

Medway Council
Virtual Meeting of Planning Committee
Wednesday, 28 April 2021
6.30pm to 8.25pm

Record of the meeting

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

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

In Attendance: Dave Harris, Head of Planning
Robert Neave, Principal Transport Planner
Vicky Nutley, Assistant Head of Legal Services
Councillor John Williams
Ellen Wright, Democratic Services Officer

906 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 Adeoye, Bhutia, Curry and Potter.

907 Record of meeting

The record of the meeting held on 31 March 2021 was agreed and signed by the Chairman as correct.

Attention was drawn to the supplementary agenda advice sheet and referring to minute 863, the Committee was informed that under delegated authority, the Head of Planning had agreed the final wording of the refusal reason with the Chairman, Vice Chairman and Opposition spokesperson on the following planning application:

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

- 1 The proposed development in particular to the first floor rear extension, by reason of the projection beyond the rear building line would result in a development that would be visually intrusive on the amenity of the occupiers of the neighbouring property to the north, no. 66, and would result in some reduction in daylight and sunlight that would impact on their residential amenity. In addition, the proposed front extension by reason of its proximity to the front habitable room window at no. 64 Norman Close, would have a harmful impact on the outlook of the occupiers of that property. The proposal would, therefore, be contrary to Policy BNE2 of the Medway Local Plan, 2003 and paragraph 127f of the NPPF.

908 Urgent matters by reason of special circumstances

There were none.

909 Chairman's Announcements

The Chairman informed the Committee that planning application MC/21/0445 – Buddy's View, Perry Hill, Cliffe, Rochester had been deferred from consideration at this meeting.

910 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.

911 Planning application - MC/20/3237 - Mountbatten House, Military Road, Chatham

Discussion:

The Head of Planning drew attention to the supplementary agenda advice sheet and suggested that if the Committee was minded to approve the application, reference to the proposed Section 106 be deleted and replaced with two new conditions numbered 41 and 42. He explained that as owner of

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the site, it was not possible for the Council to enter into a Section 106 agreement with itself.

He also drew attention to a replacement condition 22 also set out on the supplementary agenda advice sheet.

Other additions/amendments on the supplementary agenda advice sheet included one further representation received since despatch of the agenda, an amendment to the relevant planning history and an addition to the planning appraisal.

The Head of Planning outlined the planning application in detail and displayed indicative plans for the site. He reminded the Committee that prior approval had been granted on 1 May 2018 to convert the offices to 112 residential dwellings but these works had not commenced.

He advised the Committee that the current proposed development had been drawn up following a design competition and had been considered and supported by Medway's Design Review Panel and Heritage England. In addition, the application had undergone detailed pre-application discussions with officers. It was considered that the proposed development would be a significant improvement to the existing site and complement other residential developments being progressed at Chatham Waterfront.

The Head of Planning confirmed that although parking provision would be included within the development, this site was in a sustainable location having regard to its close proximity to both the bus and railway station.

It was confirmed that 25% affordable housing would be provided with an element of affordable housing within the development and the remainder being located off site in Chatham. He advised that had the Council decided to proceed with this development through either the prior approval scheme or by using vacant building credits, it would have been possible to reduce the level of affordable housing but it was considered important that the scheme should deliver 25% affordable housing.

The Committee discussed the application and in response to questions, the Head of Planning further advised upon the following:

- The landlord (i.e. the Council) would be responsible for maintaining public residential open space areas but maintenance of the roof top restaurant/bar area would be the responsibility of the operator under a management agreement.
- The provision and location of air conditioning units and telecommunication/satellite facilities would be subject to proposed conditions.
- Specific laundry areas were not included within the development and therefore the occupier of each flat would have responsibility for their own laundry.

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- The temporary banners should only be in place for 5 years from the date of the planning permission.
- The timeline for the development would depend upon completion of the Compulsory Purchase Order, Building Regulations and the procurement process.
- Although only 22 electric vehicle charging points would initially be provided, the remaining 85% could be readily provided when needed in the future. However, it was also noted that the changes to the sale of petrol vehicles would only affect the sale of new vehicles purchased from 2030 and not second-hand vehicles.

The Committee discussed the application having regard to its prominent position in the town centre and its visibility, due to its height, and whilst there was general support for the development, some Members considered the existing building to be ugly, outdated and a blight to the area and suggested that it be demolished. The Head of Planning informed the Committee that demolition of the building was not an option. He advised that the site had been vacant for many years and the current proposal sought to improve the building, bring it into use and provide much needed residential accommodation which would help to revitalise and regenerate the town centre.

Decision:

Approved subject to conditions 1 – 21 and 23 – 40 as set out in the report for the reasons stated in the report and replacement condition 22 and new conditions 41 and 42 as set out below:

22. Notwithstanding the submitted details, no dwelling herein approved shall be occupied until the location of 147no. parking spaces within the former bus station and/or Pentagon rooftop area has been submitted to and agreed in writing by the Local Planning Authority. The approved parking spaces shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any residential dwelling herein approved. Thereafter these parking spaces 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.

41. No development shall commence until a scheme to address the impact of the Development on the Special Protection Areas of the Thames Estuary and Marshes and the Medway Estuary and Marshes through a contribution towards strategic mitigation measures of £41,063.96 towards SAMMS (bird contribution) has been submitted to and agreed in

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writing with the Local Planning Authority. The payment shall be made in full in accordance with the agreed payment method before any development shall commence on the site.

Reason: To ensure adequate measures are in place to mitigate potential significant adverse effects on the Medway Estuary and Marshes SSSI, SPA and RAMSAR in accordance with Policy BNE35 of the Local Plan and paragraphs 175 and 176 of the National Planning Policy Framework 2019.

42. No development shall commence until details of an Affordable Housing Scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of 25% affordable housing units in accordance with tenures and types of affordable housing to be agreed in advance with the Local Planning Authority. In the case of there being any off-site provision of affordable housing units those off-site units shall be practically complete prior to the first occupation of any of the dwellinghouses hereby permitted. A timetable for the delivery of the on-site affordable housing units and future management shall be included within the approved Affordable Housing Scheme. The affordable housing units shall thereafter be delivered in accordance with the approved Affordable Housing Scheme.

Reason: To ensure the development provides affordable housing in accordance with Policies H3 and S6 of the Medway Local Plan 2003.

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

Discussion:

The Head of Planning reminded the Committee that consideration of this application had been deferred at the meeting on 31 March 2021 to allow for the appeal decision relating to planning application MC/17/3116 and an enforcement notice served on 24 January 2019 to be attached in full to the supplementary agenda and to allow for consideration of the European Convention on Human Rights.

He informed the Committee of the response to the request to defer the application on 31 March 2021, as set out on pages 70 and 71 of the agenda he clarified that reference should be made to Article 8 as opposed to Article 6 of the European Convention on Human Rights.

A copy of the Planning Inspector's appeal decision in full was appended to the supplementary agenda advice sheet.

The Head of Planning confirmed that the current application related to the siting of two additional mobile homes for residential use for immediate members of the applicant's family, both of whom met traveller status.

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In response to a question, the Head of Planning advised that it was not possible to include a condition to personalise any planning permission as this had not been included by the Planning Inspector when issuing the appeal decision for MC/17/3116 and was not necessary as there was a condition requiring future occupiers to meet the status requirements of Gypsy and travellers.

Decision:

Approved with conditions 1 – 9 as set out in the report for the reasons stated in the report.

913 Planning application - MC/21/0445 - Buddys View, Perry Hill, Cliffe, Rochester

Decision:

Consideration of this application was deferred.

914 Planning application - MC/21/0386 - Land Adjacent 89 Hollywood Lane, Wainscott, Rochester

Discussion:

The Head of Planning outlined the planning application and suggested that if the Committee was minded to approve the application, a further condition no. 12 be approved, details of which were set out on the supplementary agenda advice sheet.

In addition, he advised of an amendment to the planning appraisal section of the report.

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

- The proposed dwelling will be long and narrow and out of keeping with the existing street scene and the second storey will be visible from the neighbouring patio and will create overshadowing to the neighbouring property impacting on the occupants quality of life.
- Concerns over impact on drainage facilities and potential impact on the foundations of the property at no. 91.
- Impact on nesting birds
- Concerns that during construction works, the builders will create parking issues.

The Committee considered the application having regard to the street scene as seen via Google Maps Street View.

The Head of Planning advised that the side window at property no. 87 was a window to a utility room not a kitchen and that due to the location of the

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proposed dwelling, whilst there would be an element of shadow cast, as the sun moved through the day, this shadow would be gone from around 10am for the rest of the day and evening.

The Committee noted that from viewing the street scene, a number of properties had the benefit of additional side extensions but that this application was for a stand alone property on a narrow plot between two existing houses. A comment was also made that some properties in the road were connected to mains drainage and some were not.

On balance, having considered all the factors and the concerns expressed, the Committee considered there were no justifiable grounds to refuse the application.

Decision:

Approved with conditions 1 – 11 as set out in the report for the reasons stated in the report and new condition 12 as set out below:

12. No development shall take place until drawings showing details of the existing and final land levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to occupation of the dwelling herein approved and the final levels shall be retained thereafter.

Reason: Required prior to commencement to ensure the amenities of occupiers of neighbouring properties can be maintained in accordance with Policy BNE2 of the Medway Local Plan 2003.

915 Performance Report: 1 January to 31 March 2021

Discussion:

The Committee considered the Performance report for the period 1 January – 31 March 2021.

The Head of Planning informed the Committee that pressure on officer resources had been carefully managed to meet national performance targets and he advised that this pressure continued with the added pressure of Covid-19, annual leave, maternity leave and unfilled vacancies. He stated that the workload would need to be carefully managed if performance was to continue to be maintained.

The Committee was reminded that the Town and Country Planning (permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 which became law on 24 June 2020 contained a number of factors relevant to planning and these were summarised on pages 100 – 101 of the agenda.

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The Committee was also informed that the Planning Service had successfully undertaken its second remote external assessment under ISO 9001:2015 in early January 2021 and the Service had been commended for its response to the Covid-19 pandemic.

The Head of Planning reminded the Committee that he would soon be delivering a Training Session on the implications of the presumption in favour of sustainable development that arises from the outcome of this year's Housing Delivery Test and the implications for consideration of future planning applications on sustainable sites.

The Committee was informed that over the past year, there had been an increase in workload for both enforcement and work on tree preservation orders.

The Head of Planning also informed the Committee that any planning application for new build would in future include a climate change statement.

Decision:

The Committee noted the report.

916 Report on appeal decisions 1 January 2021 - 31 March 2021

Discussion:

The Committee received a report setting out appeal decisions for the period January – March 2021.

It was suggested that future performance monitoring reports include information as to the number of applications that are overturned by the Planning Inspector on appeal.

Decision:

The Committee noted the report and requested that the Head of Planning express the Committee's gratitude and appreciation for the work that has been undertaken over the past year under difficult working conditions due to the Covid-19 pandemic.

917 Report on Section 106 Agreements January - March 2021

Discussion:

The Committee received a report setting out Section 106 funding received for the period January to March 2021.

Decision:

The Committee noted the report.

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Chairman

Date:

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