

Medway Council
Planning Committee
Thursday, 6 October 2022
6.32pm to 10.25pm

Record of the meeting

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

Present: Councillors: Buckwell (Vice-Chairman), Carr, Curry, Fearn, Hackwell, Howcroft-Scott, Hubbard, McDonald, Potter, Chrissy Stamp and Tranter

Substitutes: Councillors:
Barrett (Substitute for Thorne)
Gulvin (Substitute for Mrs Diane Chambers)
Tejan (Substitute for Lammas)
Van Dyke (Substitute for Adeoye)

In Attendance: Martin Aust, Viability Consultant
Kemi Erifevieme, Planning Manager
Dave Harris, Head of Planning
Joanna Horne, Planning Solicitor
Michael Turner, Principal Democratic Services Officer

276 Chairman's Announcement

The Chairman referred to Councillor Mick Pendergast who had sadly passed away on Sunday 2 October. Members and officers present held a minute's silence in memory of Councillor Pendergast.

277 Apologies for absence

Apologies for absence were received from Councillors Adeoye, Mrs Diane Chambers, Lammas and Thorne.

278 Record of meeting

The record of the meeting held on 24 August 2022 was agreed and signed by the Chairman as correct.

279 Urgent matters by reason of special circumstances

There were none.

280 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

There were none.

Other interests

There were none.

281 Chatham Waters S106 - Affordable Housing

Discussion:

Members considered a report regarding the financial contributions secured via a S106 agreement related to the wider Chatham Waters development and to the fact that due to viability, the delivery of the affordable housing element of the Chatham Waters development cannot afford to meet the financial contributions required (for that element only).

The Head of Planning advised that only one provider of affordable housing (L&G) had come forward. Since planning permission had been granted the economic climate had changed and costs had risen significantly. Peel still wanted to deliver affordable housing on site but had requested that the S.106 financial contributions, (£440,000) as they related to the 237 affordable units, be set aside.

The report presented two Options:

- Option 1: Planning Committee agree a deed of variation to the S106 to allow the affordable housing development to proceed without paying the S106 financial contributions that would apply to residential development but only in relation to the affordable units. If this was agreed work would continue on the delivery of the affordable housing scheme on site.
- Option 2: Planning Committee do not agree a deed of variation in which case affordable housing would not be able to be delivered on site. Discussions would then need to take place regarding the alternatives of either off site provision or financial contributions.

Members also heard from the Council's independent viability consultant who had considered the affordable housing element of the scheme based on three assumptions: the land value for the 237 units was zero, developer profit was zero and the scheme did not include any contributions to the site wide infrastructure costs. In response to why there was not an independent build

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cost assessment to consider alongside Peel's figures, the consultant advised that he considered the real figures to be higher than provided by Peel. Also, the report had been completed in April 2022 and build costs since then had risen significantly. He considered this was a strong offer from Peel in terms of the value it offered. He advised the affordable housing scheme generated a loss of £2.5m but this could be nearer to £8m. The applicant could decide to apply to vary the S106 agreement and, if so, there was a risk of a significant reduction in the figure currently proposed.

In response to whether the Council's consultant had considered whether off site construction would have been more viable, Members were advised that this would result in less affordable housing as off-site construction would lead to less units and delays in delivering them.

The Head of Planning, in response to whether other developers might adopt the same approach, commented that for greenfield sites there were no issues with developers agreeing S106 contributions. With brownfield sites the Council was receiving more requests which offered less or asked to re-negotiate S106 agreements, as costs were far greater when it came time to build.

In discussing the report Members made the following points:

- The wider site was likely to generate revenue of more than £200m, therefore the £440,00 sum in question represented a small amount of this figure.
- The £440,000 S106 contributions would pay for lots of community benefits.
- The lack of affordable housing in the area was a real problem and the options presented meant the Council either lost £440,000 towards community benefits or lost much needed affordable housing.
- House prices had increased significantly since the application had been approved and it was difficult to see how Peel could be making a loss.
- There was a risk that if Peel's request was refused then they could re-apply with an offer of less affordable housing, which could prevent hundreds of people from having an affordable home. There was always a long gap from the original agreement to development taking place and developers were at risk of price increases.
- By agreeing to Peel's proposal a precedent could be set. Whilst all Members wanted more affordable housing, decision making should not be subject to pressure from developers.
- The Council had commissioned an independent assessment which concluded there was no margin and Peel could lose up to £8m on this development. Effectively, Peel were asking the Council to make a contribution so affordable housing could be delivered quickly.
- Peel could choose to raise the prices of houses to offset the £440,000.

It was then proposed that the original S.106 agreement be adhered to and not amended.

Decision:

The Committee agreed that the original S.106 agreement relating to the affordable housing element of the Chatham Waters development be adhered to and not amended.

282 Planning application - MC/21/2225 Land To The East Of Seymour Road And North Of London Road, Rainham, Gillingham, Medway

Discussion:

The Head of Planning outlined the application in detail, which was an Outline Application with all matters reserved (except access) for a residential development of up to 48 dwellings, including associated access, parking, landscaping and open space. He advised of the following amendments to the report not included on the supplementary agenda advice: the figure in recommendation A (xi) relating to highways mitigation was £1,300 per dwelling and not £113 as stated. The same correction also applied to page 66 of the agenda pack.

Several Members expressed the following concerns:

- the application would result in Rainham extending to the border with Swale.
- an unacceptable impact on the landscape.
- an increase in the volume of traffic on the A2 when the highways team already considered this network could not cope with existing levels of traffic.
- An adverse impact on the heritage of the area.

Other Members, while accepting this was a finely balanced judgement, felt the application could be made to work and an Inspector was likely to uphold any appeal. The impact on highways would be an issue with most proposed developments and there was a need for more homes to be built in Medway.

The Head of Planning clarified that the traffic monitoring and mitigation measures proposed related to dealing with any traffic displacement.

Decision:

Refused on the grounds that development would adversely impact on highways, heritage and landscape character, including the importance of maintaining a buffer between Rainham and Swale and the Head of Planning was granted delegated authority to approve the refusal grounds with the Chairman, Vice Chairman and Opposition Spokesperson outside of the meeting.

283 Planning application - MC/21/3125 Land North of Moor Street, Rainham, Gillingham

Discussion:

The Head of Planning outlined the application in detail, which was for the construction of 66 residential dwellings (including 25% affordable housing), together with open space, landscaping, drainage, access, parking and associated works.

Members were advised that, if the application was approved, there would be a need for climate change and energy efficiency conditions.

Members expressed concerns about the impact on local highways, the risks to children attending Leigh Academy due to increased traffic, given the development would share the same access road as the school, the suitability of the ingress and egress roads, the impact on the surrounding landscape and the impact on the heritage of the area.

Support for the application was also expressed on the basis that on appeal an Inspector would probably uphold the appeal and, while not ideal, there were a number of routes in and out of the development.

Decision:

Refused on the grounds that the development would severely impact on the highways and also adversely impact on the heritage and landscape character of the area and the Head of Planning was granted delegated authority to approve the refusal grounds with the Chairman, Vice Chairman and Opposition Spokesperson outside of the meeting.

284 Planning application - MC/21/3663 Plot 10 Ordnance Yard, Lower Upnor, Rochester

Discussion:

The Head of Planning outlined the application in detail, which was for the construction of a detached dwelling with associated landscaping works and new vehicle access to Upchat Road. The applicants had submitted this proposal for consideration under Paragraph 80 of the NPPF. The latter set out to avoid isolated homes in the countryside unless one or more specific circumstances applied, including the design was of exceptional quality. The Head of Planning considered that the design met that test.

Members agreed this was an exceptional design which fitted in with the landscape extremely well and hoped that its design principles would apply to other buildings.

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Decision:

Approved subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Drawing numbers:

24 December 2021

21.026.200.00 Rev P0 - Proposed Lower Ground Floor Plan

21.026.200.01 Rev P0 - Proposed Ground Floor Plan

21.026.200.02 Rev P0 - Proposed Roof Plan

21.026.300.00 Rev P0 - Proposed Elevation A

21.026.300.01 Rev P0 - Proposed Elevation B

21.026.300.03 Rev P0 - Sectional Elevation D-D

21.026.300.04 Rev P0 - Sectional Elevation E-E

21.026.300.05 Rev P0 - Sectional Elevation F-F

2135/SK1 - Proposed Access

UD-PI10/TCP/1730-02 - Tree Constraints Plan

18 January 2022

21.026.100.03 P1 - Proposed Site Plan

21.026.300.02 P1 - Proposed Elevation C

21.026.300.06 P0 - Proposed Elevation G

26 May 2022

21.026.300.07 Rev P0 - Visibility Splays

7 September 2022

21.026.300.08 Rev P0 - Highways Section

Reason: For the avoidance of doubt and in the interests of certainty.

- 3) The dwelling hereby approved shall not be occupied until, full details of a hard and soft landscape scheme have been submitted to and approved in writing for all areas. The submitted details shall include:
 - i. All paving and external hard surfacing, lighting and services (including drainage), tree planting, minor artefacts and structures (seating, refuse receptacles and raised planters, pool). Soft

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landscape works, including details of all proposed additional planting, planting plans, tree positions, written specifications (including cultivation and other operations associated with grass, tree and planting establishment); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate.

- ii. Details for the design and specification of tree planting to enable healthy establishment at maturity. Information should provide details for the planting environment (including within soft and hard landscape as well as, raised planters).
- iii. An arboricultural method statement that addresses all hard and soft landscape works proposed within the root protection area of retained trees.
- iv. A timetable for implementation.

The development shall be implemented in accordance with the approved details and timetable and any trees or plants which are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species and me maintained in perpetuity.

Reason: To ensure a satisfactory external appearance and provision for landscaping and impact on the retained trees, in accordance with Policies BNE1, BNE6 and BNE43 of the Medway Local Plan 2003.

- 4) Prior to the first occupation of the dwelling herein approved, a landscape management plan, shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long term design objectives and maintenance schedules for the traverse and peninsular in particular 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.

- 5) No development shall take place above slab level until a sustainable construction method statement has been submitted to and approved in writing to the Local Planning Authority. This shall include information on all of the materials that are proposed in the construction as well as details in relation to the approach. The development shall be constructed in accordance with the approved construction method statement.

Reason: Required prior to commencement to ensure the sustainability of the site in accordance with Policy BNE4 of the Medway Local Plan 2003.

- 6) No development above slab level shall take place until details of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 7) No development shall take place until a Construction Environmental Management Plan (CEMP) 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 affecting nearby residents; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan.

Reason: Required prior to commencement of development to enable the Local Planning Authority to manage such development in the interests of neighbouring amenity and precautionary ecological mitigation in accordance with Policies BNE2 and BNE37 of the Medway Local Plan 2003.

- 8) Prior to the installation of any external lighting on the site, details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) together with a report to demonstrate its effect on the landscaping of the site (including an overlay of the proposed lighting onto the site landscaping plans), the rural landscape, nearby residential properties, bats and of how this effect has been minimised. Any external lighting shall be implemented in accordance with the approved details.

Reason: In order to limit the impact of the lighting on the landscaping of the site, the surrounding landscape, nearby residents and wildlife and with regard to Policies BNE1, BNE2, BNE5, BNE25 and BNE39 of the Medway Local Plan 2003.

- 9) No development shall take place until details of the steps and process that will take place in relation to the refurbishment of the Bell Tower are submitted to and approved in writing by the Local Planning Authority. These works shall then be carried out and in place on site prior to the occupation of the development.

Reason: To ensure that the historic features that are to be retained on site are made good and brought up to a standard suitable for this conservation area.

- 10) No development shall take place until details of the steps and process that will take place in relation to the refurbishment of the wall lights that sit on top of the main boundary wall pillars are submitted to and approved in writing by

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the Local Planning Authority. These works shall then be carried out and in place on site prior to the occupation of the development.

Reason: To ensure that the historic features that are to be retained on site are made good and brought up to a standard suitable for this conservation area.

- 11) No development shall take place until a management plan setting out how the public footpath will be managed for the period of construction (of both the dwelling and the access road) has been submitted to and approved in writing by the Local Planning Authority. This plan shall include details demonstrating how the footpath will remain open and available for public use throughout. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that public footpath linking Lower and Upper Upnor remains available for use by the public at all times.

- 12) Prior to the occupation of development a maintenance plan for the upkeep and repairs (where necessary) for the listed boundary wall shall be submitted to and approved in writing by the Local Planning Authority. This approved plan shall then be implemented and maintained in perpetuity by the occupants of the dwelling.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policies BNE1, BNE14 and BNE18 of the Medway Local Plan 2003.

- 13) No development shall commence (including site clearance) until a site wide ecological mitigation strategy, including measures for bats, reptiles, badgers, and hedgehogs has been submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be retained throughout the duration of the site clearance and construction phase of the development and thereafter the recommendations set out in the site wide ecological mitigation strategy shall be complied with.

Reason: In the interest of conserving protected species in accordance with Policy BNE39 of the Medway Local Plan 2003.

- 14) No development shall commence on site until the bat hibernation surveys within the WWII air raid bunkers (B1 and B3), as set out within the submitted ecological appraisal, have been carried out and submitted to and agreed in writing with the Local Planning Authority. All recommendations and requirements resulting from the surveys shall be implemented in full.

Reason: Required prior to commencement of development to ensure no irreversible detrimental harm to protected species in accordance with Policy BNE39 of the Medway Local Plan 2003.

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- 15) No development above ground floor slab level shall be undertaken until a statement demonstrating how the proposal will maximise biodiversity net gain on site and seek to achieve a minimum of 10% biodiversity net gain has been submitted to and approved in writing by the Local Planning authority. All the measures required to achieve the statement Biodiversity net gain level shall be undertaken prior to first occupation of the dwelling and shall thereafter be retained.

Reason: In the interests of enhancing biodiversity and to positively address concerns regarding climate change in accordance with paragraphs 154 and 179 the National Planning Policy Framework 2021.

- 16) If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003 .

- 17) The development shall be implemented in accordance with the measures to address energy efficiency and climate change as set out within the design and access statement, SAP Specification (submitted 24 Dec 2021), climate change statement (submitted 18 Jan 2022) and Additional Supporting Planning Statement (submitted 13 June 2022).

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.

- 18) Prior to first occupation of the development a verification report prepared by a suitably qualified professional shall be submitted to the Local Planning Authority confirming that all the agreed measures have been undertaken and will thereafter be maintained on site.

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) No development shall take place above ground floor slab level until details of the provision of electric vehicle charging points (at least 1) 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 National Planning Policy Framework 2021.

- 20) The proposed residential unit shall not be occupied until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be kept available for such use and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any other amending, revoking or re-enacting that order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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.

- 21) On completion of the build and within 3 months of the first occupation of the dwelling a document demonstrating the processes and testing that was carried out throughout the overall construction project (including all experiments, trials and techniques on all aspects of the house) shall be submitted to and approved in writing by the Local Planning Authority. Details of where and how this document is to be published shall also form part of this submission.

Reason: To ensure that the public benefits of this property, including how this property makes steps forward in building techniques and energy efficiencies, is clear and publicly available, in accordance with paragraph 202 of the NPPF.

285 Planning application - MC/22/0974 The Hundred Of Hoo Primary School, Main Road, Hoo St Werburgh, Rochester

Discussion:

Councillor Potter disclosed an interest in this arising from his position as the Portfolio Holder for Education and Schools, withdrew from the meeting and did not participate in this item.

The Planning Manager outlined the application in detail, which was for the construction of a two-storey extension with associated external works incorporating the expansion in the capacity of the staff car park and reconfigured early years play area and playground.

The Planning Manager clarified that the travel plan would be monitored by the school and shared with the highways team.

Decision:

Approved with conditions 1 – 22 as set out in the report for the reasons stated in the report.

286 Planning application - MC/22/1351 St Nicholas CE Voluntary Controlled Infant School, London Road, Strood, Rochester

Discussion:

Councillor Potter disclosed an interest in this arising from his position as the Portfolio Holder for Education and Schools, withdrew from the meeting and did not participate in this item.

The Planning Manager outlined this application in detail, which was for the construction of a single storey teaching block and external link canopy, together with creation of MUGA and playground area, and alterations to existing car parking and landscaping.

Decision:

Deferred until the next meeting so that a Member site visit can take place (on 15 October) to look at the layout of the site and the potential impact on neighbouring houses.

287 Planning application - MC/22/1771 Land to south of existing stables at Buddy's View, Perry Hill, Cliffe, Rochester

Discussion:

The Planning Manager outlined this application in detail, which was for the construction of a combined amenity and day room building.

Decision:

Approved with conditions 1 – 7 as set out in the report for the reasons stated in the report.

288 Planning application - MC/22/1780 Abel Barn, Main Road, Cooling, Rochester

Discussion:

The Planning Manager outlined this retrospective application in detail, which was for the change of use of agricultural land to residential garden together with boundary fencing and gates.

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Decision:

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

289 Planning application - MC/22/1134 Buckhole Farm Cottage, Buck Hole Farm, Buck Hole Farm Road, High Halstow

Decision:

Withdrawn by applicant.

290 Planning application - MC/22/1585 190 Frindsbury Hill, Wainscott, Rochester, Medway

Discussion:

The Planning Manager outlined this application in detail, which was for the construction of a part ground floor extension to side and a first floor dormer extension to side to facilitate additional living space.

Decision:

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

291 Planning application - MC/22/1584 192 Frindsbury Hill, Wainscott, Rochester, Medway

Discussion:

The Planning Manager outlined this retrospective application in detail, which was for the construction of part ground floor and first floor dormer extension to side - resubmission of MC/21/1972.

Decision:

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

292 Planning application - MC/22/0488 121 Glencoe Road, Chatham, Medway, ME4 5QF

Discussion:

The Planning Manager outlined this retrospective application in detail, which was for the construction of a single storey extension to rear and store to basement.

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Members were advised that, if the application was approved, the applicant had stated that the rendering of the extension could be carried out within 2 months if approved.

Decision:

Approved with conditions 1 - 3 as set out in the report for the reasons stated in the report

Chairman

Date:

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