

Medway Council
Planning Committee
Wednesday, 8 December 2021
6.30pm to 11.07pm

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), Curry, Etheridge, Hackwell, Hubbard, McDonald, Potter, Chrissy Stamp, Thorne and Tranter
- Substitutes:** Councillors:
Browne (Substitute for Howcroft-Scott)
Gulvin (Substitute for Opara)
Tejan (Substitute for Mrs Diane Chambers)
- In Attendance:** Dylan Campbell, Senior Planner
Councillor Matt Fearn
Dave Harris, Head of Planning
Robert Neave, Principal Transport Planner
Vicky Nutley, Assistant Head of Legal Services
Carly Stoddart, Planning Manager
Ellen Wright, Democratic Services Officer

514 Apologies for absence

Apologies for absence were received from the Chairman, Councillor Mrs Diane Chambers and Councillors Howcroft-Scott and Opara.

In the absence of the Chairman, the meeting was chaired by the Vice Chairman, Councillor Buckwell.

515 Record of meeting

The record of the meeting held on 10 November 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 and Vice Chairman as set out on the supplementary agenda advice sheet:

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Minute 439 – Planning application – MC/21/2015 - Canada House, Barnsole Road, Gillingham

Condition 15 as follows:

15. Notwithstanding the details submitted within the design and access statement (by Tang & Associates Limited, dated June 2021), to address energy efficiency and climate change. No flat shall be occupied until details of how the flats will be heated, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall thereafter be maintained in working order.

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.

Minute 441 – Planning application – MC/21/2279 - 63 Duncan Road, Gillingham

Refused on the following ground:

- 1 The proposal, by virtue of its contrived design, overall scale, mass, height and siting in such close proximity to the northern boundary with neighbouring properties on Franklin Road, the lack of pavement, and limited outdoor space, would result in a cramped and incongruous form of development which would not relate well to the existing character, and spatial pattern of development in the surrounding area. The proposal would also have an overbearing impact on the neighbouring amenity, as such resulting in an overdevelopment of the site. The proposal is, therefore, contrary to Policies BNE1, BNE2 and H4 of the Medway Local Plan 2003 and paragraphs 126, 130 and 130f of the NPPF.

The Head of Planning also drew attention to a correction required to an individual head of agreement relating to 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 considered by the Committee on 2 September 2021 under minute 308.

The Head of Agreement relating to additional capacity in primary care premises required correction to be:

- £116,706.99 toward support the creation of additional capacity in primary care premises required (£644.79 per unit x 181 units).

516 Urgent matters by reason of special circumstances

There were none.

517 Chairman's announcements

The Chairman informed the Committee that owing to the size and complexity of the planning applications being considered at this meeting, he was proposing that items 15 (Performance report) and 16 (Report on appeal decisions) be deferred until the next meeting in January 2022. This was supported.

A Member expressed concern as to the length of the supplementary agenda advice sheet which had not been received by some Members until after 5:00pm. The supplementary agenda advice sheet contained numerous proposed changes to conditions relating to planning applications for consideration at the meeting and it was considered unreasonable for Members not to have had an opportunity to consider these in detail in advance of the meeting. In response, the Chairman advised the Committee that he had requested officers to emphasise any points of significance relating to the revised conditions.

The Head of Planning informed the Committee that he shared concern regarding the length of the supplementary agenda advice sheet and the various attachments which had been emailed for circulation. He informed the Committee that in either January or February 2022, he would be submitting a report to the Committee seeking agreement to change the deadline for receipt of late representations to enable the supplementary agenda advice sheet to be circulated to Members earlier.

518 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 Buckwell, referring to planning application MC/21/2328 (Land South of Bush Road, near Cuxton) and planning application MC/19/2814 (St Andrews Lake, Formby Road Halling), informed the Committee that as a Parish Councillor on Halling Parish Council, he had not taken part in any consultation or discussions that the Parish Council had had on either planning application.

Councillor Thorne, referring to planning application MC/21/2328 (Land South of Bush Road, near Cuxton) and planning application MC/19/2814 (St Andrews Lake, Formby Road Halling), informed the Committee that as a Parish Councillor on Halling Parish Council, he had not taken part in any consultation or discussions that the Parish Council had had on either planning application.

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Councillor Buckwell, referring to planning application MC/19/2437 (13 Canon Close, Rochester), informed the Committee that the planning agent was a distant relative but he confirmed that he had not had any social contact with the individual for at least two years and had not discussed the application with anyone. Therefore, he would remain and take part in the consideration and determination of the planning application.

Councillor Tejan, referring to planning application MC/19/2814 (St Andrews Lake, Formby Road Halling), informed the Committee that although he knew one of the owners involved in this site he had not seen them or undertaken any discussions on the application and would therefore remain for the consideration and determination of the application.

Councillor Gulvin referred to planning applications MC/21/2226 (15 York Ave Walderslade) and planning application MC/212790 (7 Princes Ave Walderslade) and informed the Committee that as he wished to address the Committee as Ward Councillor on both applications he would take no part in the consideration or determination of either application.

519 Planning application - MC/21/2328 - Land South of Bush Road, Near Cuxton, Medway, Kent

Discussion:

The Head of Planning outlined the planning application in detail and explained the various elements of the application including the construction of a winery building., This included a café/restaurant and visitor centre with energy centre, car park, access road and landscaping.

Drawing attention to the supplementary agenda advice sheet he informed the Committee that if the Committee was minded to approve the application, it was proposed that one further obligation relating to a Skills and Employment Plan be added to the Section 106 agreement and a number of the proposed conditions be replaced and, where necessary, re-numbered.

In addition, he advised that since despatch of the agenda the applicant had submitted a briefing note for consideration by the Committee, a copy of which was appended to the supplementary agenda advice sheet. Cuxton Parish Council had also emailed Members of the Committee attaching two representations of objection from the Parish Council and two representations from the Area of Outstanding Natural Beauty (AONB) Unit in relation to the proposal. These representations reiterated concerns regarding the location of the proposal in the AONB and Greenbelt and the increase in traffic which would be generated should the application be approved.

A further change to the Committee report included a replacement paragraph under the principle section of the Appraisal on page 53 of the agenda. The replacement paragraph was set out on the supplementary agenda advice sheet.

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In outlining the application, the Head of Planning informed the Committee that the use of the land as a winery qualified as an agricultural use and therefore the applicant could provide buildings on site which were ancillary to the use of the land as a vineyard under Permitted Development Rights. However, the majority of the buildings associated with this development would be built underground within the site.

The Committee was informed that the AONB Unit had suggested that if the application was to be approved, a darker shade of concrete be used for the coping below the roof so as to be more sympathetic to its surroundings and the Head of Planning advised that both the applicant and officers were satisfied with this suggestion and therefore if approved, this would be addressed within the submission of materials pursuant to the recommended condition.

Referring to the National Planning Policy Framework (NPPF), the Head of Planning advised that in determining whether the principle of this proposal was acceptable, it was necessary to consider whether the proposal comprised sustainable development and to consider the impact of the development on the character of the area and the importance of the site in landscape terms.

The NPPF referred to sustainable development having an economic, a social and an environmental role. This meant that weight had to be given to:

- a) the social benefits in creating training opportunities for local people and supporting rural tourism;
- b) the economic benefits in terms of providing jobs and boosting the local economy during the construction and operation phase and providing the increased workforce that enabled continued economic growth in the longer term; and
- c) environmental benefits to protecting and enhancing the natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Having considered the above, officers were satisfied that the proposal would provide both social and economic benefits associated with the construction and operation of the winery including the provision of 75 -100 permanent and seasonal jobs once operational and more throughout the supply chain. There would also be training opportunities as set out in the Skills & Employment Plan submitted with the application, which would improve employability, along with supporting rural tourism. These factors weighed in the scheme's favour. However, it was also important to consider the environmental impact in terms of assessing the impact on the Greenbelt and AONB; protecting and enhancing the natural environment; helping to improve biodiversity and mitigating and adapting to climate change. In determining whether the principle of this proposal was acceptable, it would be necessary to assess the matter of sustainability within the planning balance giving relevant weight to the benefits the proposal brought to the rural economy and tourism, education and employment, ecology and biodiversity and farm diversification.

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With the agreement of the Committee, Councillor Fearn addressed the Committee as Ward Councillor and set out the following summarised concerns:

- This proposed development would create an intrusion in an Area of Outstanding Natural Beauty and Greenbelt and was masquerading behind the 'agricultural use' of the land as a winery. The development would not enhance the environment or landscape but would create damage to the AONB and result in the loss of dark skies and thus impact on local wildlife.
- The area of Bush Road in Cuxton is remote and isolated and an area of beauty with thriving wildlife and is used by many people for walking and cycling and the intrusion of concrete, vehicles and light pollution is not welcomed. There is a substantial level of objection to the proposal.
- The A228 is already at over capacity and this development, along with the planned Lower Thames Crossing will have a detrimental impact on traffic and subsequently air quality in the area.
- The development will serve a niche market and will be of little benefit to the residents of Cuxton and Medway and many of the jobs will be low skilled seasonal work.

The Committee discussed the application and a number of issues were raised as summarised below:

- The impact on increased traffic generation in Bush Road, Cuxton as being the only access through the village. In response, the Principal Transport Planner advised that having assessed the anticipated level of traffic movements, officers were satisfied that this would not be unacceptable on highway safety grounds, particularly as the applicants were able to use the land as a winery, which was an acceptable agricultural use. The hours of use of the Café and Restaurant would be outside rush hour timings and that of school runs.
- There was also concern that the siting of this tourist attraction in Cuxton could result in parking in the village which would have a detrimental impact upon local residents.
- The impact on the biodiversity of the area. In response, the Head of Planning advised that the applicants were able to use the land as a winery, including the processing of grapes which fell within the classification of an agricultural use. The scheme also added to the biodiversity of the area.
- In response to concerns as to disposal of waste water, the Head of Planning advised that this was covered on page 69 of the agenda.
- In response to concerns as to energy generation, the Head of Planning drew attention to that element of the development relating to the energy centre.
- Concern was expressed that whilst the provision of a winery at the site might be acceptable on the basis of it being regarded as an agricultural use, other elements of the development including provision of a café/restaurant, visitor centre and energy centre, along with its

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associated infrastructure, was turning the site into a tourist visitor attraction. This was of concern. In response, the Head of Planning advised that if approved, the site would provide an additional tourist attraction in Medway on similar lines to that provided elsewhere in Kent, the UK and across Europe.

- A similar application had been submitted to Gravesham Borough Council but had not proceeded and the Committee sought further clarification as to why. In response, the Head of Planning advised that the application submitted to Gravesham included a large industrial building and was not a landscape led application. Concern had also been expressed as to the access and sight lines. The second application had been withdrawn prior to consideration.
- It was suggested that, if approved, Permitted Development Rights be removed and this was supported by the Head of Planning.
- A Member suggested that if the winery was not able to be located in Cuxton to support the vineyard, this could result in greater traffic generation to transport the grapes to an alternative location off site for processing. In response, the Head of Planning reminded the Committee that planning permission was not required for the winery and the applicants had Permitted Development Rights to construct buildings on the land associated with the vineyard for which no planning permission was required. He supported the view of the Member concerned that if the Winery was provided off site, there would be additional traffic generation through Cuxton to transport the grapes from the vineyard for processing.
- Whilst the proposed development looked very attractive architecturally, it was considered that with such a new development taking place within an AONB and with so many conditions to read and understand, many of which had been changed prior to the meeting, it was difficult to understand the impact upon the community living in the nearby village. It was therefore suggested that consideration of the application should be deferred to enable fuller consideration of the application.
- Concern was also expressed that this application, when added to planning application MC19/2814 for a wildlife/water sports and outdoor activity centre along with holiday accommodation in Halling, also for consideration at this meeting would increase the traffic generation in the area.

The Head of Planning reminded the Committee that if the application was refused, the applicants would have a right of appeal. With the current application, the applicants had shown that they had high aspirations to provide a quality facility on site but if the application were to be refused and the applicants chose to pursue use of Permitted Development Rights as an alternative, the Council would have no control over those elements that had been built into the proposed conditions.

He suggested that if the Committee considered that it would like more information to answer some of the questions raised at this meeting, the Committee could defer the application and have a presentation from the applicants to enable them to answer the Committee's questions.

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This was generally supported by the Committee and it was also suggested that it may be beneficial for the Committee either individually or collectively to visit the site.

Decision:

Consideration of the application be deferred to enable the applicants to participate in a presentation to the Committee specifically to answer questions raised at this meeting and for a site visit be to be arranged.

520 Planning application - MC/19/2814 - St Andrews Lake, Formby Road, Halling, Kent

Discussion:

The Head of Planning outlined the planning application and informed the Committee that should it be minded to approve the application, a further obligation would be added to the proposed Section 106 agreement, all references to Highways England be changed to National Highways in the proposed conditions, and a change be made to proposed condition 33. In addition, he advised of a further representation received from Natural England since despatch of the agenda and a change to wording of the Planning appraisal and principle sections of the report. Details of all these were set out on the supplementary agenda advice sheet.

The Committee was informed of those activities already taking place on the lake and the Head of Planning advised that a number of buildings were currently on site supporting these activities, for which retrospective planning permission was being sought. It was confirmed that if the application was approved, the temporary buildings/structures would be removed as soon as their permanent replacements were in place.

The Head of Planning advised that the lake, being a former quarry, was very deep and shelved quickly and was therefore considered dangerous. In the past, people had gained unlawful access to the site and should the planning application be approved, this would bring a use onto the site which would provide an improved level of security.

The Committee was informed of the history and sensitivity of the site and that following a two year process of consultation with both specialists from Kent County Council and Natural England, the resulting application took full account of the ecology of the site for the proposed location of the water sports activities and other various elements of the application.

The Head of Planning advised that should the Committee support the application, it would require referral to the Secretary of State for Levelling Up, Homes and Communities as involving development within a Green Belt.

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The Committee discussed the application and the various proposed conditions. It was confirmed that the proposed conditions sought to address a number of concerns raised during discussion including:

- Lighting;
- Drainage;
- Limitations on the number of events in the first year of operation;
- Use of the zip line;
- Availability of car parking on site and the requirement to pre-book use of the facilities;
- Use of the on-lake holiday pods;
- Heating of the pods and any other relevant climate change conditions;

Overall, there was general support for the proposed development as it was considered that this would provide a good tourist attraction in Medway and would take away the need for Medway residents to travel outside of Medway to other similar facilities.

A Member referred to a tarmac vehicular access that ran along the back of gardens that met Vicarage Road. The Head of Planning agreed to investigate this further.

Concern was expressed as to the potential noise disturbance from use of the zip line up until 20.00 hours and the Head of Planning suggested that use of this facility could be restricted to 18.00 hours with a view to this being reviewed after 12 months of operation.

Decision:

Approved subject to:

- a) Referral to the Secretary of State.
- b) The applicant entering into an agreement under Section 106 of the Town and Country Planning Act to secure:
 1. Contribution of £3,600 to mitigate the impacts of the increased footfall that will occur on the RS201 and the adjacent footpaths as a result of the development
 2. Contribution of £20,000 towards the improvement of the road junction at the circus at the junction of Quarry Grove with Limeburner Drive and Brooks Place due to increase of traffic movements at this junction
 3. The securing of all holiday accommodation units for holiday use only and the manager's dwelling house as temporary accommodation to be occupied only in relation to the approved holiday development.
 4. The securing that at no time in the operation of the development approved shall a charge for parking be levied on the site.

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5. To operate a single management company for the whole site.
- c) Conditions 1 – 22 and 25 – 28 and 30 – 32 and 34 - 39 as set out in the report for the reasons stated in the report and conditions 23, 24, 29 and 33 amended as follows:

23. Within six months of the date of this planning permission an 'Event Management Plan' (to include a Traffic Management Plan and detailing the types of operations, scale and features that would constitute an 'Event Day') shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highway. 'Events days' shall be carried out in accordance with the agreed 'Event Management Plan' unless that plan is subsequently revised under condition 24.

Reason: To ensure that events do not result in avoidable congestion on the M2 J2&3, M20 J4 and to ensure that the M2 J2&3, M20 J4 continues to be an effective part of the national system of routes for through traffic and to satisfy the reasonable requirements of road safety in accordance with section 10 of the Highways Act 1980 and Policies T1 of the Medway Local Plan 2003 and paragraphs 130 and 111 of the National Planning Policy Framework 2021.

24. For a period of 24 months following the first 'Event Day' (as defined by the approved Event Management Plan) held at the development hereby permitted, a post event evaluation (to include any necessary changes to the Event Management Plan) shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highway within 1 month of each 'Event Day'. Thereafter for a period of a further 36 months, all Events shall be monitored and evaluated at the end of each calendar year and the Event Management Plan shall be updated accordingly, submitted to and agreed in writing by the Local Planning Authority in consultation with National Highways.

Reason: To ensure that events do not result in avoidable congestion on the M2 J2&3, M20 J4 and to ensure that the M2 J2&3, M20 J4 continues to be an effective part of the national system of routes for through traffic and to satisfy the reasonable requirements of road safety in accordance with section 10 of the Highways Act 1980 and Policies T1 of the Medway Local Plan 2003 and paragraphs 130 and 111 of the National Planning Policy Framework 2021.

29. The zip lines hereby approved shall only operate between the hours of 09:00 and 18:00 hours but be reviewed after 12 months of operation.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property and the ecological interests of the site in accordance with Policies BNE2 and BNE39 of the Medway

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Local Plan 2003 and the relevant parts of paragraphs 174 and 180 of the NPPF 2021.

33. Prior to the first use of any of the parking provision shown on drawing EVA-1870101 rev G a Parking and Vehicle Movement Management Plan shall be submitted to and approved in writing by the Local Planning Authority detailing the arrangements for parking and vehicle movements to and from and within the site related to the full planning permission hereby approved. The Parking and Vehicle Movement Management Plan shall be implemented in accordance with the approved detail thereafter.

Reason: To ensure satisfactory on-site parking, the restriction of larger vehicles along the narrow Quarry Road and limited vehicle use around the site having to ensure the protection of the ecological interests of the site in accordance with Policies T1, T13 BNE39 of the Medway Local Plan 2003.

- d) An additional condition to reflect an appropriate heating system for the on the lake holiday pods (or necessary amendments to condition 35), with the Head of Planning be granted delegated authority to agree the wording with Planning Spokes outside of the meeting.
- e) It being noted that when the Ecological Mitigation Strategy referred to at condition 5 and the Ecological Management Plan referred to at condition 6 are received, these will be discussed with both the Kent Wildlife Trust and Buglife.

521 Planning application - MC/21/2271 - 209 - 217 High Street, Rochester, Medway ME1 1HB

Discussion:

The Planning Manager outlined the planning application and suggested that if the Committee was minded to approve the application, the proposed conditions be amended as set out on the supplementary agenda advice sheet.

She also informed the Committee of an amendment to the proposal description on the first page of the committee report and the proposal section of the report, an update to the representation section of the report and an amendment to the planning appraisal section as it related to archaeology, details of which were all set out on the supplementary agenda advice sheet.

The Committee discussed the application and it was suggested that due to the location of the premises, it was disappointing that there had been no Section 106 funding requested for the Heritage Action Zone (HAZ). The Head of Planning advised that during consultation on the planning application, no request had been received for funding for the HAZ but if the Committee wished this to be pursued, he could investigate this further outside of the meeting and if

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it was decided that this could be added, this could be dealt with under delegated authority.

It was suggested that Ward Councillors be involved in the allocation of the proposed funding for public realm improvements.

The Committee expressed concern that if developments at this site came through piecemeal, any opportunity for securing Section 106 funding for improvements at the Star Hill junction would be missed. In response, the Head of Planning advised that the land was currently divided into two parcels and the current application related to the smallest parcel. He advised that pre-application discussions were proceeding for the remaining section of land and if that came forward as one development, then the issue of funding improvements at the Star Hill junction could be considered at that stage.

Decision:

Approved subject to:

- a) Subject to the applicant entering into a legal agreement under the terms of Section 106 of the Town and Country Planning Act 1990 to secure:
 - £27,707 towards health improvements in capacity in primary care premises.
 - £10,000 towards public realm improvements to Rochester High Street.
 - £19,798.74 towards strategic measures in respect of the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites.
 - Meeting the Council's costs.
- b) Conditions 1, 3 – 5, 7 – 15, 17 – 20 as set out in the report for the reasons stated in the report with conditions 2, 6, 16 and 21 amended and replaced as follows:
 2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Received 30 July 2021:

29826B_013	Proposed Site Plan
29826B_008	Demolition Ground Floor Plan
29826B_009	Demolition First Floor Plan
29826B_010	Demolition Second Floor Plan
29826B_011	Demolition North and West Elevations
29826B_012	Demolition South and East Elevations
29826B_105 Rev B	Proposed Roof Plan
29826B_201 Rev A	Proposed Sections
29826B_203	Proposed North Elevation Facade

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29826B_206 Proposed East Elevation Facade

Received 6 August 2021:

29826B_101 Rev D Proposed First Floor Plan
29826B_103 Rev D Proposed Third Floor Plan
29826B_104 Rev D Proposed Fourth Floor Plan
29826B_200 Rev D Proposed North and West Elevations
29826B_204 Rev A Proposed West Elevation Facade

Received 12 October 2021:

29826B_100 Rev F Proposed Ground Floor Plan
29826B_201 Rev D Proposed South and East Elevations
29826B_202 Rev C Proposed Street Elevations
29826B_206 Proposed South Elevation Facade

Received 28 October 2021:

29826B_102 Rev F Proposed Second Floor Plan

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

6. No development including demolition works but other than archaeological works shall take place until a Construction Environmental Management Plan (CEMP) in relation to that phase has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of hours of construction working; measures to control noise and vibration affecting nearby residents; dust and air pollution control measures; pollution incident control, piling details, bat mitigation measures indicated within the ecology report and site contact details in case of complaints. The demolition and construction works shall be undertaken in accordance with the approved Construction Environmental Management Plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, wildlife and habitat and with regard to Policies BNE2, BNE37 and BNE39 of the Medway Local Plan 2003.

16. No development shall take place above ground floor slab level until details of the provision of 2 electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained in working order.

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Reason: In the interests of sustainability in accordance with paragraph 112E of the NPPF.

21. The proposed development shall not be occupied, until a Parking/Operation Management Plan, has been submitted to and approved by the Local Planning Authority in writing. The agreed details shall include measures for pupil's arrivals and departures and how on-site parking will be managed. The development shall operate within accordance with the approved Parking/Operation Management Plan thereafter.

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.

- c) The Head of Planning be granted delegated authority to approve the final wording of the archaeological condition.

522 Planning application - MC/21/1551 - 107 Station Road, Rainham, Gillingham, Medway

Discussion:

The Senior Planner outlined the planning application and drew attention to an amendment to the planning appraisal section of the report, details of which were set out on the supplementary agenda advice sheet.

The Committee discussed the application and questioned whether the representations submitted by the clinic located next door had been taken into consideration when processing the application. The Senior Planner confirmed that they had and were incorporated in the representations section of the main committee report. He advised that all representations had been considered and the site had been visited and officers were satisfied that no further conditions were necessary.

During discussion, it was suggested that an additional condition be imposed to require obscure glazing of the roof lights.

Decision:

Approved with conditions 1 – 9 as set out in the report for the reasons stated in the report and the following additional condition with the Head of Planning being granted delegated wording in agreement with the Planning Spokes:

10. Condition requiring that the roof lights be obscure glazed.

523 Planning application - MC/20/2815 - Dental Surgery, 1 - 4 Eastgate Court, Rochester, Medway

Discussion:

The Planning Manager outlined the planning application and drew attention to a correction to proposed condition 15 in that the date should read 2015 instead of 2018.

In addition, she advised that if the Committee was minded to approve the application an additional condition numbered 23 was proposed as set out on the supplementary agenda advice sheet.

One new representation had also been received since despatch of the agenda which was summarised on the supplementary agenda advice sheet.

Decision:

Approved with conditions 1 – 14, and 16 – 22 as set out in the report for the reasons stated in the report, condition 15 amended and new condition 23 as follows:

15. No part of the development shall be occupied until details of cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority in the form of individual lockers. The cycle storage facilities shall be implemented in accordance with the approved details prior to herein use approved being occupied and hereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown for cycle and refuse storage facilities.

Reason: All new residential development requires provision of adequate accommodation for cycle and refuse storage to accord with Policies BNE1 and T4 of the Medway Local Plan

23. The ground and first floor windows located on the rear elevation of units 4 and 5 as shown on drawing numbers 20/288/05 received 23 July 2021, 20/288/04 received 7 September 2021 and 20/288/03 Received 8 September 2021 shall be fitted with obscure glass and apart from any top-hung light, that has a cill height of not less than 1.7 metres above the internal finished floor level of the room it serves, shall be non-opening. This work shall be completed before the room it serves is occupied and shall be retained thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

524 Planning application - MC/21/2226 - 15 York Avenue, Walderslade, Chatham, Medway

Discussion:

The Planning Manager outlined the planning application in detail and, referring to the planning history, informed the Committee that a similar application (MC/2000/1727) requesting an increase in the number of children at the nursery from 30 to 35 had been refused and dismissed at appeal due to concerns regarding noise and general disturbance from vehicle movement and children which it was considered would cause harm to the amenities of residents within the vicinity of the nursery.

The current application sought an increase from 30 to 40 children but had been supported by a noise assessment which proposed a number of mitigation measures to further reduce noise intrusion. Should the application be approved, a condition to secure these noise mitigation measures was being recommended. In addition, it was confirmed that no objections had been received on highways grounds.

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

- He supported the approval of this planning application as the nursery was considered to be a good facility providing childcare at a reasonable cost.
- He expressed concern regarding proposed condition 6 (noise mitigation measures) as he did not wish this to result in an onerous cost for the applicant.

In response, the Planning Manager informed the Ward Councillor that proposed condition 6 related to the noise mitigation measures which the applicant had agreed to provide when submitting the application and therefore, the applicant would be aware of the costs involved

Decision:

Approved with conditions 1 - 6 as set out in the report for the reasons stated in the report

525 Planning application - MC/21/1897 - Alpha House, Laser Quay, Culpeper Close, Medway City Estate

Discussion:

The Planning Manager outlined the planning application.

Decision:

Approved subject to:

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- a) The submission of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure £4,017.46 towards highway improvements for the Medway City Estate roundabout.
- b) Conditions 1 – 6 as set out in the report for the reasons stated in the report.

526 Planning application - MC/19/2437 - 13 Canon Close, Rochester, Medway ME1 3EN

Discussion:

The Head of Planning outlined the planning application and explained the reasons why this application had been referred to the Committee for determination. He drew attention to further representations received since despatch of the agenda from the occupiers of the neighbouring property at 14 Cannon Close which had been appended in full to the supplementary agenda advice sheet.

With the use of the photographs as part of the presentation, the Head of Planning explained the reason for the application and the concerns expressed by the neighbour and advised that both the applicant and the neighbour understood each other's concerns. Although the applicant would prefer the application to be approved as submitted, the Head of Planning suggested that there may be a solution that would meet the agreement of both parties.

The Committee discussed the application and it was suggested that the application be deferred to enable officers to undertake further discussions with the applicant and the neighbour at no. 14 Canon Close to see if it was possible to identify a way forward which would be agreeable to all parties in the first instance.

Decision:

Consideration of the application be deferred to enable officers to undertake further discussions with the applicant and the neighbour at no. 14 Canon Close to see if it was possible to identify a way forward which would be agreeable to all parties in the first instance.

527 Planning application - MC/21/3156 - Pavement outside 143 Bredhurst Road, Wigmore, Gillingham, Medway

Discussion:

The Senior Planner outlined the planning application which involved the removal of an existing telecommunications mast and its replacement with a 20m high mast.

Planning Committee, 8 December 2021

Concern was expressed as to the height of the new proposed mast and its location in a residential street as it was considered that the mast would be visually intrusive and unacceptable.

The Committee was informed that the Government was pushing for the installation of 5G mobile telecommunication infrastructure and it was very likely that in the near future, the provision of telecommunications masts would be permissible under permitted development rights so as to speed up the process. Unfortunately, 5G telecommunication masts were required to be taller than existing 4G masts. The Committee accepted that it was not in a position to prevent the installation of 5G telecommunication masts but suggested that on this occasion, there were other possible suitable locations which may be more suitable.

The Senior Planner confirmed that file records indicated that the application was for the replacement mast to be provided on the existing site of the 4G mast and there was no evidence that the applicant had considered possible alternative locations. Therefore, if the Committee wished, it was possible for the application to be deferred for further discussions with the applicant.

Decision:

Consideration of the application be deferred to enable officers to discuss with the applicant the possibility of identifying an alternative and more suitable site for the location of the telecommunications mast.

528 Planning application - MC/21/2790 - 7 Princes Avenue, Walderslade, Chatham, Medway

Discussion:

The Senior Planner outlined the application.

With the agreement of the Committee, Councillor Gulvin addressed the Committee as Ward Councillor and requested that the application be refused on the basis that the proposed development was exacerbated by the steepness of the slope in Princes Avenue and the construction of the additional storeys on this property would be out of proportion in such an elevated position.

Decision:

Refused on the ground set out in the report.

529 Performance Report: 1 July 2021 - 30 September 2021

Decision:

Consideration of this report was deferred until 12 January 2022.

Planning Committee, 8 December 2021

530 Report on Appeal decisions 1 July to 30 September 2021

Decision:

Consideration of this report was deferred until 12 January 2022.

Chairman

Date:

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