

Medway Council
Virtual Meeting of Planning Committee
Wednesday, 3 March 2021
6.30pm to 9.45pm

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), Curry, Etheridge, Hubbard, Potter, Chrissy Stamp, Thorne and Tranter (Vice-Chairman)

In Attendance: Councillor Sijuwade Adeoye
Councillor Alan Jarrett
Councillor Harinder Mahil
Councillor Vince Maple
Councillor Teresa Murray
Councillor Alex Paterson
Laura Caiels, Principal Lawyer - Place Team
Dave Harris, Head of Planning
Robert Neave, Principal Transport Planner
Carly Stoddart, Planning Manager
Ellen Wright, Democratic Services Officer

766 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, Sylvia Griffin and McDonald (although it was noted that Councillor Adeoye would be attending in her capacity as Ward Councillor to address the Committee on planning application MC/20/2839 Land off City Way (former playing field) Chatham).

767 Record of meeting

The record of the meeting held on 3 February 2021 was agreed and signed by the Chairman as correct subject to Councillor Sylvia Griffin being included in the list of those in attendance.

768 Urgent matters by reason of special circumstances

There were none.

769 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

Councillor Potter referred to planning application MC/20/2839 – Land off City Way, (former playing field), Chatham and informed the Committee that as he had supported the bid for funding of a new school in his role as Portfolio Holder for Education and Schools, he would leave the meeting and take no part in the consideration and determination of this planning application.

Other interests

Councillor Hubbard referred to planning application MC/20/2806 – Manor Farm Quarry, Parsonage Lane, Frindsbury insofar as his wife's cousins own Manor Farm.

770 Planning application - MC/19/0765 - Land at East Hill, Chatham

Discussion:

The Head of Planning outlined the planning application in detail and in particular, referred to the presentation to the Committee on 3 February 2021 concerning the Housing Delivery Test and the need for a presumption in favour of sustainable development. He reminded the Committee that this did not mean that all planning applications had to be granted but that the Committee must be mindful of this when determining planning applications.

In addition, he referred to a recent Public Inquiry and referred to the various factors that had arisen at the Inquiry concerning the 5 year Housing supply and the Local Plan.

He informed the Committee that whilst the 2017 Development Strategy for the emerging Local Plan had included two scenarios (out of 4) which included possible development of the site that was the subject of this planning application, further work had been undertaken in producing the Medway Strategic Land Availability Assessment 2019 (SLAA) and subsequently the application site had been removed as it was not considered suitable for development.

The Committee was presented with plans showing the application site and its relationship with the Capstone Valley and Gibraltar Farm. This latter site had

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been the subject of a recent planning application for development which had been considered and refused on 13 January 2021.

The Head of Planning explained the application and the reasons why the application was not considered acceptable. It was noted that since despatch of the agenda, 38 additional representations had been received reiterating previous objections.

The Head of Planning stated that whilst a development of 800 units would normally be considered low density, the topography of the site and location of ancient woodland meant that the developable area was less and therefore the density of the development would be greater and would have a greater impact and dominance on the surrounding area, particularly taking into account the proposed 3 and 4 storey elements of the scheme.

The Head of Planning referred to various relevant policies that needed to be taken into account when determining the application and drew attention to the relevant sections of the committee report. In doing so, he outlined both the benefits and the harm which would result should this application be approved and he informed Members of the requirement for the Committee to balance and weigh up these factors before reaching a decision.

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

- The proposed development which includes both 3 and 4 storey buildings would have a detrimental visual impact from Darland Banks and be visually intrusive and this land is not identified for Housing in the Local Plan.
- The proposed development would have a detrimental impact on the availability of valuable open space which is an important benefit for people's health and well-being.
- The applicant's argument concerning provision of GP facilities is invalid as it's not GP surgeries that are needed but the availability of GPs to work in them.
- The development will exacerbate existing highway problems in the surrounding area.

The Committee discussed the report having regard to the various points highlighted by the Head of Planning and the Ward Councillor.

Concern was expressed that this development would be larger than some Parish areas in Medway.

Attention was also drawn to the Green and Blue Infrastructure Document which identified both Capstone and Darland as key sites.

In response to questions, the Head of Planning confirmed that the proposed provision of a school and community centre within the application site related to

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the provision of land space for these facilities but not the provision of the buildings.

The Committee acknowledged the importance of this open space particularly taking into account that it was surrounded by densely populated residential areas in both Chatham and Gillingham.

Decision:

Refused on the grounds set out in the report.

771 Planning application - MC/20/2839 - Land Off City Way (Former Playing Field), Chatham, ME1 2AE

Discussion:

The Head of Planning referred to the supplementary agenda advice sheet and informed the Committee that should it be minded to approve the planning application, there were a number of proposed changes to the recommendation in that the application would require referral to the Secretary of State, it was now recommended that the applicant enter into a Section 106 agreement to secure a contribution towards improvements to the right of way along the southern boundary (Boundary Road to City Way) and there was a proposed change to the wording of condition 12.

In addition, he would be seeking delegated authority to finalise the wording of proposed conditions 7 and 8 as they related to the protection of trees and the proposed retaining wall.

The Head of Planning also informed the Committee that since despatch of the agenda, 9 additional representations had been received reiterating previous objections and raising additional concerns, details of which were set out on the supplementary agenda advice sheet. In addition, a letter had been received from the Interim Assistant Director, Education and SEN, Medway Council which had been appended to the supplementary agenda advice sheet.

He also advised of a change to the planning appraisal section of the report to add a section relating to the addition of the Section 106 contribution request.

The Head of Planning outlined the application in detail and, in particular, the reasons why the school were proposing to relocate from its existing two sites to the new location.

He informed the Committee that the proposed school would be located within an Area of Protected Open Space and whilst Policy L3 of the Local Plan sought to resist the loss of existing open space, there were a number of exceptions, details of which were set out in the report on page 92 of the agenda. He advised that in this instance, the development was required for educational purposes and would retain sufficient outdoor space for sport and recreation including a three court multi use games area, an all weather pitch, a 100m

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grass running track and a 9 a-side grass football pitch to meet the requirements of the school.

Sport England had objected to the proposed development as it constituted a loss of land being used as a playing field but officers had reviewed and assessed relevant data and consulted with the school and were satisfied that the site had not been in use as playing fields within the last 6 years. However, the Committee was informed that should it be minded to approve the application, it would require referral to the Secretary of State as the scheme would be contrary to Sport England's assessment.

The Head of Planning also drew attention to the importance of the application site in terms of heritage as the site was located to the south of New Road Conservation Area and also south of Fort Pitt, a nationally important scheduled monument, full details of which were set out within the report on page 94 of the agenda. He informed the Committee that Heritage England had been involved in the processing of this application and whilst the original location of the school building had been unacceptable to Heritage England, the school building had now been repositioned to the eastern side of the site along with access and parking positioned to the south, to minimise where possible harm to the heritage asset. This enabled the most impactful parts of the development to be positioned away from the Fort's southern boundary and was acceptable to Heritage England.

With the agreement of the Committee and, as this application affected more than one Ward, Councillors Murray, Mahil, Adeoye and Maple whilst noting the school's need to relocate to a new building on one site, addressed the Committee setting out the following, summarised points:

- The development will increase the demand for parking in City Way, in particular at peak times to the detriment of residents in City Way unless no waiting times are introduced.
- Some residents have indicated that the school playing fields have been used in recent times for Year 6 sports day.
- Use of the all weather pitches should cease by 9.30pm.
- As the school is a faith school, many pupils travel from afar via the rail network and further consideration should be given to pedestrian links from the railway station.
- The revised location of the school building to suit the requirements of Heritage England is not in line with the original proposals which would be residents' preferred location. The proposed development protects an ancient scheduled monument but is now located closer to residential homes where it will have an adverse visual impact not only for residents but also when viewed from Fort Pitt and the Great Lines.
- Pedestrian access paths to the school are along narrow pathways and there will be conflict with pedestrians, residential parking and in particular, on refuse collection day. Arrangements should be made for refuse collection to be undertaken outside of peak pedestrian activity.
- The location of the school building could generate a noise and light disturbance to residents.

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- The removal of trees and hedgerows from the site will impact on habitat in the area and is a backward step in managing climate change.
- The application should be deferred to enable further discussion on the possible use of the original intended location of the school building but if this is not possible then the following should be further considered:
 1. There should be regular consultation between the school and local residents.
 2. There should be further consultations on improving the access.
 3. Officers should work with the applicants on addressing the narrow pavements in the area.
 4. Officers should liaise with Medway NORSE to seek adjustments to the refuse collection times in surrounding roads.
 5. Condition 23 must be adhered to for use of external pitches and there should be no use of external pitches on Sundays.

In response to concerns regarding usage times of the external pitches at the school, the Head of Planning drew attention to proposed condition 23 which limited use of the external areas to 20:00hrs Monday to Saturday and 14.00hrs on Sundays.

The Committee discussed the application having regard to the concerns expressed by the 4 Ward Councillors and in response to questions, the Head of Planning informed Members that in Heritage England's view, the original proposed location would be unacceptable in that it would cause substantial harm to the ancient scheduled monument and that this could be overcome by siting the school building on a less sensitive area of the site.

The Committee acknowledged the benefits of the school's relocation due to the condition of its existing buildings and the benefits of being relocated onto one site. However, the Committee also discussed the loss of trees from the site, the impact on biodiversity and mitigation measures, the impact on parking in City Way in peak hours, the proposed Section 106 funding for improvements to the right of way along the southern boundary (Boundary Road to City Way) and a possible amendment to the conditions to require no use of the external facilities on Sundays.

The Head of Planning suggested that if the Committee was minded to approve the application, proposed condition 3 could be amended to require regular meetings between the school, residents and Ward Councillors and an informative could be added requiring regular monthly meetings going forward.

Whilst it was not possible to condition matters concerning the pavements in Boundary Road and Ordnance Street, officers could discuss with Medway NORSE the possibility of adjusting the refuse collection times in surrounding streets so as to avoid refuse collections conflicting with school opening times.

In respect of the use of the external facilities, it was possible to amend proposed condition 23 to remove use of external facilities on Sundays and this

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could then be a matter for discussion between residents and the school going forward and could be amended at a later date if necessary.

Decision:

Approved subject to:

- a) The application being referred to the Secretary of State as being contrary to Sport England's assessment.
- b) The applicant entering into a Section 106 agreement to secure a contribution of £15,000 towards improvements to the right of way along the southern boundary (Boundary Road to City Way).
- c) Conditions 1 – 2, 4 and 5 and 9 – 11, 13 – 22 and 24 – 29 as set out in the report for the reasons stated in the report with the Head of Planning being granted delegated authority to approve the final wording of conditions 6, 7 and 8, and conditions 3, 12 and 23 amended as follows:

3. Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of:
 - i. hours of construction working; measures to control noise affecting nearby residents;
 - ii. wheel cleaning/chassis cleaning facilities;
 - iii. dust control measures;
 - iv. pollution incident control and;
 - v. site contact details in case of complaints;
 - vii. monthly meetings with Ward Councillors and the Site Manager during the construction process.

The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of residential of the adjoining properties and in compliance with Policy BNE2 of the Medway Local Plan 2003.

12. The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the Air Quality Mitigation Statement prepared by Stroma dated March 2021 (Reference 04-20-82925).

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Reason: In the interests of the amenities of the adjoining properties and in accordance with Policy BNE24 of the Medway Local Plan 2003.

- 23 The facilities to be used for community purposes as outlined in the Community Use Agreement (CUA) to be approved under condition 22 shall not be used outside of the following hours:

17:00 to 22:00 Monday to Friday for internal spaces
08:00 to 22:00 on Saturday and Sunday for internal spaces
17:00 to 20:00 on Monday to Friday for the external pitches
09:00 to 20:00 on Saturday for the external pitches
No use on Sunday for the external pitches

Reason: In the interests of residential amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- d) An informative be added to encourage the school to continue with future liaison meetings with residents and Ward Councillors.

772 Planning application - MC/20/2806 - Manor Farm Quarry, Parsonage Lane, Frindsbury, Rochester

Discussion:

The Planning Manager outlined the planning application and the reasons for the request to vary the condition on planning application MC/20/0482 for the in-filling operation to cease at this site on 31 December 2024.

The Committee discussed the application and concern was expressed as to the time that the applicant was taking to complete the infill at this site. Members requested that prior to approving a further extension, it would appreciate further information from the applicant setting out a definitive plan for the completion of these works.

Decision:

Consideration of the application be deferred to enable the applicant to supply further detailed information as to how they intend to complete the in-fill works by 31 December 2024, if possible by way of a brief presentation to the Committee.

773 Planning application - MC/20/2107 - Bridgeside, Warwick Crescent, Borstal, Rochester

Discussion:

The Planning Manager outlined the planning application and suggested that should the Committee be minded to approve the application, a number of

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conditions be changed, details of which were set out on the supplementary agenda advice sheet.

In addition, she requested that the Head of Planning be granted delegated authority to reword proposed condition 8 concerning trees upon receipt of an updated tree report so as to ensure that the trees on site were adequately protected and to include additional conditions to cover biodiversity and enhancement measures.

It was noted that since despatch of the agenda, the Environment Agency had withdrawn its objection.

With the agreement of the Committee, Councillor Paterson addressed the Committee as Ward Councillor and outlined concerns that the proposed development would result in increased vehicular traffic and in particular, an intensification of the junction at Warwick Crescent. He advised that the site is located close to The Pilgrim School which will result in vehicles using narrow roads which are also used by pupils and other pedestrians. He suggested that if this application was to be approved, further consideration should be given to seeking a remedy for highway improvements.

The Committee discussed the application and in response to questions, the Principal Transport Planner advised that no objections had been raised on highways grounds based on the previous approval for a scheme at this site in 2013 at MC/12/0334.

It was suggested that Ward Councillors hold discussions with officers to assess possible means of mitigating highway congestion at the Warwick Road junction prior to the determination of the application and also give consideration to the individual allocations of the proposed Section 106 contributions and, in particular, where the education contribution would be directed.

Decision:

Consideration of this application be deferred to enable Ward Councillors to have discussions with officers to assess possible means of mitigating highway congestion at the Warwick Road junction and the individual allocations of the proposed Section 106 contributions, in particular, to where the education contribution would be directed.

774 Planning application - MC/20/3146 - 8 Salisbury Avenue, Rainham, Gillingham

Discussion:

The Planning Manager outlined the application in detail and informed the Committee that whilst the proposed dwelling was substantial in size, on balance, the application was recommended for approval.

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The Committee discussed the application noting that as part of the officer presentation, details had been displayed of a similar development nearby. However, the Committee noted that this other development had been for a 3 bed chalet bungalow whilst the application being considered was for a 4 bed two storey house with a much larger footprint.

The Committee considered that the application constituted an overdevelopment of the site in that the site had reached its capacity and there was very little amenity space for prospective occupiers of the proposed new dwelling.

Decision:

Refused on the following grounds:

1. The proposed development will constitute an overdevelopment of the site which will result in lack of amenity space for prospective occupiers.
2. The proposed development is out of character and will have a detrimental appearance for the area.

Chairman

Date:

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