

Medway Council
Planning Committee
Wednesday, 16 September 2020
6.30pm to 9.52pm

Record of the meeting

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

Present: Councillors: Barrett, Bowler, Buckwell, Mrs Diane Chambers (Chairman), Etheridge, Hubbard, McDonald, Potter, Chrissy Stamp, Thorne and Tranter (Vice-Chairman)

In Attendance: Dave Harris, Head of Planning
Robert Neave, Principal Transport Planner
Vicky Nutley, Assistant Head of Legal Services
Carly Stoddart, Planning Manager
Michael Turner, Democratic Services Officer
Councillor Mrs Elizabeth Turpin
Councillor John Williams

251 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 Adeoye, Bhutia, Curry and Griffin.

252 Record of meeting

The record of the meeting held on 19 August 2020 was agreed and signed by the Chairman as correct.

253 Urgent matters by reason of special circumstances

There were none.

254 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 disclosed that, as he considered he had predetermined the application at agenda item 8 (Land West Of Station Road Rainham), he would not take part in the discussion or determination of the matter but would make representations in his role as ward councillor only.

255 Planning application - MC/19/0287 - Land At Town Road, Cliffe Woods, Rochester

Discussion:

The Head of Planning outlined the application in detail. The application was for outline planning permission with some matters reserved (appearance landscaping layout and scale) for up to 225 residential dwellings including up to 25% affordable housing, introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Town Road and associated ancillary works.

As set out in the supplementary advice sheet, further representations had been made as follows:

- Letters from SAVE Cliffe Woods Community, Higham Parish Council and also Cliffe and Cliffe Woods Parish Council (attached in full to the supplementary agenda)
- A supplementary note from Gladmans (attached in full to the supplementary agenda).
- Gravesend MP Adam Holloway had written in support of objections from Gravesend local residents that objected to the proposed development.
- 8 further letters of representations had been received expressing concern about the impact of the proposed development on the existing infrastructure, school, doctor surgery, community facilities and capacity of the highway network to cope with additional demand resulting from the future occupiers of the proposed development.

In May 2017 the Committee had refused Gladman's application for the development of the application site for the erection of up to 225 residential dwellings.

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Following a public inquiry, the planning inspector recommended that the appeal be allowed. However, in September 2017 the appeal was recovered by the Secretary of State (SoS) for determination. The SoS concluded that the proposed scheme was not in accordance with policies BNE25, S1 and S2 of the local plan. The SoS considered these local Plan Policies were not fully consistent with the National Planning Policy Framework (NPPF) and that Policies S1 and S2 ran counter to the objectives of the Framework to significantly boost the supply of homes, and that the weight that should be attached to Policies BNE25, S1 and S2 should be reduced to moderate weight and that the conflict with them in terms of protection of the countryside also carried moderate weight.

The SoS dismissed the appeal on 2 grounds. Firstly, that although Medway could not demonstrate a 5 years housing land supply, the presumption in favour of sustainable development did not apply because of the effect of paragraph 177 of the NPPF and the need for an assessment to consider the impacts on nearby Sites of Special Scientific Interest (SSSI) and European protection areas.

Secondly, the SoS considered that the local bus service operated within hours that started too late and ended too early to make the bus service usable for potential commuters for work to the main town and London whether part-time or full time and therefore did not offer a sustainable alternative to the private car. He did not feel that the Arriva click proposal put forward by the appellants at appeal had been fully thought through to deliver a workable solution.

The SoS concluded that planning permission should be refused.

Since then the revised NPPF had been amended to say that the presumption in favour of sustainable development did not apply where the plan or project was likely to have a significant effect on a habitat's site unless an assessment had concluded that it would not adversely affect the integrity of the habitats site. Following such an assessment, Natural England had no objection subject to the financial contribution being made by the applicant to carry out mitigation measures to protect the habitat sites. The applicant had agreed to the contribution.

This therefore removed the first reason for the SoS dismissing the appeal leaving the second reason relating to sustainability and appropriate alternative to the private car through the provision of a bus service as the only issue for the Committee to address.

With the permission of the Committee Councillors Mrs Turpin and Williams addressed the Committee as ward councillors.

Councillor Williams objected to the loss of 10.9ha of agricultural land, that the application was contrary to the Local Plan (development in the countryside), an increase in congestion and deterioration in air quality and that the proposed shuttle bus did not address the issue of the poor bus service in the area and would only be in place for five years.

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Councillor Mrs Turpin objected on the basis that the development was not sustainable and would lead to a dependence on private cars. Also, the proposed shuttle service would only assist commuters and would only be in place for 5 years.

Some Members considered the application should be refused on the grounds that the development was not sustainable. The Head of Planning advised that the Council's external legal advisor considered that the shuttle bus proposal largely, if not entirely, overcame the Council's argument at the appeal stage that the transport element of the scheme was not sustainable. If the application was refused, there was no likelihood of the Council winning any appeal and significant costs may be awarded against the authority. The proposal that the application be refused was put to the vote but not agreed by the Committee.

Decision:

Approved subject to:

- a) A Section 106 agreement being entered into to secure the following:
 - i) A minimum of 25% (equal to 56) affordable dwelling houses.
 - ii) A contribution of £302,757.75 towards nursery school provision Cliffe Woods independent pre-school (on the site of Cliffe Woods Primary School) and/or Temple Mill Primary School
 - iii) A contribution of £743,132.25 towards Cliffe Woods Primary and/or St Helens Primary and/or Temple Mill and/or a new free school in the area.
 - iv) A contribution of £471,047.40 towards Hundred of Hoo Academy and/or a new free school in the area
 - v) A contribution of £138,836.25 towards the provision of a community healthy living centre in the Hoo/Isle of Grain area.
 - vi) A contribution of £17,194.50 towards the provision of Youth Service to offer support for young people in the Cliff woods area.
 - vii) A contribution of £53,455.50 towards improvements to sports centre provision on Hoo Peninsula
 - viii) A contribution of £8,900 towards mitigation and signage on the PROW network in Cliffe Woods only and to contribute towards measures to reduce illegal use of PROW measures for Bingham Boughs, Ratly Hills and Chattenden Woods.
 - ix) A contribution of £37,993.5 towards Waste and recycling to provide household containers for the collection of Recycling – use

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once bags and 240ltr wheeled brown bins to each property for the collection of food and garden waste.

- x) A contribution of £229,055.16 to improve open space facilities within the vicinity of the development including improvement of Cliffe Woods Recreation Ground, sports provision in the area. As well as Great Lines Heritage Park to enhance open space facilities.
- xi) A contribution of £574,692.00 to provide a new bus shuttle service between the development site, Strood Railway station and Strood Town centre from the date of occupation of the 25th dwelling for 5 years post commencement of the bus service. Representing cost per annum for the year 1 to 5 as follows
Y1- £109,333; Y2- £112,067; Y3- £114,868; Y4- £117,740 and Y5- £120,684.
- xii) Provision of payment of £50 of Arriva bus service credit to each household upon the first occupation of each dwelling by the first occupier.
- xiii) A contribution of £10,000.00 toward bus shelter and associated seating and real-time information board improvement at Cliff Woods in the southern end of View Road (Chatham bound).
- xiv) A contribution of up to £5,000 for an investigation into the possibility of reducing traffic speed on B2000 through Cliffe Woods village to 20mph.
- xv) A contribution of £5,000 towards safer routes to schools initiatives in Cliffe Woods and updating the school travel plan
- xvi) Provision of land for an allotment with associated hard-surfaced parking spaces covering an area not less than 0.9 hectares within the northern section of the landmarked blue. The allotment to include provision of the following;
 - Provision for up to 8 car parking spaces and turning area close to the vehicular access point to the allotment site from Buckland Road.
 - Provision of security fence enclosure comprising 1.8m high palisade fence with associated vehicular access gates from Buckland Road and pedestrian access gate(s) from the south.
 - Provision of water and electricity supplies for the use by the future users of the allotment site.
 - The freehold ownership and management of the allotment land shall be transfer the Cliffe and Cliffe Woods Parish Council.
 - The above steps shall be completed no later than the occupation of the 100th dwellings.

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- xvii) The amenity area within the blue land measuring no less than 1.68 ha shall be provided no later than the occupation of 100th dwellings and be retained and maintained in perpetuity by the management company as part of wider public open space associated with this development.
 - xviii) Contribution of £53,455.50 towards improvements to Cliffe Woods Community Centre.
 - (xix) Contribution of £35,000 towards improvement of the local cycle provision.
- b) Conditions 1 – 29 as set out in the report for the reasons stated in the report
- c) An additional Condition 30 as follows:

Details of a cycle path connecting from the application site to Buckland Road shall be provided prior to the occupation of the 50th dwelling. The cycle path shall thereafter be maintained.

Reason: In the interests of highway safety and enhancement of cycle provision and in compliance with Policy T4 of the Medway Local Plan 2003.

256 Planning application - MC/19/1875 - Land North of Medway Road Gillingham ME7 1NY

Discussion:

The Planning Manager outlined the planning application in detail. The application sought permission for a food store (Class A1) with a retail floor area of approx. 1,669 sq. m. measuring approximately.

Decision:

Approved with conditions 1-25 as set out in the report and for the reasons stated in the report, and with the following additional condition:

- 26 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) and the Town and Country Planning (Use Classes) Order 1987 (as amended) the development herein approved shall remain in use as a retail until falling within Class A1 – Retail only as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) prior to 1 September 2020 and no change of use shall be carried out unless planning permission has been granted on an application relating thereto.

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Reason: To enable the Local Planning Authority to control such development in the interests of amenity and the impact on the highway, in accordance with Policies T1 and BNE2 of the Medway Local Plan 2003.

257 Planning application - MC/19/2836 - Land South of View Road, Cliffe Woods, Rochester

Discussion:

The Planning Manager outlined the application in detail. The application sought permission for construction of 50 retirement homes comprising a 2/3 storey block of apartments and single storey bungalows with ancillary meeting room, gymnasium, office, parking and garaging.

As set out in the supplementary agenda, a further 3 letters of objection had been received re-iterating concerns relating to the design being out of character, inadequate parking, loss of agricultural land, impact on local facilities, and dangerous access.

In addition, the applicant's agent had made several comments in support of the application, which were set out in the supplementary agenda.

With the permission of the Committee, Councillor Mrs Turpin as ward councillor addressed the Committee indicating her views were supported by Councillor Williams, not present for this item. Councillor Mrs Turpin objected to the design of the application which she considered was out of character with the surrounding area. The application did not provide for sufficient car park spaces and this would result in an overspill into nearby roads. One of the blocks would overlook existing housing and the entrance to the site was on the bend of a busy road.

Decision:

Refused for the reasons set out in the report.

258 Planning application - MC/19/2898 - Land West of Station Road, Rainham, Gillingham

Discussion:

The Head of Planning outlined the application in detail. The application was an outline planning application with all matters (appearance, landscaping, layout and scale) reserved except for access for the construction of up to 76 dwellings(C3 use class), open space, landscaping (including Sustainable Urban Drainage) with associated infrastructure.

Councillor Potter addressed the Committee as ward councillor but took no part in the discussion of the application or its determination. Councillor Potter commented that the applicants had also developed the adjacent Bakersfield

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development and that site had led to many problems and the need for enforcement action over the last few years. This led him to question the extent to which the conditions relating to the proposed application would be met or enforced. The development would lead to more highways congestion and poorer air quality. Whether Station Road would be widened at the access point to the site was queried and the two junctions in close proximity to each other, together with a lack of crossings, was a concern. He questioned whether the proposed S106 contributions would include mitigation for highways safety and speed. Members were advised that there would be two crossings to the north and south of the access. There was a plan to extend the 20mph speed limit to the south of the development. The £31,000 S106 contribution was for sustainable transport measures, including for pedestrians.

Following a suggestion that the application be deferred until after a presentation from the applicant in October, the Head of Planning advised that this was to discuss the details of the scheme. The application had been received in November 2019 and was before Members as an outline application. As such there were no sound reasons to defer the application.

Decision:

Approved subject to:

- a) A Section 106 agreement being entered into to secure the following:
 - i 25% Affordable Housing on-site: equating to 19 dwellings to comprise 11 units (60%) rented and (8 Units) 40% shared ownership.
 - ii Contribution of £82,327.36 towards Nursery school provision to one or more of: Thames View Primary, Mierscourt Primary, Riverside Primary.
 - iii Contribution of £202,474.22 towards Primary School provision to one or more of: Thames View Primary, Mierscourt Primary, Riverside Primary.
 - iv Contribution of £129,169.37 towards Secondary School provision to one or more of, The Howard, Rainham Girls, Rainham Mark Grammar.
 - v Contribution of £5,952.32 towards youth services
 - vi Contribution of £72,364.67 towards Splashes redevelopment programme
 - vii Green space contribution of £193,914 to enhance open space facilities within the vicinity of the development, including 5% towards Great Lines Heritage Park
 - viii Contribution of £3,800 towards maintenance of the riverside section of the Saxon Shore Way.
 - ix Contribution of £12,833.74 towards Waste and recycling.

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- x Contribution of £ 31,092.43 towards improving sustainable transport infrastructure.
 - xi Contribution of £49,324.08 towards the foundation and development of the Rainham locality Primary Care Network including the supporting infrastructure, IT, training and equipment
 - xii Birds disturbance mitigation £18,662.56
- b) Conditions 1–30 and 32 as set out in the report for the reasons stated in the report and
 - c) Condition 31 as set out in the report and for the following reason:

To mitigate the impact of road transport emissions from the development upon air quality in accordance with Policy BNE24 of the Medway Local Plan 2003.

259 Planning application - MC/20/1655 - 10 Medway Road, Gillingham ME7 1NH

Discussion:

The Planning Manager outlined the application in detail. The application was for permission to remove raised planters to front, installation of railings on top of existing front boundary wall and access gates, excavation of area to the rear and the construction of a retaining wall.

Comments were made by Members about the removal of the hedges in front of the house, the importance of complying with any conditions imposed, in light of previous enforcement action taken in respect of the property, and whether checks would be made to ensure the property was not turned into student accommodation. The Planning Manager replied that the hedges could be removed at any time and permission was being sought for the removal of the planters. The owners had worked closely with the Council since the enforcement notice had been served. The Council did not have the resources to check on the number of residents in properties but would respond to any reports of breaches in planning conditions.

Decision:

Approved subject to Conditions 1-3 as set out in the report and for the reasons set out in the report.

260 Planning application - MC/20/1685 - 10 Medway Road, Gillingham ME7 1NH

Discussion:

The Planning Manager outlined the application in detail. The application was for listed building consent with some retrospective works for various internal alterations, the removal of raised planters to front, installation of railings on top of existing front boundary wall and access gate, other minor external alterations to the front garden and excavation of area to the rear and construction of a retaining wall

Decision:

Approved subject to:

- a) Conditions 1-2 and 4-11 as set out in the report and for the reasons set out in the report
- b) An amended Condition 3 as follows;
 - 3 Within one month from the date of this decision, a method statement for the careful removal of the existing finishes (multi-finish plaster, concrete and stud partitioning) and reinstatement of the lime haired plaster finish to the front LHS living room, the front RHS living room, dining room, hallway, utility room, landing, **front LHS bedroom, front RHS bedroom**, middle LHS bedroom, middle RHS bedroom and rear RHS bedroom, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To restore the buildings historic fabric and to comply with Policy BNE17 of the Medway Local Plan 2003.

- c) An additional Condition 12 as follows:

- 12 Within three months, from the date of this permission, the front LHS living room and front RHS living room walls as identified and highlighted on drawing number DHA/13726/103 rev A received on 24 August 2020, shall have the multi finish plaster carefully removed and reinstated with lime haired plaster, in line with details approved under condition 3 of this decision notice. Once reinstated with lime plaster shall be maintained thereafter.

Reason: To restore the buildings historic fabric and to comply with Policy BNE17 of the Medway Local Plan 2003.

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261 Planning application - MC/20/0845 - The Terrace Car Park, The Terrace, Rochester

Discussion:

The Head of Planning outlined the application in detail. The application was for the construction of a terrace of three 3-bedroom town houses with integral garage.

In discussing the application, Members commented on the importance of the appropriate materials being used given the proximity of historic properties. Members were advised that Condition 3 dealt with materials and would address those concerns.

Decision:

Approved subject to Conditions 1-16 as set out in the report and for the reasons set out in the report.

Chairman

Date:

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