

Medway Council
Planning Committee
Wednesday, 21 July 2021
6.30pm to 9.57pm

Record of the meeting

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

Present: Councillors: Bowler, Buckwell (Vice-Chairman),
Mrs Diane Chambers (Chairman), Hackwell, Hubbard,
McDonald, Opara, Potter, Chrissy Stamp, Thorne and Tranter

In Attendance: Laura Caiels, Principal Lawyer - Place Team
Kemi Erifevieme, Planning Manager
Dave Harris, Head of Planning
Robert Neave, Principal Transport Planner
Councillor Mark Prenter
Councillor Wendy Purdy
Ellen Wright, Democratic Services Officer

150 Councillor Bhutia

Members and officers present held a moment of reflection in memory of Councillor Bhutia, who had recently passed away and who had been a valued member of the Committee for several years.

151 Apologies for absence

Apologies for absence were received from Councillors Adeoye, Curry and Etheridge.

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.

152 Record of meeting

The record of the meeting held on 23 June 2021 was agreed and signed by the Chairman as correct.

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The Committee noted that following the meeting on 23 June 2021, the following refusal ground had been agreed by the Head of Planning in consultation with the Chairman, Vice Chairman and opposition spokesperson:

MC/21/0962 – 266 Hempstead Road, Hempstead, Gillingham

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.

153 Urgent matters by reason of special circumstances

There were none.

154 Chairman's announcements

The Chairman informed the Committee that planning application MC/20/1431 – Land North of Medway Road, Gillingham had been deferred from consideration at this meeting. This was due to a formatting error in the committee report and to allow officers to consider the revised National Planning Policy Framework which had made some changes to the flood risk policy.

155 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

There were none.

Other interests

Councillor Buckwell referred to planning application MC/20/0921- British Pilot, Avery Way, Allhallows, Rochester and informed the Committee that although he had visited this public house in the past, he had not had any discussions with anyone regarding the application and did not know the current owners of the site, therefore he did not consider that he had an interest and would take part in the determination of the planning application.

Councillor Hackwell referred to planning application MC/21/1157 - 3 Old Road, Chatham and informed the Committee that whilst the applicant was known to

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him, he did not socialise with the applicant and had not discussed the application with anyone and would therefore take part in the determination of the application.

Councillor Hackwell referred to planning application MC/21/0878 - 33 Culpepper Road, Parkwood, Gillingham and informed the Committee that although he had discussed a technical issue on this application with the Head of Planning, he had not expressed a view on the application and would therefore take part in the determination of the application.

Councillor Hubbard referred to planning application MC/20/0921- British Pilot, Avery Way Allhallows, Rochester and informed the Committee that although his in-laws lived near to the application site, he had not discussed the application with them and would therefore take part in the determination of the application.

Councillor Chrissy Stamp referred to planning application MC/21/1502 - 117 Watling Street, Gillingham and informed the Committee that as she wished to address the Committee as Ward Councillor on this application, she would withdraw from the Committee and take no part in the determination of the application.

Councillor Hubbard referred to planning application MC/20/1868 - Land North of Commissioners Road, Strood, Rochester and suggested that Members of the Conservative Group should consider whether they needed to declare an interest in this planning application taking into account that posters depicting Kelly Tolhurst MP had been placed on the fencing surrounding the site. Councillor Hubbard supplied photographs of the fencing and posters. In response, the Vice Chairman confirmed that he personally had no knowledge of the applicant and therefore was satisfied that he did not have any interest to declare. No other interests were declared.

156 Housing Delivery Test Action Plan

Discussion:

The Committee received a report setting out details of the Housing Delivery Test Action Plan outlining measures to help boost the supply of housing in Medway.

The Head of Planning undertook a detailed presentation on the Action Plan and answered Members' questions and agreed that future reports would explain the risk ratings in greater detail.

It was noted that the action plan had been approved by Cabinet at its meeting on 13 July 2021.

Decision:

The Committee noted the report.

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157 Planning application - MC/20/3264 - Land bound by Main Road, Saxon Shore Way and Vicarage Lane, Main Road, Rochester, Hoo St Werburgh

Discussion:

The Head of Planning outlined the planning application in detail and drawing attention to the supplementary agenda advice sheet informed the Committee that:

- Since despatch of the agenda, the Local Planning Authority has satisfactory completed an Appropriate Assessment and that had been agreed with Natural England, therefore this element of the recommendation could be deleted.
- Recommendation B) relating to the imposition of conditions would now become recommendation A).
- Proposed conditions 7 and 21 required amendment, details of which were set out on the supplementary agenda advice sheet.
- One additional neighbour letter had been received objecting to the proposal stating that the land should be retained as farmland as the site helps to protect the adjacent SSSI.
- Since production of the agenda, the National Planning Policy Framework had been revised and the application had now been considered against paragraphs 111, 112, 130, 159 – 164, 167, 169, 170, 174, 175, 180, 183, 184, 186, 194 and 197 and were considered to conform.
- The 8th paragraph of the 'amenity' section of the report and the 3rd paragraph of the 'impact on heritage assets' section of the report required amendment as set out on the supplementary agenda advice sheet.

The Head of Planning also informed the Committee that although the site was listed as being in Peninsula Ward, a section of the site fell within Strood Rural Ward.

He reminded the Committee that although the applicant was the Council, this should have no bearing upon the consideration of the planning application. He confirmed that the application was for the provision of a community park aimed at improving the quality of life of residents and was therefore not concerned with the provision of housing, albeit the funding to provide the park would come from the Housing Infrastructure Fund.

The Committee discussed the application.

Decision:

Approved subject to:

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- a) Conditions 1 – 6, 8 – 20 and conditions 22 – 23 as set out in the report for the reasons stated in the report with conditions 7 and 21 amended as follows:

- 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.

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.

- 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.

158 Planning application - MC/20/1868 - Land North of Commissioner's Road, Strood, Rochester

Discussion:

The Head of Planning outlined the planning application and reminded the Committee that the principle of this application had been considered in full at the outline application stage when it had been concluded that the principle of the infill of the former quarry and the residential development was acceptable.

It had also been considered within that outline permission that a residential development of up to 130 dwellings could be accommodated within the local landscape with limited adverse impact upon the wider landscape character.

The current application placed before the Committee was for reserved matters relating to landscaping. The Head of Planning reminded Members that at the last meeting of the Committee, the fundamental reserved matters application relating to layout, scale and siting had been approved.

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The Head of Planning reminded the Committee that objections raised by neighbouring residents relating to the impact to the area, loss of open space and pressures on infrastructure had all been considered at the outline stage.

The Committee was informed that since despatch of the agenda, the National Planning Policy Framework had been revised and the application had now been considered against paragraphs 130 and 180. It was confirmed that there was no change to the recommendation as set out within the report.

The Committee discussed the application.

Concern was expressed that the infilling of this site had created problems for local residents in respect of the creation of dust but it was noted that as things were progressing, this situation may soon be resolved.

Decision:

Approved with conditions 1 – 4 as set out in the report for the reasons stated in the report.

159 Planning application - MC/20/1431 - Land North of Medway Road, Gillingham ME7 1NY

Decision:

Consideration of this application was deferred as a section of the report was omitted due to a formatting error and to allow officers to consider the revised National Planning Policy Framework which had made changes to the flood risk policy.

160 Planning application - MC/21/0332 - Garages adjacent to No.53 Danson Way, Norfolk Close, Rainham

Discussion:

The Head of Planning outlined the planning application in detail and reminded the Committee that this application had been considered on 23 June 2021, following which the application had been deferred to enable discussions to take place with the applicant in relation to the possibility of amending the scheme to bungalows and further information about the use of the garages and the exact number being used for parking purposes.

The Head of Planning advised the Committee that since despatch of the agenda the National Planning Policy Framework had been revised and the application had now been considered against paragraphs 111, 112E, 126, 130, 169, 183 and 184. It was confirmed that there was no change to the recommendation set out in the report.

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The Committee was informed that the applicant had since advised that amending the proposal to bungalows would result in the development not being financially viable due to the proposed rent model and would result in an unsustainable loss. The only financially viable option for the site was for the provision of 2 x 3 bed houses.

The applicant had stated that if concern related to potential overlooking it would be acceptable for a condition to provide oriel windows in place of the windows with louvres.

In respect of the use of the existing garages, the applicant advised that they would not be able to establish a more exact picture of the use of every garage other than that which had been identified within the independent parking stress survey.

With the agreement of the Committee, Councillor Prenter addressed the Committee as Ward Councillor and made the following summarised comments:

- Residents' concerns were still valid and the proposed development overlooked properties and were overbearing as they were higher than other properties in this densely populated area of Medway.
- Some of the existing residents who would be overlooked were elderly and these large buildings will be detrimental to the enjoyment of their homes.
- The survey of usage of the garages had not provided a true reflection of usage for vehicles due to people staying home or working from home during the Covid pandemic and loss of the garages will result in increased competition for on-street parking.

The Committee discussed the application noting the concerns of the Ward Councillor.

It was generally considered that the development, as proposed constituted an overdevelopment in terms of overlooking, being overbearing on neighbouring properties and out of keeping with the character of the area. In addition, the loss of the garages would exacerbate existing pressures for on-street parking in the area.

Decision:

Refused on the following grounds and the Head of Planning be granted delegated powers to approve the final wording of the refusal grounds in consultation with the Chairman, Vice Chairman and Opposition Spokesperson:

- The application constitutes an overdevelopment in terms of overlooking, being overbearing on neighbouring properties and out of keeping with the character of the area.
- The loss of the garages would exacerbate existing pressures for on-street parking in the area.

161 Planning application - MC/21/0921 - British Pilot, Avery Way, Allhallows, Rochester

Discussion:

The Planning Manager outlined the planning application in detail and informed the Committee that since despatch of the agenda, the National Planning Policy Framework had been revised and the application had now been considered against paragraphs 74, 84, 111, 112E, 119, 120, 126, 129, 130, 174, 180, and 181. There was no change to the recommendations set out in the report.

The Committee discussed the report and whilst disappointed that this would result in the loss of a large public house, recognised the benefit to the community of having a convenience store located in the village.

It was suggested that should the Committee be minded to approve the application, an additional condition covering the noise from the air conditioning unit be approved.

The Committee also requested that the applicant consider the retention of the name 'British Pilot' within the development.

Decision:

Approved with conditions 1 – 13 as set out in the report for the reasons stated in the report along with an additional condition covering noise from the air conditioning unit, with the wording of such condition being agreed by the Head of Planning in consultation with the Chairman, Vice Chairman and Opposition spokesperson.

162 Planning application - MC/21/1157 - 3 Old Road, Chatham ME4 6BJ

Discussion:

The Planning Manager outlined the planning application in detail and informed the Committee that since the despatch of the agenda, the National Planning Policy Framework had been revised and the application had now been considered against paragraphs 74, 111, 112E, 126, 129, 130, 180 and 181. She confirmed that there were no changes to the recommendations as set out within the report.

With the agreement of the Committee the Head of Planning outlined the following summarised concerns of Councillor Maple as Ward Councillor as he had been unable to attend the meeting:

- This site is within a Conservation Area and whilst this application was similar to the development at no. 1 Old Road albeit of a slightly smaller scale, the maximum permitted previously for the combined 1 and 3 Old

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Road was 14 dwellings which was the level already allocated to just 1 Old Road.

- Parking continues to be an important issue in the area and whilst there was a view that town centre residents will not own cars this was not the case in reality.
- With a number of shared properties/HMO's in the Conservation Area there was very poor management when it came to the issue of waste being left out early. Therefore, if the Committee was minded to approve the application, a condition around facilities management would be beneficial.

The Committee discussed the application.

Decision:

Approved with conditions 1 – 12 as set out in the report for the reasons stated in the report and an additional condition concerning facilities management.

163 Planning application - MC/21/1262 - 42 New Road, Chatham ME4 4QR

Discussion:

The Planning Manager outlined the planning application in detail and advised that since despatch of the agenda the National Planning Policy Framework had been revised and the application had now been considered against paragraphs 60, 111, 126, 129, 180, 181 and 197. She confirmed that there was no change to the recommendations as set out in the report.

With the approval of the Committee, the Head of Planning read out a statement received from Councillor Maple as Ward Councillor who was unable to attend the meeting summarised as follows:

- This site is located in a Conservation Area and will exacerbate further pressure on issues such as parking and access to GP provision with no contribution from the applicant.
- If approved an additional condition would be beneficial relating to facilities management which could be easily enforced by the Council if breached.

The Committee discussed the application noting the concerns highlighted by the Ward Councillor.

Upon viewing the floorplan of the building, concern was expressed that the occupier of the 7th bedroom would have to use a bathroom on a separate floor of the building. The Committee noted the conversion that had already taken place at this property and considered that the addition of a further bedroom was an overdevelopment which would provide a poor quality of life for the occupier of the 7th bedroom.

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Decision:

Refused on the ground that the occupier of the proposed 7th bedroom will have a poor quality of life by virtue that the bathroom facilities located on a separate floor within the building and the Head of Planning agree the final wording of the refusal ground in consultation with the Chairman, Vice Chairman and Opposition spokesperson.

164 Planning application - MC/21/1502 - 117 Watling Street, Gillingham ME7 2YX

Discussion:

The Planning Manager outlined the planning application in detail and advised that since despatch of the agenda, a further letter of objection had been received from the Public Health Team, a copy of which had been appended to the supplementary agenda advice sheet.

She further advised that since despatch of the agenda, the National Planning Policy Framework had been revised and the application had since been considered against paragraphs 111, 126 and 130 but there was no change to the recommendation set out in the report.

The Planning Manager informed the Committee that this premises had been vacant for several years with its most recent use being as a opticians, therefore, the proposed use would bring back into use a vacant unit and would not actively displace an existing retail unit.

She advised that consideration had been given to the 'Hot Food Takeaway in Medway' guidance note released in 2014 which stipulated that A5 hot food takeaway uses should not normally exceed 15% of the overall linear frontage and advised that should this application be approved, it would not exceed the 15% linear threshold. A survey had been undertaken of the number of hot food takeaways along Watling Street and a summary provided both within the report and on plans displayed at the meeting.

The Planning Manager referred to the objection received from the Public Health team and advised that the Public Health team had used a different method of calculating the linear meterage.

With the agreement of the Committee, Councillors Chrissy Stamp and Purdy addressed the Committee as Ward Councillors and outlined the following summarised points:

Cllr Chrissy Stamp

- This planning application generated 49 letters of objection against use of this unit as a hot food takeaway which would create an oversaturation of

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hot food takeaways in this area and exacerbate existing problems of litter.

- Other outlets in this stretch of road such as cafes are now offering a takeaway service in addition to the local bakery.
- Residents will be affected by food smells.
- To approve this application will increase the availability of hot food takeaways in an area in close proximity to schools and parks and would have a detrimental impact on the health of school children and tackling obesity and the Council should be promoting health living.

Councillor Purdy

- This property has been vacant for over 4 years during which time there has been no interest and if approved will bring the unit back into use and remove an eyesore.
- The nearby alleyway has now been cleared of accumulated rubbish and to bring this unit back into use will assist in keeping the alleyway clear.

The Committee discussed the application noting the points raised by both Ward Councillors.

It was noted that due to the Covid-19 restrictions, many more outlets were now offering hot food takeaways including the local grocery store and therefore this needed to be taken into account when calculating the percentage of takeaway food outlets in the area.

Concern was expressed as to the impact that hot food takeaways have on health and obesity and in particular, child obesity and it was considered that whilst this was a finely balanced application, the objections from the Public Health team were compelling particularly taking into account that there were already 10 different types of hot food takeaway outlets in this particular stretch of Watling Street.

Decision:

Refused on the ground that to approve this application will add a further hot food takeaway in a stretch of road where there is already a high density of hot food takeaway outlets with the final wording of the refusal ground to be approved by the Head of Planning in consultation with the Chairman.

165 Planning application - MC/21/1574 - 38 The Goldings, Rainham, Gillingham

Discussion:

The Planning Manager outlined the planning application in detail and informed the Committee that since despatch of the agenda, the National Planning Policy Framework had been revised and the application had since been considered

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against paragraphs 111, 126 and 130 but there was no change to the recommendation set out in the report.

Decision:

Approved with conditions 1 – 7 as set out in the report for the reasons stated in the report.

166 Planning application - MC/21/1064 - 2 Spencer Close, Princes Park, Chatham

Discussion:

The Planning Manager outlined the planning application in detail and informed the Committee that since despatch of the agenda, the National Planning Policy Framework had been revised and the application had since been considered against paragraphs 111, 126 and 130 and she confirmed that there was no change to the recommendation set out in the report.

Decision:

Approved with conditions 1 – 5 as set out in the report for the reasons stated in the report.

167 Planning application - MC/21/1010 - 131 Watling Street, Strood, Rochester

Discussion:

The Planning Manager outlined the planning application in detail and informed the Committee that since despatch of the agenda, the National Planning Policy Framework had been revised and the application had now been considered against paragraph 130. She confirmed that there was no change to the recommendation as set out in the report.

The Committee was advised that whilst a nearby property located at no. 143a had an approved vehicular crossover, this particular property had the benefit of a larger frontage which meant that vehicles could enter the site, turn around and exit in forward gear. This would not be possible at the frontage of no. 131.

The Committee discussed the application and concern was expressed that to approve this application would not only impact the visual amenity of the street scene but would also compromise the safety of pedestrians and highway users and could create a precedent for future applications.

Decision:

Refused on the grounds set out in the report.

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168 Planning application - MC/21/0878 - 33 Culpepper Road, Parkwood, Gillingham

Discussion:

The Planning Manager outlined the planning application in detail and drew attention to a letter from the applicant appended to the supplementary agenda advice sheet.

In addition, she advised that since despatch of the agenda, the National Planning Policy Framework had been revised and the application had now been considered against paragraphs 111 and 130. She confirmed that there was no change to the recommendation as set out in the report.

The Committee discussed the application noting that subject to approval, there would be a condition limiting the number of residents cared for and living on the premises to a maximum of three.

It was suggested that should the application be approved, a further condition be added requiring management of the facility.

Decision:

Approved with conditions 1 – 3 as set out in the report for the reasons stated in the report and a new condition 4 relating to the management of the facilities.

Chairman

Date:

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