

**Medway Council**  
**Planning Committee**  
**Wednesday, 19 August 2020**  
**6.30pm to 9.00pm**

**Record of the meeting**

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

**Present:** Councillors: Adeoye, Bhutia, Bowler, Mrs Diane Chambers (Chairman), Curry, Etheridge, Sylvia Griffin, McDonald, Potter and Tranter (Vice-Chairman)

**In Attendance:** Laura Caiels, Principal Lawyer - Place Team  
Kemi Erifevieme, Planning Manager  
Dave Harris, Head of Planning  
Councillor Clive Johnson  
Robert Neave, Principal Transport Planner  
Carly Stoddart, Planning Manager  
Councillor Mrs Elizabeth Turpin  
Councillor John Williams  
Ellen Wright, Democratic Services Officer

**191 Apologies for absence**

During this period, due to the Coronavirus pandemic, it was informally agreed between the two political groups to run Medway Council meetings with a reduced number of participants. This was to reduce risk, comply with Government guidance and enable more efficient meetings. Therefore, the apologies given reflects that informal agreement of reduced participants.

Apologies for absence were received from Councillors Barrett, Hubbard, Chrissy Stamp and Thorne.

Councillor Buckwell was due to attend the meeting but was unable to connect via remote access.

**192 Record of meeting**

The record of the meeting held on 22 July 2020 was agreed and signed by the Chairman as correct.

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

There were none.

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

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

There were none.

Other interests

Councillor Potter referring to planning application MC/20/1431 – Land North of Medway Road, Gillingham informed the Committee that although he had a friend who was a member of the nearby mosque, he had not discussed this application with anyone and therefore would take part in the determination of the planning application.

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

**Discussion**

The Planning Manager outlined the planning application and informed the Committee that a previous application MC/19/1875 for a limited assortment discount (LAD) food store at the application site had been granted planning permission on the 3 April 2020. However, following a challenge by judicial review, the parties involved in the challenge had agreed a consent order that the planning permission be quashed on a narrow and technical ground. The consent order had been finalised and sealed by the court on the 27 July 2020. As a result, the decision to grant planning permission for MC/19/1875 had been quashed and was once again a live planning application. However, given the uncertainty regarding timescales for the court decision for the consent order, the applicant had submitted this duplicate application for consideration.

The Planning Manager informed the Committee that since despatch of the agenda, the applicant had submitted further information and additional representations had been received both supporting and objecting to the planning application, details of which were summarised on the supplementary agenda advice sheet. In addition, a further letter of objection had been received on behalf of Asda stating that a request had been made to the Secretary of State on 18 August 2020 for a screening direction and therefore they were of the opinion that should the Council determine the current application prior to the Secretary of State's decision this would be unlawful.

The Planning Manager advised that whilst the site was not within a core retail area, nor within any other area allocated for retail use, having regard to the provisions of Policy R13 of the Local Plan and Paragraphs 80 and 86 of the National Planning Policy Framework (NPPF) and Queen's Counsel advice

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submitted by the applicant, it had been concluded that there was no suitable site within core retail areas of Gillingham or Chatham that would be suitable for the proposed development. Therefore, no objection was raised to the principle of the proposed development.

In terms of the retail impact, the proposal fell below the 2,500 sq.m. threshold for a retail impact assessment specified in paragraph 89 of the NPPF.

Having regard to the request submitted to the Secretary of State it was suggested that if the Committee was minded to approve the planning application, such approval be by way of a resolution to grant planning permission subject to the outcome of the Secretary of State's decision regarding the environmental impact assessment. It was noted that if the Secretary of State determined that an environmental impact assessment was required, the planning application would be reported to this Committee for determination at a future date.

The Planning Manager also suggested that if the Committee was minded to approve the application, an additional condition 25 be approved requiring that the shop remain in A1 use so that it could not change under Permitted Development Rights.

The Committee discussed the application and referring to proposed condition 23, it was suggested that when considering off-site planting, the provisions of the Tree Strategy currently in production by Greenspaces be taking into account. The Planning Manager confirmed that this could be attached by way of an informative.

### **Decision:**

- a) The Committee resolved to approve this application subject to the Secretary of State not requiring an environmental impact assessment with conditions 1 – 24 as set out in the report for the reasons stated in the report and a new condition 25 and informative as follows:

25. The shop shall remain in A1 use and not be able to change under Permitted Development Rights.

Informative: Any future off-site planting have regard to the Tree Strategy currently being produced by Greenspaces.

- b) The Head of Planning be granted delegated authority to approve the wording of condition 25 and the informative with the Chairman, Vice Chairman and Opposition Spokesperson outside of the meeting.

**196 Planning application - MC/19/0287 - Land at Town Road, Cliffe Woods, Rochester**

**Discussion:**

The Head of Planning outlined the planning application in detail and suggested that if the Committee was minded to approve the application, changes be made to the proposed Section 106 agreement and a new condition 29 be approved, details of which were set out on the supplementary agenda advice sheet.

In addition, he advised the Committee that since despatch of the agenda, twenty five further letters of representation had been received objecting to the recommendation in the report and the proposed development and expressing concern about issues and matters already summarised in the report on pages 59 and 60.

Additional representations had also been received from Councillor Elizabeth Turpin and Kelly Tolhurst MP for Rochester and Strood and from SAVE Cliffe Woods, copies of which were appended to the supplementary agenda advice sheet.

The Head of Planning also drew attention to additional comments to be added under the planning appraisal section of the report relating to climate change and energy efficiency, surface water management and highway issues, details of which were also set out on the supplementary agenda advice sheet.

Referring to x) under the proposed Section 106 agreement, the Head of Planning clarified that of the £229,055.16 contribution to improve open space facilities, 5% would be directed to the Great Lines Heritage Park and the remaining 95% would be directed to the Cliffe Woods Recreation Ground and sports facilities in the area.

The Head of Planning informed the Committee that whilst the Parish Council were opposed to the planning application, should the application be approved, the Parish Council wished to accept the offer from the developer to take on the control of the allocated allotment and open space provision.

Attention was drawn to the background to this planning application and in particular, the information set out on pages 72 and 73 of the report. The Committee was reminded that whilst an application for the development of up to 225 residential dwellings on this site had been refused in May 2017 (MC/16/3669) following a public inquiry the appointed planning inspector had recommended that the appeal be allowed. However, in September 2017 the appeal had been recovered by the Secretary of State for determination following which the Secretary of State had concluded that significant weight should be given to the housing benefits of the proposal and moderate weight to the economic benefits and the Secretary of State had subsequently dismissed the appeal on two grounds, details of which were set out in the report on pages 73 - 74.

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The Head of Planning drew attention to the information contained in the report which explained how the two grounds for dismissal of the appeal had now been overcome.

The Head of Planning referred to concerns raised by objectors that the applicant was in effect buying planning permission by agreeing to pay Section 106 contributions and he explained that the purpose of Section 106 contributions was to require an applicant to make a financial contribution towards mitigating the impact of a development. Such facilities/improvements were then available for the benefit of all residents in the wider area.

The Committee discussed the report and during discussion, the following concerns were expressed:

- this application proposing development of 225 residential homes is in addition to other approved developments nearby which is unacceptable and will have a negative impact on existing residents.
- concern as to the quality of the land being offered for allotment provision as it is known locally as 'the swamp'.
- the impact on additional vehicular movements along the B2000.
- GP facilities and school provision in the area are already oversubscribed and the addition of a further 225 residential homes will place additional pressure on these facilities.

In the light of the concerns raised during discussion and those objecting to the application, it was suggested that consideration of this application be deferred for further discussions and consideration.

The Committee noted that both Councillors Elizabeth Turpin and Williams had expressed a wish to address the Committee as Ward Councillors but they both advised that if the Committee was minded to defer consideration of the application at this meeting, they would wait and address the Committee if and when the application was re-submitted for determination.

### **Decision:**

Consideration of the application was deferred to enable further discussions and consideration in the light of the concerns expressed.

### **197 Planning application - MC/20/1318 - 25A Frindsbury Road, Strood, Rochester**

#### **Discussion:**

The Planning Manager outlined the planning application in detail.

The Committee discussed the application having regard to the concerns expressed by the owner of the neighbouring property at Chaucer Court as set out on page 99 of the agenda, and in particular, concerns as to future access to their property for maintenance purposes.

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The Committee also discussed access for residents along Goddington Road during demolition works.

In response, the Planning Manager informed the Committee that proposed condition 8 required the applicant to provide a Construction Environmental Management Plan (CEMP) and this would address access for residents during construction.

The Committee also discussed concerns that potentially there was unreported pollution contamination on the application site and the Planning Manager advised that whilst Environmental Health had not raised any issues during consultation on the planning application, if the Committee was minded to approve the application, it was possible to impose a further condition to cover any unexpected contamination that may be discovered during construction.

### **Decision:**

Approved with conditions 1 – 11 as set out in the report for the reasons stated in the report and conditions 13 and 14 as set out below with the Head of Planning being granted delegated powers to approve the specific wording of the additional conditions in consultation with the Chairman, Vice Chairman and Opposition Spokesperson:

12. A condition covering action required should there be found to be contamination not previously identified during construction works.
13. There shall be no obstruction of the undercroft access that may prejudice the owner of the neighbouring property accessing for maintenance purposes of their property.

### **198 Planning application - MC/20/1193 - Former Timber Merchants and land behind 13-15 Borough Road, Gillingham**

#### **Discussion**

The Planning Manager outlined the planning application in detail.

With the agreement of the Committee, Councillor Johnson addressed the Committee as Ward Councillor and expressed the following summarised concerns:

- The development has not been constructed in line with the original planning permission approved under MC/18/0155 for a number of reasons and has been located closer than the approved distance from the rear of gardens of properties in Napier Road creating massing and encroaching onto the alleyway and onto land that was previously safeguarded and not in the ownership of the applicant. The roof height is also higher than previously approved.

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- The increase in the number of bedrooms from 18 to 27, constitutes an over development of the site and will result in competition for on street parking.
- The applicant has breached the Construction Environmental Management Plan along with other issues referred to the HSE.

The Committee discussed the application having regard to the concerns expressed by the Ward Councillor noting that some of the concerns related to issues that were not material planning considerations.

The Committee also had regard to the fact that when originally considered in 2018, planning application MC/18/0155 had been a balanced application.

### **Decision:**

Consideration of the application be deferred to enable further investigation and discussions with the applicant.

### **199 Planning application - MC/20/1070 - Land to rear of 172-176 Maidstone Road, Chatham ME4 6EN**

#### **Discussion:**

The Planning Manager outlined the planning application.

#### **Decision:**

Approved with conditions 1 – 17 as set out in the report for the reasons stated in the report.

### **200 Housing Delivery Test Action Plan Update**

#### **Discussion:**

The Committee received an information report setting out the Housing Delivery Test Action Plan that considered measures to help boost the supply of housing in Medway.

The Head of Planning informed the Committee that housebuilding in Medway in recent years had not reached the high levels of housing needs identified by the government formula. However, there were clear signs of an improving housing market and both published data and the Council's own development monitoring systems indicated a significant uplift in housebuilding in 2019/20. The rates were forecast to further increase in coming years to well over 2000 homes a year by 2022.

The Committee noted that the action plan provided details of the Council's activities in promoting sustainable development and the scope and scale of this work evidenced the Council's commitment to boost housing investment in Medway and showed that the Council worked corporately to maximise the

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benefits of regeneration and economic growth and was proactive in engaging with developers and landowners. Such activities included regular liaison meetings with the development sector through Council led initiatives such as breakfast meetings with a cross section of developers, a Small and Medium Enterprises Developers Forum, annual meetings with major developers and planning agents in addition to the services provided in relation to the development management and plan making processes. The Council was also delivering housing sites through the Medway Development Company and the Housing Service.

The Head of Planning informed the Committee that the action plan recognised the potential impact of COVID-19 on the development industry and planning officers had sought updated information from developers about any delays or changes to their delivery plans.

The Committee noted that there was widespread concern amongst local planning authorities that the housing delivery test and associated requirements for a 5 year housing land supply penalised councils for matters outside of their control as whilst councils planned for housing land they had only a limited role in the actual delivery of housing.

### **Decision:**

The Committee noted the report.

**Chairman**

**Date:**

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