

Medway Council
Virtual Meeting of Planning Committee
Wednesday, 29 April 2020
6.30pm to 9.37pm

Record of the meeting

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

Present: Councillors: Bowler, Buckwell, Mrs Diane Chambers (Chairman),
Curry, Hubbard, Thorne and Tranter (Vice-Chairman)

In Attendance: Dave Harris, Head of Planning
Robert Neave, Principal Transport Planner
Vicky Nutley, Assistant Head of Legal Services
Ellen Wright, Democratic Services Officer
Martin Aust, Viability Consultant

813 Apologies for absence

Apologies for absence were received from Councillors Adeoye, Barrett, Bhutia, Etheridge, Sylvia Griffin, McDonald, Potter and Chrissy Stamp.

814 Record of meeting

The record of the meeting held on 1 April 2020 was agreed and signed by the Chairman as correct subject to the inclusion of the following apologies for absence:

Apologies for absence were received from Councillors Adeoye, Barrett, Bhutia, Bowler, Buckwell, Curry, Etheridge, Sylvia Griffin, McDonald, Chrissy Stamp, and Thorne.

815 Urgent matters by reason of special circumstances

There were none.

816 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

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Other significant interests (OSIs)

There were none.

Other interests

The Head of Planning referred to planning application MC/19/2361 – Patmans Wharf, Upnor Road, Upnor, Rochester and advised that as a number of objectors were known to him, he had had no involvement in the processing of this application. He advised that as he was the only Planning Officer in attendance at this meeting he would only be able to present the application as set out in the report and answer matters of fact but not matters of opinion or balance.

817 Planning application - MC/19/2709 - St Bartholomews Hospital, New Road, Rochester

Discussion:

The Head of Planning outlined the planning application in detail and reminded the Committee that this application had previously been considered by the Committee on 4 March 2020 when consideration had been deferred pending receipt of further information and consideration in relation to matters of viability, appearance and scale of the extensions and the proposed unit mix.

He advised that since the meeting on 4 March 2020, the applicants had provided a letter from Savills in support of the unit mix and had provided an email setting out comments on the unit mix, viability and Section 106 costs, details of which were set out in the committee report.

In particular, the Head of Planning drew attention to the applicant's statement that the committee report on 4 March 2020 had not made it explicit that the monetary cost of works to the Waterworks would be £594,754 and the Garden of Reflection £200,000.

With regard to the unit mix, the applicants had advised that the residential units were aimed at local young professionals.

The Council's Viability Consultant, Martin Aust then informed the Committee of the outcome of his independent viability assessment which concurred with the findings of the applicant's viability report. The net profit indicated in the appraisal was only 12.3% of the Gross Development Value with a target rate of return of 20% to reflect the risk of the project. Irrespective of the risk, the 12.3% profit was currently below the minimum guide of 15% as set out in the Government's National Planning Guidance on Viability.

The Committee discussed the application noting the importance of this prominent historic building located in a conservation area and an important regeneration site in Medway. It was noted that the building had been vacant since 2016 following the closure of the former hospital. Whilst there was

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concern that this development would not include an element of affordable housing or any financial contributions towards local greenspaces, and that a different unit mix may have been preferable, the Committee expressed appreciation for the additional information submitted by the applicant and the detailed explanation of the viability assessment.

Decision:

Approved subject to:

- a) A Section 106 agreement being entered into to secure the following:
 - i) A contribution of £38,061.80 towards bird disturbance mitigation.
 - ii) Alterations and improvements to the public highway (s278 works).
 - iii) Repairs and restoration of the listed waterworks building (mortuary building).
 - iv) Public realm improvements and landscaping to the Garden of Reflection.
- b) Conditions 1 – 32 as set out in the report for the reasons stated in the report.

818 Planning application - MC/19/2710 - St Bartholomews Hospital, New Road, Rochester

Discussion:

The Head of Planning outlined the planning application and drew attention to the supplementary agenda advice sheet which set out a revised wording for the proposal section of the report.

Decision:

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

819 Planning application - MC/19/2361 - Patmans Wharf, Upnor Road, Upnor, Rochester

Discussion:

The Head of Planning outlined the planning application and informed the Committee of an amendment to the planning appraisal section of the report in that the applicant had now completed and signed the bird mitigation agreement. Therefore, the proposed development would comply with Policies S6 and BNE35 and paragraphs 175 and 176 of the National Planning Policy Framework.

In addition, he advised that since despatch of the agenda, one further letter of representation had been received, a copy of which had been appended to the supplementary agenda advice sheet and which he read out in full.

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Councillor Williams as Ward Councillor had also submitted representations and as Councillor Williams had been unable to attend this virtual meeting, the Head of Planning read out his comments summarised as follows:

- The loss of sailing facilities would be detrimental to the village of Upnor and spoil the character of the village which is becoming overdeveloped.
- Additional traffic generated by the development will exacerbate existing traffic problems.
- The location of the proposed development would be directly facing a marine engineering company which would likely lead to future noise complaints and the site is located on a flood zone 2 area.

Referring to the comments from the Ward Councillor, the Head of Planning advised the Committee that the Environment Agency had originally objected to this planning application but had removed such objections subject to the suggested conditions being imposed.

The Committee discussed the application having regard to the uniqueness of the village of Upnor, the location of the application site and its proximity to a marine engineering company that by the nature of its work generates noise.

In response, the Head of Planning confirmed that there had been complaints from residents living in Lower Upnor concerning the levels of noise generated by the Marine Engineering Company and the site for this current application would be located closer to the Marine Engineering Company than other residential properties. He advised that no noise assessment had been submitted by the applicants in support of the application.

The Committee also expressed concern as to the type of piling which would be used on site, and in response the Head of Planning drew attention to proposed condition 19 which addressed this issue.

Following consideration, it was suggested that the application be deferred to enable officers to obtain further information on the impact that this proposed development would have upon the village and the potential of noise disturbance to the future occupiers of the proposed houses and flats having regard to the proximity of the site to an established Marine Engineering Company.

Decision:

Consideration of this application be deferred to enable officers to obtain further information on the impact that this proposed development would have upon the village and the potential of noise disturbance to the future occupiers of the proposed houses and flats having regard to the proximity of the site to an established Marine Engineering Company.

820 Planning application - MC/19/0994 - Land Adjacent To Balancing Pond, St Andrews Park, Halling, Kent

Discussion:

The Head of Planning outlined the planning application in detail and informed the Committee that Councillor Fearn as Ward Councillor had submitted representations and, as he had been unable to attend this virtual meeting, the Head of Planning read out his comments summarised as follows:

- Whilst not objecting to the location of a care facility at this site, this current application exceeds that approved at outline planning stage and a building of 4 – 5 storeys with a flat roof is out of keeping with the surrounding area.
- A pending planning application for a leisure use of a site in close proximity to the application site, if approved, will create noise disturbance to the future occupants of the care facility.
- The proposed development will increase pressure on the Riverside Medical Practice, the proposed retail unit is too close to residential properties and the refuse store is in an unacceptable location.

The Head of Planning informed the Committee that the proposed extra care facility would not be a care home or sheltered accommodation but would be available for persons over 55 where at least one person in the home would require care for at least 3.5 hours a week.

He advised that the original application had been reduced from 95 to 88 units of which 50 would be affordable, 25 would be shared ownership and 25 affordable rent which would be secured by condition.

The Committee discussed the application having regard to the concerns of the Ward Councillor and, in particular, the increased size of the proposed buildings.

The Head of Planning advised that when originally submitted, there was concern as to the height, massing and visual impact of the proposed buildings but officers had undertaken work with the applicants to reduce the size of the development, relocate buildings away from the roundabout, increase landscaping and use materials to help soften the visual impact of the development.

It was suggested that if the application was approved, an additional condition be imposed stating the age and 3.5 hour care requirement of the residents of the extra care facility. In response, the Head of Planning agreed that such condition could be imposed and asked that if approved, he be granted delegated authority to approve the wording of such condition with the Chairman.

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Decision:

a) Approved with conditions 1 – 20 as set out in the report for the reasons stated in the report and an additional condition 21 as follows:

21. Regardless of tenure type, residents must be aged over 55 and at least one of the occupants of each unit must have a minimum care and/or support need of 3.5 hours per week.

b) The Head of Planning be granted delegated authority to agree the final wording of condition 21 with the Chairman.

821 Planning application - MC/18/1796 - Land South of Lower Rainham Road, Rainham, Gillingham

Discussion:

The Head of Planning outlined the planning application and in drawing attention to the supplementary agenda advice sheet suggested that if the Committee was minded to approve the application, proposed condition 4 be amended to take account of a revised plan, and proposed condition 21 (air quality) be replaced, details of which were set out on the supplementary agenda advice sheet.

In addition, he drew attention to the representatives section of the report and informed the Committee that as this application had originally been submitted in 2018, it was possible that the Ward Councillors who had commented for Swale Borough Council in 2018 may no longer hold such positions.

He informed the Committee that Councillors Potter and Carr as Ward Councillors had submitted representations and, as they had been unable to attend this virtual meeting, the Head of Planning read out their comments summarised as follows:

- The application is an overdevelopment of the area and will exacerbate existing highway congestion and will negatively impact the local community with the increased traffic congestion affecting air quality and the subsequent health of local residents.
- Flooding and sewage capacity
- The allocation of Section 106 contributions

In response to the Ward Councillors' comments as to the impact that the development would have on air quality, the Head of Planning advised the Committee that subject to the implementation of an air quality management plan that would be secured by the proposed conditions, this application was considered acceptable.

In addition, he advised that the traffic volume generated by this application had already been taken into account when assessing other schemes in the vicinity of this particular application site. This was supported by the Principal Transport

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Planner who advised that when a transport modelling assessment had been undertaken, account had been taken of the potential impact of this proposed development.

The Committee discussed the planning application having regard to the concerns expressed by the Ward Councillors and the number of developments coming forward for this part of Medway prior to the approval of the new Local Plan.

In response, the Head of Planning reminded the Committee that the Council was currently working to produce a new Local Plan but in the meantime, the Government had provided the Council with a housing target requirement. He stressed that this application had been outstanding since 2018 and a consequence of continued deferral would be the potential loss of other more sensitive sites through appeal. He referred to other developments in the vicinity of the application site which had already been successful via the planning appeal process and advised that this section of land had limited landscape quality and, if refused, it was likely that it would go to appeal and the Council could lose with costs.

The Committee expressed concern as to the number of applications coming forward for development in Rainham but reluctantly noted that the success of planning appeals for other sites was required to be taken into account when determining planning applications.

In considering the application, the concerns of the Ward Councillors regarding the proposed Section 106 was noted and it was suggested that if approved, the allocation of some of the Section 106 funding be undertaken in consultation with the Ward Councillors.

Decision:

Approved subject to:

- a) A Section 106 Agreement under the terms of the Town and Country Planning Act 1990 being entered into to secure the following developer's contributions:
 - i) 25% Affordable Housing on-site: equating to 51 dwellings to comprise 31 units (60%) rented and (20 Units) 40% shared ownership.
 - ii) To improve facilities and equipment at Rainham Library - £33,360.30.
 - iii) Public Right of Way - improvement GB5 and B6 - £5,232.00.
 - iv) Green Space; either to make a full contribution of £502,925.46 or to provide a multi-use games area (MUGA) on-site and make a reduced contribution of £194,179.62.
 - v) Youth provision in Rainham Area - £15,820.64.
 - vi) Waste and recycling - £34,110.72.
 - vii) Nursery One or more of: Riverside Primary, Thames View Primary, or Mierscourt Primary - in all cases to expand to 3FE - £271,809.18.

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- viii) Primary one or more of: Riverside Primary, Thames View Primary or Mierscourt Primary - in all cases to expand to 3FE- £667,167.62.
 - ix) Secondary One or more of: The Howard, Rainham Girls, Rainham Mark Grammar, or a new free school in the area- in all cases to provide additional classrooms and communal facilities. - £528,619.86.
 - x) To improve sustainable transport infrastructure - £82,640.44.
 - xi) NHS Thames Ave Surgery - £124,644.10.
 - xii) Bird Disturbance Mitigation - £49,603.12.
 - xiii) To provide off-site ecological improvements (at Berengrave Nature Reserve park) - £192,337.66.
- b) The allocation of elements of the provisions of the proposed Section 106 agreement be the subject of consultation with Ward Councillors.
- c) Conditions 1- 3, 5 – 20 and 22 - 31 as set out in the report for the reasons stated in the report and conditions 4 and 21 replaced as follows:
4. The development hereby permitted shall be carried out in accordance with the following approved plan:
- PS13584-001 Rev H (site Plan), 140421-03, Access point and sightlines, AC13584-02-22-2H, (Access)
- Reason: For the avoidance of doubt and in the interests of proper planning.
21. No development shall take place until an Air Quality Emissions Mitigation Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance and shall specify the measures that will be implemented as part of the development to mitigate the air quality impacts identified in the approved Air Quality Assessment, reference REP-AQA-26042018-Lower Rainham Road Rainham-R2, dated 24 April 2018. The total monetary value of the mitigation to be provided shall be calculated in accordance with Medway Air Quality Guidance and shall be agreed with the Local Planning Authority prior to the commencement of development. The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.
- Reason: To ensure that provision is made for the parking and charging of battery powered cars in compliance with Policy BNE24 of the Local Plan.

822 Planning application - MC/19/0493 - Rochester Riverside, Rochester ME1 1NH

Discussion

The Head of Planning outlined the planning application and informed the Committee that if it was minded to approve the application, the applicant had requested an amendment to the wording of proposed conditions 2 and 6 asking for the submission of details prior to commencement of groundworks rather than within 6 months of the date of the permission due to delays in the project and difficulties getting contractors on site to undertake works due to Covid-19.

The Head of Planning then outlined the planning application in detail and drew attention to the supplementary agenda advice sheet which contained the reason for proposed condition 11 which had been omitted from the committee report and a new condition 13 to require a scheme of heritage interpretation to be incorporated within the development.

The Committee discussed the application and whilst satisfied with the application, expressed concern as the loss of the pedestrian crossing facility from the Station Car Park across Corporation Street to the Quakers Building. Whilst it was appreciated that a new pedestrian crossing had been provided further along Corporation Street close to the entrance/exit to the Railway Station, it was considered that once the school was built at Riverside, pupils coming from Rochester would likely use the former crossing point which was no longer controlled by lights.

In response, the Head of Planning and Principal Transport Planner advised upon the various access points to the proposed school and the Principal Transport Planner advised that discussions were ongoing within the Directorate concerning the uncontrolled crossing in Corporation Street.

Decision:

Approved with conditions 1, 3 – 5, 7 – 10, and 12 as set out in the report for the reasons stated in the report and conditions 2 and 6 amended, condition 11 corrected and new condition 13 as follows:

2. Prior to commencement of above ground works, a plan indicating the positions, design, materials and type of boundary treatment to be erected around the listed wall will be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before the building is first occupied and shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity

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in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

6. Prior to commencement of above ground works, details of the methodology for conservation work to the listed roman wall, in accordance with the recommendations set out in the Conservation Management Plan dated March 2020 and Schedule of Works and Specification dated April 2020, including a schedule of works, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details of the works to the listed roman wall, pursuant to this condition, shall be implemented prior to the first occupation of the school and shall thereafter be retained and maintained in accordance with the approved details.

Reason: To avoid any irreversible detrimental impact on the listed building in accordance with Policy BNE17 and BNE18 of the Local Plan 2003.

11. Prior to the commencement of the development hereby permitted, a scheme for protecting the proposed development from noise that implements the measures described in the noise assessment dated January 2018 shall be submitted to and approved in writing by the Local Planning Authority. This should include an addendum to the existing noise assessment to include the multi-use games area, omitted from the original document. 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 the interests of residential amenity and to accord with Policy BNE2 of the Medway Local Plan 2003.

13. Prior to commencement of above ground works, full details of a scheme of heritage interpretation to be incorporated within the development shall be submitted to, and approved in writing by, the Local Planning Authority. The details submitted pursuant to this condition shall include location, design, dimensions and materials. The approved details of the method(s) of interpretation approved, pursuant to this condition, shall be implemented in full accordance with the approved details prior to the occupation of the school and shall thereafter be retained and maintained in accordance with the approved details.

Reason: To ensure a satisfactory visual appearance and to ensure the development makes a positive contribution to local character and distinctiveness in accordance with the objectives of the National Planning Policy Framework and in accordance with Policies BNE18 and BNE21 of the Medway Local Plan 2003.

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823 Planning application - MC/19/3275 - Berengrave Nursery, Berengrave Lane, Rainham, Gillingham

Discussion:

The Head of Planning outlined the planning application in detail and informed the Committee that Councillors Potter and Carr as Ward Councillors had submitted representations and, as they had been unable to attend this virtual meeting, the Head of Planning read out their comments summarised as follows:

- Having regard to the history of this site and the original application, the developer should not be permitted to change the development proposals and provide an additional 18 new dwellings over and above that agreed under outline planning application MC/17/3687.

The Head of Planning explained the reasons for the developer's request to amend the original proposals and drew attention to page 158 of the agenda which set out information as to the dwellings to be provided at this site which would include a mixture of 1, 2 and 3 bedroom units and incorporated a mix of dwelling designs throughout the scheme.

The Committee expressed disappointment that the developer felt unable to deliver the original scheme, particularly as there was a shortage of large 4 – 5 bedroom properties in Medway but noted that officers had worked with the developer on the revised scheme so as to ensure that the sensitive areas of the site were protected and retained including ecology, landscaping, the site frontage and areas located closest to residential properties.

Decision:

Approved subject to:

- a) A Section 106 Agreement under the terms of the Town and Country Planning Act 1990 to secure the following developer's contributions:
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| i) | 25% Affordable Housing on-site = to 5 dwellings. To comprise 3 units (60%) rented and (2 Units) 40% shared ownership. | |
| ii) | To improve facilities and equipment at Rainham Library - | £2,972.70 |
| iii) | Public Right of Way - improvement GB5 and GB6 - | £ 934.50 |
| iv) | Green space | £6,694.21 |
| v) | Youth provision in Rainham Area | £1,409.76 |
| vi) | Waste and recycling | £3,114.90 |
| vii) | Nursery - One or more of Thames View, St Thomas of Canterbury, a new free school in the area | £24,821.64 |
| viii) | Primary - One or more of: Thames View, St Thomas of Canterbury, a new free school in the area | £19,148.07 |
| ix) | Secondary - One or more of The Howard, Rainham Girls, Rainham Mark Grammar, Robert Napier, a new free school in the area | £48,273.48 |

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| x) | Sixth Form - One or more of The Howard, Rainham Girls, Rainham Mark Grammar, Robert Napier, a new free school in the area | £9,076.63 |
| xi) | To improve sustainable transport infrastructure | £6,694.21 |
| xii) | NHS Thames Avenue Surgery | £11,382.48 |
| xiii) | Bird Disturbance Mitigation | £4,418.28 |
| xiv) | To provide off-site ecological improvements at Berengrave Nature reserve park | £15,619.83 |
| xv) | Great lines Heritage Park | £ 498.00 |
| xvi) | Towards design improvements to improve highway capacity at A2/Birling Ave and/or A2/Bloors Lane junctions | £2,231.40 |
- b) Conditions 1 – 12 as set out in the report for the reasons stated in the report.

824 Planning application - MC/19/2532 - Land at the Maltings, Rainham, Gillingham

Discussion:

The Head of Planning outlined the planning application and suggested that if the Committee was minded to approve the application, a further condition be imposed which removed permitted development rights for a change of use from C3 to C4.

The Committee discussed the application.

Decision:

Approved subject to:

- a) The applicant entering into an agreement under Section 106 of the Town and Country Planning Act to secure:
- i) A contribution of £5,018.45 towards waste and recycling activities related to the development.
 - ii) A contribution of £7,060.63 towards improving Sports Facilities in the area.
 - iii) A contribution of £139,417.89 towards education and the provision of nursery, primary and secondary school places in the area.
 - iv) A contribution of £2,271.28 towards youth services to support creative art sessions for young people in the local area for ages 8-19 and up to 25 for people with disabilities.
 - v) A contribution of £7,121.40 towards bird disturbance mitigation measures.
 - vi) A contribution of £18,338.44 to support the foundation and development of the Rainham locality Primary Care Network.
 - vii) A contribution of £4,789.35 towards the improvement of facilities and equipment at Rainham library.

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- viii) A contribution of £60,977.60 towards the maintenance and management of open space within the ward (in addition to the on-site provision of a small Local Area of Play, to be secured by planning condition value at £13,015,90).
 - ix) A contribution £24,556.00 towards improvements at A2/Mierscourt Junction.
 - x) A contribution of £5,200.00 towards improving the GB12 path and also mitigating the effects of increased usage of the other local PROW's in this rural setting, namely GB13 and GB16.
 - xi) A contribution of £5,313.96 towards improvements at Farthing Corner Community Hall payable on 22nd occupation.
 - xii) 25% Affordable Housing units.
- b) Conditions 1 – 24 as set out in the report for the reasons stated in the report and additional condition 25 as follows:
25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) all dwellinghouses herein approved shall remain in use as a dwellinghouse falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use shall be carried out unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

Chairman

Date:

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