

Medway Council
Virtual Meeting of Planning Committee
Wednesday, 3 February 2021
6.30pm to 8.33pm

Record of the meeting

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

Present: Councillors: Adeoye, Barrett, Bowler, Buckwell,
Mrs Diane Chambers (Chairman), Etheridge, McDonald, Potter,
Chrissy Stamp 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

700 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 Bhutia, Curry, Hubbard and Thorne.

701 Record of meeting

The record of the meeting held on 3 February 2021 was agreed and signed by the Chairman as correct.

702 Urgent matters by reason of special circumstances

The Chairman accepted an item of urgent business in accordance with section 100B of the Local Government Act 1972, namely the 2019/20 outcome of the Housing Delivery Test for Medway which had been received from the Government in the past few days. This item was considered urgent for inclusion on the agenda for this meeting as it was a material planning consideration to be taken into account when considering applications for housing development on the agenda at this meeting.

703 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 referred to planning application MC/20/1800 – Land off Lower Rainham Road, Rainham and informed the Committee that as Ward Councillor he had previously objected to development at this site. Therefore, he wished to address the Committee as Ward Councillor on this planning application and would take no part in the determination of the application.

704 Housing Delivery Test

Discussion:

The Head of Planning informed the Committee of the updated 2019/20 outcome of the Housing Delivery Test for Medway received from the Government in the past few days. This item was considered urgent for inclusion on the agenda for this meeting as it was a material planning consideration to be taken into account when considering applications for housing development on the agenda at this meeting.

The Head of Planning explained the background to the Government's Housing Delivery Test which was based on an assessment of housing delivery against housing 'need' as calculated using the standard methodology over a 3 year period. As delivery of housing within Medway over that 3 year period fell below 75% of the identified housing need, the Council therefore faced 3 sanctions – the need to update its Housing Action Plan; to have a 20% buffer added to the housing need figure; and for the presumption in favour of sustainable development to be applied to all applications for housing development.

The Head of Planning gave a presentation on the number of homes constructed in Medway over recent years which showed an increase, particularly in 2019/20. However, he explained that the granting of planning approval was only the beginning of the process and for such developments to be eligible for inclusion in the Housing Delivery Test, the housing units were required to be completed.

The Committee discussed the information provided by the Head of Planning and expressed concern that in the main, local authorities were not housing providers and were only involved in the determination of planning applications. Therefore, it was unfair for the Government to penalise a local authority for

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failing to deliver the number houses required under the Housing Delivery Test when the actual delivery of housing was dependent upon the developer being able to complete the development. It was pointed out that some developments stalled in their timeline for completion due to a number of reasons such as land contamination issues.

Decision:

The Committee noted the presentation.

705 Planning application - MC/20/3077 - Land North of Medway Road, Gillingham ME7 1NY

Discussion:

The Head of Planning outlined the planning application and informed the Committee that two previous applications MC/19/1875 and MC/20/1431 for a limited assortment discount (LAD) foodstore at this application site had been granted planning permission but that following a challenge by judicial review, the parties involved had agreed a consent order that the planning permissions be quashed on a ground relating to the officer's report failing to refer to Policies related to flood risk that were considered relevant to the applications. He confirmed that both applications had now been quashed.

However, given the uncertainty regarding timescales for the court decision, the applicant had chosen to submit this duplicate application to address the issues raised regarding flood risk.

The Committee was advised that the only the difference between the current application and those in MC/20/1431 and MC/19/1985 was that 4 electric vehicle (EV) charging points were now provided within the scheme instead of 2.

The Head of Planning referred to a letter received from the applicant as appended to the supplementary agenda advice sheet.

The Head of Planning also drew attention to suggested amendments to proposed conditions 25 and 26 as set out on the supplementary agenda advice sheet (no. 27 being corrected to no. 26 at the meeting). He further advised that the supplementary agenda advice sheet also provided updated information for the proposal, appraisal, flood risk and surface water and conclusions and reasons for approval sections of the report.

In outlining the application, the Head of Planning drew particular attention to the fact that although the application site was not in a core retail area or identified as such in the Local Plan and, as the proposed development was under the 2,500sqm threshold, a retail assessment was not required. However, following a retail assessment undertaken by officers, it was considered that there was no other suitable site for the retail element proposed in Gillingham or Chatham and assessing the proposed development against the criteria of Policy R13 of the

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Local Plan, officers were satisfied that the development would not create a detriment to either town centre.

In addition, he advised that although Pier Road was the subject of localised flooding, owing to the application site being 1.5m above the highway, officers were satisfied that tidal flooding would not be an issue for this site. In relation to surface water flooding, the development had been assessed in accordance with national and local policy requirements and subject to the conditions recommended was deemed to be acceptable.

The Committee discussed the application and noted the various legal challenges that had arisen for previous applications relating to the development of this site for a LAD foodstore. It was not considered that in determining a planning application, the Committee could give weight to commercial challenges from other supermarkets.

Decision:

Approved with conditions 1 – 24 as set out in the report for the reasons stated in the report and conditions 25 and 26 amended as follows:

25. No development shall take place above slab level 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 apQuality Assessment Ref: AQ_assessment/2019/Lidl_Medway Rd (dated 4 June 2020). The total monetary value of the mitigation to be provided shall be demonstrated to be equivalent to, or greater than, the total damage cost values calculated as part of the approved Air Quality Assessment. The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.

Reason: Required prior to commencement of development to ensure the adequate protection of health and amenity of the surrounding area in accordance with Policy BNE24 of the Medway Local Plan 2003.

- 26 The proposed E(a) Use (Retail) hereby permitted shall remain in that use and no other Class E uses within Schedule 2, Part A, Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) 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 neighbouring and occupier amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

706 Planning application - MC/20/0932 - St Clements House, Corporation Street, Rochester

Discussion:

The Head of Planning outlined the application in detail and suggested that if the Committee was minded to approve the application, proposed conditions 13, 14, 19 and 24 be replaced with revised wording on the supplementary agenda advice sheet along with a new condition 28 also set out on the supplementary agenda advice sheet.

In addition, he drew attention to further representations received since despatch of the agenda confirming that both Historic England and the Lead Local Flood Authority had no comments or objections to the application.

The Committee was informed that in submitting the current application, the developers had taken on board previous concerns and had reduced a section of the proposed development from 7 storey to 6 storey to reduce the visual impact and dominance of the building.

The Committee discussed the application and in particular the benefit of the developer working with Countryside on the potential expansion of the Car Club Scheme in Rochester to enable residents of this development having access to the Car Club.

Concern was expressed as to the quality of the railings provided on a nearby development and it was suggested that the applicant be required to provide a better quality product at this development site. In response, the Head of Planning confirmed that this had already been the subject of discussion with the applicant and was covered by proposed condition 17.

It was further suggested that in the future, consideration be given to the expansion of the Car Club to include other residents of Rochester, particularly those living in the historic town centre who had very little access to car parking. The Head of Planning supported this suggestion.

Decision:

Approved with conditions 1 – 12, 15 – 18, 20 – 23 and 25 – 27 as set out in the report for the reasons stated in the report and conditions 13, 14, 19 and 24 amended as follows and new condition 28 as follows:

13. No development shall take place other than demolition, contamination investigation and remediation works, archaeological works and earthworks until a scheme showing details of the disposal of surface water, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. Those details shall include (where applicable):

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- i. Details of the design of the scheme (in conjunction with the landscaping plan where applicable).
- ii. A timetable for its implementation (including phased implementation).
- iii. Operational maintenance and management plan including access requirements for each sustainable drainage component.
- iv. Proposed arrangements for future adoption by any public body, statutory undertaker or management company.

The development shall be undertaken in accordance with the agreed scheme.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 165 of NPPF.

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

Reason: This condition is sought in accordance with paragraph 165 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.

- 19 Notwithstanding submitted drawings, no development above ground floor slab level shall take place until full details of a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority. Plans and information provided shall include:
 - details of existing and proposed finished ground levels, means of enclosure, car parking layouts, cycle parking for visitors, other vehicle and pedestrian access and circulation areas, all paving and external hard surfacing, lighting and services (including drainage), tree grilles, minor artefacts and structures (seating, refuse receptacles and raised planters). Soft landscape works, including details of planting plans, tree positions, planting build ups, written specifications (including cultivation and other operations associated with grass, tree and planting establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate; and
 - a timetable for implementation.

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The development shall be implemented in accordance with the approved details and timetable and any trees or plants which within 5 years of planting are removed, die, or become seriously damaged or diseased so as to impair their successful establishment, shall be replaced in the next planting season with others of a similar size and species.

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

24. No part of the development shall be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how; the parking spaces within the development are to be provided, managed and preserved for use by future residents and their visitors; provision of annual membership for future residents to access a car club scheme in the vicinity; agreement that future residents will not be eligible for any residents' parking permit schemes in operation in the local area. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency outside of the site and to accord with Policy T13 of the Medway Local Plan 2003.

28. No development shall take place until details of flood resilience and resistance measures specific to the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- Demonstration that the finished floor levels will be a minimum of +900mm above current ground level.
- Details of flood resilient building materials to be used.
- Details of safe access and egress.

The development shall be undertaken in accordance with the agreed details.

Reason: This condition is sought in accordance with Paragraph 001 of National Planning Policy Guidance (NPPG): Flood and Coastal Change to ensure that the development is appropriately flood resilient and resistant for its users for the developments lifetime.

707 Planning application - MC/20/1800 - Land off Lower Rainham Road, Rainham, Gillingham

Discussion:

The Head of Planning outlined the application in detail and drew attention to a number of suggested changes to elements of the proposed Section 106 agreement, proposed conditions, additions to the relevant planning history and planning appraisal sections of the report all of which were set out on the supplementary agenda advice sheet. In addition, he reported receipt of a letter from the applicant in response to climate change which was appended to the supplementary agenda advice sheet.

In outlining the application, the Head of Planning explained the background to the planning history of the site and informed the Committee of the differences between the current application and the previously granted outline planning permission. He stressed that due to the prior granting of outline planning permission, the principle of development on this site had already been approved. He advised the Committee that since the grant of outline planning permission, the site had been sold to the current applicant and whilst the applicant had originally wanted to increase the number of units on site from the approved 64 to 84 units, the applicant had since amended the scheme to 79 units to reflect the concerns and comments previously expressed by Members at a planning presentation.

The Head of Planning informed the Committee that the current application would provide a pedestrian link to Berengrave Nature Reserve so as to avoid potential damage by the creation of informal entrances once the housing units are occupied. In the light of this, he sought the Committee's view as to whether it would be beneficial to also include a pedestrian link from the adjoining estate to the south of the site so that residents of that estate could also benefit from pedestrian access to the Nature Reserve.

With the agreement of the Committee, Councillor Potter addressed the Committee as Ward Councillor and made the following points:

- The original application for 64 units had been a balanced application and the proposed increase to 79 units exceeded this and would impact highway congestion.
- The design for the current application was considered more suitable for a rural area and was welcomed along with the proposed landscaping but there was concern that the pedestrian link to Berengrave Nature Reserve could result in antisocial behaviour in the Reserve.
- Residents of the estate to the south of the development did not wish to have a pedestrian access through the new site.
- Ward Councillors would like to be involved in the Construction Management Plan.

The Committee discussed the application having regard to the comments of the Ward Councillor and in response to questions, the Head of Planning informed

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the Committee that the provision of trees and landscaping on site formed part of the proposed conditions and the future maintenance of the car parking area within the site for use by residents on Lower Rainham Road who did not currently have off road parking would be dealt with either through the highway adoption process or the management plan for open space within the site. In addition, he suggested that if approved, regular meetings would be held with Ward Councillors and the Site Contractor as part of the Construction Management Plan. He also suggested that before the boundary treatment of the site is finalised, consultations be undertaken with the residents of the estate to the south of the site concerning the possible provision of a pedestrian access from their estate through the new site so they can access Berengrave Nature Reserve.

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:

i. Secure 25% affordable dwelling units (equal to 20 dwellings).

ii. Education contribution:

Nursery: £95,102.14 towards expansion towards one or more of: Mierscourt, Park Wood, Thames View, St Thomas of Canterbury, Riverside Primary and/or a new free school in the area.

Primary: £93,874.54 towards one or more of: Mierscourt, Park Wood, Thames View, St Thomas of Canterbury, Riverside Primary and/or a new free school in the area

Secondary: £175,052.96 towards one or more of: The Howard, Rainham Girls, Rainham Mark Grammar, Robert Napier, a new free school in the area

Sixth form: £10,550.65 Towards one or more of: The Howard, Rainham Girls, Rainham Mark Grammar, Robert Napier, a new free school in the area

iii. Contribution of £13,939.55 towards the provision, improvement and promotion of waste and recycling services to cover the impact of the development

iv. Contribution of £13,303.60 towards improving library facilities and equipment within the vicinity.

v. Contribution of £205,528.77 towards open space and outdoor formal sport. To enhance open space facilities within the vicinity of the development and Great Lines Heritage Park

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- vi. Contribution of £53,000 towards ecological and public access provision management at Berengrave Nature Conservation site.
- vii. Contribution of £3,998 towards PROW signage in the immediate area and promotion the Saxon Shore Way regional trail.
- viii. Contribution of £6,308.94 to support young people to access computer training for skill improvements
- ix. Contribution of £53,312.50 towards highway improvement at Berengrave nature reserve meet Lower Rainham Road, and public transport improvement.
- x. Contribution of £19,611.75 towards sport facilities towards improvements to Splashes Leisure Centre.
- xi. Contribution of £19,780.81 towards bird mitigation measures
- xii – Contribution of £50,938.41 to support the foundation and development of the Rainham locality Primary Care Network including the supporting infrastructure, IT, training and equipment
- xiii - Contribution of £10,000 towards public realm improvements in Rainham Town Centre

Total £824,252 = £10,433 contribution per dwelling.

b) Conditions 1 – 23 as set out in the report for the reasons stated in the report, proposed conditions 24 and 25 combined to be condition 24 as set out below, conditions originally numbered 26 - 28 as set out in the report but renumbered 25 - 27, proposed condition 29 (now renumbered 28) amended as set out below, condition originally numbered 30 as set out in the report but renumbered as 29, the deletion of proposed condition 31 and the addition of new conditions 31 and 32 (but renumbered 30 and 31) as set out below and condition 32 as set out in the report:

- 24 Prior to the first occupation of the development, details of on-site car parking provision with associated vehicular, pedestrian access and management for use by the residents of properties on the south side of Lower Rainham Road, between the application site and Station Road mini roundabout shall be submitted to and approved by the Local Planning Authority. The approved parking provision and associated access shall be provided in accordance with the approved plans prior to the first occupation of the 10th dwelling on site and shall thereafter be maintained and retained.

Reason: In the interests of highway safety and amenities of the local residents and in accordance with Policies, T1, T13 and BNE2 of the Medway Local Plan 2003.

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

Reason: This condition is sought in accordance with paragraph 165 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.

- 30 The development shall be carried out in accordance with the climate change and energy efficiency measures details in the letter Response to Climate Change dated and received 29 Jan 2021.

Prior to the occupation of the 75th dwelling a verification report shall be submitted to and approved in writing by the local planning authority. The verification report shall detail and confirm the measures that have been implemented.

Reason: In the interests of energy efficiency and climate change in accordance with paragraphs 8, 149, 150 and 151 of the National Planning Policy Framework.

- 31 No part of the development shall commence until full details (S278) of the following highway improvements have been submitted to and approved in writing by the Local Planning Authority and thereby completed prior to occupation of the residential units:

Access arrangements and parking area as outlined in drawings 14657-H-01 P4 and 14657-H-02 P2.

The approved details shall thereafter be implemented in full prior to first occupation of the development.

Reason: to ensure the development preserves conditions of highway safety, pedestrian safety and the free flow of traffic, in accordance with Policies T1, T2 and T3 of the Medway Local Plan.

708 Performance Report: 1 October to 31 December 2020

Discussion:

The Committee received a report setting out performance for the period 1 October – 31 December 2020.

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The Committee expressed its appreciation to the Head of Planning and his staff for maintaining exceptional performance despite challenging times due to the Covid-19 pandemic.

In response, the Head of Planning informed the Committee that many members of staff within his team were facing challenges due to the Covid-19 pandemic not only due to the requirement for them to work remotely from home but also due to their mental and physical health and in some cases the requirement to juggle work commitments alongside home schooling.

He informed the Committee of a number of factors that had resulted in an increase in the workload for staff.

Decision:

The Committee noted the report and expressed appreciation to the Head of Planning and his team for the exceptional performance that was being maintained despite the challenges that the Covid-19 pandemic was presenting in addition to the increased workload.

709 Report on Appeal Decisions 1 October 2020 to 31 December 2020

Discussion:

The Committee received a report setting out appeal decisions for the period 1 October – 31 December 2020.

Decision:

The Committee noted the report.

710 Report on Section 106 Agreements October - December 2020

Discussion:

The Committee received a report setting out information as to the amount of Section 106 funding received between October – December 2020.

Decision:

The Committee noted the report.

Chairman

Date:

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