

**Medway Council**  
**Planning Committee**  
**Wednesday, 27 July 2022**  
**6.30pm to 9.37pm**

**Record of the meeting**

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

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

**Substitutes:** Councillors: Browne (Substitute for Howcroft-Scott)

**In Attendance:** Kemi Erifevieme, Planning Manager  
Julie Francis-Beard, Democratic Services Officer  
Dave Harris, Head of Planning  
Joanna Horne, Planning Solicitor  
Robert Neave, Principal Transport Planner  
Tom Stubbs, Senior Planner  
Councillor Habib Tejan  
Councillor John Williams

**128 Apologies for absence**

An apology of absence was received from Councillor Howcroft-Scott.

**129 Record of meeting**

The record of the meeting held on 29 June 2022 was agreed and signed by the Chairman as correct.

Attention was drawn to the following:

**Page 8, Minute 95, Planning application – MC/22/1002 153 Fairview Avenue Wigmore Gillingham Medway**

The Committee noted the following reasons for refusal agreed with the Chairman, Vice Chairman and Opposition Planning Spokespersons:

- “1. The proposed scheme is considered unacceptable in principle, on the basis that it would result in an over-concentration of hot food take-aways within the parade of shops, which would adversely affect the vitality and viability of this local centre and as well as the health of local residents, and there would be no improvement to local amenity or any provision of community facilities proposed that would outweigh the loss of this retail unit. As such, the proposal is contrary to Policies R10 and R18 of the

## Planning Committee, 27 July 2022

Medway Local Plan 2003 and Paragraph 92 of the National Planning Policy Framework 2021.

2. The proposed scheme is considered unacceptable as it fails to demonstrate, without sufficient evidence to the contrary, that there is parking capacity within the parking area to the front of the site that could accommodate the likely demand required by the use. As such, overspill parking for customers (and potentially delivery drivers) would take place on the public highway close to a busy junction or within adjacent residential streets and as such would represent a highway danger as well as potentially harming residential amenity. The proposal is therefore contrary to Policies BNE2, R18, T1 and T13 of the Medway Local Plan 2003 and Paragraph 111 of the National Planning Policy Framework 2021.”

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

There were none.

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

#### Disclosable pecuniary interests

Councillor Mrs Diane Chambers referred to planning applications MC/22/0700 and MC/22/0711 78 Mill Road, Gillingham, Medway ME7 1JB as the applicant was closely related to her. She withdrew from the meeting during consideration of these two items.

#### Other significant interests (OSIs)

There were none.

#### Other interests

Councillor Buckwell referred to planning applications MC/22/0700 and MC/22/0711 78 Mill Road, Gillingham, Medway, ME7 1JB and declared that the applicant was a member of the same political party. The Legal Officer informed the Committee there was no requirement to declare an interest unless he had a close association with the applicant.

### **132 Planning application - MC/21/3671 Former Trafalgar Centre & Multi Storey Car Park High Street/Rhode Street/Whittaker Street Chatham ME4 4AL**

#### **Discussion:**

The Senior Planner outlined the application in detail as set out in the report.

There were no objections, in principle, to the demolition of the former Trafalgar Centre (High Street) and partial demolition of the multi-storey car park (Rhodes

## Planning Committee, 27 July 2022

Street) Chatham following the reduction of height of the original application. The proposal would include the re-designed mixed-use development comprising of up to 175 residential apartments (1 and 2 bedrooms in 3 buildings), creative arts studios, co-working space / offices, flexible co-working space and 152 car parking spaces.

Access and egress would be via the existing multi-storey carpark entrance and exits on Rhode Street. Parking spaces would be available to residents (88 residential parking spaces if 175 flats were provided) and the remaining spaces would be used as a commercial carpark space for users of the town centre. Electric charging points and cycle storage had been included.

Due to the height reduction there was an improvement in the appearance and the view from New Road would now show the escarpment.

This would be a high quality architectural, sustainable site, bringing vitality back to the local town centre and the economic benefits should carry significant weight.

The Committee discussed the application in detail and Members drew attention to the following:

Concerns regarding the lack of detail regarding the materials being proposed, the appearance of the building and they questioned the appropriateness of outline indicative plans for such a significant scheme.

Condition 14 - an Air Quality Emissions Mitigation Statement was to be submitted. With regards to the amount of parking spaces for the application it was questioned how this would help with air quality. It was asked whether there were any alternatives that could be included in the conditions to support a reduction of vehicles for example car sharing or the use of public transport as the bus and train stations were nearby.

The Chatham Town Centre Masterplan stated Chatham was a low-rise town but with more sites becoming high rise it was questioned how this would impact on the people of Chatham. Although the height reduction of the new proposal would be a better option, the view of the building from the High Street would still be visible.

Members discussed a move for a deferral due to lack of information, noting that although the site was in need of development, it must be the right application for the area.

The need to compare both the original and the current plans together was highlighted, as the building in the original plan showed a white building that stood out clearly whereas the current plan the building was blended in. A comparison would be beneficial to see like for like.

It was considered that the Chatham Town Centre Masterplan needed to be updated to show potential large development sites and to include the design for

## Planning Committee, 27 July 2022

the Debenhams area, and also that the area should retain as much parking as possible to entice visitors to the area.

### Decision

Consideration of this application was deferred at the request of Members to address concerns and gather more information.

### 133 Planning application - MC/21/1694 Land South of View Road Cliffe Woods Rochester Kent

#### Discussion:

The Head of Planning outlined the application in detail and included the following additional information set out in the supplementary agenda advice sheet regarding the recommendation:

**Approval** subject to

**B.** Section 106 agreement to secure the following:

**Amend** the contribution as follow

ix) the PRow contribution from £3,9990 to read **£3,990**

**C.** And following conditions

**Amend** conditions as follows:

#### Condition 4

To remove reference to "*or site clearance*" from the first line of the wording to that condition.

#### Replace

**Condition 13** with

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: Required before commencement of development to avoid any irreversible impact on any archaeological interest and in accordance with Policy BNE21 of the Local Plan 2003.

#### Planning Appraisal

*S106 Matters*

Page 105 top of the page

**Amend**

v) the PRow contribution from £3,9990 to read **£3,990**.

Other representations had been received objecting to the application as set out in the supplementary agenda advice sheet.

The proposal was for 68 residential units, of which 17 were proposed as affordable homes with vehicle parking, landscaping and open spaces and the formation of new access direct from View Road.

This would be a sustainable development and there would also be the support for a Small or Medium Enterprise (SME) quality of development in Cliffe Woods.

The boundary of this application lied next to a Site of Special Scientific Interest (SSSI). Extensive landscaping was proposed including a 30m wide landscaped buffer to protect the SSSI. There would be further landscaping on the boundary with the reservoir.

This application would create a good standard of living and a healthy place for people to live and residents could enjoy the outdoor spaces and the surrounding areas.

With the agreement of the Committee, Councillor Williams addressed the Committee as Ward Councillor and outlined the following points objecting to this application and raised the following concerns.

- There would be a loss of 5.2 hectares of agricultural land.
- The site was not identified within the Strategic Land Availability Assessment in 2019.
- There had been objections from Natural England regarding the impact of the population of nightingales.
- More congestion and traffic in surrounding areas.
- The local facilities such as the doctor's surgery would become more under pressure and could struggle to cope.
- An additional 3,000 plus homes had already been constructed in the area.

A written submission from Councillor Etheridge was read out by the Head of Planning objecting to this application which included:

- Loss of habitat, agricultural land and biodiversity.
- Over development and sustainability.
- Difficulties for existing residents faced with regards to schools, health and transport.

## Planning Committee, 27 July 2022

- The recent declaration of the local bus company reducing the number of their routes

The Committee discussed the planning application noting the points raised by the Ward Councillors.

With regards to the SSSI, it was questioned how officers could protect this area and retain its importance. Members were of the view that everything that could be done to protect this area should be put in place. Members carefully considered the package of mitigation put forward by the applicants to protect the SSSI and any nightingales. This included, cat proof fencing, landscaped buffers, no cat policy, and management to retain the necessary measures and maintenance of land. They also noted the proximity of the existing houses to the SSSI and the fact that there was no cat predation mitigation with those properties.

Concerns were expressed regarding the cat proof fencing, the buffers around the site and the additional traffic. It was considered essential that there was engagement with the community.

It was considered that there were generous S106 contributions as part of the proposals.

Members expressed the view that although the applicant was one of the best developers in Medway and this would be a well-designed housing development, finished to the highest standard as other works had been, smaller schemes would be preferable.

In response to a query, the Head of Planning explained that in Recommendation A, if the Committee were minded to approve this application, he would be required to write to Natural England informing them of the decision. Natural England would then have 21 days to decide whether they would want to contact the Secretary of State expressing concern at the decision and inviting him to call in the decision for his consideration.

It was noted that there had been no objections from Highways regarding additional traffic.

In response to a query, the Head of Planning explained that the reservoir was not part of the Ecology Management Plan as the land was not owned by the applicant. Landscaping around the reservoir would be included.

### **Decision:**

#### **Approved subject to:**

- A) Notifying Natural England of the intention to approve
- B) Section 106 agreement to secure the following:

## Planning Committee, 27 July 2022

- i) 25% of all housing to be provided as affordable housing.
- ii) £16,660 towards public realm improvements to assist with the development of improved civic spaces.
- iii) £11,608.28 towards improvements to library provision in the area and the mobile library visiting the vicinity of the site
- iv) £12,163.84 for the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
- v) £401,753.39 toward mitigating the impact of the additional pupils.
- vi) Nursery - £88,376.66
- vii) Primary - £161,143.35
- viii) Secondary - £152,233.38
- ix) £3,9990 to mitigate against the footfall that will occur on the bridleways and adjacent PRow.
- x) £44,448.88 to support the creation of additional capacity in Primary Care premises.
- xi) £99,450 towards bus improvements to promote sustainable transport modes.
- xii) £17,260.44 towards Designated Habitats Mitigation.
- xiii) The implementation and ongoing management and monitoring of the 'No Cat Policy' for the lifetime of the development.
- xiv) The production and implementation of Ecology and Landscape Management Plan specifically for the area of land that will be owned by the applicant within the Chattenden Wood and Lodge Hill SSSI for the lifetime of the development to enhance the habitat for Nightingales and other species within the SSSI.

C) Conditions 1 to 3, 5 to 12 and 14 to 33 as set out in the report for the reasons stated in the report, condition 4 amended and condition 13 replaced as follows:

### **Condition 4:**

No development shall take place until an arboricultural method statement to ensure the satisfactory protection of retained trees, hedgerows and vegetation has been submitted to and approved in writing by the Local Planning Authority. The matters to be included within the arboricultural method statement shall include I to VII as set out in the report recommendation.

Thereafter the development shall be carried out in accordance with the approved details with the approved measures being kept in place during the entire course of construction activity.

Reason: To ensure that reasonable measures are being taken to protect trees and hedgerows during construction in line with Policy BNE43 of the Medway Local Plan 2003.

**Condition 13:**

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: Required before commencement of development to avoid any irreversible impact on any archaeological interest and in accordance with Policy BNE21 of the Local Plan 2003.

**134 Planning application - MC/22/0116 5-7 Mill Road and 4 Fox Street Gillingham Medway ME7 1HL**

**Discussion:**

The Senior Planner outlined the application in detail for the construction of two new blocks of 24 flats for specialised supported social housing for adults with learning and special needs and the demolition of existing buildings.

The Committee discussed the application in detail and welcomed this scheme due to the number of people currently on the waiting list for assisted living accommodation.

For future proofing it was suggested that more electric charging points would need to be installed as the application showed there were currently 9 parking spaces, 2 for disabled parking, and only 2 charging points.

The Principal Transport Officer suggested rewording condition 13 to include the future increase of electric charging points.

In condition 17 regarding parking, the Principal Transport Officer stated that a Parking Management Plan would be submitted.

**Decision:**

**Approved** subject to:

A) The completion of a unilateral undertaking to secure the following:

- i. £6091.92 towards strategic measures in respect of the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites.

B) Conditions 1 to 12 and 14 to 25 as set out in the report for the reasons stated in the report and amended condition 13 (with the final wording to be agreed with the Chairman, Vice Chairman and Planning Opposition Spokesperson) as follows:



**Condition 13:**

The proposed accommodation shall not be occupied, until details of the provision of the electric vehicle charging points (22% active and 78% passive) for the parking spaces 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.

Reason: In the interests of sustainability in accordance with paragraph 112E of National Planning Policy Framework 2021.

Due to a technical issue, the Committee adjourned for a short period after the determination of this planning application from 8pm – 8.15pm.

**135 Planning application - MC/21/3023 Former Machine Shop 8 Chatham Maritime Chatham Medway**

**Discussion:**

The Head of Planning outlined the application in detail and explained that this site had been discussed for over 20 years.

In August 2017, a weathertight enclosure application for Former Machine Shop 8 was submitted. Unfortunately, by the time planning permission had been approved the end user had been lost to the development.

The proposal would provide flexibility for the site without requiring new applications each time and included the construction of a new frame with a waterproof cover. As the structure was listed the waterproof cover / cladding would be secured on the outside and would not actually touch the structure but would keep it weathertight.

The Committee considered the application and welcomed this structure being used.

The Head of Planning said he would liaise with English Heritage and the applicant on the final look of the cladding and any sound proofing requirements.

He added that he would also discuss the operating hours with the applicant which was referenced in condition 3. There would be no guarantee that an application to extend these hours would never be submitted but the current hours proposed were reasonable.

**Decision:**

Approved with conditions 1 to 18 as set out in the report for the reasons stated in the report.

**136 Planning application - MC/22/0923 44 High Street Chatham Medway ME4 4DS**

**Discussion:**

The Planning Manager outlined the application in detail and explained the proposal to extend the hours of business as set out in the report for a temporary period of one year.

There had been some objections to this application regarding noise and the increased opening hours. A Noise Impact Assessment was undertaken over a 5-day period between 17 – 21 February 2022. Evidence would be gathered, during the temporary period, that the noise mitigation measures remained effective and adequate to deal with acceptable noise levels within the area.

With the agreement of the Committee, Councillor Tejan addressed the Committee as Ward Councillor and outlined the following points in support of the application.

- The applicant leased these premises in June 2020 and started conversion work to open an African bar and restaurant but due to Covid had to close.
- The applicant would be willing to soundproof the whole premises to keep in agreement with the conditions.
- Similar premises locally had sought variations to their opening hours.
- Although there had been objectors, none of them lived above the property.

The Committee discussed the planning application noting the comments outlined by the Planning Manager and the points raised by the Ward Councillor.

Members supported the time limited period. Although there were known noise issues in the area it was not confirmed that any direct noise was coming from this site.

In addition, it was suggested that this would benefit the night-time economy in the area.

**Decision:**

Approved with conditions 1 to 2 as set out in the report for the reasons stated in the report.

**137 Planning application - MC/22/1099 233 Hempstead Road Hempstead Gillingham Medway**

**Discussion:**

The Planning Manager outlined the application in detail.

## Planning Committee, 27 July 2022

The application sought an existing lawful development certificate relating to three outbuildings for this property.

This application was brought to this Committee due to the nature of the planning breach of adding more structures/dwellings to this site and the inability of the applicant to reach a compromise to address this breach.

Whilst a log cabin did not fall within the interpretations of a dwelling. This log cabin would sometimes be used for holiday lets or family members when visiting and it had a kitchen, shower room and separate sleeping area which indicated a separate residential unit.

Officers considered this to be a development which would not be permitted development and recommended refusal on the basis that the breach needed planning permission.

Additional structures had been added to this site within the garden area and it was considered this was an unacceptable use of garden space.

Although there was only a single access between 233a and 231 Hempstead Road, the wall between the two properties precluded seeing anyone walking down the road when leaving the site. Consultation with Highways had been undertaken and they were satisfied with vehicle movement in and out of the site.

In response to a Member's question, no additional parking had been proposed in this application for the residents of the holiday lets.

The Planning Manager confirmed that the previous planning applications submitted in 2017 and 2018 included a condition to remove development rights. This was explained at the time, but the applicant still believed it to be permitted development.

Members noted this was an unlawful development and recommended the applicant submit a formal planning application if they wished to retain and use the log cabin as a holiday let.

### **Decision:**

### **Refused** because:

1. The existing log cabin by reason of its design layout, size and arrangement providing a living room, kitchen, shower room and two bedrooms, in addition to the confirmed use of the log cabin by the applicant being for 'holiday let' purpose, does not constitute a use that is 'incidental' to the enjoyment of the dwelling house and as such fails the purpose of Class E, Part 1 schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The annexe as such does not constitute permitted development and lawful development certificate should be refused.

**138 Planning application - MC/22/0700 78 Mill Road Gillingham Medway ME7 1JB**

Councillor Buckwell chaired the remainder of the meeting.

**Discussion:**

The Planning Manager outlined both MC/22/0700 and MC/22/0711 applications at the same time in detail.

The first application was for planning permission and the second for listed building consent for the removal of an existing side extension and construction of a single-storey extension.

The internal courtyard would remain, and an additional roof light would be added.

The Conservation Officer was satisfied with the impact on the Conservation Area, listed building and the design would protect the future of this property.

**Decision:**

Approved with conditions 1 to 4 as set out in the report for the reasons stated in the report.

**139 Planning application - MC/22/0711 78 Mill Road Gillingham Medway ME7 1JB**

**Decision:**

Approved with conditions 1 to 4 as set out in the report for the reasons stated in the report.

**140 Report on Section 106 Agreements - July 2021 - June 2022**

**Discussion:**

The Committee received a report on the amount of Section 106 funding received between July 2021 and June 2022.

The Head of Planning drew Members attention to the report which normally would be presented quarterly but this report covered a whole year. In future, this Section 106 report would continue to be presented quarterly.

The Head of Planning requested that any questions regarding any submitted Section 106 funding be sent to the S106 Officers who would be happy to answer them.

## **Planning Committee, 27 July 2022**

### **Decision:**

The Committee noted the report.

### **Chairman**

### **Date:**

**Julie Francis-Beard, Democratic Services Officer**

Telephone: 01634 332012

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