

Medway Council
Planning Committee
Wednesday, 19 October 2022
6.30pm to 9.40pm

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), Curry, Hackwell, Howcroft-Scott, Hubbard, Lammas, McDonald, Prenter, Thorne and Tranter

Substitutes: Councillors:
Sylvia Griffin (Substitute for Fearn)
Gulvin (Substitute for Carr)
Tejan (Substitute for Potter)
Van Dyke (Substitute for Chrissy Stamp)

In Attendance: Councillor Hazel Browne - Ward Councillor
Councillor Gary Etheridge - Ward Councillor
Councillor Mrs Elizabeth Turpin – Ward Councillor
Councillor John Williams - Ward Councillor
Melvin Andrews, Highways Consultant
Julie Francis-Beard, Democratic Services Officer
Hannah Gunner, Senior Planner
Dave Harris, Head of Planning
Joanna Horne, Planning Solicitor
Hannah Gunner, Senior Planner
Carly Stoddart, Planning Manager

318 Apologies for absence

Apologies for absence were received from Councillors Carr, Fearn, Potter and Chrissy Stamp.

319 Urgent matters by reason of special circumstances

MC/21/2225 Land to the East of Seymour Road and North of London Road, Rainham, Gillingham, Medway.

MC/21/3125 Land North of Moor Street, Rainham, Gillingham.

The Chairman agreed to take this matter as urgent business (after the last agenda item: Planning application - MC/22/1736 Land South of Fenn Corner Industrial Estate, Ratcliffe Highway, St Mary Hoo, Rochester) due to the need

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to agree the grounds for refusal for the above mentioned planning applications considered at the last meeting on 6 October 2022.

As appeals were expected to be lodged against these decisions soon this matter could not wait until the next meeting of the Committee.

The Head of Planning made Members aware that at the last meeting they refused two applications on three grounds – highways, heritage and landscape. He had since heard that an appeal for these two applications would be lodged. The Head of Planning appointed Highways, Heritage and Landscape Consultants to review these applications. The Highways and Heritage Consultants were comfortable that Medway could mount arguments for these two reasons, however, the Landscape Consultant considered the landscape reasoning should be dropped.

Decision: The Committee agreed that the grounds for refusal for these two planning applications as highways and heritage.

320 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

Councillor Griffin referred to application MC/22/1351 St Nicholas CE Voluntary Controlled Infant School and advised that she was a School Governor so would withdraw from the meeting and take no part in the determination of the application.

Other interests

Councillor Howcroft-Scott referred to planning application MC/22/1351 St Nicholas CE Voluntary Controlled Infant School and informed the Committee that in 2003 she was the Deputy Head Teacher of that School and had arranged a petition complaining about the windows overlooking the playground.

Councillor Van Dyke referred to planning application MC/22/1351 St Nicholas CE Voluntary Controlled Infant School and informed the Committee that as she wished to address the Committee as Ward Councillor on this planning application, she would take no part in the determination of the application.

321 Garrison Point (Whiffens Car Park) S106 - Obligations

Decision:

This report was withdrawn before the meeting by the applicant.

322 Planning application - MC/22/0254 Land to the East and West of Church Street, Cliffe, Rochester

Discussion:

The Head of Planning showed the Committee an overview on Google Maps of the site to show its location in relation with Wainscott Bypass and the B2000 which went through Cliffe and Cliffe Woods.

The Senior Planner explained this was an outline application for 250 dwellings, a mixed-use community hub, the relocation of the sports ground with accesses from Church Street, Cooling Road and Buttway Lane.

The Senior Planner explained that additional representations had been received and were included in the Supplementary Agenda Advice Sheet.

The Senior Planner outlined the application in detail and explained that additional land which was owned by the applicant did not form part of the application. The illustrative plans shown represented what could be achieved on the sites with the repositioned sports pitches and new pavilion on the northern site, dedicated open space on the western side and residential development on the two sites either side of B2000. The bowls club would remain.

The Senior Planner explained that, in principle, this was a carefully balanced application outside the rural boundaries of Cliffe. Members were made aware of the 5-year housing land supply which had to be taken account of. The development would link the two sections of Cliffe. The impact on the Highway Network was acknowledged however deemed not severe. The Senior Planner referred to the creation of jobs, diversification of the labour market, the economic support in the existing village and the increase in local spending, 25% of the proposed residential to be affordable housing with a mix of housing and tenures, the relocated sports provisions, the creation of a new community hub, access to green spaces and an additional 20% of biodiversity in the area. It was considered that the benefits of the development outweighed the harm and the application was recommended for approval subject to S106 agreement and conditions.

The Senior Planner advised that there was an amendment in Condition 39, at the end of the first paragraph and the reference to Sports England should be removed.

With the agreement of the Committee, Councillor Williams addressed the Committee as Ward Councillor and raised the following concerns:

- This was a rural location and the development would cause more congestion, more noise and the highways around the area would not be able to cope with even more vehicles.
- In the Medway Strategic Land Availability Assessment, it was stated the land to the east and west of Church Street was unsuitable to develop due to the

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impact on agricultural land and landscape, and he questioned why this site had come forward? If the development went ahead there would be a loss of agriculture and a negative impact on the floral and fauna of the area. There was a need to protect the rural landscape and biodiversity in the area and once built on it would be gone forever.

- The proposed sports ground was out of the way, the local school oversubscribed and the doctors' surgery was struggling to cope with the current number of residents in the area.

With the agreement of the Committee, Councillor Mrs E Turpin addressed the Committee as Ward Councillor and raised the following concerns:

- This was not a sustainable development. This was a rural village and the roads were already unsafe for cyclists and pedestrians due to the width of the roads. Public transport was not reliable and buses stopped running in the early evening. This development had a negative impact on the agricultural land and there was no mention about the increased levels of flooding.
- There was no secondary school within 3 miles of the development.
- Residents of Cliffe were passionate about protecting the rural area and did not agree to this overdevelopment.

With the agreement of the Committee, Councillor Etheridge addressed the Committee as Ward Councillor and raised the following concerns:

- Increased vehicles including lorries into the rural village of Cliffe Woods, the detrimental effect of construction to residents, existing wildlife and the local area. With limited facilities in terms of public transport, local shopping, schools and health provision, a private car would be the only form of transport, which would be totally unsustainable. No consideration had been given to the effect and health of the local community.
- The new playing fields were sited along a single road with no street lighting or footpaths which was extremely dangerous for residents and would also be hazardous for any visitors transporting team members for fixtures.

The Committee discussed the planning application outlined by the Senior Planner and noted the points raised by the Ward Councillors.

Members took into account and were concerned with the increased volume of vehicles currently on these roads and surrounding areas as the roads were very narrow with chicanes and would not be able to cope with any further additional traffic. The Highways Officer confirmed in the report that there would be capacity for these additional vehicles. There would also be no other practical routes for cyclists.

Members stated Cliffe was a lovely, unique village with very old properties and an increase in size of 25% would irreparably destroy the local area, would change the character and impact the whole community. Members stated this was a gross overdevelopment, was not sustainable and would disturb the rural area and clashed with what the local residents wanted.

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Members acknowledged that the current sports ground was an asset, well used, overlooked and safe and requested the relocation of the sports ground be re-considered due to the site not being overlooked and therefore not as safe and Buttway Lane being narrow with high volumes of traffic accessing that area.

Members acknowledged that with the absence of a current Local Plan, Medway was now under pressure to deliver housing and the Council did not have a 5-year housing land supply. However, Members did not consider that in this location that the benefits of delivering housing outweighed the harm. Members noted that in the Medway Strategic Land Availability Assessment this area was never designated for housing.

Members requested further information regarding the highways works stated in Condition 12 and 13 of the report for B2000 and Off Slip A289/B2000.

Decision:

Refused on the grounds that the proposed development had a severe adverse harm to the character of Cliffe, that the development was not sustainable and the additional traffic on the B2000 would unacceptably impact on residential amenity for those residents fronting on to the road; and the relocation of the sports fields would not provide for a comparable quality of sports provision for the village. The Head of Planning was granted delegated powers to approve the final wording of the refusal ground in consultation with the Chairman, Vice Chairman and Opposition Spokesperson.

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

Councillor Griffin left the meeting for this item and Councillor Van Dyke withdrew from the meeting to speak as a Ward Councillor.

Discussion:

The Head of Planning outlined the application in detail and explained this was deferred from the previous Planning Committee and a site visit had been undertaken on Saturday 15 October.

The Head of Planning explained that, in principle, no member had an objection with the requirement to extend the school nor the requirement for more formal play, however it was recognised that this was a constrained site and there was no simple solution to the need for an extension.

The Head of Planning explained that the applicant had amended the original proposed pitched roof to a flat green roof which was now higher than the original pitched roof. Officers had spoken with the Agent and Education Officer to remove the green roof and the removal of the railings and install a standard flat roof. The Head of Planning explained that some trees would need to be

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removed to accommodate the extension and multi use games area but additional tree plantings were proposed.

The Head of Planning explained that in the report, Condition 19 was a duplicate of Condition 7 and condition 19 should be removed.

With the agreement of the Committee, Councillor Van Dyke addressed the Committee as Ward Councillor and raised the following concerns.

- A detrimental effect to the residents of Madhuran Court as they were just 6ft from the development.
- There were concerns with the flat roof, which was now higher than the original pitched roof and no overshadowing issues had been undertaken.
- Minor adjustments to Multi-Use Games Area (MUGA) to mitigate the overshadowing and noise pollution.

The Committee discussed the planning application noting the concerns outlined by the Head of Planning and the points raised by the Ward Councillor.

Members discussed whether the extension could be moved to the north side of the existing playground. They were not against the extension as they wanted to see the school survive and prosper however they needed to consider the residents and the school itself. The current proposal would reduce light to the neighbours.

The Head of Planning confirmed that the land was owned by the Council and the MUGA would be used by the school during school time and the youth centre outside these hours.

Decision:

Consideration of this application be deferred to enable officers to undertake further discussions with the applicant and agent to re-consider the relocation of the play area.

Councillors Griffin and Van Dyke returned to the meeting.

324 Planning application - MC/22/1875 Kingdom Hall, Bloors Lane, Rainham, Gillingham

Discussion:

The Planning Manager outlined the application in detail for the construction of 20 houses with associated access and parking.

The Planning Manager confirmed that the planning history section of the report should have also referred to a planning application in August 2001, that removed 13 houses and changed the amenity land and carparking at the front.

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With the agreement of the Committee, Councillor Browne addressed the Committee as Ward Councillor and raised the following concerns.

- The Legal Officer confirmed that even though a complaint relating to the application was with the Local Government Ombudsman the decision-making process for this application could continue in the normal way. The Head of Planning confirmed that the complaint regarded processing the application.
- Residents were concerned that a number of mature trees were being removed with no mention of them being replaced. They were also concerned regarding the overdevelopment of the site and loss of natural light to neighbours.
- The S106 monies not benefitting the local area.

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

The Head of Planning confirmed that the site was regarded as brownfield land as it was a former landfill site. A development was previously constructed however due to subsidence had to be removed.

A request was made that if approved the details of where the S106 contributions should be directed locally should be discussed with the local Councillors.

Decision:

Approved subject to:

- A Section 106 Agreement under the terms of the Town and Country Planning Act 1990 being entered into to secure the following developer's contributions:
- i. £20,000.00 towards the upgrade of the existing zebra crossing, on Bloors Lane, in the vicinity of Thames View Primary School, to "Halo" type LED Belishas.
 - ii. £1,050.00 towards improvements to signage/information and any relevant surface improvements to the GB5/6A and associated paths around Bloors Community woodland.
 - iii. £96,819.84 towards expansion of schools. Specific schools have not been named as the most suitable school for expansion to address the impact of the development can change in the time between request and receipt of contribution.
 - a. Nursery education: £30,985.80
 - b. Primary education: £2,173.03
 - c. Secondary education: £60,261.80
 - d. Sixth form education: £3,399.21

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- iv. £3,368.00 towards improved facilities and equipment at Rainham Library.
- v. £4,900.00 towards the development of new square/civic space in Rainham Precinct Shopping Centre and improvements to the Precinct gateway by the car park and the High Street.
- vi. £1,619.00 towards programme delivery for young people (ages 8-19 and up to 25 for with additional needs) in the Gillingham area. Which may include facilities, providing access, supplies, equipment and/or instructors.
- vii. £3,888.40 towards the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
- viii. £57,332.80 towards enhancement of open space facilities within the vicinity of the development. Of which:
 - £54,446.16 to enhance open space facilities within the vicinity.
 - £2,886.64 to Medway's Metropolitan Park – Great Lines Heritage Park.
- ix. £14,209.20 towards the provision to support the foundation and development of the Rainham locality Primary Care Network including the supporting infrastructure, IT, training and equipment
- x. £4,117.40 towards enhancement and/or expansion of community facilities which will serve the new residents of the development.
- xi. £5,517.60 towards Designated Habitats Mitigation.

B Conditions 1 to 21 as set out in the report for the reasons stated in the report.

325 Planning application - MC/22/1109 Land at Lennoxwood adjacent to Petham Green, Twydall, Medway

Discussion:

The Planning Manager outlined the application in detail for the construction of 19 dwellings with associated road parking and landscaping.

The Committee considered the application and welcomed the amount of social and family housing.

The Highways Consultant confirmed that there would be 36 parking spaces for residents and four visitors parking spaces.

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Decision:

Approved subject to:

A legal agreement under the terms of the Town and Country Planning Act 1990 being entered into to secure the following developer's contributions:

- i. £3,693.98 towards the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
- ii. £7,500 towards the development of sustainable transport infrastructure to encourage modal shift from the private motor vehicle within the local vicinity.
- iii. £91,978.85 towards the expansion of schools within the locality.
 - a. Nursery education: £29,436.51
 - b. Primary education: £2,064.38
 - c. Secondary education: £57,248.71
 - d. Sixth form education: £3,229.25
- iv. £54,466.16 towards the enhancement of open space facilities within the vicinity of the development.
- v. £3,911.53 towards enhancement and/or expansion of community facilities which will serve the new residents of the development.
- vi. £13,498.74 towards supporting the creation of additional capacity in Primary Care premises required as a result of the increase in housing and resulting patient registrations. This can be, by the way of extension to, refurbishment of, or upgrade to existing practice premises within the vicinity of the development, or contribution towards a new facility if this is required to support the population growth.
- vii. £5,241.72 towards Designated Habitats Mitigation.

And Conditions 1 to 24 as set out in the report for the reasons stated in the report.

326 Planning application - MC/21/3405 24 Gun Lane, Strood, Rochester, Medway

Discussion:

The Head of Planning outlined the application in detail for construction of 5/6 storey building comprising of two ground floor retail units (use Class E), 5 x one-bedroom and 8 x two-bedroom flat along with parking, amenity space and landscaping.

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The Head of Planning explained that Condition 27 should have a “not” added to the wording “the ground floor commercial units of the development hereby permitted shall exclude any use NOT falling within sub category (a) (the display of retail sale of goods) or Class E of the Schedule to the Town and Country Planning (Use Classes) 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification”.

An additional Condition, number 28, was to be added regarding obscure glazing “Side windows should be obscured glass”.

Members were advised that the postal address shown for the site on the ordnance survey map on page 124 of the report was incorrect and the correct address was 24 Gun Lane not 54 as shown on the map.

Decision:

Approved subject to:

- A. A Section 106 Agreement under the terms of the Town and Country Planning Act 1990 being entered into to secure the following developer’s contributions:
 - i) £3,185.00 towards the development of improved civic space and gateways to Strood town centre (greening projects, bollards, safety measures and signage).
 - ii) £2,219.23 towards improved equipment and facilities at Strood library.
 - iii) £8,497.58 towards supporting the creation of additional capacity in Primary Care premises required as a result of the increase in housing and resulting patient registrations. This can be, by the way of extension to, refurbishment of, or upgrade to existing practice premises within the vicinity of the development, or contribution towards a new facility if this is required to support the population growth.
 - iv) £2,325.44 towards the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
 - v) £7,500.00 towards the development of sustainable transport infrastructure to encourage modal shift from the private motor vehicle within the local vicinity.
 - vi) £34,286.85 towards the enhancement of open space facilities within the vicinity of the development including Strood North ward and Great Lines Heritage Park.
 - vii) £3,825.64 Towards improved landscaping within the grounds at Temple Manor.

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viii) £3,299.79 towards Designated Habitats Mitigation.

B. Conditions 1 to 26 as set out in the report for the reasons stated in the report, condition 27 to add “not” as discussed earlier and condition 28 to be added to include “Side windows should be obscured glass”.

327 Planning application - MC/22/1736 Land South of Fenn Corner Industrial Estate, Ratcliffe Highway, St Mary Hoo, Rochester

Discussion:

The Senior Planner outlined the application in detail for retrospective consent for the change of use from equestrian land to create an extension to the existing overflow car park. Loose hardcore had been laid to help in wetter weather.

The Senior Planner confirmed there had been no alterations to the actual site, just to regularise the current situation and no further hardcore or lighting would be installed. The carpark would only operate during the zoo’s opening hours and not during the pub’s opening hours.

Members were concerned with the amount of planting on site and the Senior Planner explained that more landscaping could be looked at.

In response to whether any representation had been received from any Parish Councils, the Senior Planner confirmed that a representation had been received from St Mary Hoo Parish Council who considered the zoo had already expanded at an alarming rate and were flouting the planning laws. They took into account that consent was for 60 parking spaces and the area seemed to have extended beyond the permitted drawings. The number of visitors to the zoo had doubled and they were concerned the zoo would be expanded. They also noted a loss of privacy to the neighbours.

Decision:

Consideration of this application be deferred to enable Members to review the comments from St Mary Hoo Parish Council.

Chairman

Date:

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