

**Medway Council**  
**Meeting of Planning Committee**  
**Wednesday, 4 July 2018**  
**6.30pm to 9.25pm**

**Record of the meeting**

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

**Present:** Councillors: Bhutia, Bowler, Carr, Mrs Diane Chambers (Chairman), Etheridge, Griffiths, Hicks (Vice-Chairman), McDonald, Pendergast, Royle, Tejan, Tranter and Wicks

**Substitutes:** Councillors:  
Maple (Substitute for Gilry)

**In Attendance:** Kemi Erifevieme, Planning Manager  
Dave Harris, Head of Planning  
Vicky Nutley, Assistant Head of Legal Services  
Councillor John Williams  
Ellen Wright, Democratic Services Officer

**145 Apologies for absence**

Apologies for absence were received from Councillor Gilry and Councillor Potter.

**146 Record of meeting**

The record of the meeting held on 6 June 2018 was agreed and signed by the Chairman as correct.

The Chairman drew attention to the supplementary agenda advice sheet and informed the Committee of the outcome of the following planning application considered by the Committee on 6 June 2018:

**Planning application MC/18/0818 – Restoration House, 17 – 19 Crow Lane, Rochester ME1 1RF**

No further representations had been received within the required period and the Head of Planning issued the permission in accordance with the delegated agreement from this Committee.

**147 Urgent matters by reason of special circumstances**

There were none.

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### 148 Chairman's Announcements

The Chairman informed the Committee that planning application MC/18/0176 – 142 Napier Road, Gillingham had been withdrawn from the agenda with the agreement of the applicant.

### 149 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Councillor Etheridge referred to planning applications MC/18/0175 – Land East of Formby Road (adjacent and rear of 1 – 12 Formby Terrace), Halling, Rochester and MC/18/0121 – Land East West and North of Formby Road and rear of 5 – 10 Formby Terrace, Halling Rochester and sought clarification as to whether it was necessary for him to declare an interest and leave the meeting on the basis that he is a member of the same Conservative Association as the Councillor who had involvement in both planning applications.

The Assistant Head of Legal Services advised that this was not sufficient reason alone to warrant declaration of an interest and a requirement to leave the meeting. Such declaration would only be necessary if a Member considered that they had a close personal association with the individual that could lead to an appearance of bias.

#### Disclosable pecuniary interests

There were none.

#### Other significant interests (OSIs)

Councillor Tejan declared interests in planning applications MC/18/0175 – Land East of Formby Road (adjacent and rear of 1 – 12 Formby Terrace), Halling, Rochester and MC/18/0121 – Land East West and North of Formby Road and rear of 5 – 10 Formby Terrace, Halling Rochester insofar as his Ward Councillor colleague had been involved in both planning applications and he left the meeting for consideration and determination of both planning applications.

#### Other interests

There were none.

### 150 Planning application - MC/18/0997 - Land at Chatham Docks, Pier Road, Gillingham, Medway

#### **Discussion:**

The Head of Planning outlined the planning application in detail and in drawing attention to the supplementary agenda advice sheet suggested that if the Committee was minded to approve the application, proposed condition 3 be deleted, proposed condition 4 be amended and the other conditions be re-numbered accordingly.

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The Committee discussed the planning application noting that this development had previously been the subject of a full presentation to Members. The Head of Planning advised that a unilateral undertaking (under Section 106) had been submitted in regard to the parking arrangements for the development.

Arising from discussions, it was noted that the proposed development did not make provision for mitigations to the North Kent Special Protection Areas (SPAs)/Ramsar sites for recreational disturbance on the over-wintering bird interest as the impact on ecology had been fully considered at the time of the outline planning permission and could not therefore be added at this stage.

### **Decision:**

Approved subject to:

- a) A unilateral undertaking (under Section 106) which has been submitted in regards to the parking arrangements.
- b) Conditions 1 and 2 as set out in the report for the reasons stated in the report, condition 4 re-numbered as condition 3 and amended as follows and condition 5 as set out in the report but re-numbered as condition 4:
  3. All designated car and cycle parking within the development hereby approved shall be provided and retained for residents and visitors of the development hereby approved only.

Reason: In order to accord with Policies T4 and T13 of the Medway Local Plan 2003.

### **151 Planning application - MC/17/4408 - Land at Walnut Tree Farm, North of Britannia Road, High Halstow, Rochester**

#### **Discussion:**

The Head of Planning outlined the planning application in detail and drew attention to the supplementary agenda advice sheet suggesting an amendment to proposed condition 2, the deletion of proposed condition 17 and re-numbering the remaining conditions. In addition, there were a number of changes to the following sections of the report:

- Proposal
- Site area/density
- Representations

He also advised that the applicant had written to all members of the Committee and a copy of this letter was appended to the supplementary agenda advice sheet.

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The Head of Planning reminded the Committee that this planning application had previously been the subject of a presentation to Members.

He drew attention to the National Planning Policy Framework (NPPF) which stated that 'housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'

Sustainability was defined in paragraph 7 of the NPPF and had three dimensions: environmental, social and economic. The Head of Planning advised upon each element and how the proposed application could meet each individual dimension as set out within the report.

The Head of Planning referred to the request from High Halstow Parish Council to take over the management of the open space within the development and he advised that should the application be approved, this would be a matter for the Parish Council to discuss with the applicants.

The Committee discussed the application.

### **Decision:**

Approved subject to:

- a) A Section 106 agreement being entered into to secure the following:
  - i. The provision of 17 affordable units (25%) – to be a mix of shared ownership units (40%) and affordable rent (60%).
  - ii. £51,584.00 towards Nursery provision in High Halstow.
  - iii. £129,792.00 towards Primary provision in either High Halstow or expanding Hoo Academy Primary School) to 2FE or a new primary free school in the Hoo area.
  - iv. £71,247.43 towards Hundred of Hoo (Secondary School) Humanities Block expansion and improvements or a new free school in the Hoo area.
  - v. £40,725.30 towards improved health facilities to be used for improvements to Hoo St Werburgh practice with their relocation to alternative premises on the Peninsula.
  - vi. £40,000 towards improvements to pedestrian infrastructure between the site and village including enhancements to pedestrian routes between the site and local primary school (safer routes to school) between the site and High Halstow village.
  - vii. £5,043.72 towards youth services for the youth services detached work on Hoo Peninsula.
  - viii. £59,336.64 towards open space to be spent on improvements to Forge Common and/or High Halstow Recreation Ground.
  - ix. £10,259.04 towards waste services.

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- x. £37,676.10 towards Heritage and Museums to be used to improve the grounds (benches, litter bins, seating, outdoor lighting) of Upnor Castle for visitors.
  - xi. £11,800.80 towards improvements to Community facilities within the High Halstow Parish area.
  - xii. £10,635.90 to provide supplies to existing library services.
  - xiii. £2,682 towards improvements to Public Rights of Way in the area.
  - xiv. £17,540.00 towards the management of the Northward Hill SSSI.
  - xv. £15,814.26 towards Habitat Regulations (SAMMS).
- b) Conditions 1 and 3 – 16 as set out in the report for the reasons stated in the report, condition 2 amended as set out below and conditions 18 – 25 as set out in the report for the reasons stated in the report but renumbered conditions 17 – 24:

2. The development hereby permitted shall be carried out in accordance with the following approved documents/plans:

Location Plan LP01 A, Site Layout SL01 L, Coloured Site Layout CSL L, Street Elevations SE.01F, Boundary & Dwelling Material Layout BDML01 J, Amberley Floor Plans and Elevations Option 1 - Brick HT.AMB.pe1C, Amberley Floor Plans and Elevations Option 2 - Render HT.AMB.pe2 C, Amberley Floor Plans and Elevations Option 3 - Render HT.AMB.pe3 B, Dart Elevations Option 1 - Brick HT.DART.e C, Dart Floor Plans HT.DART.p C, Henley Elevations Option 1 - Brick HT.HENL.e1 B, Henley Floor Plans HT.HENL.p B, Highgate Elevations Option One – Brick HT.HIGH.e1 B, Highgate Elevations Option Two - Brick and Render HT.HIGH.e2 B, Highgate Floor Plans HT.HIGH.p B, Leamington Floor Plans and Elevations Option 1 - LS Brick HT.LEAM.pe1 C, Leamington Floor Plans and Elevations Option 1 - LS Render HT.LEAM.pe2 C, Ludlow elevation Option1 – Brick HT.LUDL.e1 C, Ludlow Floor Plans HT.LUDL.p C, Oxford Floor Plans and Elevations Option 1 - Render HT.OXFO.pe1 B, Oxford Floor Plans and Elevations Option 2 - Lifestyle Brick HT.OXFO.pe2 C, House Type Oxford Floor Plans and Elevations Option Three - Lifestyle Render HT.OXFO.pe3 A, Warwick Floor Plans and Elevs Option 1 – Brick HT.WARW.pe1 C, Warwick Floor Plans and Elevs Option 2 – Render HT.WARW.pe2 C, Warwick Floor Plans and Elevations Option 3 - LS Brick HT.WARW.pe3 C, Warwick Floor Plans and Elevations Option 5 - LS Render HT.WARW.pe5 C, House Type Warwick Floor Plans and Elevations Option 6 - Lifestyle Render HT.WARW.pe6 B, Snowdon Plots 14-19 Elevations Block A HT.SNOW-A.e C, Snowdon Plots 14-19 Floor Plans Block A HT.SNOW-A.p C, Snowdon Plots 20-25 Floor Plans Block B HT.SNOW-B.p C, Snowdon Plots 20-25 Elevations Block B HT.SNOW-B.e C, Teme Elevations Option 1 – Brick HT.TEME.e1 B, Teme Floor Plans HT. TEME.p C, Flat Blocks - Bin Store Floor Plans and Elevations

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BS.01 A, Flat Blocks - Cycle Store Floor Plans & Elevations  
CS.01A, Single & Double Garages GAR01.pe A, Coloured Street Elevations CSE01 F, House Type Amberley, Floor Plans and Coloured Elevations Option 1 - Brick" HT.AMB.cpe1 B, House Type Amberley, Floor Plans and Coloured Elevations Option 2 - Render" HT.AMB.cpe2 B , House Type Amberley, coloured Floor Plans and Elevations HT. AMB.cpe3 A, House Type Dart , Coloured Elevations , Option1-Brick HT.DART.ce B, House Type Henley, Colored Elevations, Option1-Brick HT.HENL.e1 A, House Type Highgate , Coloured Elevations, Option 1 Brick HT. HIGH.ce1 A, House Type Highgate , Coloured Elevations, Option 2 Brick and render HT.HIGH.ce2 A, House Type Leamington, Floor Plans and Coloured Elevations Option 1 - Lifestyle Brick HT.LEAM.cpe1 B, House Type Leamington, Floor Plans and Coloured Elevations Option 2 - Lifestyle Render HT.LEAM.cpe2 B, House Type Ludlow, Coloured elevations, Option 1, Brick HT.LUDL.ce1 B, House Type Oxford, Floor Plans and coloured elevations, Option 1, Render HT. OXFO.cpe1 A, House Type Oxford, Floor Plans and Coloured Elevations Option Two - Lifestyle BrickHT.OXFO.cpe2 B, House Type Oxford, Floor Plans and Coloured Elevations Option Three - Lifestyle Render HT.OXFO.cpe3 A, House Type Snowdon, Plots 14-19 Coloured Elevations, Block A HT. SNOW-A.ce B, House Type Snowdon, Plots 20-25 Coloured Elevations, Block B HT. SNOW-B.e B, House Type Teme, Coloured Elevations ,option 1, brick HT.TEME.ce1 A, House Type Warwick, Floor Plans and Coloured Elevations Option 1 – Brick HT.WARW.cpe1 B, House Type Warwick, Floor Plans and Coloured Elevations Option 2 - Render" HT.WARW.cpe2 B, House Type Warwick, Floor Plans and coloured elevations, option 3, lifestyle brick HT.WARW.cpe3 B, House Type Warwick, Floor Plans and coloured elevations, option 3, lifestyle render HT.WARW.cpe5 B, House Type Warwick, Floor Plans and Coloured Elevations Option 6 - Lifestyle Render HT.WARW.cpe6 B.

- Planning Statement dated Dec 2017 produced by Judith Ashton Associates;
- Design and Access Statement dated Dec 2017 produced by Thrive Architects;
- The Transport Assessment dated Dec 2017 produced by PT Planners;
- The Flood Risk Assessment dated March 2018 produced by PT Planners;
- Drainage Strategy Report dated March 2018: Report no. 11082/01C produced by PT Planners;
- The Preliminary Ecological Appraisal dated Nov 2017 plus associated Winter Bird Survey dated March 2016, Breeding Bird Survey dated July 2016, Bat Survey dated

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July 2016, Bat Preliminary Roost Assessment dated Nov 2017, Reptile Survey dated Oct 2016, Great Crested Newt Survey dated May 2016 and Dormouse Survey Report dated Nov 2017 produced by Twigg Group;

- The Landscape and Visual Impact Assessment dated Nov 2017 produced by Eleanor Trenfield Landscape Architects Ltd;
- The Landscape Management Plan (dated May 2018 - 0084-R02-V6) produced by Eleanor Trenfield Landscape Architects Ltd, Simon Jones Associates and Twigg Group;
- Play Statement, LAP and LEAP proposal (dated May 2018 - 0083-R04-V3), appended to which is 0083-L17 (play equipment) and 0083-L18 (Woodland Play Area)
- ❖ Landscape plans:
  - 0083-L08 -Rev B Landscape Strategy (dated 09.05.18)
  - 0083-L09-Rev B Hard Landscape Proposals (dated 09.05.18)
  - 0083-L10-Rev B Hard Landscape Proposals (dated 09.05.18)
  - 0083-L11-Rev B Soft Landscape Proposals (dated 09.05.18)
  - 0083-L12-Rev B Soft Landscape Proposals (dated 09.05.18)
- The Arboricultural Report dated May 2018 prepared by Simon Jones Associates;
- The Agricultural Land Classification and Soil Resources report dated Dec 2017 prepared by Reading Agricultural Consultants Ltd;
- The Archeological Desk Based Appraisal dated Dec 2017 produced by SWAT Archaeology;
- The Geo-Environmental Desk Study / Preliminary Risk Assessment Report dated Aug 2017 produced by Turner Jomas & Associates Ltd;
- The Air Quality Assessment dated April 2018 produced by Fichtner Consulting Engineers
- The Utilities Assessment dated Dec 2017 produced by PT Planners;
- The Construction Environmental Management Plan dated Dec 2017 produced by Redrow;
- The Statement of Community Involvement dated Dec 2017 produced by Chelgate Limited;
- The Affordable Housing Statement dated Dec 2017 produced by Judith Ashton Associates.

Reason: For the avoidance of doubt and in the interests of proper planning.

**152 Planning application - MC/18/0620 - Land West of Elm Avenue and South of Broadwood Road, Chattenden, Kent**

**Discussion:**

The Head of Planning outlined the planning application in detail and advised the Committee that since despatch of the agenda, Hoo St Werburgh Parish Council had submitted a representation, a copy of which was appended to the supplementary agenda advice sheet. He advised that the Parish Council had expressed concern about various elements of the proposed Section 106 agreement.

He reminded the Committee that this application had been the subject of a presentation to Members.

He drew attention to the National Planning Policy Framework (NPPF) which stated that 'housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'

Sustainability was defined in paragraph 7 of the NPPF and had three dimensions: environmental, social and economic. The Head of Planning advised upon each element and how the proposed application could meet each individual dimension as set out within the report.

Referring to the proposed Section 106 agreement, the Head of Planning drew attention to those individual heads of agreement whereby Section 106 funding could be re-invested into the Arethusa Venture Centre.

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

- If approved, the proposed development will increase the area by 50% and is therefore considered a gross overdevelopment of the site.
- Existing traffic in the area already struggles on the road network and to increase the traffic flow by an additional 150 vehicles will be detrimental.
- The road will be used as a rat-run to the A228.
- There will be loss of amenity to those residents in Broadwood Road.
- There are concerns that the existing drainage and sewage systems will not cope and the development could lead to flooding as indicated in the comments from Southern Water.
- The local Site of Special Scientific Interest (SSSI) and RAMSAR will be affected by the development.
- The area is an Area of Local Importance and the RSPB have objected to the application on the basis that the proposed mitigation measures and ecological enhancements are insufficient to avoid a significant impact on the area.
- Local schools and GP surgeries are already full and it has not been possible to recruit new GPs to the area.

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- The proposed development will have an adverse impact on the area which is subject to an Air Quality Management Plan (AQMA).
- The application has received numerous objections from residents and the Parish Council.
- If the application is to be approved, Section 106 funding should be targeted towards provision for Special Educational Needs.

The Committee discussed the application having regard to the concerns of the Ward Councillor and the fact that should this application be approved, a substantial level of Section 106 funding would be received along with provision of 25% affordable housing.

In particular, the Committee discussed those elements of the proposed Section 106 funding where it was suggested that the funding be allocated to local provision or an equivalent amount to be spent on facilities at the Arethusa Venture Centre. The Head of Planning informed the Committee of the Section 106 process and advised that in this instance, the applicant had indicated that it could provide equivalent services via the Centre. However, limited information had been received and therefore four elements of the proposed Section 106 agreement had been worded in such a way that an equivalent level of funding could be reinvested at the Centre if the Centre was able to demonstrate that facilities could be provided.

Following discussion, the Committee decided that the Section 106 funding should all be directed to the Council for re-allocation rather than re-invested at the Arethusa Venture Centre.

The Head of Planning addressed concerns raised relating to drainage, sewage, flooding and highway issues relating to the proposed development.

A Member referred to the level of funding proposed as part of the Section 106 agreement for the Great Lines Heritage Park and suggested that it would be helpful if, for the future, a formula could be introduced of say 20% or 25% of open space contributions to be allocated for the Great Lines Heritage Park. The Head of Planning agreed that this could be investigated.

### **Decision:**

Approved subject to:

- a) The applicants entering into agreement under Section 106 of the Town and Country Planning Act to ensure:
  - i Secure a minimum of 25% affordable housing equating to 16 dwellings.
  - ii £57,657.60 towards Nursery provision.
  - iii £141,523.20 towards primary education.
  - iv £143,161.20 towards secondary education.
  - v £37,674.00 towards Sixth Form.
  - vi £9,792.72 towards waste and recycling.

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- vii £29,480.85 towards Hoo St. Werburgh GP Practice to increase capacity.
  - viii £35,963.55 towards Heritage and Museums improvement of facilities in the Sergeant's Mess building at Upnor Castle. Or an equivalent level of investment in the Lower Upnor Riverside Project to include any necessary repairs to the Pillbox and other investment in the Lower Upnor Riverside enhancement project on land owned by SYP.
  - ix £84,183.00 towards open space.
  - x £7,871.85 toward the Great Lines Heritage Park or equivalent level of investment in the lower upnor riverside project to include any necessary repairs to the pillbox and other investment in the Lower Upnor Riverside enhancement project.
  - xi £5,755.00 towards improvement and new wearing course for PROW RS105, RS106 and RS127.
  - xii £40,000.00 towards measures to improve pedestrian facilities at Elm and Broadwood Avenues and on the Main Road to improve pedestrian links from the site to Hoo School.
  - xiii £188,212.63 towards new community facilities including new sports complex, new village community centre and/or the provision of 2 new country parks in the wider Hoo St Werburgh area or equivalent level of investment in improvements to existing outward bounds activities such as the creation of a climbing centre of excellence in preparation for inclusion of this sport within the Olympic Games; and to assist with grass roots development of outdoor activities.; such as marine based activities on the AVC and land at the Lower Upnor Riverside project.
  - xiv £15,574.61 toward Habitats Regulations.
- b) Conditions 1 – 27 as set out in the report for the reasons stated in the report.

### **153 Planning application - MC/18/0702 - Land South of Stoke Road, Hoo St Werburgh, Kent**

#### **Discussion:**

The Head of Planning outlined the planning application and drew attention to the supplementary agenda advice sheet. He suggested that if the Committee was minded to approve the application, proposed conditions 1 and 4 be deleted and proposed conditions 2 and 5 be amended as set out in the supplementary agenda advice sheet and the conditions be re-numbered accordingly.

The Committee discussed the application having regard to the design of the proposed development, the spread of affordable housing throughout the site and links to the Public Rights of Way from the development.

It was suggested that in future, where possible, presentations provide photographs as opposed to artist impressions.

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### Decision:

Approved subject to condition 3 as set out in the report being re-numbered condition 2 and revised conditions 2 and 5, as set out below, with them being re-numbered conditions 1 and 3:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing numbers: 6534/05 rev D, 6534/06 rev C, 6534/07 rev C, 6534/10 rev B, 6534/13 rev B, 6534/14, rev B, 6534/16 rev B, 6534/18 rev B, 6534/20 rev B, 6534/21 rev B, 6534/22 rev B, 6534/23 rev B, 6534/25 rev C, 6534/26 rev B, 6534/30 rev B, 6534/32 rev A, 6534/50 rev B, 6534/51 rev B, 6534/52 rev B, 6534/53 rev B, 3434\_105 rev A, 3434\_106 rev F, 3434\_107 rev F, 3434\_108 rev D, 3434\_109 rev D, 3434\_110 rev B, 3434\_113, 9917-KC-XX—YTREE-TCP01 rev 0, 9917-KC-XX-YTREE-TPP02 rev 0, 4691-1505 rev P3, 4691-1506 rev P3 and 4691-1507 rev P4 received 2 March 2018; 6534/03 rev G, 6534/04 rev G, 6534/17 rev C, 6534/31 rev B, 6534/70, 6534/71 and 6534/72 received 18 May 2018; 6534/02 rev L received 8 June 2018; 3434\_105 rev A received 11 June 2018; 6534/01 rev N, 6534/12 rev C, 6534/11 rec D, 6534/15 rev C, 6534/19 rev C, 6534/24 rev D, 6534/27 rev A, 3434\_101 rev F, 3434\_102 rev F, 3434\_103 rev F and 3434\_104 rev F received 26 June 2018.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The grass and wildflower mixes that are to be used shall be in accordance with the details as set out on the email of 29 June 2018 (from Emma Wreathall of Barton Willmore) and shall consist of:

- Amenity Grass Seeding – Aber Sustain seed mix;
- Grassland Meadow Mix – RE1 Traditional Hay Meadow;
- Wildflower Meadow Mix – WFG2 Flowering Meadow; and
- Wildflower Meadow Mix – WFG9 Wetland and Pond Areas Mix.

Reason: To ensure a satisfactory external appearance and provision of landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

### **154 Planning application - MC/18/1503 - 259-261 High Street, Rochester, Medway ME1 1HQ**

#### Discussion:

The Planning Manager outlined the planning application in detail and suggested that should the Committee be minded to approve the application, the proposed

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Section 106 and proposed conditions 2, 8, and 9 be amended, proposed condition 13 be replaced and two new conditions 29 and 30 be approved all as set out on the supplementary agenda advice sheet.

In addition, she advised that since despatch of the agenda, three additional representations had been received objecting to the proposed development and the objections raised had already been addressed within the report.

She also advised of further comments received from the Environment Agency and Southern Water, details of which were set out on the supplementary agenda advice sheet.

The Committee discussed the application having regard to the proposed height of the blocks of apartments, the materials to be used and possible restrictions on parking permits. However, it was noted that as the site was not located in a controlled parking zone, it was not possible to place a restriction on availability of parking permits for this development.

### **Decision:**

Approved subject to:

- a) The applicant entering into a Section 106 agreement to secure the following:
  - i) A contribution of £5271.42 (£239.61 per unit) towards appropriate wildlife mitigation measures within Special Protection Areas.
  - ii) A contribution of £1681.24 (£76.42 per unit) towards Medway Youth Service to support young people in the Rochester community.
  - iii) A contribution of £6111.60 (£277.80 per unit) towards improving street furniture in the grounds of the Rochester Castle.
  - (iv) £2748.90 Great Lines Heritage Park Improvements for signage.
  - (v) £29,696.94 Open Space improvements to Jackson Fields/The Paddock.
  
- b) Conditions 1, 3 – 7, 10 – 12 and 14 – 28 as set out in the report for the reasons stated in the report and conditions 2, 8, 9, 13 amended as follows and new conditions 29 and 30:
  - 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

17 1074 022 A; 17 1074 023 A; 17 1074 030 A; 17 1074 031 A received 18 May 2018; revised plan 17 1074 021 B received on 11 June 2018; and 17 1074 020C received on 27 June 2018.

Reason: For the avoidance of doubt and in the interests of proper planning.

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- 8 Notwithstanding the submitted Noise and Vibration assessment, no development shall take place above slab level until a scheme for protecting the development from noise and vibration have been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: In accordance with the objectives of paragraph 17 of the National Planning Policy Framework 2012 and Policy BNE2 of the Medway Local Plan 2003.

- 9 Notwithstanding the submitted Noise and Vibration assessment, no development shall commence above slab level until full details of acoustic glazing and mechanical ventilation systems, including heat recovery and cooling 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 the occupation of any unit herein approved and shall be maintained thereafter.

Reason: In accordance with the objectives of paragraph 17 of the National Planning Policy Framework 2012 and Policy BNE2 of the Medway Local Plan 2003.

- 13 Prior to the commencement of any residential part of the development hereby permitted, the details of a clean air ventilation system (which provides both passive and rapid ventilation) necessary to ensure an appropriate level of air quality within the development shall be submitted and approved in writing by the Local Planning Authority. All works, which form part of the approved system, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Required prior to commencement of development to ensure that no detrimental harm occurs as a result of unacceptable levels of emissions in the interest of residential amenity in accordance with paragraph 17 of the National Planning Policy Framework 2012 and Policies BNE2 and BNE24 of the Medway Local Plan 2003.

- 29 The development shall be undertaken in accordance with the submitted plans and accompanying Tree Report (dated 19 June 2018) by Arborsense Arboricultural Consultants received on 21 June 2018.

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Reason: In the interests of appropriate tree protection and management in accordance with Policy BNE43 of the Medway Local Plan.

- 30 Prior to occupation of the development, a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved by the Local Planning Authority to confirm that the Sustainable Drainage System has been constructed as per the agreed scheme and plans.

Reason: This condition is sought in accordance with paragraph 103 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.

### **155 Planning application - MC/18/0799 - 2 View Road, Cliffe Woods, Rochester ME3 8JQ**

#### **Discussion:**

The Planning Manager outlined the planning application in detail and suggested that if the Committee was minded to approve the application, a Section 106 agreement for Designated Habitats Mitigation be imposed as set out on the supplementary agenda advice sheet.

In addition, she drew attention to additional representations received since despatch of the agenda from Cliffe and Cliffe Woods Parish Council, details of which were also set out on the supplementary agenda advice sheet.

The Committee discussed the application referring to the planning history for the site.

#### **Decision:**

Approved subject to:

- a) The applicant entering into a Section 106 agreement to secure £223.58 per new dwelling towards Designated Habitats Mitigation.
- b) Conditions 1- 10 as set out in the report for the reasons stated in the report.

### **156 Planning application - MC/18/0176 - 142 Napier Road, Gillingham ME7 4HG**

#### **Decision:**

The Committee noted that this application had been deferred in agreement with the applicant.

**157 Planning application - MC/18/0560 - Land Rear of 769 Lower Rainham Road, Rainham, Gillingham ME8 7UB**

**Discussion:**

The Planning Manager outlined the planning application in detail and drew attention to the additional information on the supplementary agenda advice sheet setting out representations received since despatch of the agenda from Kent County Council Biodiversity and a response from the applicant to the objections from neighbours.

The Planning Manager informed the Committee that ordinarily, this planning application would have been determined under delegated powers but was being referred to the Committee for determination as pre-application advice had not clearly indicated that planning permission was unlikely to be granted for a development of this nature.

The Committee discussed the planning application having regard to the advice that had been given at the pre-application stage. The Committee considered that it was unfortunate that the applicant had been led to believe that the planning application was acceptable but noted the assurances given by the Head of Planning as to the systems in place to ensure that applicants are provided with the correct advice at pre-application stage. However, Members also considered that whether or not the proposed development was for a house or a bungalow, it would be unacceptable on the proposed site as it would be intrusive, out of character and harmful to its surroundings in this location.

**Decision:**

Refused on the ground set out in the report.

**158 Planning application - MC/18/1298 - Land Rear of 117 Hempstead Road, Hempstead, Gillingham, Medway**

**Discussion:**

The Planning Manager outlined the planning application in detail and advised the Committee that since despatch of the agenda one representation had been received from the Ward Councillor for Hempstead and Wigmore Ward, Councillor Rodney Chambers OBE, a copy of which had been appended to the supplementary agenda advice sheet. Additional representations had been received from the Environment Agency and Southern Water, details of which were set out on the supplementary agenda advice sheet.

The Head of Planning informed the Committee that Councillor Rodney Chambers OBE had been unable to attend the meeting to personally address the Committee as Ward Councillor as he was currently away at a Conference. In the absence of the Ward Councillor, the contents of his email were read out by the Head of Planning.

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The Committee discussed the application noting in particular that the proposed bungalow would have no private amenity space.

### **Decision:**

Refused on grounds 1 – 3 as set out in the report.

### **159 Planning application - MC/18/0096 - Land adjoining No. 35 Cooling Road, High Halstow, Rochester ME3 8SA**

### **Discussion:**

The Planning Manager outlined the planning application in detail.

She drew attention to the National Planning Policy Framework (NPPF) which stated that 'housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'

Sustainability was defined in paragraph 7 of the NPPF and had three dimensions: environmental, social and economic. The Planning Manager advised upon each element and how the proposed application could meet each individual dimension as set out within the report. In addition, she advised that the additional traffic generated by the proposed development could be accommodated by the provision of a new vehicular access.

The Committee discussed the application, noting that this was for self-build dwellings and a Member suggested that this application be subject to conditions recently imposed on a similar self-build project, in particular the extension of the length of time that the plot(s) must be marketed to self/custom builders from 12 to 24 months.

### **Decision:**

Approved subject to:

- a) The submission of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure:
  - i) £223.58 per new dwelling towards Designated Habitats Mitigation.
  - ii) A commitment to make the development plots available only as self-build plots.
- b) Conditions 1 – 19 and 21 and 22 as set out in the report for the reasons stated in the report and condition 20 amended as follows:
  20. The plot(s) must be marketed to self/custom builders for a minimum period of 24 months to the satisfaction of the Local

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Planning Authority before any consideration is given to revert to open market sale/to be developed by the land/owner/developer.

Reason: To take account of the self-build nature of the submitted application and to regulate and control any subsequent development of the site in accordance with Policy BNE1 of the Medway Local Plan 2003.

- c) The Head of Planning be requested to ensure that there are no other appropriate conditions to be imposed on this self-build project in line with the conditions recently approved for a similar project. In the event that an additional condition(s) are required, he be granted delegated authority to approve such conditions in consultation with the Chairman and Planning Group Spokespersons.

### **160 Planning application - MC/18/0987 - 2 Oakhurst Close, Walderslade, Chatham ME5 9AN**

#### **Discussion:**

The Planning Manager outlined the planning application in detail drawing attention to the impact that this proposal would have upon the appearance of the existing dwelling which would result in an unbalanced and bulky design and the close proximity to a tree which is the subject of a Tree Preservation Order.

#### **Decision:**

Refused on grounds 1 and 2 as set out in the report.

### **161 Planning application - MC/18/0175 - Land East of Formby Road (Adjacent and rear of 1-12 Formby Terrace), Halling, Rochester, Kent**

#### **Discussion:**

The Head of Planning outlined the planning application in detail and drew attention to the supplementary agenda advice sheet. He explained that Cemex had contacted the Council expressing concern that they had not been notified that the application had been included on the agenda for this meeting and they considered that their objections were not accurately reflected within the committee report.

The Head of Planning explained that the Council did not notify objectors when planning applications were due to be considered by Committee as public speaking was not permitted at meetings of the Committee. However, in the light of Cemex's concerns that their objections had not been accurately reflected in the committee report, a copy of the letter of objection from James Brown on behalf of Cemex had been appended to the supplementary agenda advice sheet.

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The Committee discussed the application having regard to the height of the buildings in relation to the existing roofline of nearby terraced properties, the amenity of the prospective occupiers of the proposed semi-detached properties by virtue of their location within the site which results in an outlook onto an access road, the Cemex site and the railway line, potential noise disturbance from the nearby industrial activities and potential flooding in the light of the concerns expressed by the Environment Agency.

In response to concerns of potential flooding, the Head of Planning confirmed that there was no habitable living accommodation on the ground floor areas of these dwellings.

### **Decision:**

Consideration of this application be deferred to enable officers to undertake further discussions with the applicants in the light of the concerns expressed.

### **162 Planning application - MC18/0121 - Land East West And North of Formby Road and rear of 5-10 Formby Terrace, Halling, Rochester**

### **Discussion:**

The Head of Planning outlined the planning application in detail.

### **Decision:**

Approved subject to conditions 1 – 18 as set out in the report for the reasons stated in the report.

**Chairman**

**Date:**

**Ellen Wright, Democratic Services Officer**

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