

Medway Council

PLANNING COMMITTEE – 21 July 2021

Supplementary Agenda Advice

Minutes 103 Planning application - MC/21/0692 - 266 Hempstead Road, Hempstead, Gillingham

To report reason for refusal as agreed:

As a result of the reorientation of number 266 Hempstead Road being one half a semi-detached pair, and the construction of the new dwelling to the front of the plot, the proposal would constitute a contrived overdevelopment of the site that would have an adverse impact on the amenities of the occupiers of number 264 Hempstead Road in terms of loss of privacy, loss of outlook and a tunnelling affect as a result of having it's frontage surrounded by rear garden areas and boundary treatment. The proposal is contrary to Policies BNE1 and BNE2 of the Medway Local Plan 2003 and paragraphs 124 and 127 of the National Planning Policy Framework 2019.

Page 84 MC/20/3264 Land bound by Main Road, Saxon Shore Way and Vicarage Lane, Main Road, Rochester, Hoo St Werburgh

Recommendation

Approval subject to

Delete A: The satisfactory completion of an Appropriate Assessment as one has now been concluded in agreement with Natural England. The conclusion is that:

Part 4 – Summary of the Appropriate Assessment - To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

Having considered the proposed development Medway Council conclude that the plan or project will have no adverse effect on the integrity of the European protected site(s).

Having made this appropriate assessment of the implications of the plan or project for the site(s) in view of that site's conservation objectives, and having consulted Natural England and fully considered any representation received (see below), the authority may now agree to the plan or project under regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Recommendation B then becomes A: The imposition of the following conditions:

Amend the following conditions as follow

Condition 7 to read:

- 7 No development above slab level for any building shall take place until details and samples of all materials to be used externally have been

submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Condition 21 to read:

- 21 Prior to the first use of any part of the park hereby permitted a Recreational Management Strategy for the development for Medway Estuary and Marshes SSSI, SPA and Ramsar Site, including details of measures to manage recreational disturbance, such as warden strategy, signage interpretation along with collaboration with the Thames, Medway and Swale Strategic Access Management and Monitoring Strategy, and including relevant timetables and maintenance, together with management responsibility details shall be submitted to and agreed in writing with the Local Planning Authority. The use shall be carried out in full accordance with the agreed details.

Reason: To ensure that the impact of the development on the SSSI/SPA/RAMSAR site is suitably mitigated in accordance with Policies BNE37 and 39 of the Medway Local Plan 2003 and paragraph 180 of the NPPF 2021.

Representation

One additional neighbour letter has been received objecting to the proposal saying that being retained as farmland the site helps protect the adjacent SSSI.

Planning Appraisal

Since the agenda has been produced, the National Planning Policy Framework has been revised. The application has been considered against the following paragraphs 111, 112, 130, 159 -164, 167, 169, 170, 174, 175, 180, 183, 184, 186, 194, and 197 of the NPPF 2021 and are considered to conform.

Amenity

Amend 8th paragraph (page 104) to reflect the following distances:

“Whilst it is accepted that this proposal will constitute a change from the current situation at these properties, with the layout proposed, keeping the car park a distance of 13.8m minimum from the eastern boundary of ‘Broadwood’ and 41m minimum from the house,”.

Impact on heritage assets

Amend 3rd paragraph of ‘Impact on Heritage Assets’ section (page 105) to correct the following (second) sentence:

“Although the fort is not located within the site, Historic England propose that there...”

**Page 112 MC/20/1868 Land North of Commissioner's Road,
Strood, Rochester**

Planning Appraisal

Since the agenda has been produced, the National Planning Policy Framework has been revised. The application has now been considered against the following paragraphs 130 and 180. There is no change to the recommendation as set out.

**Page 124 MC/20/1431 Land North of Medway Road, Gillingham
ME7 1NY**

Deferred

This item is deferred as a section of the report is missing due to a printing error and to allow Officers to consider the revised NPPF which has made some changes to flood risk policy.

**Page 162 MC/21/0332 Garages adjacent to No.53 Danson Way,
Norfolk Close, Rainham**

Planning Appraisal

Since the agenda has been produced, the National Planning Policy Framework has been revised. The application has now been considered against the following paragraphs 111, 112E, 126, 130, 169, 183 and 184. There is no change to the recommendation as set out.

**Page 180 MC/21/0921 British Pilot, Avery Way, Allhallows,
Rochester**

Planning Appraisal

Since the agenda has been produced, the National Planning Policy Framework has been revised. The application has now been considered against the following paragraphs 74, 84, 111, 112E, 119, 120, 126, 129, 130, 174, 180 and 181. There is no change to the recommendation as set out.

Page 196 MC/21/1157 3 Old Road, Chatham ME4 6BJ

Planning Appraisal

Since the agenda has been produced, the National Planning Policy Framework has been revised. The application has now been considered against the following paragraphs 74, 111, 112E, 126, 129, 130, 180 and 181. There is no change to the recommendation as set out.

Page 210 MC/21/1262 42 New Road, Chatham ME4 4QR

Planning Appraisal

Since the agenda has been produced, the National Planning Policy Framework has been revised. The application has now been considered against the following paragraphs 60, 111, 126, 129, 180, 181 and 197. There is no change to the recommendation as set out.

**Page 218 MC/21/1502 117 Watling Street Gillingham Medway
ME7 2YX**

Representation

A letter of objection has been received from the Public Health Team. A copy of the letter is appended to this supplementary agenda.

Planning Appraisal

Since the agenda has been produced, the National Planning Policy Framework has been revised. The application has now been considered against the following paragraphs 111, 126 and 130. There is no change to the recommendation as set out.

Page 226 MC/21/1574 38 The Goldings, Rainham, Gillingham

Planning Appraisal

Since the agenda has been produced, the National Planning Policy Framework has been revised. The application has now been considered against the following paragraphs 111, 126 and 130. There is no change to the recommendation as set out.

Page 232 MC/21/1064 - 2 Spencer Close, Princes Park, Chatham

Planning Appraisal

Since the agenda has been produced, the National Planning Policy Framework has been revised. The application has now been considered against the following paragraphs 111, 126 and 130. There is no change to the recommendation as set out.

Page 238 MC/21/1010 131 Watling Street, Strood, Rochester

Planning Appraisal

Since the agenda has been produced, the National Planning Policy Framework has been revised. The application has now been considered against paragraph 130. There is no change to the recommendation as set out.

Representation

A letter has been received from the applicant to the Planning Committee. A copy of the letter is appended to this supplementary agenda.

Planning Appraisal

Since the agenda has been produced, the National Planning Policy Framework has been revised. The application has now been considered against the following paragraphs 111 and 130. There is no change to the recommendation as set out.

Appendices

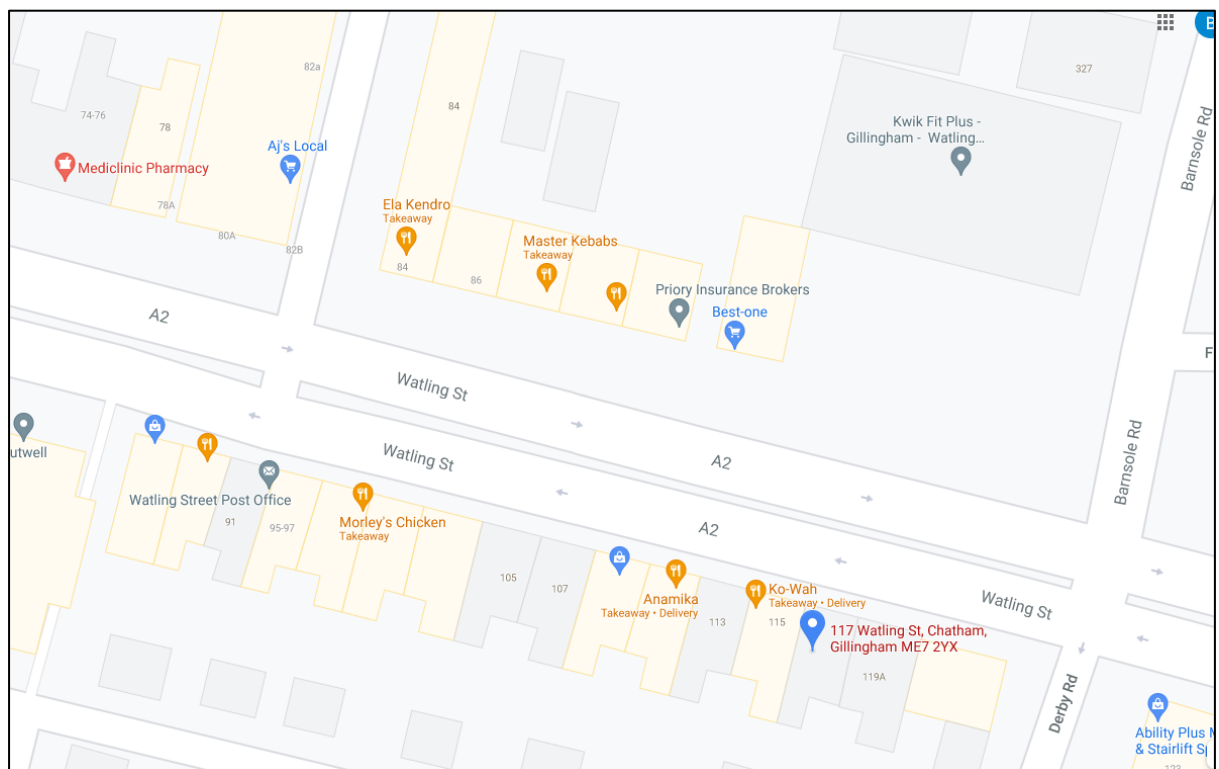
Planning application

MC/21/1502 - 117 Watling Street Gillingham Medway ME7 2YX

Public Health is objecting to this planning application and asks you to take the following evidence and points into consideration.

An over representation of HFT's will make choosing poor food an easier choice for residents, thus adding to a potential rise in obesity in the area. Adding more takeaways will reduce the options for a local healthy food environment increasing a potential rise in ill health.

There are currently four other takeaways in the same parade of shops as this premises, with a further 3 in the shops opposite.



Medway Council have a role to manage hot food takeaways to enhance the quality of centres and neighbourhoods. Another takeaway, adding to those already there, will not enhance this area. Another takeaway in this location will make it more difficult for residents to make healthy choices and may add to ill health.

Obesity and poor diet can lead to serious health issues for our local population. 71.6% of adults in Medway are overweight or obese, compared to an England prevalence of 62.8%. The prevalence of overweight children in both reception (25.5%) and year 6 (36.9%) is higher than the England prevalence (23% and 35.2%, respectively), with the prevalence of obesity, including severe obesity

at 11.6% (England prevalence is 9.9%). (Public Health England, 2019/20). These are an increase on the previous years figures.

The Hot Food Guidance Notes states:

2.4 There is a direct relationship between obesity and deprivation. Women in more deprived areas are more likely to be obese than those elsewhere. Obesity prevalence increases from 21.5% in the least deprived 20% of areas to 31.5% in the most deprived 20%.

2.5 Given this situation Government aims to achieve a sustained downward trend in the level of excess weight in both children and adults by 2020.

3.1 The situation in Medway is even more acute than the average picture nationally. An estimated 30 per cent of Medway's adult population and over 20 per cent of children (at the age of ten) are classified as obese.

3.2 The cost of overweight and obesity to NHS Medway is estimated as £77.4 million by 2015, of which £45 million is attributed to obesity alone.

3.3 In November 2013 there were 238 registered hot-food takeaways in Medway – this equates to 1 per 1,127 people. In 2017 this rose to 268 and rising. This amount is already over the national average.

Applications for hot food takeaways are assessed against saved policy R18 in the Medway Local Plan 2003, the National Planning Policy Framework and other material considerations. Other material considerations relating to the health dimension include the Joint Health and Wellbeing Strategy and the Medway Sustainable Community Strategy, together with the evidence relating to obesity that underpins them.

The sections below from the HFT Guidance 2014 are relevant due to the number of takeaways already in the parade of shops.

Concentration and Clustering

5.8 Over provision of takeaways within a commercial frontage, local centres or in proximity to schools outside recognised centres are not appropriate - either in terms of the vitality and viability of centres or from a health perspective. Too many units together can undermine the main retail function of a centre and appear to promote hot food takeaways in preference to healthier food options. This is recognised in Policy R18, which sets down a number of criteria against which proposals can be assessed and in health research.

5.9 In particular, criterion (ii) of Policy R18 questions whether: The presence of any similar uses in the locality, and the combined effect that any such concentration would have, would be acceptable in terms of environmental impact and highway safety.

Vitality & Viability

5.17 Whilst hot food takeaways contribute to the mix of town centres, it is important that they do not dominate the local retail food offer in the area. An overabundance of hot food takeaways displaces other shop and food options and impacts on the vitality and viability of designated town and neighbourhood centres. Because of this some communities in Medway have a limited choice of and access to fresh, nutritious food.

5.18 The clustering of hot food takeaways breaks up the continuity of the retail frontage and can detract from the primary retail function resulting in the loss of shops, which is to the detriment of local residents and the vitality and viability of the centre as a whole. To ensure that shopping areas are diverse and balanced, especially in designated centres, applications for hot food takeaways will be assessed for their cumulative impact.

5. Section 5.12 of the HFT Guidance Notes states that A5 use in a neighbourhood or larger local centre will not normally exceed 15%

5.12 The Council will consider the possible impact of hot food takeaways/A5 uses in each type of centre as part of an assessment of the vitality and viability of the centre as a whole.

For a neighbourhood or larger local centre - Determine the proportion of each main frontage in terms of each main town centre use class (A1, A2, A3, A4, A5, D1 and D2). This will normally be expressed in linear metres converted to an overall percentage; A1 should normally account for at least 40% of the total. A5 uses should not normally exceed 15%

Roughly calculating the linear metres of the shop frontage from GIS (Medway Council mapping software), the current takeaway premises in this parade appears to take up over 23% of the metres in the line of shops extending from the junction with Derby Road to the Post Office/convenience shop. The addition of another takeaway in this parade of shops would take this percentage to approximately 30%, which is over the 15% A5 usage outlined in the above policy.

Public health would therefore ask you to refuse this application on the grounds of clustering, the impact an additional takeaway food premises could have on the health and wellbeing of the local population in terms of increasing obesity and the adverse effect on the vitality and viability of this area in line with the policies above.

If these comments are to become public facing, may I ask for all officer's names to be redacted.

Regards

Barbara Murray

Public Health Project Officer.

MC/21/0878 – 33 Culpepper Road, Parkwood

Letter from applicant to Members



The Planning Committee

Dated: 18/07/2021

Planning Service

Medway Council

Gum Wharf Dock Road

Chatham.

ME4 4TR

Dear Sir,

Re: 33 Culpepper Road (MC/21/0878); Right of Reply to Objections

My attention has being drawn by my contact officer regarding objections from neighbours in respect to my application to change my property from residential dwelling Class C3 to Class C2 supported living Accommodation.

Having gone through the reasons adduced for the objection, I hereby which to formally exercise my right of reply to the planning committee to enable them reach an informed and equitable decision.

There was a total of 7 objections; 5 from Culpepper Road and 2 from nearby Collet Walk.

Interestingly, all 7 objections obviously working in concert mentioned similar and identical reasons for their objection, I am quite happy to respond to all issues raised to allay their fears and apprehensions.

1). Anticipation of Parking Problems; The property avails us 3 parking space which is more than enough for our use. More also, the argument that parking is a serious problem is not true. The area boost of working class people and the area has several adjoining street with ample communal parking space between the hours of 9.00am to 5.00pm that can park over 50 vehicles. None of the areas where we have operations have this type of parking spaces.

2).Mental Health Patients Misunderstood: We operate a supported living accommodation and care for clients with mild mental health condition and learning disabilities. These are clients who have recovered considerably from their health condition and are now in their last stage of being

discharged to live independently in the community. From the objections raised, it is clear that they have misunderstood the class of client that we cater for and provide support. We are very mindful of the feelings and concern of our neighbourhood and we intend to be good neighbours to our host community.

The reactions of these petitioners to people with mental health challenges seems to be a brazen display of stigmatisation and discrimination against these unfortunate members of the society that requires our support. There is no known law in the UK that says these group of people must not live amongst us in the community. If these unfortunate members of the society were their relatives and family members, will they raise these objections against them?

We have two fully operational offices in 21 St Helens Road Sheerness and 90 Thorold Road Chatham.

There has not been any concern or complain from our neighbours and we intend to replicate this good neighbourliness in 33 Culpepper Road, Rainham.

3) Fears of Property Devaluation. The petitioners have all come up with the fears that the value of their property will be devalued once it is located near a supported living accommodation. I do not understand how they arrived at this finding. This argument is completely unfounded. I am happy to reiterate that we plan to use the property as accommodation and provide support to 2 or 3 clients. We are not establishing a factory neither are we into any manufacturing process that requires machines and tools.

4). Safety concern to children and Residents. We promise to take the safety of everyone in the neighbourhood into consideration before offering placement to any of our clients.

Our service users are not the chaotic ones. Residents of our other two locations in Sheerness and Chatham are true reflection of the type of clients for whom we provide support.

5) Claim of No consultation Prior to Application. In our other two locations in Sheerness and Chatham we sent out consultation letters to the Neighbour. In the case of 33 Culpepper Rd application, my first move was when I contacted my immediate next door neighbour Mr Paul Scott of 31 Culpepper Road and told him of my intention to convert my house to a supported living use and I told him of my Plan to send out consultation letters to all neighbours. He told me straight off never to bother sending out any letter as he will be mobilising all the neighbours to object to my plan.

a) [REDACTED] actually went to great length to frustrate my efforts by writing me a joint letter with the neighbours to oppose my plan. —

b) [REDACTED] and his team also contacted my mortgage provider to revoke my mortgage.

c) [REDACTED] and his team also contacted my regulatory and licensing body: The Care Quality commission (CQC) to protest against my use of my property for a supported Living accommodation.

d) [REDACTED] also stood against the renovations I carried out to make the property fit for purpose.

e) [REDACTED] had on two occasions being verbally aggressive towards me and the workman carrying out renovation work on the property.

In all of these provocations, I have chosen the path of law and focused on following procedures to obtain the relevant approval.

6) The claim of Restricted Covenant. Some of the neighbours have come up with the issue of restricted covenant that stops me from changing the property to a supported living. I can confirm that I do not have any restrictive covenant to this effect. I bought this property in Sept 2016 as a buy to let property and have had tenants living there all along until this new decision to change its use.

Conclusion;

I am very grateful to Medway Council Planning services who have graciously granted the application for 90 Thorold Road Chatham ME5 7DS vide your letter MC/21/0880 of 30th June 2021.

The idea of neighbours raising objections to locating a supported living home near them has become a familiar occurrence to me. When I set up our first home in Sheerness in 2018 our application was met with several objection but Swale Borough Council in its wisdom gave us approval as soon as they were convinced we will be very professional and respectful of our neighbours. In the same vein, I urge this committee to gracefully grant this application.

To further guide the committee in reaching your decision, I wish to avail you the following additional information.

a). Our residents are taken either on a short or long term basis. Once our residents are compliant with our house rules and regulations, then they stand a chance of earning long time residency.

b). Our longest staying resident so far has spent over 14months.

c). We are a CQC registered and regulated company. We are also registered with Medway Council.

Our referrals are from any local council or NHS Clinical Commission Group. We currently have 8 residents spread across our two locations in sheerness and Chatham. All 8 residents are placement from Medway Council.

d). Our staff are trained support workers who provide support to resident on all activities of daily living in preparation to their eventual release/discharge into the community to live on their own.

In other words the residents are just one step away form living on their own in the community. Our Service is run 24 hours which means there will always be a staff on duty. I am a trained Mental Health Nurse with over 16 years experience with the NHS before retiring to set up this business as my own way of giving something back to the society

As I wish your committee good deliberations, I look forward to a favourable decision.

Thanks

Yours Sincerely

A solid black rectangular box used to redact the signature of Sussannah Igbinedion-Obadjere.

Sussannah Igbinedion-Obadjere (RMN)

Registered Manager