

Medway Council
Planning Committee
Wednesday, 27 September 2023
6.30pm to 9.10pm

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, Field, Gilbourne, Gulvin, Hamandishe, Howcroft-Scott, Jones, Lammas, Nestorov, Pearce and Shokar
- Substitutes:** Councillors:
Kemp (Substitute for Etheridge)
- In Attendance:** Councillor Zoë Van Dyke (for agenda item 6)
Councillor Chris Spalding (for agenda item 8)
Melvin Andrews, Highways Consultant
Julie Francis-Beard, Democratic Services Officer
Dave Harris, Chief Planning Officer
Joanna Horne, Planning Solicitor
Jacky Olsen, Planner
Mike Sankus, Senior Tree Officer

257 Apologies for absence

An apology for absence was received from Councillor Etheridge.

258 Record of meeting

The record of the meeting held on 30 August 2023 was agreed and signed by the Chairperson as correct.

259 Urgent matters by reason of special circumstances

There were none.

260 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

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Other significant interests (OSIs)

Councillor Gilbourne referred to planning application MC/23/1739 – Hempstead Village Hall and All Saints Church and advised that he was the Church Warden so would withdraw from the meeting and take no part in the determination of the application.

Other interests

Councillor Gulvin referred to planning application MC/23/1739 – Hempstead Village Hall and All Saints Church and advised that although he was not a member of that particular church, he was an ex-church councillor and ex-church warden and had connections with the applicant so would withdraw from the meeting and take no part in the determination of the application.

261 Planning application - TPA/23/0357 4 Chilton Court, Rainham, Gillingham, Medway

Discussion:

The Senior Tree Officer outlined the application in detail to fell the mature tulip tree growing in the rear garden of 4 Chilton Court, Rainham.

The Committee discussed the application in detail and were concerned with the amount of compensation that Medway Council may have to pay if the removal of the tree was refused, however, they considered that to retain the tree would be more beneficial in terms of climate change and retaining the character of the area.

Reference was made to the evidence that had been submitted by the applicant in support of their application, which had been assessed by the officers as part of their consideration of the application and had been available for Members to ask officers questions on, in advance of the meeting.

Decision:

Refused on the following grounds:

- a) The applicant had failed to demonstrate that the removal of the tree was proportionate to the scale of damage involved.
- b) The applicant had failed to supply convincing and compelling reasons to justify the removal of the tree, given that repair options would allow the tree to be retained.
- c) The removal of the tree appeared excessive and unjustified, given the visibility and value of the tree and the harm that would occur to the character and appearance of the local area.

262 Planning application - MC/23/1487 101 Weston Road, Strood, Rochester, Medway

This item was moved up the agenda to enable consideration, due to a Ward Councillor being present.

Discussion:

The Chief Planning Officer outlined the application in detail for a conversion of 6-bedroom HMO Class (C4) to 7-bedroom HMO Class (Sui Generis).

The Chief Planning Officer reminded Members, as set out on page 82 of the agenda pack, the sole purpose of the planning application was to provide an additional bedroom with ensuite, on the ground floor. The application for a Lawful Development Certificate for a 6-person house was approved in June 2023 and the conversion was lawful and permitted under planning regulations. The Committee therefore had to decide whether an additional bedroom with ensuite would cause harm to the amenity of the local area.

The Chief Planning Officer confirmed that a condition was recommended to restrict the number of occupants within the property to seven (one per bedroom) and added that the applicant had given assurance that the side boundary fence to the rear would soon be replaced.

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

- The opinion of residents was that incorrect information was given when the applicant successfully applied for lawful development.
- It was expressed that adding a further room would result in an overdevelopment of the site.
- Even with scaffolding being removed, neighbours expressed they were overshadowed and overlooked.
- Concern regarding the sewage pipe located on the boundary of 103 Weston Road, which was in poor condition.
- Noise and disturbance to local neighbours.

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

The Chief Planning Officer clarified that the previous application relating to the Lawful Development Certificate, could not consider amenity issues as it was purely a matter as to whether it was a permitted development or not.

Some Members expressed concern that the additional bedroom would be an overdevelopment and would result in a lack of social and communal amenity space for the residents, increased traffic and would have a detrimental impact on the neighbours, although understood there was a current housing crisis.

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In response to a question as to whether there were any other 7 bedroom HMOs in the area, the Chief Planning Officer confirmed there were other HMOs within the area, however, was unable to confirm how many were 7 bedroom HMOs.

The Chairperson clarified that the development for the 6-person HMO was being constructed and was not yet complete for those six residents. During construction the applicant had then applied to convert the dining room for an additional resident.

Decision:

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

263 Planning application - MC/23/1309 1 Ripplewaters, St Marys Island, Chatham, Medway

This item was moved up the agenda to enable consideration, due to members of the public being present.

Discussion:

The Planner outlined the retrospective application in detail for construction of an outbuilding to the rear to facilitate a garden office/playroom.

The Planner brought Members' attention to the supplementary agenda advice sheet regarding land contamination, which deleted condition 1 and amended condition 3 (now condition 2).

The Planner clarified that Environmental Health were concerned with the potential for any escape of ground gas and asked that if Members were minded to approve the application that this be subject to confirmation from a qualified surveyor before any permission was issued.

The Committee considered the application noting the Chatham Maritime Trust's restrictions that applied to all properties on St Mary's Island.

In response to a question from a Member, the Chief Planning Officer confirmed that it would be down to the applicant to pay for a qualified assessor and any mitigation measures required to prevent the escape of gas.

Following a question from a Member, the Chief Planning Officer pointed out that condition 3 (now 2) stated "shall only be used for purposes incidental to the enjoyment of the main dwelling house". The words "and not trade or business shall be carried therefrom" had been deleted.

The Chief Planning Officer confirmed that Members were asked to make a decision on planning related issues which included design and impact on neighbouring amenity including loss of outlook, daylight and sunlight.

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Following the officer's recommendation of approval with conditions, Members voted against it. A further proposal to refuse the application was then voted on.

Decision:

Refusal on the grounds of detriment to the overall character and appearance of the area. Final wording to be agreed with the Chief Planning Officer, Chairperson, Vice Chairperson and Opposition Spokespersons.

264 Planning application - MC/23/0106 Land at Middle Stoke, adjacent to 1 & 2 Jubilee Cottages, Grain Road, Middle Stoke

Discussion:

The Chief Planning Officer explained that this was an outline planning application with some matters reserved (appearance, landscaping, layout and scale) for the demolition of redundant farm buildings and construction of 9 dwelling houses, provision of attenuation pond and comprehensive landscape area (incorporating wildflower meadows, biodiversity area and tree planting).

The Chief Planning Officer explained that although this planning application had previously come before the Committee, reflecting on the complexity of the determining issues, the whole presentation would be given again. He also explained that condition 23 had been amended, as set out in the supplementary agenda advice sheet.

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

- Although this was an outline planning application with some reserved matters, there were a large number of conditions (24) stipulated.
- The land was classed as agricultural land.
- There were problems with flooding, including raw sewage, especially at one of the access points, however the applicant persisted on using this entrance/exit, even though there was an alternative.
- In the report, it stated the Lead Local Flood Authority was undertaking works to improve the flooding. No documents were found on the planning portal and he therefore asked whether these works had been finished or had not yet been instructed to start.

The Committee discussed the planning application noting the points raised by the Chief Planning Officer and the Ward Councillor.

The Chief Planning Officer confirmed that although flood issues were an existing problem within the area, the development would not cause any further impact and indeed could result in some improvements to the existing situation.

Members were concerned with the ecology in the area – bats and barn owls, and the Chief Planning Officer confirmed that further work would be done in conjunction with the Council's consultant Ecologist and Biodiversity Officer.

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Any reserved matters application submitted following outline approval would include further information in relation to ecology and biodiversity which would be assessed at that time and before development commenced.

Decision:

Approved with conditions 1 to 24 as set out in the report for the reasons stated in the report and subject to notifying the HSE. Condition 23 to be amended as follows:

23. Prior to occupation (or within an agreed implementation schedule) a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved in writing by the Local Planning Authority to confirm that the agreed surface water and foul water system has been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: This condition is sought in accordance with paragraph 168 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

265 Planning application - MC/22/1833 Craig House, Wilson Avenue, Rochester, Medway

Discussion:

The Chief Planning Officer outlined the application in detail for loft alterations to accommodate one self-contained residential unit.

Decision:

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

266 Planning application - MC/23/1107 80-82 Watling Street, Gillingham, Medway, ME7 2YW

Discussion:

The Chief Planning Officer outlined the application in detail of the demolition of garages to facilitate the construction of a two-storey building to form a residential flat incorporating alterations to the existing flat accommodation to the rear; together with cycle/bin storage.

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The Chief Planning Officer informed Members that this was a well designed but complex proposal which would enhance the street scene by removing the garages and would better reflect the conservation area.

The Committee discussed the application and a Member raised concern with parking, due to the number of restaurants, take-aways and deliveries in the area. Although Highways had not raised any objections, Members questioned whether they had taken into account the number of vehicles visiting these establishments during the evenings. The Committee considered that the proposal represented an improvement to the area and that one flat would not cause further unacceptable parking problems.

Decision:

Approved with conditions 1 to 10 as set out in the report for the reasons stated in the report.

267 Planning application - MC/23/1475 34 White Leaves Rise, Cuxton, Rochester, Medway

Discussion:

The Planner outlined the part retrospective application in detail for the construction of single storey extension to rear and the demolition of existing.

Decision:

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

The Chairperson thanked the Highways Consultant as this was his last Planning Committee meeting and Members wished him all the best for the future.

268 Planning application - MC/23/1739 Hempstead Village Hall and All Saints Church, 169 Hempstead Road, Hempstead, Gillingham

Councillors Gilbourne and Gulvin withdrew from the meeting for this agenda item.

Discussion:

The Planner outlined the application in detail for an extension to an existing car parking area.

The Committee considered the application and addressed the fact that this was promoting private car use and there were no facilities for bicycles or mobility scooters. The Chief Planning Officer acknowledged this and advised that he would impose additional conditions to accommodate this.

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Members also asked whether Electric Vehicle Charging points could be installed on site.

The Planner confirmed that the application included a soakaway as part of the proposal to deal with any surface water. Additionally, the landscaping, proposed to the edges of the site, would aid surface water runoff.

Decision:

Approved with conditions 1 to 4 as set out in the report for the reasons stated in the report with additional conditions to facilitate secure cycle parking, the parking of mobility scooters and the potential provision for an Electric Vehicle Charging point, final wording to be agreed with the Chief Planning Officer, Chairperson, Vice Chairperson and Opposition Spokespersons.

Chairperson

Date:

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