

Medway Council
Planning Committee
Wednesday, 16 November 2022
6.35pm to 9.55pm

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, Fearn, Hackwell, Howcroft-Scott, Hubbard, Lammas, McDonald, Potter, Prenter, Chrissy Stamp, Thorne and Tranter

Substitutes: Councillors:
Gulvin (Substitute for Carr)

In Attendance: Melvin Andrews, Highways Consultant
Kemi Erifevieme, Planning Manager
Julie Francis-Beard, Democratic Services Officer
Hannah Gunner, Senior Planner
Dave Harris, Head of Planning
Chris Hawkins, Planning Consultant
Joanna Horne, Planning Solicitor
Arron Nicholls, Derelict and Empty Properties Officer
Hannah Rusbridge, Senior Planner

370 Apologies for absence

An apology of absence was received from Councillor Carr.

371 Record of meeting

The record of the meetings held on 6 October 2022 and 19 October 2022 were agreed and signed by the Chairman as correct.

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

Minute 282, Planning application – MC/21/2225 Land to the east of Seymour Road and north of London Road, Rainham, Gillingham, Medway

To report reasons for refusal as follows:

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1. The residual cumulative impacts on the operation of the road network are considered to be severe. The cumulative residual impact on the operation of the road network would also result in an unacceptable impact on highway safety, including as a result of vehicles re-routing along roads that are unsuitable to accommodate increased traffic flow. The development is therefore contrary to paragraph 111 of the NPPF, as well as policies T1 and BNE2 of the Medway Local Plan (2003).
2. The development would also cause harm to the setting and significance of designated heritage assets (Moor Street House (Grade II) and The Cows, the Oasts, The Press (Grade II) and The Moor Street Conservation Area) contrary to of Policies BNE14 and BNE18 of the Medway Local Plan (2003) and paragraph 199 of the NPPF 2021. It is accepted that, considered in isolation, the public benefits of the scheme outweigh the harm to these designated heritage assets.
3. The adverse highway impacts, whether considered in isolation or whether considered together with the harm to designated heritage assets, significantly and demonstrably outweigh the benefits of the scheme and justify refusal of permission.

Minute 283, Planning application – MC/21/3125 Land north of Moor Street, Rainham, Gillingham

To report reasons for refusal as follow:

1. The residual cumulative impacts on the operation of the road network are considered to be severe. The cumulative residual impact on the operation of the road network would also result in an unacceptable impact on highway safety, including as a result of vehicles re-routing along roads that are unsuitable to accommodate increased traffic flow. The development is therefore contrary to paragraph 111 of the NPPF, as well as policies T1 and BNE2 of the Medway Local Plan (2003).
2. The development would also cause harm to the setting and significance of designated heritage assets (Westmoor Cottage, Moor Street (Grade II); West Moor Farmhouse, Moor Street (Grade II) and The Moor Street Conservation Area) contrary to of Policies BNE14 and BNE18 of the Medway Local Plan (2003) and paragraph 199 of the NPPF 2021. It is accepted that, considered in isolation, the public benefits of the scheme outweigh the harm to these designated heritage assets.
3. The adverse highway impacts, whether considered in isolation or whether considered together with the harm to designated heritage assets, significantly and demonstrably outweigh the benefits of the scheme and justify refusal of permission.

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Minute 322, Planning application – MC/22/0254 Land to the east and west of Church Street, Cliffe, Rochester

To report the reasons for refusal as follow:

1. The proposed development, by reason of its scale (equating to approximately a 25% increase on the size of Cliffe Village) will result in unacceptable harm to the character of this historic village and will therefore be harmful to the character, appearance and amenity of the locality. Such development would be contrary to Policies S1, S2 and BNE1 of the Medway Local Plan 2003 and the objectives of paragraph 130 of the National Planning Policy Framework 2021.
2. The proposal would result in a significant increase in vehicular movement along the B2000 through the villages of Cliffe Woods and Cliffe where the road is narrow and there are a significant number of residential properties fronting onto the road. Such a significant increase in vehicular movement would result in harm to the amenity that occupiers of those properties closest to the road could reasonably expect to enjoy, by virtue of increased noise, air pollution and general congestion through the villages. The proposal is therefore contrary to Policies BNE2 and T2 of the Medway Local Plan 2003 and the objectives of paragraphs 119 and 130 of the National Planning Policy Framework 2021.
3. The proposed re-locate the APCM Sports Ground to the northern end of the village, to the rear of residential properties, with no direct overlooking from public land or passing traffic and accessed by a narrow single track Buttway Lane, which has no footpath, will be of inferior quality to the existing APCM sports ground. The existing sports ground is more in the centre of the village, served by public footpaths and well overlooked from public land where users feel safe and secure and as a result the sports ground is well used by the local community for formal and informal recreational purposes and is an asset of community value. This is therefore considered to be contrary to Policy L3 of the Medway Local Plan 2003 and the objectives of paragraph 84, 92 and 99 of the National Planning Policy Framework 2021.
4. Cliffe is a village at the very end of the B2000 and a significant distance from the nearest Town of Strood. The B2000 has no footpaths and due to its narrow width, lack of street lights and the speed of vehicles using it, does not encourage its safe use by pedestrians or cyclists. The existing bus service is irregular, expensive, poorly used and its timings do not encourage use by commuters or those wanting to travel into or back from the Town in the evening. The village is also served by limited facilities and services. As a result, the existing village is not considered to be sustainably located and the proposed expansion would be car dominated and does not represent sustainable development. This is contrary to Policies T3 and T4 of the Medway Local Plan 2003 and the

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core objective in the National Planning Policy Framework 2021 of presumption in favour of sustainable development.

372 Urgent matters by reason of special circumstances

There were none.

373 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.

374 Planning application - MC/21/0979 Kingsnorth Power Station, Power Station Access Road, Hoo St Werburgh, Rochester

Discussion:

The Planning Consultant explained this was an outline planning application with all matters reserved except access (to be taken from Eschol Road) for the construction of flexible EG (iii)/B2/B8 use class buildings, sui generis uses for energy uses and a lorry park, together with servicing, parking, landscaping, drainage, remediation, demolition and earthworks.

The Planning Consultant clarified this proposal was for a large development of a former major coal-fired power station which was decommissioned in 2012. The jetty on site would be retained, however, was not part of the application.

The Planning Consultant discussed the additional supplementary agenda and two further conditions to ensure that the energy waste element of the application did not have a significant adverse impact on the waste hierarchy.

The waste strategy, which was set out in the report, explained that any excess heat generated by the plant would be used for the site only, however not as a commercial entity. It may be possible to expand to provide energy for new homes if proposed in the area but that would be considered in the future.

The application would require improvements to the local roads to ensure that there would be no severe harm to the highway network or a worsening of the air quality in the vicinity. The Head of Planning would be given delegated

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powers to negotiate suitable payments to be secured by a section 106 agreement towards improvements to key highway infrastructures.

The applicant had provided significant information relating to the potential impact of the proposal on the ecological value of the application site and surrounding area.

The Committee considered the application noting that:

- Whether the 2,055 jobs, mentioned in the report, would be on site when completed or would the number include the construction works? The Planning Consultant confirmed the numbers were indicative as this was an outline application with the final numbers clarified as development of the site proceeded through reserved matters applications.
- Under Condition 20, a Landscape and Ecological Management Plan (LEMP), the Planning Consultant suggested adding a 10% net gain for biodiversity as the site was of international importance.
- Members asked whether to include “a requirement for alternative methods of travel” rather than just encourage alternative methods of travel.
- Could parking be future proofed and significantly more electric charging points be added.
- Although it was discussed that the jetty was not included in the current application, it was questioned, could the jetty, if viable, be used in the future for delivery of goods or supplies rather than be transported by road.
- Recommendations A and B on page 37 of the report – a Member requested a deferral to be able to see where the S106 monies were being distributed rather than it just being delegated to the Head of Planning.
- The Planning Consultant confirmed that the Housing Infrastructure Fund (HIF) process was underway and although the HIF was for housing, those residents living in the area would need sustainable and local employment.
- As the proposed train station would be approximately a 45-minute walk from/to the site, it was asked whether a shuttle bus proposal could be added to the conditions.
- Concerns were given regarding the increased amounts of traffic and lorries in the local area and on the highways network.

Members noted this site was allocated for employment development, including power generation, in the 2003 Local Plan and there had been discussions for almost 20 years to try and bring this forward. They welcomed the job opportunities and acknowledged the implications it had on the traffic in the local area.

Decision:

Approved subject to additional delegation to the Head of Planning for minor changes to the conditions and to reflect the comments from Members.

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- 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 contributions towards the necessary highway improvements.
 - B. Delegated Powers be given to the Head of Planning to negotiate suitable payments towards the improvements to key highway infrastructure from the site towards Medway and the M2. Such contributions sought shall be proportionate to the level of traffic generated by the scheme when assessed against other commitments within the Peninsula. The outcome of the negotiations to be reported back to Planning Committee for agreement.
 - C. Conditions 1 to 55 as set out in the report for the reasons stated in the report and to add two further conditions as set out in the supplementary agenda advice sheet no 3.
56. Prior to the commencement of the energy production facility, the undertaker must submit to the relevant planning authority for approval a scheme, which sets out arrangements for maintenance of the waste hierarchy in priority order and which aims to minimise recyclable and reusable waste received at the authorised development during the commissioning and operational period of the authorised development (the “waste hierarchy scheme”).

The waste hierarchy scheme must include details of:

- (a) the type of information that must be collected and retained on the sources of the residual waste after recyclable and reusable waste has been removed;
- (b) the arrangements that must be put in place for ensuring that as much reusable and recyclable waste as is reasonably possible is removed from waste to be received at the authorised development, including contractual measures to encourage as much reusable and recyclable waste being removed as far as possible;
- (c) the arrangements that must be put in place for ensuring that commercial suppliers of residual waste operate a written environmental management system which includes establishing a baseline for recyclable and reusable waste removed from residual waste and specific targets for improving the percentage of such removed reusable and recyclable waste;
- (d) the arrangements that must be put in place for suspending and/or discontinuing supply arrangements from commercial suppliers who fail to retain or comply with any environmental management systems;

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- (e) the arrangements that must be put in place for the provision of an annual waste composition analysis undertaken by the undertaker, with the findings submitted to the relevant planning authority within one month of the sampling being undertaken; and
- (f) the form of records that must be kept for the purpose of demonstrating compliance with (a) to (e) and the arrangements in place for allowing inspection of such records by the relevant planning authority.

The waste hierarchy scheme must be implemented as approved under the requirements as set out above.

Reason: To ensure that the proposal is designed in such a way as to protect the waste hierarchy, and to provide a sustainable form of development within the site.

57. The Energy from Waste plant hereby permitted shall not be functional without a suitable level of heat being supplied to the proposed units within the Medway One Estate. A report providing details of the heat production, and the level of heat to be supplied to the future units within the site shall be submitted to the local planning authority and agreed in writing prior to the first occupation of any unit or phase.

Reason: To ensure that the proposal is designed in such a way as to protect the waste hierarchy, and to provide a sustainable form of development within the site.

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

Discussion:

The Senior Planner outlined the retrospective planning application for the change of use from equestrian land to create an extension to the existing overflow car park.

The Senior Planner explained that this application had come back to the Committee with an amended report which included the Parish Council representations and an additional landscaping condition.

Decision:

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

376 Planning application - MC/22/1810 Bardell Wharf, Rochester, Medway, ME1 1NG

Decision:

The Chairman explained that as additional information had been received on the day of Committee and not all Members and Officers had been provided with this information, the Chairman asked for consent to defer the application. The application was deferred to the next meeting.

377 Planning application - MC/17/0351 Tudor Farm (part of Court Lodge Farm), Stoke Road, Stoke, Rochester

Discussion:

The Planning Manager outlined the application for a change of use of agricultural land for the storage of caravans for seasonal workers from the end of the season until the beginning of the next season, provision of a porta cabin to provide a recreational facility for seasonal workers, a porta cabin for an office, a portable laundry unit, parking and turning space, a new farm road, a drainage connection to the main sewer and landscaping.

The Planning Manager explained that the application sought permission to store the caravans and porta cabins on site outside the normal season to avoid the impact on local roads and neighbour amenity by removing them and then to bring them back at the start of the next season.

Decision:

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

378 Planning application - MC/22/1339 Land off 143 Berengrave Lane, Rainham, Gillingham, Medway

Discussion:

The Senior Planner outlined the application in detail for the construction of 8 residential dwellings; detached garages to plots 2, 3 and 8 together with private amenity space, landscaping and associated parking.

The Head of Planning and the Senior Planner explained that the previous application had been overturned by the Committee due to encroachment into the 'open' countryside. Since then, the development through which access would be derived, had been completed and as a result the application appeared spatially as an infill.

Members were concerned with the amount of green space being used for developments and that farmland should be protected.

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The Highways Consultant confirmed it would be difficult to refuse the application on highway grounds.

Decision:

Refused on the grounds that the proposed development would result in intrusion of built form into the countryside and erosion of openness detrimental to the landscape value of the Area of Local Landscape Importance contrary to Policies BNE25 and BNE34 of the Medway Local Plan 2003 and paragraph 174 of the NPPF 2021.

379 Planning application - MC/22/1317 Land to rear of Fenn House, Farm Fenn Street, St Mary Hoo, Rochester

Discussion:

The Head of Planning informed the Committee that the recommendation should include a requirement for a s.106 agreement to secure the development as self-build units. He explained in detail the outline planning application with all matters reserved for the construction of four self-build dwellings with associated parking and amenity space.

A previous planning application has been refused in April 2021. The Head of Planning explained the outcome of a recent appeal decision for self-builds in Lower Rainham Road where the Inspector had not only given weight to the lack of a 5-year housing land supply, but also given weight to the provision of self-build dwellings for which there was a demonstrated unmet need in Medway. In addition, this re-submitted application included a significant amount of landscaping with a 4m buffer and trees to the east of the site which greatly reduced the visual impact of the development.

The Head of Planning clarified that in Condition 21 the Climate Change and Sustainability Statement should be the “minimum standard”.

Members were concerned about the sensitivity regarding developments in our small villages and parishes and the encroachment into the countryside.

The Head of Planning confirmed that through the S106 this was a self-build application only. Medway had a register of self-builders and there was a duty and a requirement to meet those self-build needs and housing as required.

Decision:

Approved subject to s.106 agreement to include the development as self-build units and with conditions 1 – 20 and 22 - 25 as set out in the report for the reasons stated in the report. Condition 21 would be amended as follows:

- 21 No development above slab level shall take place until an energy efficiency and climate change statement, for each plot, which, as a minimum, incorporates the measures to address energy efficiency and

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climate change as set out within the Climate Change and sustainability statement, by Barron Edwards, received 28 July 2022. Each dwelling shall not be occupied until a verification report prepared by a suitably qualified professional, for the plot it serves, has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

380 Planning application - MC/22/1863 Rendina, 421 Walderslade Road, Walderslade, Chatham

Councillor Gulvin withdrew from the meeting for the next two agenda items to speak as a Ward Councillor.

Discussion:

The Senior Planner outlined the application for the construction of a five-storey block of 18 apartments with the creation of a new access, parking, surface water drainage and earthworks.

The Senior Planner advised Members of an additional resolution to part B (vi), as set out in the supplementary agenda advice sheet No1, along with a further representation received in the form of a petition objecting to the application.

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

- The scale of the building - the proposed site would be located on the hill side and would tower over the whole of Walderslade Village.
- A four-storey block would be more acceptable and not the five-storeys proposed which would be visible.
- The Co-Op, shops and an existing block of flats were located within Walderslade Village, however these were situated within the valley and so were not conspicuous.

The Committee discussed the planning application and noted points raised by the Ward Councillor.

Some Members were concerned with the height of the proposed buildings, parking, flood risks and the impact on the landscape.

The Highways Consultant confirmed the development complied with Medway's Parking Standards.

The Senior Planner explained that landscape, trees and drainage were all secured by the conditions as set out in the report.

Members acknowledged the use of green roofs and considered that this would be a sustainable development along with the frequent bus services.

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A Member expressed concern as to why within the S106 contributions £12,788.28 was going towards health improvements in Gillingham South and Medway, however nothing was stated about money going towards the Walderslade Health Centre.

Decision:

Approved subject to:

- A. No objection from the Environment Agency and the incorporation of any necessary conditions recommended by them.
- B. The applicant entering into a legal agreement under the terms of Section 106 of the Town and Country Planning Act 1990 to secure:
 - i. £51,599.52 green space contribution. Split £49,019.54 towards improvements to the local area and £2,579.98 towards the Great Lines Heritage Park.
 - ii. £12,788.28 towards health improvements in Gillingham South and Medway
 - iii. £4410 towards public realm to assist with improvements in Chatham town centre and its gateways.
 - iv. £3339.90 towards library improvements at Walderslade Village Library.
 - v. £3499.56 towards waste containment for the development, maintenance and improvement of the location of bring centres and waste education. B. And the following conditions:

Add the following:

- vi. A contribution of £1,583.82 based on a contribution of £87.99 per dwelling towards programme delivery for young people (ages 8-19 and up to 25 for people with disabilities) in the Chatham area.
- C. Conditions 1-20 as set out in the report for the reasons stated in the report.

381 Planning application - MC/22/1521 Land to the east of Oakhurst Close, Walderslade, Chatham, Medway

Discussion:

The Senior Planner explained in detail the outline planning application, with some matters reserved (appearance, landscaping, layout and scale), for the construction of a 3-bedroom bungalow.

The Senior Planner confirmed that the trees shown in the presentation were not part of the application site as they were on adjacent land owned by the Council.

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

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- There were a number of mature trees in Oakhurst Close, how could it be ensured that these trees were not harmed during construction and the installation of utilities e.g. water and electricity.
- A previous planning application was refused due to the lack of acceptable access to the site and the need to preserve the tree roots, what was now different in this application.
- Understood the excavation by using “air spade” method.

The Committee discussed the planning application noting the concerns outlined by the Ward Councillor.

The Senior Planner confirmed that no trees would be removed on site, although there was potential for a dead tree stump to be removed. They explained the method of “air spade” which was a safe way of removing soil from the base of a tree or around its roots without significant damage.

The Head of Planning clarified that in the conditions set out there were tree protection measures in place prior to any construction starting and he was satisfied the work could be undertaken without any detrimental harm to the trees.

The Head of Planning confirmed following a question from a Member that although it could not be guaranteed that no harm would come to any of these trees, as the trees were owned by the Council, there would be protection measures in place and they would continue to be monitored.

Decision:

Approved with conditions 1 - 14 as set out in the report for the reasons stated in the report.

Councillor Gulvin returned to the meeting.

382 Planning application - MC/22/1836 Land rear of 56-60 Town Road, Cliffe Woods, Rochester, Medway

Discussion:

The Planning Manager outlined the application in detail for the construction of a detached dwelling with associated parking, cycle storage, boundary treatment and landscaping and explained this application came to the Committee as Cliffe and Cliffe Woods Parish Council had expressed a view contrary to Officer’s recommendations.

Decision:

Approved with conditions 1 - 14 as set out in the report for the reasons stated in the report.

383 Planning application - MC/22/1538 188 Frindsbury Hill, Wainscott, Rochester, Medway

Discussion:

The Planning Manager outlined the application in detail for the construction of single storey extensions to the front and to the rear of the existing garage to the side to facilitate the conversion of the garage to habitable living accommodation together with the construction of a dormer to the side.

The Planning Manager confirmed, as set out in the supplementary agenda advice sheet, condition 2 would be amended to update a revised plan showing the rear elevation with 'Conservatory' in place by superseding plans received on 22 June 2022.

Decision:

Approved with conditions 1, 3 - 5 as set out in the report for the reasons stated in the report.

Condition 2 be revised:

Amend condition 2 to update revised plan showing the rear elevation with 'Conservatory' in place by superseding plans received on 22 June 2022 as follows:

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

Received 8 November 2022:

22.1040 01 PLA Rev A Existing and Proposed Floor Plans and Elevations.

384 Planning application - MC/22/2050 Westfield Town Road, Cliffe Woods, Rochester

Discussion:

The Derelict and Empty Properties Officer outlined the application in detail for the change of use incorporating part conversion of existing residential garage to sui generis beauty treatment room together with the creation of visitor parking spaces.

Decision:

Approved with conditions 1 - 5 as set out in the report for the reasons stated in the report.

385 Housing Delivery Test Action Plan Update

Decision:

The Committee agreed the report would be deferred to the next Planning Committee due to the size of the report.

386 Exclusion of the press and public

Decision:

The Committee agreed to exclude the press and public from the meeting during consideration of agenda item 18 (Derelict Buildings Report: January 2022 – September 2022) because consideration of these matters in public would disclose information falling within paragraphs 6a and 6b of Part 1 of Schedule 12A to the Local Government Act 1972 as specified in agenda item 18 (Exclusion of Press and Public) and, in all the circumstances of the case, the Committee considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

387 Derelict Buildings: January 2022 - September 2022

Discussion:

The Committee received a report informing members of the action taken by the Derelict and Empty Homes Officer with regard to key buildings and associated land in the Medway area during the period 1 January 2022 – 30 September 2022.

The Chairman acknowledged the work the Derelict and Empty Property Officer had achieved and confirmed it was good to see derelict buildings being brought back into use.

Decision:

The Committee noted the report.

Chairman

Date:

Julie Francis-Beard, Democratic Services Officer

Telephone: 01634 332012

Email: democratic.services@medway.gov.uk