

Medway Council
Planning Committee
Wednesday, 7 June 2023
6.30pm to 8.38pm

Record of the meeting

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

- Present:** Councillors: Hubbard (Chairperson), Stamp (Vice-Chairperson), Anang, Barrett, Bowen, Etheridge, Field, Gulvin, Hamandishe, Jones, Lammas, Nestorov, Pearce and Shokar
- Substitutes:** Councillors:
Myton (Substitute for Howcroft-Scott)
Mrs Turpin (Substitute for Gilbourne)
- In Attendance:** Julie Francis-Beard, Democratic Services Officer
Hannah Gunner, Senior Planner
Dave Harris, Chief Planning Officer
Joanna Horne, Planning Solicitor

25 Apologies for absence

Apologies for absence were received from Councillors Gilbourne and Howcroft-Scott.

26 Record of meeting

The record of the meetings held on 5 April 2023 and 19 April 2023 were agreed and signed by the Chairman as correct.

27 Urgent matters by reason of special circumstances

Planning applications MC/23/0786 Land at Town Road, Cliffe Woods, MC/23/0321 7 Eglinton Drive, Wainscott, MC23/0471 65 Holcombe Road, Rochester and MC/23/0479 22 Hurstwood, Horsted were deferred before the meeting as set out in the supplementary agenda advice sheet.

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28 **Declarations of Disclosable Pecuniary Interests and Other Significant Interests**

Disclosable pecuniary interests

Councillor Hubbard referred to planning application MC/23/0665 – Wozair Ltd, Grosvenor Road, Gillingham Business Park and advised that as this was his place of work, he would be leaving the room for this item.

Other significant interests (OSIs)

Councillor Pearce referred to planning application MC/23/0361 – Hoo Library, Church Street, Hoo St Werburgh and advised that he was a member of the Hoo and Chattenden Parish Council, who sent in an objection and would be leaving the room for this item.

Other interests

Councillor Stamp referred to planning application MC/22/2965 – Avenue Tennis Club, Glebe Road, Gillingham and advised that she wished to speak as a Ward Councillor, she would take no part in the determination of this application.

29 **Planning application - MC/22/2965 Avenue Tennis Club, Glebe Road, Gillingham, Medway**

Discussion:

The Chief Planning Officer outlined the application in detail for the construction of 7 dwellings and 1 bungalow with associated access and parking.

The Chief Planning Officer went through the planning history regarding this site which was on pages 33-34 of the report and also the relevant appeals and decisions which were on pages 37-38 of the report.

The proposed application was for a scheme of seven houses and a bungalow. The houses essentially remained as per the scheme for 7 houses allowed on appeal. The differences from the allowed scheme were the change to the driveway to the house on plot 4 and the proposal for a bungalow with two parking spaces on land previously shown as a landscaped amenity area. The Chief Planning Officer reminded Members that following the appeal decision they had to focus consideration purely on the changes from the scheme allowed on appeal and not re-consider issues already accepted by the Inspector.

With the agreement of the Committee, Councillor Stamp addressed the Committee as Ward Councillor and raised the following concerns:

- This would be the fifth planning application for this site. The first planning application for 8 dwellings was refused by the Planning Committee and then by an appeal that went to the Secretary of State.

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The second, third and fourth planning applications were all refused by the Planning Committee, however the fourth and fifth were allowed on appeal.

- This application would be over developed, cramped, “garden-grabbing”/back land development, which would cause a significant increase of noise levels.
- Parking would be at a premium and this proposal would make existing parking problems even worse. Second Avenue was an increasingly busy residential street which was being used more as a “rat-run”.
- The cramped on-street parking, would mean poor visibility for vehicles turning into and out of the existing junctions. There would be no clear sight lines which would pose an additional road safety risk.

The Chief Planning Officer, at the request of the Chairperson, reiterated that any decision that this Council made could be challenged. Whether that be a refusal or approval with conditions, the decision could be subject to an appeal to be decided by an independent body, known as the Planning Inspectorate, on behalf of the Secretary of State.

Costs could be awarded against either side if it was deemed that either side had behaved unreasonably, for instance with regards to the Council, it could be that the decision was deemed as unreasonable.

The Chief Planning Officer again reminded Members that following the appeal decision they had to focus consideration purely on the changes from the scheme allowed on appeal and not re-consider issues already accepted by the Inspector.

The Committee discussed the planning application noting points raised by the Ward Councillor.

The Chief Planning Officer confirmed that the scheme for seven dwellings granted at appeal, without the bungalow, could start construction.

Members considered that although there was a need for bungalows for the elderly and disabled, having an extra dwelling constructed on the amenity space on the site, caused concern.

The Chief Planning Officer confirmed that the Inspector did not refuse previous applications on grounds of overlooking, but on the grounds of the number of dwellings and scale created a cramped development.

Decision:

Refused due to the cramped development, final wording to be agreed with the Chairperson, Vice Chairperson and Opposition Spokespersons.

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30 Planning application - MC/23/0786 Land at Town Road, Cliffe Woods, ME3 8JL

Decision:

This application was deferred at the officer's request.

31 Planning application - MC/23/0361 Hoo Library, Church Street, Hoo St Werburgh, Rochester

Councillor Pearce left the meeting for this item.

Discussion:

The Chief Planning Officer outlined the application in detail for the application for a Lawful Development Certificate (Proposed) for installation of roof mounted solar photovoltaic systems.

The Chief Planning Officer explained that this was not an application for planning permission so Members could not consider this as a normal planning application. This was to determine whether the installation of roof mounted solar photovoltaic systems were lawful under the General Permitted Development Order 2015.

The Chief Planning Officer took the Committee through the various headings which related to what would be permitted development under the terms of the above mentioned Development Order.

With the agreement of the Committee, the Chief Planning Officer read out Councillor Sands' concerns as a Ward Councillor:

- Although Hoo Parish Council raised an objection, they were not anti-solar panels, however, they believed this proposal was in the wrong area. The proposal would directly impact the visual aspect when entering, or more especially, when leaving the Grade 1 listed village Church and the close by, Grade 2 War Memorial.
- The Church and village itself dated back to King Edward, the Confessor around the 12th Century and was referenced in the Domesday book. The walls were built of Kentish ragstone and its oldest bell tower dates back to 1588. The pioneering engineer and inventor, Thomas Aveling, was buried just 60 yards from the library, so a truly historic building.
- In the report it stated the solar panels would not be installed on a listed building or within the curtilage of a listed building and would also be sited as to minimise the effect on the external appearance which he considered not to be true.
- The library building itself, once the village primary school, which if it was not for the new library extension completed a few years ago, would now also be a listed building. He stated that we should protect and preserve listed buildings and especially Grade 1 listed buildings, which accounted for just 2.5% of all listed buildings.

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The Chief Planning Officer confirmed that Hoo Library was not a listed building and not in the curtilage of a Grade 1 listed building.

The Committee discussed the Lawful Development Certificate application noting the concerns raised by the Ward Councillor.

Due to climate change, and the fact that the Council declared a climate change emergency, it was discussed that putting solar panels on roofs was a good idea.

The Chairperson confirmed that although this was not a planning application but an application for a Lawful Development Certificate, the reason it came to the Committee was because objections were received from Hoo Parish Council.

Decision:

Approved with condition 1 as set out below and in the supplementary agenda advice sheet for the reasons stated.

Recommendation - Approval

- 1 The proposed works constitute development permitted by virtue of Class A, Part 12, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, as such planning permission is not required.

The proposal is for development that is permitted development by virtue of Schedule 2, Part 14, Class J of the Town and Country (General Permitted Development) (England) Order 2015 (as amended).

Councillor Pearce returned to the meeting.

32 Planning application - MC/22/2813 Fleet House, Upnor Road, Upnor, Rochester

Discussion:

The Senior Planner outlined the application in detail for the demolition of existing buildings and the construction of three storey apartment building containing six two-bedroom apartments, the construction of a pair of two storey semi-detached three-bedroom dwelling houses plus the construction of a detached two storey four-bedroom dwelling house all together with access, car parking and landscaping.

The Senior Planner explained the layout and design of this planning application in comparison with the previous approved scheme.

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Members discussed the proximity of this site to neighbouring properties and requested the planning application be deferred for a site visit. The Chief Planning Officer explained that site visits needed to be carefully considered and that the only reason for a site visit was if Members considered they would gain information which they had not received from the report or the presentation.

The Chairperson clarified that a visit would give Members an insight into the site and would be for Members only.

Decision:

Deferred for a site visit.

33 Planning application - MC/23/0321 7 Eglinton Drive, Wainscott, Rochester, Medway

Decision:

This application was deferred at the officer's request in order to consult with the Police in terms of location specifics and receive comments from the Head of Children's Services Commissioning.

34 Planning application - MC/23/0471 65 Holcombe Road, Rochester, Medway, ME1 2HX

Decision:

This application was deferred at the officer's request in order to consult with the Police in terms of location specifics and receive comments from the Head of Children's Services Commissioning.

35 Planning application - MC/23/0479 22 Hurstwood, Horsted, Chatham, Medway

Decision:

This application was deferred at the officer's request in order to consult with the Police in terms of location specifics and receive comments from the Head of Children's Services Commissioning.

36 Planning application - MC/23/0665 Wozair Ltd, Grosvenor Road, Gillingham Business Park, Gillingham

Councillor Hubbard left the meeting for this item and Councillor Stamp became the Chairperson.

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Discussion:

The Chief Planning Officer outlined the application in detail for the replacement of the existing 2,000 litre nitrogen tank and installation of a 10,000 litre nitrogen tank.

The Chief Planning Officer clarified that concerns raised regarding the noise from the existing 2,000 litre tank were due to a fault with that specific tank and would be improved by the new tank as well as the improvements with it being moved further from the residential area.

The Committee considered the application noting that the Council had declared a climate change emergency and that having a larger tank would take more vehicles off the road.

Members discussed whether the tank would hold liquid nitrogen or compressed nitrogen. The Chief Planning Officer explained that this fell outside planning considerations and would be covered by the Health and Safety Executive.

Decision:

Approved with conditions 1 and 2 as set out in the report for the reasons stated in the report.

Councillor Hubbard returned to the meeting.

37 Planning application - MC/23/0156 Riverview Lodge Guest House, 88 Borstal Road, Rochester, Medway

Discussion:

The Senior Planner outlined the application in detail for the construction of a detached dwelling with associated parking, refuse and cycle store.

The Senior Planner stated that the applicant had provided a parking occupancy survey which was included in the supplementary agenda advice sheet. She also confirmed that the fire escape would be removed as part of the application.

Decision:

Approved with conditions 1 to 11 as set out in the report for the reasons stated in the report.

38 Planning application - MC/23/0043 598 Mierscourt Road, Rainham, Gillingham, Medway

Discussion:

The Chief Planning Officer outlined the application in detail for the raising of the roof height and construction of a single storey extension to the front/side and

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rear together with photo voltaic panels to side and rear of 598 Mierscourt Road, together with the construction of a detached dwelling with photo voltaic panels to rear and associated parking adjacent to the existing dwelling.

The Chief Planning Officer explained that planning permission had previously been granted for a three-bedroom dwelling on the site and had been implanted with foundations laid. This application was to alter and extend the existing property to a five-bedroom two storey dwelling, together with the construction of a detached four- bedroom two storey dwelling in approximately the site of the existing planning permission.

The Chief Planning Officer confirmed that although access was located at a very busy junction, the Highways Officer had raised no objections.

Decision:

Approved with conditions 1 to 13 as set out in the report for the reasons stated in the report.

39 Planning application - MC/23/0673 28 London Road, Rainham, Gillingham, Medway

Discussion:

The Chief Planning Officer outlined the application in detail for the construction of a 2 ½ storey extension to front to create extra (Sui Generis) space for the takeaway at ground floor level and office space at first floor level with mezzanine internal floor, installation of rooflights and solar panels to roof on street view - Resubmission of MC/22/2984.

The Chief Planning Officer explained that this was a revised planning application. The previous application had been refused by the Planning Committee in March 2023 due to height and forward projection. This application reduced the roof height which was in keeping with the neighbouring properties.

The Chief Planning Officer confirmed that there would only be one take away establishment, the parking arrangements remained unchanged and the entrance was better designed.

Decision:

Approved with conditions 1 to 6 as set out in the report for the reasons stated in the report.

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40 Planning application - MC/23/0405 37 Cranmere Court, Strood, Rochester, Medway

Discussion:

The Chief Planning Officer outlined the application in detail for the construction of a 2-storey detached dwelling together with two parking bays and refuse storage - resubmission MC/22/2194.

The Chief Planning Officer confirmed the previous planning application had been refused, which was set out on page 155 of the report. He also explained that although Network Rail had not specified any objections, to protect their rights, they had requested the applicant contact them before construction.

Decision:

Approved with conditions 1 to 14 as set out in the report for the reasons stated in the report.

Chairman

Date:

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