

Medway Council
Virtual Meeting of Planning Committee
Wednesday, 31 March 2021
6.30pm to 9.03pm

Record of the meeting

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

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

In Attendance: Councillor Rodney Chambers, OBE, Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships
Councillor Simon Curry
Kemi Erifevieme, Planning Manager
Dave Harris, Head of Planning
Joanna Horne, Planning Solicitor
Councillor Stephen Hubbard
Robert Neave, Principal Transport Planner
Councillor Wendy Purdy
Ellen Wright, Democratic Services Officer

853 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, Bhutia, Curry and Hubbard (although it was noted that Councillor Curry would be attending in his capacity as Ward Councillor to address the Committee on planning application MC/20/3057 – 17 – 73 Russell House, Russell Court, Luton, Chatham and Councillor Hubbard would be attending in his capacity as Ward Councillor to address the Committee on planning application MC/20/2806 – Manor Farm Quarry, Parsonage Lane, Frindsbury, Rochester).

854 Record of meeting

The record of the meeting held on 3 March 2021 was agreed and signed by the Chairman as correct.

855 Urgent matters by reason of special circumstances

There were none.

856 Chairman's announcements

The Chairman informed the Committee that planning application MC/21/0407 – 51 Shepherds Gate, Hempstead Gillingham had been deferred from consideration at this meeting at the request of the applicant.

857 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

The Chairman, Councillor Mrs Diane Chambers, referred to planning application MC/20/3204 – Avenue Tennis Club, Glebe Road, Gillingham and informed the Committee that although she had no social contact with the applicant and did not use the facility, as the applicant was a member of the same Conservative Association as herself, she would not take part in the consideration and determination of this planning application and the Vice Chairman would chair the meeting.

Councillor Potter referred to planning application MC/20/3204 – Avenue Tennis Club, Glebe Road, Gillingham and informed the Committee that although he had no social contact with the applicant and did not use the facility, as the applicant was a member of the same Conservative Association as himself, he would not take part in the consideration and determination of this planning application.

Other interests

Councillor Chrissy Stamp referred to planning application MC/20/3204 – Avenue Tennis Club, Glebe Road, Gillingham and informed the Committee that as she wished to address the Committee as Ward Councillor on this planning application, she would not take part in the determination of this planning application.

858 Planning application - MC/20/2782 - Land bounded by The Brook Car Park, Queen Street, Chatham, Kent

Discussion:

The Head of Planning outlined the planning application and in doing so suggested that if the Committee was minded to approve the application, such approval be subject to an additional head to the proposed Section 106

Planning Committee, 31 March 2021

agreement, amendments to proposed conditions 2, 18 and 20, the deletion of proposed condition 22 and its replacement with a new condition 22 and the addition of new conditions 23 – 27, details of which were set out on the supplementary agenda advice sheet.

In addition, he drew attention to an amendment to the proposal section of the report and further additional text to be added to the highways, Section 106 and other matters sections of the report, all of which were set out on the supplementary agenda advice sheet.

The Committee was informed that since publication of the agenda, a Highway Safety Audit had been received from the applicant on 29 March, therefore subject to the application being approved, the Head of Planning sought delegated authority to assess the Highway Safety Audit on the basis that if there were any concerns, the application would be resubmitted to the Committee for consideration.

In outlining the planning application, the Head of Planning informed the Committee that development of this site had been under discussion for several years and that the current proposed scheme had been significantly amended resulting in a reduction in the height of the proposed development.

Subject to approval, 25% affordable housing would be provided off site on adjacent land owned by MHS. However, if following discussions, this was not feasible, then the 25% affordable housing would be provided as part of the development resulting in adjustments to the internal layout of the accommodation and which may also result in some external changes.

The Committee discussed the application noting that whilst there was parking provision on site, this was limited to reflect the fact that this development was in a sustainable location close to public transport connections at both the bus station and the railway station.

The Committee also noted that this site was in a prominent location which would assist regeneration of the town centre but at the same time respected the adjacent Great Lines Heritage Park.

Decision:

Approved subject to:

- a) The applicant entering into an agreement under Section 106 of the Town and Country Planning Act to secure:
 - i) Provision of at least 25% affordable housing on the adjacent MHS site (subject to this site being submitted and granted planning permission) accessed from Queen Street or alternatively provided on site

Planning Committee, 31 March 2021

- ii) Contribution of £237,195.47 towards education and the provision of nursery, primary and secondary school places.
- iii) Contribution of £52,053.20 towards heritage and museums for improvements to the Old Brook Pumping Station.
- iv) Contribution of £465,691.77 to enhance open space facilities within the vicinity of the development, including Great Lines Heritage Park, Town Hall Gardens and the Paddock.
- v) Contribution of £115,417.41 for the NHS to support the purchase of equipment and infrastructure for a new Healthy Living Centre in the Chatham Central locality.
- vi) Contribution of £30,143.60 towards improving facilities and equipment at Chatham Library
- vii) Contribution of £5,940.00 towards signage, information and surface improvements to Public Rights of Way in the vicinity of the site.
- viii) Contribution of £44,819.81 towards bird disturbance mitigation measures
- ix) Contribution of £31,584.55 towards waste services for the provision, improvement and promotion of waste and recycling services.
- x) Contribution of £14,294.94 towards Medway Youth Services programme delivery for young people in the Chatham area.
- xi) Contribution of £33,444.36 towards community facilities in the vicinity of the site.
- xii) Contribution of £7,500 towards improvements to public transport infrastructure.

- b) Conditions 1, 3 – 17, 19 and 21 as set out in the report for the reasons stated in the report, conditions 2, 18 and 20 amended, condition 22 replaced and new conditions 23 – 27 as set out below:

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

Drawing numbers: Site Location Plan P1002 A, Existing Site Plan P1005, Apartment Types 1 2203 - P1115 A, Apartment Types 2 2203 - P1116 A, Apartment Types 3 2203 - P1117 A, Proposed South West Elevation 2203 - 1201 B, Proposed East Elevation 2203 - 1202 B, Proposed South East Elevation 2203 - 1203 B, Proposed North West Elevation 2203 - 1204 B, Proposed Site

Planning Committee, 31 March 2021

Section A - A 2203 - P1210 B, Proposed Site Section B - B 2203 - P1211 B, Section Courtyard 1 Block A 2203 - P1212 A, Section Courtyard 1 Block B 2203 - P1213 A, Section Courtyard 2 Block B 2203 - P1214 A, Section Courtyard 2 Block C 2203 - P1215 A, Section Courtyard 3 Block C 2203 - P1216 A, Section Courtyard 3 Block D 2203 - P1217 A, Longitudinal Section 2203 - P1218, Proposed External Materials 2203 - P1220 A, Detailed Typical Elevation The Brook 2203 - P1222, Proposed Landscape Plan Courtyards 2203 - P1230, Proposed Landscape Plan The Brook 2203 - P1231, Proposed Landscape Plan Cross Street 2203 - P1232, Original Boundary Overlap 2203 - SK002, Car Park Access Vehicle Tracking 2203 - SK003, received 3rd November 2020.

And the following revised plans: Site Block Plan 2203 - P1003 C, Ground Floor Plan 2203 - P1100 D, First Floor Plan 2203 - P1101 D, Second Floor Plan 2203 - P1102 D, Third Floor Plan 2203 - P1103 D, Fourth Floor Plan 2203 - P1104 C, Fifth Floor Plan 2203 - P1105 C, Sixth Floor Plan 2203 - P1106 C, Seventh Floor Plan 2203 - P1107 C, Proposed Roof Plan 2203 - P1150 D, received 9th March 2020.

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

- 18 No development above ground floor slab level shall take place until a scheme of acoustic protection against road traffic noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAmax) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. All works to each flat block, which form part of the approved scheme, shall be completed before any unit in that flat block is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of residential amenity and to accord with Policy BNE2 of the Medway Local Plan 2003.

- 20 No development above ground floor slab level shall take place until a scheme of acoustic protection against noise and vibration from the ground floor uses, as well as car park areas, has been submitted to and approved in writing by the Local Planning Authority. The scheme must demonstrate that the internal noise levels within the residential units will conform to the indoor ambient noise levels for dwellings identified by BS8233 2014:

Planning Committee, 31 March 2021

Guidance on Sound Insulation and Noise Reduction for Buildings, and that levels of vibration do not exceed any applicable guideline levels. All works to each flat block which form part of the approved scheme shall be completed before any unit within that flat block is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of residential amenity and to accord with Policy BNE2 of the Medway Local Plan 2003.

- 22 No development above ground floor slab level shall take place until full details of the following highway improvements have been submitted to and approved in writing by the Local Planning Authority:

Arrangements as outlined in drawing (drawings 19095 - TR001 and 19095 - 010)

The approved details shall thereafter be implemented in full prior to first occupation of any part of the development.

Reason: To ensure the development preserves conditions of highway safety, pedestrian safety and the free flow of traffic, in accordance with Policies T1, T2 and T3 of the Medway Local Plan 2003.

- 23 No part of the development shall be occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and in accordance with Policy T13 of the Medway Local Plan 2003.

- 24 No part of the development shall be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how public car park will be maintained and how residents & their visitors will be deterred from parking on street. The Parking Management Plan shall be implemented in

Planning Committee, 31 March 2021

accordance with the approved details prior to the first occupation of any residential unit and shall thereafter be retained.

Reason: To ensure satisfactory off-street parking in accordance with Policy T13 of the Medway Local Plan 2003.

- 25 No part of the development shall be occupied until details of cycle storage facilities with the inclusion individual lockers have been submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities for each block shall be implemented in accordance with the approved details and provided prior to first occupation of the block that they relate to and shall thereafter be maintained.

Reason: To ensure satisfactory cycle storage in accordance with Policy T4 of the Medway Local Plan 2003.

- 26 No part of the development shall be occupied, until details of the provision of the electric vehicle charging points (15% active and 75% passive) has been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details prior to first occupation of the development and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 110E of the NPPF.

- 27 No development above slab level shall take place until measures to address energy efficiency and climate change have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and prior to first occupation of each block a verification report prepared by a suitably qualified professional shall be submitted to the Local Planning Authority confirming that all the agreed measures for that block have been undertaken and will thereafter be maintained on site.

Reason: In the interests of sustainability and to positively address concerns regarding Climate Change in accordance with the NPPF.

- c) The Head of Planning be granted delegated authority to assess the Highway Safety Audit on the basis that if there are any concerns, the application will be resubmitted to the Committee for consideration.

859 Planning application - MC/20/2806 - Manor Farm Quarry, Parsonage Lane, Frindsbury, Rochester

Discussion:

The Head of Planning outlined the planning application and reminded the Committee that consideration of this planning application had been deferred on 3 March 2021 to enable the applicant to supply further information as to the quantity of material needed to complete the infill of the quarry, from where the infill materials would be sourced and the timescale for the completion of the works.

This information had subsequently been circulated to Members of the Committee and, following questions, further information had been sought and circulated.

The Committee was reminded that having been granted planning permission to infill the quarry in 2015, commencement of the work had been delayed until 2018 when the required permit had been issued by the Environment Agency. The current application was for a variation to enable the infill of the quarry to continue until 31 December 2024.

With the agreement of the Committee, Councillor Hubbard addressed the Committee as Ward Councillor and advised that he supported the requested extension of time for the completion of the works as the infilling works were proceeding and this was purely a request to extend the timeframe of the existing planning permission. However, he recognised that these works would continue to create noise and dust for his constituents and that this was likely to increase as the infill level rose. He referred to other planning applications in the vicinity of the quarry site and suggested that they were interlinked and therefore the infill works should be permitted to continue, but he considered it likely that a further application for an extension of time would be forthcoming at a future date.

The Committee discussed the application noting that the infill of the quarry was partially completed and therefore it would be beneficial to enable the applicants to continue to complete the works.

Decision:

Approved with conditions 1 to 26 as set out in the report for the reasons stated in the report.

860 Planning application - MC/20/3204 - Avenue Tennis Club, Glebe Road, Gillingham

Decision:

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

Planning Committee, 31 March 2021

The Head of Planning outlined the planning application and suggested that should the Committee be minded to approve the application, proposed condition 18 be amended as set out on the supplementary agenda advice sheet. Although the supplementary agenda advice sheet indicated that this was an additional condition, he advised that it was an amendment. In addition, he drew attention to the additional letter received from the applicant which had been appended to the supplementary agenda advice sheet.

The Head of Planning referred to the representations from Rehman Chishti MP in support of the application and clarified information concerning his financial interest in the Avenue Tennis Club. He informed the Committee that in determining the application, the Committee would need to decide what weight to attribute to the support of the MP for the application based on this information.

The Head of Planning referred to the planning history of the site and in particular, referred to planning application MC/18/3114 for 8 dwellings which had been refused on 19 February 2019 and MC/19/2404 for 7 dwellings which had been refused on 20 January 2020. Both applications had been the subject of appeal and both appeals had been dismissed by the Planning Inspector. The Head of Planning referred to the Planning Inspector's grounds for dismissing the appeal for MC/19/2404 set out on page 72 of the agenda.

He informed the Committee that the current planning application sought to address the issue raised by the Planning Inspector concerning the harm caused to the character and appearance of the surrounding area as set out within the report.

With the agreement of the Committee, Councillor Chrissy Stamp addressed the Committee as Ward Councillor and set out the following objections:

- Despite the reduction from 8 to 7 dwellings the proposed development constituted overdevelopment of the land and an appeal for 7 dwellings had already been dismissed by the Planning Inspector.
- Garden sizes were very small and the development would result in harm to the surrounding area and the area should be retained as open green space.
- The access road would run adjacent to and take land from 26 Second Avenue and 4 parking spaces were located in the back garden of 26 Second Avenue, reducing the garden size of this property.
- Concerns regarding the access and egress for emergency vehicles.

With the agreement of the Committee, Councillor Purdy addressed the Committee as Ward Councillor and set out the following objections:

- The application had not changed from that previously submitted in 2019 and the applicant had failed to address flooding and soakaway concerns.
- The application constituted back garden development and the Secretary of State for Housing, Communities and Local Government had said that

Planning Committee, 31 March 2021

- local authorities should have a say in plans for their area and listen to local people.
- Green spaces should be protected and retained as they benefit people's health and well-being.

The Committee discussed the application having regard to the planning history of the site, including the two appeals and the concerns expressed by the Ward Councillors.

The Head of Planning informed the Committee that in assessing the current application and recommending approval, officers had carefully considered the application and that the applicant felt that they had addressed the concerns set out by the Planning Inspector in dismissing planning application MC/19/2404 by changing the layout of the site, reducing 3 units from 4 bed to 3 bed dwellings and providing greater space at the boundary of the site. The applicant considered this was sufficient to address concerns without the need to reduce the overall number of dwellings within the site. However, it was now for the Committee to determine whether it was satisfied that these changes were sufficient.

The Committee noted the Head of Planning's comments but considered that the application continued to constitute an overdevelopment of the site that would have a significant harmful effect on the character and appearance of the surrounding area.

Decision:

Refused on the following ground:

The proposed development by reason of its layout and scale would result in a cramped form of development that would have a significantly harmful effect on the character and appearance of the surrounding area. The proposal as such would result in overdevelopment of this backland site and would not result in a clear improvement of the local area. The proposal is therefore contrary to Policies H4, H9 and BNE1 of the Medway Local Plan, and paragraphs 124 and 127 of the NPPF.

861 Planning application - MC/20/3057 - 17-73 Russell House, Russell Court, Luton, Chatham

Discussion:

The Planning Manager outlined the planning application in detail and suggested that if the Committee was minded to approve the application, proposed condition 13 be amended as set out on the supplementary agenda advice sheet so as to ensure vital access for emergency services including to adjacent properties.

The Committee noted that the premises was originally a residential complex consisting of 29 residential units together with some communal facilities

Planning Committee, 31 March 2021

overseen by staff with some living assistance provided. It had previously been occupied by people aged 55 years and over but was currently vacant pending alterations to facilitate its use for accommodation for people aged 16 – 25 who, for a variety of reasons, were unable to live in their family home but were not yet ready to live alone.

With the agreement of the Committee, Councillor Curry addressed the Committee as Ward Councillor and set out the following objections:

- The area surrounding the application site was known to suffer from crime and anti-social behaviour and therefore was an unsuitable location to accommodate 16 – 25 year olds some of whom might be vulnerable and there had been many letters objecting to the application.
- The applicant owned the majority of the property in the area but did little to assist in addressing problems.
- Kent Police did not support use of the proposed footpath in the interests of user safety and the potential for the footpath to provide opportunities for crime and anti-social behaviour and raise the fear of crime on the basis that it did not have direct line of sight end to end and was unlit.
- Use of the external steps is unacceptable as it creates overlooking to nearby properties.
- Lack of car parking provision.

In the light of the concerns raised by the Ward Councillor, it was suggested that consideration of the application be deferred to enable further discussions with the applicant.

Decision:

Consideration of the application be deferred to enable officers to have further discussions with the applicant on the issues raised and such discussions to include Ward Councillor representation and a representative from the Planning Committee to be agreed through Planning Spokes.

862 Planning application - MC/20/3289 - The Paddock (Adjacent Sandhurst Farm), Sharnal Street, High Halstow ME3 3QR

Discussion:

The Planning Manager outlined the planning application and informed the Committee that this was a part retrospective application for the proposed extension of the existing Gypsy/Traveller site known as “The Paddock” through the change of use of the land for the siting of an additional 2 mobile homes for residential use and the formation of additional hardstanding.

She informed the Committee that the additional 2 mobile homes were to accommodate immediate family members of the family already housed on the site and therefore was considered to comply with the Planning Inspector’s decision in allowing an appeal for MC/17/3126. She confirmed that the site was not visible from the highway, and the additional 2 mobile homes would be

Planning Committee, 31 March 2021

located at the rear of the site. However, officers were recommending a landscaping condition for boundary treatment of the site.

The Committee discussed the application and concern was expressed as to the fact that it was part retrospective. It was acknowledged that the siting of caravans in this area was not unusual due to its character as being predominantly farmland but, concern was expressed that in the Planning Inspector's report when allowing the appeal for MC/17/3126, the Inspector had emphasised Article 8 of the European Convention and yet this was not referenced within the committee report.

The Committee also sought clarification as to what would happen if a member of the family ceased to occupy their mobile home at a future date. In response, the Head of Planning drew attention to proposed condition 3, which stated that the caravan site shall not be occupied by any persons other than gypsies or travellers and therefore would not be specific to the applicant's family.

In the light of the questions raised during the debate, it was considered that this application should be deferred to enable officers to undertake further investigations into the specific wording of the Planning Inspector's appeal decision and whether it would be appropriate and legal to specify use of the site by a specific family.

Decision:

Consideration of this application be deferred pending further investigations and that the application be resubmitted in April with the Planning Inspector's appeal decision appended to the report.

863 Planning application - MC/20/3216 - 65 Norman Close, Wigmore, Gillingham

Discussion:

The Planning Manager outlined the planning application in detail and informed the Committee that since despatch of the agenda, a further representation had been forwarded by Councillor Rodney Chambers OBE from neighbouring occupiers at 66 Norman Close with photographic evidence of the impact of the proposed extension (in particular) to the first floor rear extension on their amenity, a copy of which was appended to the supplementary agenda advice sheet.

With the agreement of the Committee, Councillor Rodney Chambers OBE addressed the Committee and advised of the following objections on behalf of neighbours:

- Whilst it was understandable that many people wished to extend their homes, the proposed extensions at this property would have a detrimental impact upon both neighbouring properties by virtue of the

Planning Committee, 31 March 2021

proposed projection of the front extension and the height of the 2 storey extension at the side and rear.

- The proposed extension at the front would extend across a large window of the property at no. 64 and would be harmful to the outlook and enjoyment of the property by the occupiers of no.64.
- The proposed extension to the side and rear would block the daylight and sunlight to the property located at no.66.
- Although other properties in the area had modest extensions, none were as extensive as that proposed at no. 65.

The Committee discussed the application having regard to the concerns expressed by the Ward Councillor on behalf of the residents of the adjoining properties and generally considered that both of the proposed extensions were too extensive and would impact on the amenity of the occupiers of properties at nos. 64 and 66.

Decision:

- a) Refused on the following ground:

The proposed two storey rear extension would be detrimental to the amenity of the occupiers of the neighbouring property to the north, no. 66, and would result in loss of daylight and sunlight and the proposed front extension by reason of its proximity to the front habitable room window is considered harmful to the outlook and enjoyment of the property for the occupiers of No. 64 Norman Close.

- b) The Head of Planning be granted delegated authority to agree the wording of the refusal ground with the Chairman, Vice Chairman and Planning Spokes outside of the meeting.

864 Planning application - MC/21/0407 - 51 Shepherds Gate, Hempstead, Gillingham

Decision:

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

Chairman

Date:

Planning Committee, 31 March 2021

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