used by traffic, including HGVs.

The Committee welcomed the desire of a Small and Medium Enterprise (SME) house builder to undertake a project in Medway, but considered that to be acceptable, the project was required to be sited in the correct location and unfortunately this site was not considered acceptable due to its location on a very busy highway and being located so far from the village of High Halstow.

The Committee also discussed the provision of affordable housing should the application be approved and the Head of Planning advised that although the applicant had been willing to provide an element of affordable housing as part of the development, no affordable housing providers were willing to take on the units at the site. The Head of Planning advised that he had approached both the Ministry of Housing, Communities and Local Government (MCLHG) and Homes England and had expressed concern as to the provision of affordable housing in rural areas. Recognising the affordable housing need in rural areas despite the lack of Registered Provider take up, the developer had offered a commuted sum to allow the provision of affordable housing off site.

Decision:

Refused on the following grounds:

- 1 As a result of the rural location of the site, the proposed development for residential purposes is considered to be detached from local services and in an area where walking to the nearest village would be via a country lane with no footpaths or street lighting. The occupiers of the site would be heavily reliant on private vehicles as the alternative modes of travel are limited and employment opportunities are lacking. The proposal fails to contribute to the vitality of rural communities and is

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contrary to Policy BNE25 of the Medway Local Plan 2003 and paragraph 78 of the National Planning Policy Framework 2019.

- 2 The proposed development would result in a significant and detrimental impact on the highway safety, given the proposed access arrangements on to Sharnal Street and therefore would be in conflict with Policies T1 and T2 of Medway Local Plan 2003 and paragraph 109 of National Planning Policy Framework 2019.

394 Planning application - MC/20/0932 - St Clements House, Corporation Street, Rochester

Decision:

The Committee noted that this application had been withdrawn from consideration at this meeting at the request of the applicant.

395 Planning application - MC/20/0846 - Land North of Clarendon Drive, Strood, Rochester

Discussion:

The Head of Planning outlined the planning application in detail and explained the history to the application site in that it was in private ownership and whilst it had operated as an allotment site, the Council could not require it to continue as allotment provision and the Council had not listed the site as allotment provision in Medway.

Referring to the presentation, the Head of Planning drew attention to the slope of land and concerns as to surface water drainage and advised that this had been addressed in proposed conditions 7 and 8.

The Committee discussed the application.

Decision:

Approved with conditions 1 – 16 as set out in the report for the reasons stated in the report.

396 Planning application - MC/20/1811 - Unit A, Jenkins Dale, Chatham

Discussion:

The Planning Manager outlined the planning application in detail and informed the Committee of the history to the use of this site in that the current D1 use had been granted permission under planning application MC/09/1447 and was subject to a personalised condition to enable use of the premises as a Place of Assembly and Worship by the Better Life Assembly Church, details of which were set out on page 96 of the agenda. She advised that if the personalised

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use were to cease by the Church then the lawful use of the premises would revert back to the previous use class (B1 – old use classes order).

She advised that the applicant had now submitted an application to change the use from non-residential institution (use class D1) to six business units (use class B1) together with associated changes to the building fenestration and parking layout.

With the agreement of the Committee, Councillor Maple addressed the Committee as Ward Councillor and submitted the following concerns:

- The Better Life Assembly Church has been operating in Medway for a number of years before moving to this site and they work in partnership with a number of other agencies and volunteer groups supporting vulnerable groups across Medway such as the Gillingham Street Angels.
- Whilst it is accepted that the use of the facility is at the discretion of the landlord, the Church had no prior communication from their landlord that they were being required to vacate their premises and there is concern that this will result in the loss of a valuable community resource at a time when vulnerable sectors of the community are reliant on support and help due to the Covid-19 pandemic.
- If the Committee was minded to approve the application, he requested that the application be deferred to enable the Church and its partners to seek alternative premises to continue its work in supporting the community.

The Committee discussed the application and in particular whether the Church should have been served notice to vacate the premises by the landlord.

In response, the Planning Lawyer informed the Committee that any agreement between the landlord and the tenant was a civil matter and, therefore, not a material planning consideration. However, the concerns raised by the Ward Councillor were understandable.

The Committee discussed the legal requirement for the applicant to serve notice of the application on the freehold owner and whether it applied to service on a tenant but noted that this may be dependent upon the tenant's lease and the length of time that they had occupied a building.

In the light of the concerns raised and the impact that could result on the work of the Church and its partners during the Covid-19 pandemic if it were required to vacate the building at short notice without securing alternative premises, the Committee considered that the application should be deferred for one cycle to enable officers to undertake investigations as to whether the correct procedures had been followed by the landlord in serving notice on the Church as tenant of the building.

Decision:

Consideration of the application was deferred until 9 December 2020.

397 Performance Report 1 July to 30 September 2020

Discussion:

The Committee received a report setting out performance and an update on the Local Plan for the period 1 July – 30 September 2020.

Decision:

The Committee noted the report.

398 Report on Appeal Decisions 1 July 2020 to 30 September 2020

Discussion:

The Committee received a report setting out appeal decisions for the period 1 July – 30 September 2020.

The Head of Planning referred in particular to a site whereby one Planning Inspector had dismissed an appeal against the Council's refusal to grant planning permission for the construction of a wall which had been built without the benefit of planning permission but then another Planning Inspector had subsequently overturned this decision by allowing an appeal when the applicant had appealed against an enforcement notice issued by the Council in August 2019. The inconsistent decisions by two separate Planning Inspectors for the same issue at the same site had been contradictory and was, therefore, considered unacceptable particularly as the Council's application for costs against the appellant had been refused.

Decision:

The Committee noted the report.

399 Report on Section 106 Agreements January - September 2020

Discussion:

The Committee received a report setting out Section 106 agreements for the period January - September 2020.

The Committee thanked the Head of Planning and his team for the work undertaken on securing Section 106 payments.

The Head of Planning agreed to ask the Section 106 Officer to liaise direct with the Member concerned regarding the open space Section 106 contributions for Bakersfield Phase 2.

Decision:

The Committee noted the report.

400 Exclusion of the press and public

Decision:

The Committee agreed to exclude the press and public from the meeting during consideration of agenda items 13, (Enforcement Proceedings: January 2020 – October 2020) 14, (Derelict Buildings Report: November 2019 – June 2020) and 15 (Section 215 Enforcement) because consideration of these matters in public would disclose information falling within paragraphs 6a and b of Part 1 of Schedule 12A to the Local Government Act 1972 as specified in agenda item 12 (Exclusion of Press and Public) and, in all the circumstances of the case, the Committee considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

401 Enforcement Proceedings: January 2020 - October 2020

Discussion:

The Committee received a report setting out Enforcement Proceedings for the period January – October 2020.

The Committee received information on the outcome of a number of sites where direct action had been taken.

It was noted that at one site, the enforcement notice had not included the clearance of the site and it was suggested that action be taken through other environmental enforcement powers to have the site cleared as soon as possible.

The Committee noted that where possible, the cost of direct action by the Council would be placed as a charge on a property so that it could be recovered at a future date when the property was sold. It was noted that the Head of Planning would supply direct to members of the Committee outside of the meeting the costs involved in taking direct action at the sites referred to as part of the presentation.

Decision:

- a) The Committee noted the report.
- b) It be noted that the Head of Planning will supply direct to members of the Committee outside of the meeting, details of costs involved in taking direct action at the sites referred to as part of the presentation.

402 Derelict Buildings: November 2019 - June 2020

Discussion:

The Committee received a report setting out work undertaken on Derelict Buildings for the period November 2019 – June 2020.

The Committee was informed that a new Derelict and Empty Homes Officer was due to take up post in early December as the existing postholder, Madeline Mead had now been appointed as a Senior Planner within the planning team.

The Committee expressed their appreciation to Madeline for the work that she had undertaken as the Derelict and Empty Homes Officer

Decision:

The Committee noted the report.

403 Section 215 enforcement

Discussion:

The Committee received a report setting out work undertaken by the Environmental Enforcement Team concerning Section 215 issues during quarters 1 and 2 of 2020.

Decision:

The Committee noted the report.

Chairman

Date:

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