

Medway Council
Planning Committee
Thursday, 2 September 2021
7.00pm to 10.38pm

Record of the meeting

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

Present: Councillors: Barrett, Buckwell (Vice-Chairman),
Mrs Diane Chambers (Chairman), Curry, Etheridge, Hackwell,
Hubbard, McDonald, Opara, Thorne and Tranter

Substitutes: Councillors:
Browne (Substitute for Adeoye)
Gulvin (Substitute for Potter)
Maple (Substitute for Bowler)
Price (Substitute for Chrissy Stamp)

In Attendance: Dave Harris, Head of Planning
Joanna Horne, Planning Solicitor
Robert Neave, Principal Transport Planner
Teri Reynolds, Democratic Services Officer

305 Apologies for absence

Apologies for absence were received from Councillors Adeoye, Bowler, Potter and Chrissy Stamp.

306 Urgent matters by reason of special circumstances

There were none.

307 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

Councillor Gulvin referring to item 7 (Report on Section 106 agreements) informed the Committee that this report made mention of Chatham Waterfront which was a project by Medway Development Company. Whilst he had a

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dispensation to speak on this at some meetings of the Council, such dispensation did not involve the Planning Committee and therefore he would leave the meeting prior to consideration of this item.

Other interests

Cllr Hubbard referred to items 4 and 5 (Planning application MC/21/0302 – Land South of Berwick Way, East of Frindsbury Hill and North and West of Parsonage Lane (known as Manor Farm), Frindsbury, Rochester and planning application MC/21/0303 – Manor Farm Barn, Parsonage Lane, Frindsbury, Rochester and informed the Committee that relatives of his wife, distant cousins, lived in Manor House next to Manor Farm Barn.

Cllr Buckwell, referring to item 4 (Planning application MC/21/0302 – Land South of Berwick Way, East of Frindsbury Hill and North and West of Parsonage Lane (known as Manor Farm), Frindsbury, Rochester and informed the Committee that he was a life member of the City of Rochester Society but he did not consider that this affected his participation in considering and determining this planning application.

308 Planning application - MC/21/0302 Land South of Berwick Way, East of Frindsbury Hill and North and West of Parsonage Lane (known As Manor Farm), Frindsbury, Rochester

Discussion:

The Head of Planning outlined the planning application in detail and explained the background as to the reasons why this planning application had been submitted as a hybrid application. The application formed three elements namely the bringing back into use of Manor Farm Barn, a Grade 1 listed building which had been sympathetically restored following a fire in 2003, provision of a new secondary school to meet the immediate need for additional secondary school places in this part of Medway (both these aspects were in detail) and provision of 181 residential units (in outline).

He informed the Committee that all three elements of the scheme were interlinked and could not proceed independently of each other.

The Committee was informed that whilst Manor Farm Barn had been sympathetically restored by the current owners following a fire, the building was still vulnerable as it remained empty and the only way of securing its long term protection and future would be to bring the property back into use. The current application proposed to develop the Barn and its surrounding area as a wedding/conference venue. This proposal had been supported by Heritage England who currently had the Barn listed on its at risk register.

Alongside the proposal for the Barn, the hybrid planning application also sought to provide a new three storey secondary school and associated facilities on the application site. The Head of Planning informed the Committee that these additional school places were required as a matter of urgency to meet current

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need in this area of Medway and that having considered a range of alternative sites, the proposed site was the only one that was suitable and would offer the opportunity of being located in a position where pupils would be able to travel to school using alternative means other than by car.

The Head of Planning also informed the Committee that the residential element of the hybrid planning application was the main enabling element of the whole project and that without this, the proposed scheme for the Barn and School could not proceed.

The Committee received a full presentation on the proposed hybrid application including plans showing the proposed landscaping to minimise the visual impact of the development, proposed changes to the highway so as to ensure traffic flow in and around the development, the phased works to the Barn facility and the impact that the development would have upon the Hogmarsh Valley Area of Local Importance (ALLI) and the Frindsbury Conservation Area.

The Committee was reminded of the current position concerning the inability of the Council to show that it had a 5 year land supply for Housing and therefore the presumption in favour of sustainable development applied and was required to be taken into account in considering this planning application.

With the agreement of the Committee, Councillors Elizabeth Turpin and Van Dyke addressed the Committee as Ward Councillors and Councillor Elizabeth Turpin also read out a statement from Councillor Williams who had been unable to attend the meeting. The following summarised points were raised:

Councillor Elizabeth Turpin

- This should not be a hybrid application and each element should be considered independently.
- The application did not comply with the 2019 Strategic Land Assessment which identified 150 residential units for this site and does not fit with the current Local Plan and the development would have a negative impact on the area which included RAMSAR and SSSI sites.
- Concern regarding the impact on the highway
- Impact on air quality especially for school children who would be exercising on open spaces next to a busy highway.
- The need for a school was not disputed but the number of school places in Medway were impacted by the number of children who reside outside of Medway but attended Medway schools.

Councillor Williams

- Each part of this application should be considered on its individual merits and not as one application as they have different challenges.
- In the 2019 SLAA assessment, the site was assessed as suitable for housing of 150 units, not for 181 houses plus a school.

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- Berwick Way, the Sans Pareil roundabout and Frindsbury Hill form one of the most congested areas in Medway at peak times and if approved the development would put pressure on the local road infrastructure.
- The Council's Air Quality Annual Status Report 2020 makes reference to six roads within Medway that were the main source of air pollution and two of those roads, the A228 and A289 are the boundary of this site. Also less than half a mile from the site is Four Elms Hill, one of the four Air Quality Management Areas in Medway. Therefore, this application would add to the already poor air quality locally.
- There would be recreational pressures on the Medway Estuary, Marshes Ramsar and Special Protection Area which could result in significant effects on these sites which were known to support a population of reptiles, a site of importance for invertebrates and foraging habitats for bats. Development on this site would also have a devastating effect on the flora and fauna of this site.

Councillor Van Dyke

- Residents of Parsonage Lane would be significantly affected by this development and there were concerns that what was stated as temporary use of Parsonage Lane for access would become permanent at a future date and the application failed to recognise that there was already extensive use of Parsonage Lane for parking by nearby residents.
- Residents of Parsonage Lane, many of whom were elderly, would be subjected to heavy traffic, including construction traffic, the inability to gain access to their homes, dust and fumes. One resident was already suffering health problems due to dust from the infilling works.
- There was no legitimate reason for dealing with all three elements of this planning application together.
- The benefits of this scheme did not outweigh the harm to local residents.

The Committee then discussed the application in detail and concern was expressed that this application had been submitted as a hybrid application which meant that all three elements were required to be considered together as opposed to independently.

The Committee generally accepted the need for the provision of a new school to meet increasing demand for school places but questioned why the Strood Waterfront site had not also been considered as a possible location. In response, the Head of Planning advised that at the time that possible sites for a new school had been considered, the Strood Waterfront site had not been available. Therefore, the current application site had been the most suitable site identified and had been acceptable to the Department for Education who were providing funding for the school.

During the debate, the Committee discussed the following summarised points:

- Concern that work had already commenced on site prior to consideration of this application.

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- The development would have a negative impact on the Frindsbury and Manor Farm Conservation Area.
- Concerns that the application failed to include completion dates.
- Concerns regarding the impact on the highway.
- Concerns that the proposed development failed to have regard to the Council's Climate Change agenda.
- This application, submitted as a hybrid application appeared to tie the Committee's hands in that if the provision of a school was supported, the Committee had no alternative but to accept those elements of the application that related to the development of the Barn and provision of residential development.
- Recognition that the school was needed in Medway to meet increasing demand for school places in this part of Medway.
- Recognition that the Manor Farm Barn remained a vulnerable building whilst it remained empty and not in use and the best way of protecting the Barn would be for it to be brought into use.
- The development would create employment not only during the construction phases but also once the Barn facility and School were open.
- There was an accepted need for the provision of more housing in Medway to meet demand.
- Concern that temporary use of Parsonage Lane would become permanent at a future date.
- Concern that school children would be placed in an area where air quality was already an issue of concern.
- Would the proposed 105 car parking spaces at the school be sufficient?
- The timing of the traffic modelling to assess impact.
- Whether the Barn could be used as a heritage site or for community use as opposed to a wedding/conference venue.
- Whether the application in its current form could be rejected and the applicant asked to re-submit the application as three separate applications.
- Why was it acceptable for visitors attending the Barn to cross traffic lanes on Berwick Way but not as an access to the school.

The Head of Planning and Principal Transport Planner responded to the various questions and advised that:

- Whilst noting the Committee's concern that this application had been submitted as a hybrid application with three separate but interlinked elements, the Council could not require the applicant to resubmit the application as three separate applications and the Head of Planning referred to his presentation which had indicated that all three elements of the proposed development were interlinked with the residential development being the enabling factor to allow the other elements to proceed.
- When assessing the highways scheme, it was considered acceptable for visitors to the Barn to cross traffic lanes on Berwick Way as these journeys would not likely be undertaken during peak hours. However,

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this would not be the case for the car journeys to and from the school or for the residential development.

- It was not possible to undertake an assessment for highway mitigation measures too early as it would not be possible to have sufficient evidence to make an informed decision about the mitigation measures that may be required.
- The car parking provision at the school for 105 spaces for staff and visitors along with a drop off point was considered sufficient.
- As the school will be located in the area where there was an identified need for school places, this was likely to result in less vehicle movements to and from school as pupils could walk or cycle.
- When investigating possible alternative sites for the location of the school, Strood Waterfront was not available to be considered.
- Work was currently being undertaken on site, but this related to ecology work that was required to be undertaken at specific times of the year.
- Whilst works had been undertaken at the Barn and it was now structurally sound, the building remained vulnerable until such time that it had a use.
- Once the Barn was brought back into use, there was no reason why the community would not be able to hire the facility.
- In response to concerns regarding the completion of the infilling of the pit, this work would need to be completed prior to the provision of the proposed housing development at the site.
- There was a need to provide housing and there were limited opportunities to continue to provide housing in town centres. On this application site, the housing element had been located as close to the existing urban area as possible and on the basis of 181 houses, was considered a low density scheme for the edge of a town.
- There was a significant pressure on school places in this part of Medway and if the proposed provision of a school at this site was not considered acceptable, then another site would need to be identified and the cost of providing the new school, which would be in the region of £40 million, may fall to the Council.
- The proposed conditions included the provision of a Travel Plan and officers would work with the school to assess methods of discouraging use of cars by staff and pupils.

In response to a question, the Head of Planning also outlined the potential financial implications should the application be refused and progress to an appeal and, in addition, should the application be approved and the decision be the subject of a judicial review.

The Head of Planning advised the Committee that whilst he noted the Committee's concern that this application had been submitted as a hybrid application with three different elements, it was necessary for the Committee to determine the application as submitted.

The Committee noted the changes to the recommendation and proposal element of the report as set out on the supplementary agenda advice sheet.

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Decision:

Approved subject to:

a) A Section 106 agreement to secure the following:

i) NON-FINANCIAL

- Min 25 % affordable homes
- 60% affordable rent
- 40% shared ownership
- No more than 60 units occupied until the first phase of the barn conversion and extension works are complete
- No more than 130 units occupied until the final phase of the barn conversion and extension works are complete

ii) A financial contribution of £369,133.47 in total to be provisionally split in the following ways:

SCHOOL

- Works to relocate/reroute the RS326 or the sum of £2500 toward the diversion costs
- Works to relocate/reroute the RS328 of the sum of £2500 toward the diversion costs
- £15,870 toward improvements to signage and furniture for the RR9.

HOUSING

- £40,000 toward resurfacing works of the RR9, to help support sustainability and encourage walking to the station and Town Centre.
- £166,706.99 toward support the creation of additional capacity in primary care premises required (£644.79 per unit x 181 units)
- £30,480.40 toward improving facilities and equipment at Strood library local libraries (£168.40 per unit x 181 units)
- £33,818.04 toward improvements within Strood Town Centre (£186.84 per unit x 181 units)
- £31,937.45 toward waste and recycling (£176.45 per unit x 181 units)
- £45,320.59 toward Habitats Regulations (mitigation for Wintering Birds - £250.39 per unit x 181 units)

b) conditions 2 – 102 as set out in the report for the reasons stated in the report and condition 1 amended as follows:

1. Approved Drawings

The development hereby permitted shall be carried out in accordance with the following approved plans:

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Overall

DHA/14019/11 - received 2 February 2021, 568-ALA-00-XX-DR-L-0004 P01 - received 10 February 2021 DHA/14019/19 rev A - received 4 June 2021

Barn

29654A_003 rev A, 29654A_199 rev B, 29654A_204 rev D, 29654A_205 rev D, 29654A_206 rev D, 29654A_207 rev D, 29654A_208 rev E, 29654A_209 rev G, 29654A_210 rev F, 29654A_211 rev G, 29654A_212 rev G, 29654A_213 rev G, 29654A_214 rev B, 29654A_220 rev D, 29654A_221 rev D, 29654A_222 rev D, 29654A_300 rev D, 29654A_301 rev D, 29654A_302 rev E, 29654A_303 rev E, 29654A_305 rev C, 29654A_307 rev B, 568-ALA-00-XX-DR-L-003 P02 - received 2 February 2021, 29654A_200 rev K, 29654A_201 rev J - received 4 June 2021, 29654A_201 rev I - received 2 February 2021

School

21023/005 Rev B, 21023/003 Rev F, FS0754-CPW-ZZ-XX-DR-E-6303 P02, FS0754-CPW-ZZ-XX-DR-E-6203 P03, FS0754-CPM-02-02-DR-A-2012 P03, FS0754-CPM-02-00-DR-A-2011 P03, FS0754-CPM-01-03-DR-A-2004 P03, FS0754-CPM-01-02-DR-A-2003 P03, FS0754-CPM-01-01-DR-A-2002 P03, FS0754-CPM-01-00-DR-A-2001 P03, FS0754-ALA-00-XX-DR-L-0002 P04, FS0754-ALA-00-XX-DR-L-0003 P03, FS0754-ALA-00-XX-DR-L-0004 P03, FS0754-ALA-00-XX-DR-L-0005 P05, FS0754-ALA-00-XX-DR-L-0006 P05, FS0754-ALA-00-XX-DR-L-0007 P05, FS0754-ALA-00-XX-DR-L-0008 P05, FS0754-ALA-00-XX-DR-L-0009 P05, FS0754-ALA-00-XX-DR-L-0011 P03, FS0754-ALA-00-XX-DR-L-0012 P03, FS0754-ALA-00-XX-DR-L-0013 P03, FS0754-ALA-00-XX-DR-L-0014 P02, FS0754-ALA-00-XX-DR-L-0016 P03, FS0754-ALA-00-XX-DR-L-0017 P03 - received 2 February 2021 FS0754-CPM-02-ZZ-DR-A-2013 P04, XXX-ALA-00-XX-DR-L-0001 P04 - received 10 February 2021, FS0754-CPM-01-ZZ-DR-A-2005 P07, FS0754-ALA-XX-XX-DR-L-0001 P05, FS0754-ALA-XX-XX-DR-L-0002 P07, FS0754-ALA-XX-XX-DR-L-0003 P04, FS0754-ALA-XX-XX-DR-L-0004 P04 - received 4 June 2021

Housing

DHA/14019/12 - land use plan, DHA/14019/14 - ground levels and building heights, DHA/14019/15 - residential character zones, 568-ALA-00-XX-DR-L0001 P03 - landscape masterplan, 568-ALA-00-XX-DR-L-0002 P03 - landscape parameters plan - received 2 February 2021 DHA/14019/13 rev A - access strategy plan - received 4 June 2021

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Reason: For the avoidance of doubt and in the interests of proper planning and having regard to the Town and Country Planning (Environmental Impact Assessment) (Regulations 2017) against which the development has been assessed and that any material alteration to the design principles and development objectives may have an impact which has not been fully assessed.

309 Planning application - MC/21/0303 Manor Farm Barn, Parsonage Lane, Frindsbury, Rochester, ME2 4UT

Discussion:

The Head of Planning outlined the planning application in detail.

The Committee's attention was drawn to an amendment to a proposed condition, as set out on the supplementary agenda advice sheet.

Decision:

Approved with conditions 1 and 3 – 9 as set out in the report for the reasons stated in the report and condition 2 amended as follows:

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

DHA/14019/11, 29654A_003 rev A, 29654A_199 rev B, 29654A_204 rev D, 29654A_205 rev D, 29654A_206 rev D, 29654A_207 rev D, 29654A_208 rev E, 29654A_209 rev G, 29654A_210 rev F, 29654A_211 rev G, 29654A_212 rev G, 29654A_213 rev G, 29654A_214 rev B, 29654A_220 rev D, 29654A_221 rev D, 29654A_222 rev D, 29654A_300 rev D, 29654A_301 rev D, 29654A_302 rev E, 29654A_303 rev E, 29654A_305 rev C, 29654A_307 rev B, 568-ALA00-XX-DR-L-003 P02 - received 2 February 2021

568-ALA-00-XX-DR-L-0004 P01 - received 10 February 2021

DHA/14019/19 rev A , 29654A_200 rev K, 29654A_201 rev J - received 4 June 2021, 29654A_201 rev I - received 2 February 2021

Reason: For the avoidance of doubt and in the interests of proper planning and having regard to the Town and Country Planning (Environmental Impact Assessment) (Regulations 2017) against which the development has been assessed and that any material alteration to the design principles and development objectives may have an impact which has not been fully assessed.

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310 Report on Appeal decisions 1 April - 30 June 2021

Discussion:

The Committee received a report setting out appeal decision for the period 1 April – 30 June 2021.

The Committee sought information as to whether the Council could challenge some of the appeals listed. In response, the Head of Planning advised that the Council had previously challenged Planning Inspectors' decisions through judicial review and had been successful. Following consultations with Legal, it was not considered that there were grounds to challenge any of the appeal decisions referred to at this meeting.

Decision:

The Committee noted the report.

311 Report on Section 106 Agreements April - June 2021

Discussion:

The Committee received a report setting out section 106 agreements for the period 1 April – 30 June 2021.

In response to a question, the Head of Planning advised that, where possible, Ward Councillors were encouraged to seek dialogue with officers concerning issues such as the allocation of Section 106 funding.

Decision:

The Committee noted the report.

Chairman

Date:

Teri Reynolds, Democratic Services Officer

Telephone: 01634 332012

Email: democratic.services@medway.gov.uk