

**Medway Council**  
**Planning Committee**  
**Wednesday, 10 November 2021**  
**6.30pm to 9.30pm**

**Record of the meeting**

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

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

**In Attendance:** Councillor Rodney Chambers, OBE  
Kemi Erifevieme, Planning Manager  
Dave Harris, Head of Planning  
Joanna Horne, Planning Solicitor  
Robert Neave, Principal Transport Planner  
Ellen Wright, Democratic Services Officer

**432 Apologies for absence**

There were none.

**433 Record of meeting**

The record of the meeting held on 13 October 2021 was agreed and signed by the Chairman as correct.

The Committee was informed of the following, approved by the Head of Planning under delegated powers in consultation with the Chairman, Vice Chairman and Opposition Spokesperson as set out on the supplementary agenda advice sheet:

**Minute 373 Planning application - MC/21/2643 - 42 New Road, Chatham ME4 4QR**

Refused on the following ground:

The proposed bedroom would result in limited internal floor area, where due to the nature of the accommodation as an HMO, the future occupier would likely spend a significant amount of time and therefore the proposal would be detrimental to the amenity of the future occupier, contrary to Policy BNE2 of the

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Medway Local Plan 2003 and paragraph 130f of the National Planning Policy Framework 2021.

### **434 Urgent matters by reason of special circumstances**

There were none.

### **435 Declarations of Disclosable Pecuniary Interests and Other Significant Interests**

The Committee noted that prior to the meeting further information had been circulated as to the position concerning declaring interests if a member or a former member of a political association had involvement in a planning application. In addition, it was noted that since the meeting on 13 October 2021, the name of the applicant for planning application MC/21/1703 – Land adjacent to Balancing Pond, St Andrews Park, Halling, Kent had been clarified and corrected. On this basis, some Members were satisfied that they no longer needed to declare an Other Significant Interest in this planning application.

#### Disclosable pecuniary interests

There were none.

#### Other significant interests (OSIs)

The Chairman, Councillor Mrs Diane Chambers referred to planning application MC/21/1703 – Land adjacent to Balancing Pond, St Andrews Park, Halling, Kent and informed the Committee that on grounds of consistency she would withdraw from the meeting for the consideration and determination of this planning application.

Councillor Potter referred to planning application MC/21/1703 – Land adjacent to Balancing Pond, St Andrews Park, Halling, Kent and informed the Committee that in his role as Portfolio Holder he had worked closely with the individual who had been linked with this planning application in the original October report, and therefore he would withdraw from the meeting for the consideration and determination of this planning application.

Councillor Potter also referred to planning application MC/21/2423 – St Augustine of Canterbury Catholic Primary School, Deanwood Drive, Parkwood, Gillingham and informed the Committee that he would withdraw from the Committee for the consideration and determination of this planning application on the basis that he was the Portfolio Holder for Education and Schools.

#### Other interests

Councillor Buckwell referring to planning application MC/21/1703 – Land adjacent to Balancing Pond, St Andrews Park, Halling, Kent informed the Committee that as the name of the applicant had been clarified since the original report on 13 October 2021, he considered that he no longer had an

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interest to declare. He advised that he had knowledge of one of the shareholders not identified in the original report but he was satisfied that this did not preclude him from taking part in the determination of the application.

Councillor Etheridge referring to planning application MC/21/1703 – Land adjacent to Balancing Pond, St Andrews Park, Halling, Kent informed the Committee that as the name of the applicant had been clarified since the original report on 13 October 2021, he was satisfied that he had no interest to declare.

### **436 Planning application - MC/21/2612 - The Hollies and Southview, Sharnal Street, High Halstow, Rochester**

#### **Discussion:**

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

In addition, he informed the Committee that since despatch of the agenda, the applicant had submitted a further letter in support of the application and a copy was appended to the supplementary agenda advice sheet.

The Committee was informed of the planning history for this site and in particular the planning application for the provision of 30 residential dwellings on the site of Hollies which had been considered in November 2020 and refused. Details of the two refusal grounds were outlined.

The Head of Planning informed the Committee of the revisions undertaken by the applicant which involved serving notice for the acquisition of Southview and a reconfiguration of the site to overcome the previous grounds for refusal. It was noted that the acquisition of Southview by the applicant was critical to the development to overcome the original highways concern and to permit a redesign of the site.

In considering this application, the Committee sought further information and received responses from the Head of Planning on a range of issues including how the provision of affordable housing off site would be managed, the possibility of this development creating a precedent for other areas in the vicinity of the site, the proposed Section 106 heads of terms, arrangements for the drainage of surface water and use of garages.

The Head of Planning informed the Committee that although the applicant had not yet acquired the land at Southview, this did not preclude the Committee from considering the planning application. Proposed condition 3 required the completion of the access to the site before any development could take place, which would require the purchase of the land.

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The Committee expressed concern that this application was being considered in advance of the Housing Infrastructure Fund development and the production of the new Local Plan, but the Head of Planning explained that as the applicant had submitted the planning application, the Council had a duty to consider and determine the application.

The Head of Planning also confirmed that the High Halstow's Neighbourhood Plan was not yet completed and therefore was not a material consideration in determining this planning application.

### **Decision:**

Approved subject to:

a) A Section 106 Agreement under the terms of the Town and Country Planning Act 1990 being entered into to secure the following developer's contributions:

i) £502,348.80 commuted sum towards off site affordable housing.

ii) The provision of two first homes on site.

iii) £2,550.00 towards improvements to signage and sightlines on the PROW in the immediate vicinity of the development to help build new resident's awareness of the PROW network surrounding them.

iv) £230,295.04 towards expansion of the closest and most suitable schools. Nursery and primary - Mainstream nursery/primary education within a radius of 2 miles from the development site, and/or SEND education within Medway Secondary - Mainstream or SEND secondary/sixth form education within Medway

- Nursery education: £49,890.05 within a radius of 2 miles from the development site, and/or SEND education within Medway

- Primary education: £94,466.79 within a radius of 2 miles from the development site, and/or SEND education within Medway

- Secondary education: £85,938.20 mainstream or SEND secondary education within Medway

v) £5,974.85 towards improved facilities and equipment at Hoo Library and/or the Community Mobile library.

vi) £75,000.00 towards improvements to sustainable transport provision.

vii) £8,575.00 towards improved civic space and gateways to Strood town centre (greening projects, bollards and signage).

viii) £22,878.66 towards the creation of additional capacity in Primary Care premises required as a result of the increase in housing and resulting patient registrations. This can be, by the way of extension to, refurbishment of, or upgrade to existing practice premises within the vicinity of the

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development, or contribution towards a new facility if this is required to support the population growth.

ix) £92,310.75 towards enhancement of open space facilities within the vicinity of the development and Medway's Metropolitan park - Great Lines Heritage Park.

- £87,695.21 to enhance open space facilities within the vicinity of the development
- £4,615.54 to Medway's Metropolitan park - Great Lines Heritage Park

x) £8,376.39 towards Designated Habitats Mitigation.

b) Conditions 1 – 28 as set out in the report for the reasons stated in the report and new conditions 29 and 30 as follows:

29 The approved carports for plot numbers 4 to 10 (consecutive), 15, 20, 21, 22, 29, 30 and 32 to 35 (consecutive) as shown on drawing number 500 Revision A (Additional land- site layout plan) shall not be enclosed and no other permanent development shall take place, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order). The carport parking spaces shall remain available for parking.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and in accordance with Policy T13 of the Medway Local Plan 2003.

30 Condition concerning foul drainage to be submitted and approved in writing by the Local Planning Authority.

### **437 Planning application - MC/21/1703 - Land adjacent to Balancing Pond, St Andrews Park, Halling**

#### **Discussion:**

In the absence of the Chairman, the Vice Chairman took the chair for the determination of this planning application.

The Head of Planning outlined the planning application in detail and reminded the Committee that this application had originally been considered by the Committee on 13 October 2021, following which it had been deferred for further information to be obtained from the applicant as to why it was now no longer possible to provide 56% affordable housing as part of the development as originally intended.

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Letters from the applicant were appended to the planning application report along with an explanation and a correction to the applicant for the development.

The Committee discussed the application and there was continued concern that the applicant's original proposal to provide 56% affordable housing as part of the development may have been a factor that had influenced the Committee when originally considering the application. Some Members considered that the fact that the intended developer had been unable to secure funding from the Government to supply affordable housing to a level of 56% and no other developer could now be found without the level of affordable housing being reduced to 25% was a business matter and not a concern of the Committee.

Other Members, whilst not totally satisfied with the request to reduce the level of affordable housing, accepted that to reduce the level to 25% remained within the Council's policy requirement for provision of affordable housing at a development of this size and therefore considered that there were no sustainable grounds on which to refuse the application which could be defended at appeal.

The Head of Planning advised that as the proposed development was policy compliant for the provision of affordable housing, it was not necessary for the applicant to undertake a viability assessment and in his view, if the application was not determined, it was likely that the applicant would appeal for non-determination of the application.

### **Decision:**

Approved with conditions 1 – 20 as set out in the report for the reasons stated in the report.

### **438 Planning application - MC/21/1383 - Plot 2, London Medway Commercial Park, James Swallow Way, Hoo St Werburgh, Rochester**

### **Discussion:**

The Head of Planning outlined the planning application in detail and suggested that if the Committee was minded to approve the application, a number of changes be made to the proposed conditions, details of which were set out on the supplementary agenda advice sheet along with a number of additional new conditions.

He informed the Committee that at the current time there was no prospective occupier of the site but the various proposed additional conditions were being recommended to take account of the Parish Council's concerns regarding a different site in the locality so as to ensure that similar problems did not arise.

The Head of Planning advised that the application site had a large area for lorries and would have shower and changing facilities available on site for use by lorry drivers.

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During discussion, the Committee expressed the view that provided the lorry drivers made use of the car park and facilities and did not park on the roadside verges then this application would be considered acceptable. However, concern was expressed that despite the provision of shower and changing facilities on site, there was no refreshment facilities and this was considered essential if drivers were to remain at the site for any length of time.

In response, the Head of Planning suggested that an additional condition be included to ensure provision of refreshment facilities at the site. He also assured the Committee that proposed condition 14 would require the vehicle spaces to be provided before the development is occupied.

In response to environmental concerns, the Head of Planning advised that as this planning application was a new detailed application, the applicants would have been required to provide information to support the application that had due regard to the current environmental requirements. However he accepted that subject to approval, it would be possible to add a further condition concerning climate change that could then be adapted and implemented once an end user of the site is known.

### **Decision:**

Approved with conditions 1 – 6 and 10 – 13 and 15 as set out in the report for the reasons stated in the report, conditions 7, 8, 9 and 14 amended as follows and new conditions 16 and 17 as set out below and new conditions 18 and 19 relating to driver refreshment facilities and climate change and energy efficiency measures:

7. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority in consultation with the LLFA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include: i. Temporary drainage systems. ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses. iii. Measures for managing any on or offsite flood risk. The development shall be undertaken in accordance with the agreed details.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 167 of NPPF.

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- 8 No development shall take place until a Construction Ecological Management Plan has been submitted to and agreed in writing by the local planning authority providing further details of the recommendations set out in the Middlemarch Environmental letter dated 23rd February 2021 (RT-MME-154066-03), in accordance with the Ecological Mitigation Strategy for the London Medway Commercial Park site (RT1MME-102011 Rev C). The Construction Ecological works shall be undertaken in accordance with the approved plan.

Reason: In order to protect and compensate for the present potential wildlife habitats of the sites in accordance with Policy BNE37 of the Local Plan.

- 9 Prior to works commencing on site the precautionary reptile mitigation approach must be carried out as detailed within the Middlemarch Environmental letter dated 23rd February 2021 (RT-MME-154066-03). The works must be carried out in suitable weather conditions and overnight temperatures must be above 5 degrees Celsius. On completion of the mitigation a letter must be submitted to the Local Planning Authority confirming that the mitigation has been completed as approved.

Reason: In order to protect and compensate for the present potential wildlife habitats of the sites in accordance with Policy BNE37 of the Local Plan.

- 16 No part of the development shall be occupied until a Service Management Plan (SMP) is submitted to and approved in writing by the Local Planning Authority. SMP shall describe the means of servicing and times of deliveries and means of provision for servicing/delivery vehicles (as well as including how the proposed development would prevent any overspill parking onto the public Highway). The SMP should identify exactly how and what types of vehicles are anticipated for the commercial uses and details of their delivery times to demonstrate that the proposed system would work. Any measures described in the SMP shall be implemented within the time period identified.

Reason: Development without provision of adequate delivery management plan is likely to impact neighbourly amenity and potential impacts to the function of the local road network in accordance with Policy BNE1 and T1 of the Medway Local Plan 2003.

- 17 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Design and Access Statement (dated 8th March 2021) received 12 May 2021. The development shall not be occupied until a verification report prepared by a suitably qualified



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professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented. The implemented measures should thereafter be retained.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 the National Planning Policy Framework 2021.

19. A condition requiring that refreshment facilities be provided on site for drivers.
20. A condition requiring further information and details re: measures to address climate change and energy efficiency over and above what is already proposed.

### **439 Planning application - MC/21/2015 - Canada House, Barnsole Road, Gillingham**

#### **Discussion:**

The Head of Planning outlined the planning application and suggested that if the Committee was minded to approve the application, an additional condition be approved as set out on the supplementary agenda advice sheet.

The Committee discussed the application and whilst there was support for this building being brought back into use, it was noted that one of the proposed apartments fell short of the Council's approved Housing standards.

Concern was also expressed as to the potential impact upon on-street parking in the vicinity of the site.

It was suggested that if the application was approved, discussions be held with the Ward Councillors concerning the allocation of the Section 106 funding.

In response to questions, the Head of Planning confirmed that one electric charging point would be provided per flat and that whilst he acknowledged that the dimensions of one flat fell below the Council's Housing standards, as this development involved the conversion of an existing building it was therefore considered acceptable in planning terms.

The Head of Planning also confirmed that the provision of the heating system in the building had not been included as part of the conditions but that this could be conditioned if the Committee wished.

#### **Decision:**

Approved subject to:

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- a) A Section 106 Agreement under the terms of the Town and Country Planning Act 1990 being entered into to secure the following developer's contributions with the allocation of elements of the Section 106 heads of agreement being discussed with Ward Councillors:
- i) £18,371.37 towards mainstream nursery/primary education within a radius of 2 miles from the development site, and/or SEND education within Medway and mainstream or SEND secondary/sixth form education within Medway.
    - Nursery education: £4,665.04 within a radius of 2 miles from the development site, and/or SEND education within Medway
    - Primary education: £1,199.58 within a radius of 2 miles from the development site, and/or SEND education within Medway
    - Secondary education: £10,505.18 mainstream or SEND secondary education within Medway
    - Sixth Form education: £2,001.57 mainstream or SEND sixth form education within Medway
  - ii) £13,726.86 towards supporting the creation of additional capacity in Primary Care premises required as a result of the increase in housing and resulting patient registrations.
  - iii) £3,584.91 towards improved equipment and facilities at Gillingham Library and/or Luton Library.
  - iv) £1,699.95 towards programme delivery for young people (ages 8-19 and up to 25 with additional needs) in the Gillingham area which may include facilities, providing access, supplies, equipment and/or instructors.
  - v) £7,500.00 towards the development of sustainable transport infrastructure to encourage modal shift from the private motor vehicle within the local vicinity.
  - vi) £3,756.48 towards the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
  - vii) £5,145.00 towards the development of public realm improvements to Gillingham town centre.
  - viii) £55,386.45 towards the enhancement of open space facilities within Watling Ward including Gillingham Park and Medway's Metropolitan park - Great Lines Heritage Park.
    - £52,617.13 to enhance open space facilities within Watling ward including Gillingham Park.

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- £2,769.32 to Medway's Metropolitan park - Great Lines Heritage Park.

ix) £5,330.45 towards Designated Habitats Mitigation.

b) Conditions 1 – 13 as set out in the report for the reasons stated in the report, new condition 14 as set out below and a new condition 15 concerning the provision of heating in the building with the specific of the condition being agreed by the Head of Planning in consultation with the Chairman, Vice Chairman and Opposition Spokesperson:

14 Prior to the first occupation of the development herein approved, a building maintenance and landscape management plan, shall be submitted to and approved in writing by the Local Planning Authority. The building maintenance and landscape management plan shall include long term design objectives, management responsibilities and maintenance schedules for all external elevations of the building and landscape, for a minimum period of five years and arrangements for implementation. The development shall thereafter be implemented in accordance with the approved details.

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

15. Details of the proposed heating system to be installed to serve the flats to be submitted to and approved in writing by the Local Planning Authority.

### **440 Planning application - MC/21/2134 - 16 The Everglades, Hempstead, Gillingham**

#### **Discussion**

The Planning Manager outlined the planning application in detail and referred to the planning history of the site. She explained that the applicant had sought to address previous concerns when a similar application had been refused in 2004. The current application had been considered against the new National Planning Policy Framework.

With the agreement of the Committee, Councillor Rodney Chambers OBE addressed the Committee as Ward Councillor and outlined the following concerns:

- A number of local residents had objected to the application and set out their concerns, details of which were summarised in the report.
- Hempstead as an area had expanded greatly since its initial development but the layout of the houses in The Everglades did not

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lend itself to infilling by the development of small pockets of landscaped open space.

The Committee discussed the application and considered that to approve the development would undermine the character of the area and could lead to other small landscaped areas being considered for development. In addition, it was considered that the proposed new two storey dwelling would be intrusive upon the visual amenity of neighbouring occupiers and impact negatively on Dukes Meadow Drive and The Everglades street scenes.

### **Decision:**

Refused on the following ground

The proposed development would result in the loss of this important landscape within The Everglades and would constitute a cramped form of development which would be harmful to the layout pattern of development in the estate. The proposed two storey dwelling would also be intrusive upon the visual amenity of neighbouring occupiers and impact negatively on Dukes Meadow Drive and The Everglades street scenes. Therefore, the development would not present a clear improvement to the local environment and would be contrary to policies H4, BNE1 and BNE2 of the Medway Local Plan 2003 and the objectives of paragraphs 126 and 130 of the National Planning Policy Framework 2021.

### **441 Planning application - MC/21/2279 - 63 Duncan Road, Gillingham ME7 4LA**

#### **Discussion:**

The Planning Manager outlined the planning application in detail and informed the Committee that since despatch of the agenda, the contribution towards designated habitats mitigation had been paid and therefore the proposed Section 106 element of the recommendation required deletion.

The Committee discussed the application and expressed concern that the proposed development of a 2 bedroomed detached bungalow at this location would constitute an overdevelopment of this narrow site and would be detrimental to the occupiers of the bungalow and surrounding residents by virtue of the location of the site and the competing demands for on-street parking.

#### **Decision:**

Refused on the following ground and the Head of Planning be granted delegated authority to agree the final wording of the refusal ground with the Chairman, Vice Chairman and Opposition Spokesperson:

1. The proposed development constitutes a contrived development of this narrow site which is located close to the roadway with no pavement and

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limited outdoor space and is in close proximity to the boundary of neighbouring properties on Franklin Road. It would therefore have an overbearing impact on the neighbouring amenity and constitutes an overdevelopment of the site.

### **442 Planning application - MC/21/2461 - 72 Harptree Drive, Weeds Wood, Chatham**

#### **Discussion:**

The Planning Manager outlined the planning application in detail and drew attention to a change to the proposal section of the report, details of which were set out on the supplementary agenda advice sheet.

The Committee noted the reason why the application had been referred to the Committee for determination.

#### **Decision:**

Approved with condition 1 as set out in the report for the reason stated in the report.

### **443 Planning application - MC/21/2423 - St Augustine Of Canterbury Catholic Primary School, Deanwood Drive, Parkwood, Gillingham**

#### **Discussion:**

The Planning Manager outlined the planning application and informed the Committee that following additional information submitted to Sports England by the applicant, Sports England had provided further comment removing their initial objection to the development and recommending further conditions, details of which were set out on the supplementary agenda advice sheet. It was also suggested that proposed condition 2 be amended.

#### **Decision:**

Approved with condition 1 as set out in the report for the reasons stated in the report, condition 2 amended and new conditions 3 and 4 as follows:

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

Received 13 August 2021:

Trim Trail Location Plan  
Trim Trail Site Plan

Received 07 September 2021:

Proposed Block Plan

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Received 3 November 2021:

Block Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of the use of the trim trail an U9 /U10 FA compliant football pitch shall be marked out on that part of the school playing field identified in blue on the amended block plan dated 3 November 2021 and thereafter permanently maintained as approved.

Reason: To ensure that the capacity of the playing field to accommodate a range of grass pitches is maintained.

4. The football pitch and its safety run off areas beyond the area of play shall be kept clear of overhanging tree branches at all times.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Policies L1 and L2 of the Medway Local Plan 2003.

**Chairman**

**Date:**

**Ellen Wright, Democratic Services Officer**

Telephone: 01634 332012

Email: [democratic.services@medway.gov.uk](mailto:democratic.services@medway.gov.uk)